

Town of Acton

Special Town Meeting Warrant

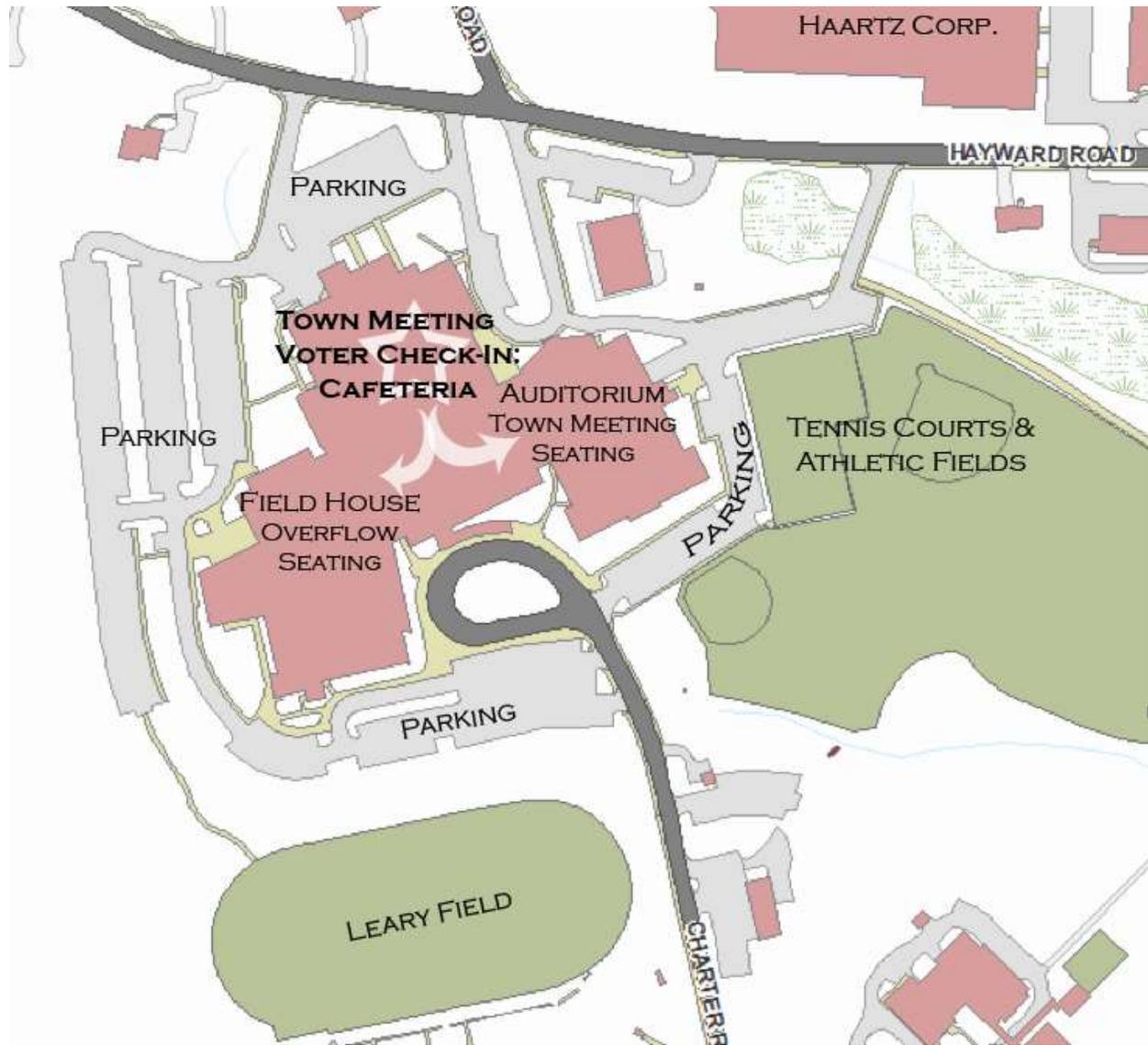


Monday, June 3, 2013

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

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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 the Special Town Meeting on June 3. Town Meetings start at 7 PM.

The MinuteVan will bring in a driver to cover from 6:15 PM to 10:30 PM for each night of Town Meeting. The Dial-A-Ride dispatch service will be open until 12:30 PM on the day of each meeting and again beginning at 6:15 PM for anyone that wants to book a ride to/from Town Meeting that night. They will be able to book a reservation with the MinuteVan dispatcher at (978) 844-6809 or 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 from 6:15 PM to 10:30 PM, it will be parked at the Acton-Boxborough High School where Town Meeting is being held. The van's engine will not idle, but the driver will be at a table outside the auditorium ready to respond to a requested trip.

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MinuteVan Dial-A-Ride is a unique transportation service offered by the Town of Acton. It is available to all citizens (some age requirements) Monday through Friday, except holidays, for rides around town and to nearby locations. Hours of operation are 8 AM – 11 AM and 2:15 PM - 7:15 PM. 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 and Food Pantry in Boxborough, and more. Policies may be reviewed on-line at www.minutevan.net.

Board of Selectmen's Message

This Special Town Meeting Warrant is sent to all the households in the Town of Acton to inform the citizens of important decisions to be made for the town. Acton has an Open Town Meeting form of municipal government. The Town Meeting serves as the legislative body. This warrant contains proposals for the Town to vote on. The proposals are called Warrant Articles. Please read through this Warrant thoroughly. Any inquiries you may have in the days ahead of the meeting may be answered by contacting the person listed at the end of the article.

The Special Town Meeting will be held on Monday, June 3 at 7:00 PM in the Acton-Boxborough Regional High School Auditorium. The Special Town Meeting will be led by our Town Moderator, Don MacKenzie. He will explain the Town Meeting process. Articles are presented, and Town Meeting attendees may ask questions, ask for clarifications, and offer their opinions on the article, for and against. The Moderator follows Town Meeting procedures, and keeps the debate moving in a fair, orderly, respectful, and civil fashion.

You must be a registered voter in the Town of Acton to vote, but all members of the community are welcome to attend.

At times, articles have been voted up or down by only one vote. Truly, at Town Meeting every vote counts.

Please take the time to review this important document, and attend the Special Town Meeting.

Janet K. Adachi, Chair
Mike Gowing, Vice-Chair
Katie Green, Clerk
John Sonner
David Clough

Board of Selectmen

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.

When the Consent motion is read, the Moderator will call out the article numbers one-by-one.

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

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.

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

Donald MacKenzie
Town Moderator

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

– Thomas Jefferson

Annual Town Meeting Warrant



*Town of Acton
Commonwealth of Massachusetts, ss.*

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

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the legal voters of said Town of Acton, qualified to vote at Town Meetings for the transaction of Town affairs, to meet at the Acton-Boxborough Regional High School Auditorium in said Acton on **Monday, June 3, 2013 at 7:00 PM**, then and there to act on the following 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 AMENDMENTS TO REGIONAL SCHOOL AGREEMENT
(Majority vote, by Ballot)

To see if the Town will vote by ballot, consistent with the terms of Section 7 of the existing “Agreement for a Regional School District for the Towns of Acton and Boxborough, Massachusetts,” to accept the amendments to said Agreement which have been initiated and approved by a majority of the members of the Regional School Committee, substantially in the form set forth below, with such further amendments as may be required by the Commissioner of Elementary and Secondary Education, approved by a majority of the members of the Regional School Committee and submitted to the Board of Selectmen of each member town prior to its vote on this article; provided, however, that all such amendments shall take effect only if: (a) said amendments have been approved by the Commissioner of Elementary and Secondary Education, and (b) said amendments have been accepted by a majority of the voters present and voting in the Acton Town Meeting and separately in the Boxborough Town Meeting, or to take any other action relative thereto.

4/29/13
(With Appendix A)

AGREEMENT
FOR A REGIONAL SCHOOL DISTRICT
FOR THE TOWNS OF
ACTON AND BOXBOROUGH, MASSACHUSETTS

(As revised effective _____, 2013)

(As approved March 21, 1955 and
As Amended on: October 10, 1955
October 1, 1956
March 9, 1959
December 27, 1973 and
October 5, 1998)

Certificate of the Secretary

I, the undersigned Secretary of Acton-Boxborough Regional School District having custody of its official records, hereby certify that this document represents the Agreement for a Regional School District for the Towns of Acton and Boxborough, Massachusetts as amended to date.

Witness my hand and the official seal of said Acton-Boxborough Regional School District this
____ day of _____, 2013.

Secretary as aforesaid

Acton-Boxborough Regional School District

AGREEMENT

This Agreement is intended to establish a pre-school through grade 12 regional school district for the Towns of Acton and Boxborough, in the Commonwealth of Massachusetts, hereinafter referred to as member towns.

SECTION 1. MEMBERSHIP OF THE REGIONAL DISTRICT COMMITTEE

- A. The Regional District School Committee, hereinafter referred to as the "Committee," or "the Regional School Committee," shall consist of eleven (11) members, seven (7) residing in the Town of Acton and four (4) residing in the Town of Boxborough. The weight of voting is as established in paragraph G below.
- B. At the annual town elections in 2014, in addition to electing two members of the Regional School Committee consistent with the Regional Agreement which is expiring on June 30, 2014, the Town of Acton, in order to achieve the configuration of Committee members established in paragraph A of this Section, will also elect a third member, whose term of office will begin on July 1, 2014. At the annual town elections in 2014, in addition to electing one member of the Regional School Committee consistent with the Regional Agreement which is expiring on June 30, 2014, the Town of Boxborough, in order to achieve the configuration of Committee members established in paragraph A of this Section, will also elect a second member, whose term of office will begin on July 1, 2014.
- C. At the annual town elections beginning in 2015, the Town of Acton shall elect two (2) or three (3) members of the Committee from the Town of Acton (whichever number is necessary to complete Acton's complement of seven committee members), and the Town of Boxborough shall elect one (1) or two (2) member(s) of the Committee from the Town of Boxborough (whichever number is necessary to complete Boxborough's complement of four committee members). Each member so elected shall serve for a term of three (3) years or until a successor is elected and qualified.
- D. No fewer than four (4) members from Acton and no fewer than two (2) members from Boxborough must be present in order to constitute a quorum for the transaction of business.
- E. The Committee shall have all the powers and duties conferred and imposed upon school committees by Massachusetts General Law and conferred and imposed upon it by this Agreement and any special laws.

- F. At the first regular meeting of the Committee following the latest town election to be held in each year, the Committee shall organize by choosing a Chairman from its own members, and by appointing a Secretary and a Treasurer who may be the same person, but who need not be members of the Committee. The Committee shall define the duties of all officers. The Committee shall appoint such other officers and agents as it deems advisable.
- G. On all matters coming before the Committee, each member from Boxborough shall cast one vote and each member from Acton shall cast 2.5 votes. This weighted voting will be re-examined every ten (10) years, after the publication of the new federal census data to verify that the weighted voting is within DESE standards.

SECTION 2. TYPE OF REGIONAL DISTRICT SCHOOL

- A. The Regional School District shall consist of school grades pre-school through twelve, inclusive.
- B. The Committee may establish and maintain state-aided vocational education, in accordance with the provisions of Chapter 74 of the General Laws, and acts amendatory thereto or dependent thereon by amendment to this agreement.

SECTION 3. SCHOOL ATTENDANCE

- A. Residents of the member towns may attend the Regional District Schools under the same regulations as would apply to a local school system.
- B. Students residing outside the District may attend the Regional District Schools upon approval of the Committee and payment of tuition established in the manner provided by law.
- C. Students wishing to attend vocational schools may do so in the manner provided by law.
- D. During the period July 1, 2014 to June 30, 2019, pre-school to grade 6 students who reside in Acton will have first option for attending an elementary school in Acton while pre-school through grade 6 students who reside in Boxborough will have first option for attending an elementary school in Boxborough. Exceptions to this may be made for special education purposes or for other reasons which the Superintendent finds compelling. As of July 1, 2019, the “first option” described in the preceding two sentences will continue unless the option is altered by the Regional School Committee. In any event, any student who began his or her attendance in a particular elementary school, as well as any younger siblings of that student, will be given a preference in terms of continuing to attend at that school.

SECTION 4. LOCATION OF THE REGIONAL DISTRICT SCHOOLS

- A. The Regional District's schools shall be located in the towns of Acton and Boxborough. Each community will be guaranteed at least one school within its borders.
- B. Effective July 1, 2014, the Town of Acton and the Town of Boxborough will sell and convey to the District for the sum of one dollar each, ownership of the elementary school buildings, and the property on which said buildings are located, that are then currently in existence. Said conveyance of these school properties shall be contingent upon the execution of intermunicipal agreements between Acton and the District and between Boxborough and the District which will resolve any outstanding title issues associated with the properties, allocate responsibility for any pre-existing condition of or debt service associated with the properties or buildings, address any pre-existing leases of any portions of the properties or buildings, reserve and ensure continued town uses as defined in those agreements, and otherwise ensure that any issues of mutual concern to each Town and the District regarding these properties are satisfactorily addressed in those agreements. At any time in the future, if the Regional School Committee votes that any of the Region's buildings and properties that are owned by the Region is/are no longer needed by the Region for school-related purposes, the ownership of said building and property shall be sold and conveyed to the Town in which it is located for the sum of one dollar.

SECTION 5. APPORTIONMENT AND PAYMENT OF COSTS INCURRED BY THE DISTRICT

- A. The construction, capital, operating, and transportation costs of the District and payments of principal and interest on its bonds, notes and other obligations, net of Federal and/or State financial aid and any other income received by the District, shall be apportioned annually between Acton and Boxborough as set out in subsections B and C below.
- B. Providing such is not contrary to applicable law, each member town's share of capital, operating and transportation costs for each fiscal year shall be determined by computing, to the nearest 1/100 of 1%, the ratio which the sum of its pupil enrollments in the Regional School District on October 1 of the three years next preceding the start of such fiscal year bears to the sum of the pupil enrollments in the Regional School District of all member towns on October 1 of the same three years. These ratios shall be known as the base percentages.
- C. Providing such is not contrary to applicable law, Boxborough's share of construction costs incurred prior to July 1, 2014 which are attributable to the Region's grade 7-12 facilities for each fiscal year shall be its base percentage minus five percentage points. This five percentage point "discount" will not be applied to construction costs incurred after July 1, 2014, which are attributable to the Region's grade 7-12 facilities. Acton shall pay the remainder of such construction costs attributable to the

Region's grade 7-12 facilities. Each town's respective share of the construction costs attributable to the Region's Pre K through grade 6 facilities will be computed using the same criteria as applied to operating costs.

- D. Because of considerations discussed and agreed to at the time of the expansion of the District from a grade 7 to 12 region to a pre-K to 12 region, the transitional rules appearing in Appendix A regarding the apportionment of costs to the member towns for fiscal years 2015 through 2021 will apply. Appendix A is incorporated herein by reference.
- E. In the event that some provision of applicable law requires some different apportionment of the costs of construction or capital or operating the District than is provided in this section of the Agreement, then insofar as is practical and allowed by the applicable law, in good faith the member towns shall apportion those costs, the division of which is not otherwise controlled by the applicable law, so as to exactly or as nearly as practical achieve the same overall apportionment of total costs in each fiscal year as would otherwise have been achieved by the formulas specified in Section 5, subsections Band Cabove.
- F. In the event that (an) additional town(s) is (are) admitted into the Region under the provisions of Section 7, the formulas in Section 5 will be renegotiated.

SECTION 6. AMENDMENTS

- A. This agreement may be amended from time to time in the manner hereinafter provided, but no such amendment shall be made which shall materially or adversely affect the rights of the holders of any bonds or notes or other indebtedness of the District then outstanding, or the rights of the District to procure the means for payment thereof, provided that nothing in this section shall prevent the admission of a new town or towns to the District. A proposal for amendment may be initiated by a single petition bearing the signatures of at least 200 registered voters of the District or by a majority of the members of the Committee.
- B. Said petition shall also contain, at the end thereof, a certification by the town clerks of the respective member towns as to the number of signatures on the petition which appear to be names of registered voters from that town; such certification to be prima facie evidence thereof. Any such proposal for amendment shall be presented to the secretary of the Committee who shall mail or deliver a notice in writing to the Board of Selectmen of each of the member towns that a proposal to amend this agreement has been received and shall enclose a copy of such proposal (without the signatures in the case of a proposal by petition). The selectmen in each member town shall include, in the warrant for the next annual or a special town meeting called for the purpose, an article stating the proposal or the substance thereof. Such amendment shall take effect upon its acceptance by a majority of voters present and voting in each of the member

towns. Said vote shall be by ballot.

- C. Recognizing that over time circumstances often change, and intending that this Agreement should continue to serve the best interests of the member Towns, the School Committee should, at five year intervals, review the need to establish an ad hoc study group composed of knowledgeable persons to study this Agreement and report to the Committee as to whether or not any changes to this Agreement might be beneficial, in light of the then prevailing conditions. The Committee shall give any such ad hoc study group's report due consideration, but may exercise its discretion as to whether or not it will implement any of the group's recommendations.

SECTION 7. ADMISSION OF ADDITIONAL TOWNS

- A. By an amendment of this agreement adopted under and in accordance with Section 6 above, any other town or towns may be admitted to the Regional School District upon adoption as therein provided of such amendment and upon acceptance by the town or towns seeking admission of the agreement as so amended and also upon compliance with such provisions of law as may be applicable and such terms as may be set forth in such amendment.
- B. Upon admission of such town or towns, the total construction costs plus the cost of any subsequent capital acquisitions and improvements, reduced by an appropriate depreciation allowance, shall be reapportioned to all towns in the District including the newly admitted town (or towns) in a reasonable manner. The newly admitted town shall then assume liability of its entire share of the cost to be paid to the District over the remaining term of any funded debt issued to pay such construction costs or subsequent capital acquisitions or improvements. If no such funded debt exists, the newly admitted town (or towns) shall finance its share independently of the District and pay the same directly to each member town according to the proportion such towns had originally paid to the District.

SECTION 8. WITHDRAWAL OF MEMBER TOWNS

Any member town may petition to withdraw from the Regional School District under terms stipulated in Section 6 of this agreement provided (1) that the town seeking to withdraw has paid over to the Regional School District any operating costs and non-debt financed capital or construction costs for which it became liable as a member of the District, and (2) that said town shall remain liable to the District for its share of the indebtedness of the District, other than temporary indebtedness incurred in anticipation of revenue, outstanding at the time of such withdrawal, and for interest thereon, to the same extent and in the same manner as though the town had not withdrawn from the District, except that such liability shall be reduced by any amount which such town has paid over at the time of withdrawal and which has been applied to the payment of such

indebtedness and interest or which has been deposited for the purpose as provided in the second paragraph below.

Said petitioning town shall cease to be a member town if the proposed amendment is accepted by the petitioning town and each of the other member towns by a two-thirds (2/3) majority vote at an annual or special town meeting.

Money received by the District from a withdrawing town for payment of funded indebtedness and interest thereon shall be used for only such purpose and until so used shall be deposited in trust in the name of the District with a Massachusetts bank or trust company.

SECTION 9. NOTICE OF DEBT AUTHORIZATION

Notice of any debt authorization shall be given to the member towns in accordance with the applicable law, or within ten days of the relevant vote of the Committee, whichever is less. Thereinafter, notwithstanding any provision of applicable law, as has been the Region's practice for many years, such debt shall not actually be incurred until the amount of the proposed debt has been specifically approved by a two-thirds vote at the next annual or special town meeting in each member town.

SECTION 10. BUDGET

- A. The Committee should annually, at least 20 days prior to the date on which the final budget is adopted, prepare a preliminary budget. A preliminary budget shall include the amounts necessary to be raised to maintain and operate the Regional District Schools during the ensuing fiscal period, and include the amount required for payment of debt and interest incurred by the District which will be due in said fiscal period. All non-recurring expenditures shall be itemized. This preliminary budget shall be itemized in such further detail as the Committee may deem advisable. From the total of said budget there shall be deducted any surplus receipts for the preceding fiscal period over the costs and expenses for that fiscal period, excepting those receipts which were reserved for that fiscal period. The preliminary budget shall be approved by a majority of the members of the Committee from each member town.
- B. Copies of said preliminary budget shall be prepared by the Committee, and promptly made available to the Finance Committee of each member town.
- C. The Committee shall hold a budget hearing annually. Thereafter, the Committee shall adopt a final budget not later than forty-five days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held, but in no event later than March 31 (provided that said budget need not be adopted earlier than February 1). The final budget shall be adopted pursuant to applicable provisions of law.
- D. Within ten days, or such lesser period as provided by law from the date on

which the final annual budget is adopted by the Committee, the Treasurer of the Committee shall certify to the Treasurer of each member town and inform the Chairmen of the Board of Selectmen and the Finance Committee of each member town of its share of the budget to become due in the ensuing fiscal period, as well as any other information required by law.

- E. Each member town shall seasonably bring the Committee's final budget before an annual or special town meeting and thereafter pay its proportionate share of the annual construction, capital and operating costs to the Regional School District in equal monthly amounts and on the fifteenth of each month, unless the District Treasurer, after due consultation with the member Towns' Treasurers, determines that there is good cause to select a different day of the month for any particular fiscal year. If either Acton or Boxborough should fail to approve any Regional budget submitted to its respective meetings, any further proceedings will be as provided by law.

SECTION 11. ANNUAL REPORT

The Committee shall on or before October 1 of each year submit an annual report to each of the member towns, containing a detailed financial statement, and a statement showing the method of computing the annual charges assessed against each town, together with such additional information relating to the operation and maintenance of the regional school as may be deemed necessary by the Committee or by the selectmen of any member town, and each member town shall include said report in its annual report.

SECTION 12. TRANSITION PERIOD

- A. Until July 1, 2014, the Acton School Committee and the Boxborough School Committee will continue to oversee and operate the pre-school through grade 6 programs in Acton and Boxborough, respectively, subject to the restrictions spoken to in paragraph D below, and until said date the Acton-Boxborough Regional School Committee will continue to oversee and operate the grades 7-12 programs for the two towns.
- B. Upon the acceptance of this Agreement by the Town Meetings in Acton and Boxborough and the approval of this Agreement by the Commissioner of Education, the Acton-Boxborough Regional School Committee, in addition to its duties to oversee and operate the then existing grade 7 through grade 12 regional school district, shall also become a "transitional school committee," consistent with 603 CMR 41.03(5) with respect to the expanded pre-school through grade 12 region. This transition period will extend from the date of acceptance by the two Town Meetings and the approval by the Commissioner until June 30, 2014. During this transition period, the same criteria regarding quorum, weight of voting, and the service of officers will apply to the Transitional School Committee as apply to the then-current Acton-Boxborough Regional School Committee.

- C. During the transition period, the Regional School Committee, acting as the Transitional School Committee, shall possess all powers, subject to the availability of funds necessary for the exercise of such powers, necessary for the planning and implementation of the expanded regional school district, including but not limited to the following:
1. The power to receive funds from the Commonwealth as well as appropriations, grants, and gifts from other sources. This is not intended to alter the fact that during the transition period other funds from the Commonwealth will continue to flow to the member towns and their individual school departments.
 2. The power to establish and adopt policies for the expanded regional school district.
 3. The power to employ a superintendent, treasurer, chief financial officer, school physician, and director of Special Education, as well as the power to authorize the superintendent to employ other personnel as needed.
 4. The power to contract for and/or purchase goods and services, as well as the power to enter into leases and other agreements with the member towns, collaboratives, vendors, and other agencies and parties, with all the powers being able to be exercised on behalf of the expanded regional school district.
 5. The power to adopt budgets for the expanded regional school district, and to assess the member towns for these budgets.
 6. The power to negotiate and to enter into collective bargaining agreements, which will take effect no sooner than the inception of the expanded regional school district.
 7. The power to develop and adopt a strategic plan for the expanded regional school district.
 8. The power to appoint subcommittees.
- D. During the transition period, the local school committees of the member towns and the Regional School Committee when not acting as the Transitional School Committee may not make decisions that will financially obligate or legally encumber the expanded regional school district without ratification by majority vote of the Regional School Committee acting as the Transitional School Committee. In addition, the local school committees shall comply with the following during the transition period:

1. No construction of new schools will be undertaken and no building closures will occur unless ratified by majority vote of the Regional School Committee acting as the Transitional School Committee.
2. Program offerings will remain substantially the same.
3. No school choice openings will be filled to take effect after June 30, 2014 except with the approval by majority vote of the Regional School Committee acting as the Transitional School Committee.
4. The school administration of the local school districts shall cooperate with the Regional Administration in terms of information sharing and in terms of the transfer control during the transition period.
5. During the period July 1, 2013 to June 30, 2014, the Regional School Committee will assume responsibility for the transportation of the regular education students (i.e., not the special education students or the vocational students) who reside in Acton and Boxborough and who are enrolled in the Acton or Boxborough Public Schools. During 2013-2014 the Acton School Committee and the Boxborough School Committee will authorize the payment to the Regional School Committee of an amount equal to the cost of said transportation for their respective regular education students.

This agreement shall take effect on July 1, 2014 and shall continue in effect from year to year thereafter, unless amended or terminated consistent with the terms of this Agreement and with the General Laws and state regulations.

IN WITNESS WHEREOF, this agreement has been approved and accepted as of the ____ day of _____, 2013.

I hereby certify that the above Regional Agreement was approved by vote of the Town of Acton held on _____, 2013

By _____
Town Clerk, Acton

Town of Boxborough held on _____, 2013

By _____
Town Clerk, Boxborough

I hereby certify that the above Regional Agreement as approved by vote of the

APPENDIX A

1. The figure of \$1,873,119 has been established as the “projected benefits” that will be used as a factor in the calculations which will be made under the following paragraphs of this Appendix A.
2. The following projected “base budgets” have been established for Acton and for Boxborough for fiscal year 2015 (i.e., July 1, 2014 to June 30, 2015) through fiscal year 2019 (i.e., July 1, 2018 to June 30, 2019):

FY’15: Acton, \$51,788,675; Boxborough, \$11,097,136

FY’16: Acton, \$53,398,447; Boxborough, \$11,134,949

FY’17: Acton, \$55,056,859; Boxborough, \$11,308,113

FY’18: Acton, \$56,675,977; Boxborough, \$11,426,890

FY’19: Acton, \$58,148,708; Boxborough, \$11,521,994

3. For fiscal year 2015 through fiscal year 2019, the following “percentage shares” of the projected benefits will be used for purposes of the calculations which will be made under the following paragraphs of this Appendix:

FY’15: Acton, 80%; Boxborough 20%

FY’16: Acton, 87.5%; Boxborough 12.5%

FY’17: Acton, 90%; Boxborough 10%

FY’18: Acton, 82.5%; Boxborough 17.5%

FY’19: Acton, 60%; Boxborough 40%

4. In order to establish the assessments for fiscal year 2015 through fiscal year 2019, the following multi-step process will be followed:
 - a. The percentage share (see paragraph 3 above) of the projected benefits for the respective town and for the respective fiscal year will be multiplied by the projected benefit figure of \$1,873,119, yielding an “allocated benefits figure” for each of the two towns for that particular fiscal year. For example, for FY’15, Acton’s allocated benefit figure will be \$1,498,495 (i.e., 80% x \$1,873,119), while Boxborough’s allocated benefit figure will be \$374,624 (i.e., 20% x \$1,873,119).
 - b. The base budget for each of the two towns for the respective fiscal year (see paragraph 2 above) will be reduced by the allocated benefits figure for that year and for that town. For example, for FY’15, Acton’s base budget of \$51,788,675 will be reduced by \$1,498,495, yielding a recalculated base budget figure of \$50,290,179. Similarly, for FY’15, Boxborough’s base budget of \$11,097,136 will be reduced by \$374,624, yielding a recalculated base budget figure of \$10,722,512.
 - c. The recalculated base budget figures for each of the two towns resulting from paragraph 4,b above will be added together, and the respective percentage that each town’s base budget figure bears to that total sum will be calculated. For example, for FY’15, the sum of the

recalculated base budget figures is \$61,012,691, of which Acton's recalculated base budget figure (i.e., \$50,290,179) represents 82.43%, while Boxborough's recalculated base budget figure (i.e., \$10,722,512) represents 17.57%.

- d. The percentage shares calculated under paragraph 4,c above (which, for example, in FY'15 would be 82.43% for Acton and 17.57% for Boxborough) will then be compared to the percentage shares that would result from the apportionment criteria that appear in Section 5, subsections B and C of this Agreement, and the respective differences in those shares will be identified. These respective differences will then be used to lower the actual assessment of the town by that percentage amount if the percentage share calculated under paragraph 4,c is lower than the percentage share that would result under subsections B and C, or to raise the town's actual assessment if the converse is true. If, for example, Acton would have an assessment percentage of 83.92% for FY'15 using the apportionment criteria that appear in subsections B and C, this percentage would be 1.53% higher than the percentage identified for Acton under paragraph 4,c above. Conversely, if Boxborough would have an assessment percentage of 16.08% for FY'15 using the apportionment criteria that appear in subsections B and C, this percentage would be 1.53% lower than the percentage identified for Boxborough under paragraph 4,c above. Under this example, Acton's actual assessment percentage for FY'15 will be lowered by 1.53% to 82.39% and Boxborough's actual assessment percentage will be raised by 1.53% to 17.61%, as compared to the assessments that would occur using the apportionment criteria that appear in subsections B and C.
- e. During each of the years from fiscal year 2015 to fiscal year 2019, the Region's administration will report to the Regional School Committee and to the Finance Committee and the Board of Selectmen of each member town the per pupil costs of each elementary school. The purpose of this reporting will be to incentivize the convergence of per pupil costs at each elementary school. This reporting shall be made as part of the Annual Report described in Section 11.
- f. For fiscal year 2020 Acton will be assessed \$425,000 less, and Boxborough will be assessed \$425,000 more, than would result from the apportionment criteria that appear in subsections B and C. For fiscal year 2021 Acton will be assessed \$25,000 less, and Boxborough will be assessed \$25,000 more, than would result from the apportionment criteria that appear in subsections B and C.
- g. Once the fiscal years addressed by the transitional rules established in this Appendix A have elapsed, the assessment language otherwise appearing in Section 5 of the Agreement will control.

MOTION

Move that the Town accept the amendments to the Regional School Agreement consistent with the Article.

SUMMARY

In the fall of 2011 the Acton-Boxborough Regional School Committee formed the Regional School District Study Committee (RSDSC) to evaluate whether the towns of Acton and Boxborough should consider expanding the existing regional school district to include grades pre-kindergarten through grade 12. The RSDSC presented its preliminary results to the two towns in the spring of 2012, and Town Meeting members in both towns voted affirmatively to have the RSDSC draft a revised regional agreement to expand the district.

The RSDSC deliberated over the next nine months and drafted a revised agreement that was presented to the Regional School Committee, as well as the Boards of Selectman and Finance Committees in both towns. A major goal of the RSDSC was to change as little of the current regional agreement as necessary. The Regional School Committee voted unanimously to approve the revised regional agreement and to present it to the two towns for approval at Special Town Meetings. If the two towns approve the agreement, it will then have to be approved by the Massachusetts Department of Elementary and Secondary Education (DESE). After final approval, the new pre-kindergarten through grade 12 region would become official on July 1, 2014.

The major changes to the agreement include the following:

Transportation costs will be allocated on the same basis as operating costs, and all future construction costs will also be allocated on the same basis (i.e., based on student enrollment).

The Regional School Committee will be expanded to 11 members including 7 from Acton and 4 from Boxborough. Voting power will be weighted on the basis of town population (as required by law), so Acton members will each have 2.5 votes, and each Boxborough member will have 1 vote.

The school buildings will be transferred to the regional school district for a nominal fee, and the region will be responsible for all maintenance and debt payments. In the event a school building is no longer needed, it may be returned to the Town for the same nominal fee.

Each town will be guaranteed at least one elementary school in its town.

Parents will be guaranteed the ability to send their child to a school in their hometown and sibling preference is also guaranteed. Exceptions to this may be made for special education purposes or for other reasons which the Superintendent finds compelling. After five years, this policy will continue, but can be altered at the discretion of the School Committee.

The RSDSC estimates that over the first five years, the estimated savings will be \$1.8 million annually. These savings will be shared on average 80% to Acton and 20% to Boxborough over that 5-year period. After year 5, assessments to the two towns to support the full regional school budget will be based on the 3-year moving average of enrollment differences between Acton and Boxborough, as has always been the case with the existing region. However, to ease the financial transition in years 6 and 7, Boxborough will transfer a total of \$450,000 to Acton. Thereafter, the annual assessment will be based solely on the three-year moving average of enrollment; i.e., the student population from Acton and Boxborough.

Note: the cost-sharing formula is contained in Appendix A of the agreement. This formula operates to shift the assessment percentage in Acton's favor. If the assessment were based strictly on enrollment, Boxborough would receive all the financial benefits. Therefore, the formula in Appendix A guarantees that the savings will be shared on an 80% (Acton) / 20% (Boxborough) basis during these first 5 years. The appendix also includes reporting requirements on per school costs with the expectation that by the fifth year costs for each school will have roughly equalized.

Direct inquiries to: Dennis Bruce, Chair, Acton Public Schools Committee
apsc@abschools.org / (978) 264-4700

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

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

ARTICLE 4 **COMMUNITY PRESERVATION PROGRAM –**
(Two-thirds vote) **OPEN SPACE ACQUISITION**

To see if the Town will vote to:

- (a) authorize the Board of Selectmen to (i) exercise the Town’s first refusal option under M.G.L. c. 61, § 8, (ii) acquire by purchase, gift, eminent domain or otherwise, on such terms and conditions as the Selectmen may determine, and (iii) accept a deed of fee simple interest in a portion of the real property depicted on Assessors’ Map D-3 as Parcel 10, consisting of approximately 20.68 ± acres of open space for conservation purposes under M.G.L. c. 44B, the Community Preservation Act;
- (b) appropriate the acquisition price and all necessary and appropriate transaction costs for said acquisition including, without limitation, costs for due diligence, legal services, bonding, conservation restriction, stewardship endowment, and other transaction, acquisition and related costs;
- (c) transfer, appropriate and expend, pursuant to the favorable recommendation of the Community Preservation Committee from the existing Open Space Set Aside portion of the Community Preservation Fund balance an amount not to exceed \$1,060,000 for the acquisition, consistent with this article, of the real property described in paragraph (a) of this article;
- (d) transfer, appropriate and expend, pursuant to the favorable recommendation of the Community Preservation Committee from the existing Community Preservation Fund balance an amount not to exceed \$50,000 for all other costs related to the acquisition of the aforesaid real property, consistent with paragraph (b) of this article;
- (e) raise, appropriate, transfer from available funds or accept gifts and grants of such additional funds as are necessary to accomplish the purposes of this article;
- (f) authorize the Selectmen and the Conservation Commission to submit on behalf of the town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts, or the United States, under the Self-Help Act (M.G.L. Chapter 132A § 11) and/or any other state or federal programs including those in aid of conservation land acquisition, and to transfer, appropriate and expend any said amount so received consistent with this article;
- (g) authorize and direct the Board of Selectmen to impose a perpetual Conservation Restriction on the open space so acquired, in accordance with M.G.L. c. 44B, § 12(a) and M.G.L. c. 184, §§ 31-33, on such terms and conditions as the Selectmen may determine (the “Conservation Land”);
- (h) authorize and direct the Board of Selectmen in accordance with M.G.L. c. 44B, § 12(b), to delegate the management of the Conservation Land to the Conservation Commission subject to the perpetual Conservation Restriction as aforesaid; and
- (i) authorize the Board of Selectmen, the Town Manager, the Treasurer, and the Conservation Commission, as appropriate, to enter into all agreements and execute any and all instruments as may be necessary to effect this article;

or take any other action relative thereto.

MOTION

Move that the Town authorize the exercise of the first refusal option; the acquisition, restriction, and delegation of the real property; the appropriation and expenditure of \$1,370,000 toward the acquisition price and associated transaction costs; and all other measures set forth in the Article; and to raise this amount:

- \$1,060,000 be transferred from the Community Preservation Fund Open Space Set-Aside Fund Balance;
- \$ 50,000 be transferred from the Community Preservation Fund Balance; and
- \$ 260,000 be transferred from Free Cash.

SUMMARY

Pursuant to General Laws chapter 61 (the forest land classification statute), the current owner of the subject property has tendered to the Town a “Notice of Intent to Sell for Other Use” a portion of the real property depicted on Assessors’ Map D-3 as Parcel 10, consisting of approximately 20.68 ± acres of undeveloped land. Along with the Notice of Intent, the owner has provided an executed Purchase and Sale Agreement to sell the property to a developer for \$1,320,000, for development as a residential subdivision. Assuming the Notice of Intent satisfies all statutory criteria bona fide offer to purchase, the Notice triggers a 120 day period during which the Town has the first refusal option to meet the bona fide offer to purchase the land.

The land in question is a top priority parcel for open space acquisition by the Town. This article authorizes all necessary actions for the Town to exercise the first refusal option, meet the bona fide offer to purchase the land, acquire the property using a combination of CPA funds and free cash, and restrict the property in perpetuity as conservation land and open space.

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

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred
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ARTICLE 5 * FUND COLLECTIVE BARGAINING AGREEMENT – FIRE (FY14-FY16)

(Majority vote)

To see if the Town will vote to raise and appropriate, transfer and/or appropriate from available funds and/or ambulance enterprise funds a sum of money necessary to fund the cost items contained in Collective Bargaining Agreement(s) between the Town and its fire department personnel union as filed with the Town Clerk, and to adjust the Ambulance Enterprise FY14 Budgeted Revenue, Budgeted Expense and Estimated Fund Balance as voted under Article 6 of the 2013 Annual Town Meeting to account for the allocated ambulance enterprise fund portion thereof, or take any other action relative thereto.

MOTION

Ms. Adachi moves that the Town appropriate \$48,382 to fund the first-year cost items contained in the fiscal year 2014 through 2016 Collective Bargaining Agreement between the Town and the Acton Permanent Firefighters, Local #1904, International Association of Firefighters, AFL-CIO, and to raise such amount, transfer \$38,706 from the fiscal year 2014 Town Operating Budget and transfer \$9,676 from Ambulance Enterprise Fund retained earnings.

SUMMARY

This article would ask Town Meeting to fund cost items contained in the first year of a collective bargaining agreement with Town fire department personnel union, under the provisions of Massachusetts General Law, Chapter 150E, Section 7. When a tentative agreement is reached with a union, the Town will bring a funding request for the financial elements of the agreement to the first available Town Meeting for approval. If the funding is approved, the Town is obligated to fund the remaining years of the contract. If the funding request is rejected by Town Meeting, the parties must return to the bargaining table for further negotiations. In the present case, a portion of the cost items is allocated to the FY14 General Fund Budget and the remainder is allocated to the FY14 Ambulance Enterprise Fund Budget. The allocation results in the following Ambulance Enterprise figures for FY14 compared to those voted under Article 6 of the 2013 Annual Town Meeting:

Budgeted Revenue for FY14	Budgeted Expense for FY14	Estimated Fund Balance as of 6/30/14
\$ 756,512	\$ 766,188	\$ 1,009,242

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

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

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

ARTICLE 6 * AMEND TOWN BYLAWS – ICE CREAM TRUCK PERMITTING FEE
(Majority vote)

To see if the Town will vote to amend Chapter D of the General Bylaws to add the following new section D15:

D15. Fee for Permitting of Ice Cream Truck Vendors

Pursuant to M.G.L. c. 6, § 172B½ and 520 CMR 15.00, the application fee for the issuance or renewal of a permit to engage in Ice Cream Truck Vending as defined in 520 CMR 15.02 shall be \$100, or such larger amount as from time-to-time the Permitting Authority may determine and the Board of Selectmen may approve, to cover the Permitting Authority’s costs for conducting the requisite criminal background check pursuant to 520 CMR 15.05(1)(b) and (2)(b), conducting the investigation into the criminal history of the permit applicant to determine eligibility pursuant to M.G.L. c. 6, § 172B½ and 520 CMR 15.05(3)(b), and otherwise administering the ice cream truck vendor permit application review.

Or take any other action relative thereto.

MOTION

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

SUMMARY

The Department of Public Safety’s new ice cream truck vendor regulations, 520 CMR 15.00, went into effect on February 15, 2013. The regulations implement G.L. c. 270, § 25, relative to the annual permitting of ice cream truck vendors. Under the regulations, issuance of permits and enforcement of fines will be done at the local level through the Permitting Authority, defined as “the chief of police or the board or officer having control of the police in a city or town, or person authorized by them.” 520 CMR 15.02 .The regulations require the local Permitting Authority to conduct a criminal background check and investigation into the criminal history of each applicant and otherwise to administer the annual permit application and renewal process. In turn, the municipality is authorized by statute and regulation to establish the appropriate fee charged to applicants.

Direct inquiries to: Frank Widmayer, Police Chief: police@acton-ma.gov / (978) 264-9638

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

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

ARTICLE 7 * EXTENSION OF QUARRY ROAD AS A PUBLIC WAY

(Two-thirds vote)

To see if the Town will vote to accept as a public way an extension of Quarry Road forty (40) feet in width from the present northerly end of the public way a distance of 420 feet, more or less, in a generally northerly direction, as laid out by the Board of Selectmen according to plans on file with the Town Clerk; to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise the fee or other interest in the land within the layout, including the taking or acceptance of easements for roadway, drainage or other purposes where shown on said plans or described in said order of layout; and to authorize the Selectmen to petition the General Court for an Act pursuant to Article 97 of the Amendments to the Massachusetts Constitution, in a form acceptable to the Selectmen and Town Counsel, as and to the extent necessary to, and to transfer the land within said layout from its current use as a private way and/or as a portion of the Town Forest to the use as the extension of Quarry Road, or take any other action relative thereto.

MOTION

Move that the Town accept as a public way the extension of Quarry Road, authorize the Article 97 Home Rule petition, and authorize the acquisition, transfer or taking of the fee in the roadway layout and associated easement interests, all as described in the article.

SUMMARY

Historically, Quarry Road was a public way to the Westford Town Line. A portion of Quarry Road was discontinued by vote of the Middlesex County Commissioners in January 1956, as confirmed by vote under Article 18 of the 1956 Annual Town Meeting. In 1976, Town Meeting voted under Article 32 to extend Quarry Road as a public way by 961.49’ from its northerly terminus to the Town Forest. Quarry Road then continued as a private way northerly through the Town Forest, past Town land acquired and used by the Town for public works purposes, to private residences located northerly of the Town Forest. The proposed 420’ ± extension of Quarry Road as a public way accomplishes two purposes: (1) it improves access along the pre-existing Quarry Road (a private way) within the Town Forest and to the Town’s abutting public works property, and (2) it facilitates the relocation of a pre-existing 60’ Right-of-Way away from NARA Park to general municipal property northerly of NARA Park under Article 10 of this Special Town Meeting.

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

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred
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ARTICLE 8 * RELOCATION OF KENNEDY RIGHT-OF-WAY FROM
(Two-thirds vote) **NARA PARK TO OTHER TOWN-OWNED LAND**

To see if the Town will vote:

1. To authorize the Board of Selectmen, on such terms and conditions as the Selectmen may determine, to take all actions necessary to relocate an existing right of way (the "Existing Right-of-Way") from land of the Town of Acton known as NARA Park (Parcel 18 on Town Atlas Map C-5) to a portion of other land of the Town of Acton shown as Parcels 30-1 and 34 on Town Atlas Map B-5 (the "Proposed Right-of-Way"), including, without limitation, (a) to acquire by purchase, gift, eminent domain, or otherwise all right, title and interest in and to, and to extinguish, the Existing Right-of-Way; and (b) to convey an easement for the Proposed Right-of-Way in a location, having a width (not to exceed 60'), and having a scope all to be determined by the Selectmen, running from Parcel 30 on Town Atlas Map B-5, over, across, under and along a portion of said Parcels 30-1 and 34, to and along Quarry Road;
2. To transfer the easement area for the Proposed Right-of-Way, as and to the extent necessary, from Town Forest and/or general municipal use under the care, custody and control of the Selectmen, to the Selectmen for purposes of conveyance of said easement for the Proposed Right-of-Way; and
3. To authorize the Board of Selectmen to petition the General Court for an Act pursuant to Article 97 of the Amendments to the Massachusetts Constitution, in a form acceptable to the Selectmen and Town Counsel, as and to the extent necessary to authorize the use and disposal of the easement area for the Proposed Right-of-Way.

The Existing Right-of-Way was excepted from the Order of Taking dated December 29, 1975, recorded in the Middlesex South District Registry of Deeds ("Registry") at Book 12918, Page 397, and is shown on Sheet No. 4 of 6 of a plan entitled "Plan of Land in Acton, Massachusetts, owned by the Kennedy Land Corporation," dated March 3, 1975, revised December 5, 1975, drawn by the Town of Acton Engineering Department and recorded with the Registry as Plan No. 1371 of 1975 at the end of Book 12912. See also confirmatory deed from Kennedy Land Corporation to the Town of Acton dated January 28, 1976, recorded in the Registry at Book 12940, Page 132. The Existing Right-of-Way (to be extinguished) and the approximate location of the Proposed Right-of-Way (to be conveyed) are shown on a plan entitled "Easement Relocation Plan of Land in Acton, Massachusetts," dated May 15, 2013, drawn by the Town of Acton Engineering Department, on file with the Town Clerk.

Or take any other action relative thereto.

MOTION

Move that the Town (a) authorize the Selectmen to take all actions necessary to acquire and extinguish the Existing Right-of-Way and convey an easement for the Proposed Right-of-Way, (b) authorize the transfer of the easement area for the Proposed Right-of-Way, and (c) authorize the Article 97 Home Rule petition, all as set forth in the Article.

SUMMARY

NARA Park was created in part from land taken by eminent domain in 1975. At that time, there was an exception from the taking of a 60' wide right of way running from other land of Kennedy Land Corporation to Quarry Road. If this Existing Right-of-Way were to be developed and used, it would directly and adversely affect NARA Park. This Article would authorize the relocation of the Existing Right-of-Way from NARA Park northerly to other land of the Town. The Proposed Right-of-Way would cross Town land that is in general municipal use (a portion of Parcel 30-1) and that has been previously

authorized for transfer to general municipal use (a portion of Parcel 34 easterly of Quarry Road) under Article 33 of the 2012 Annual Town Meeting. That Article, along with the current Article, both authorize a petition for Article 97 Home Rule legislation, which will ensure that the Existing Right-of-Way over NARA Park can be extinguished with a relatively minor use of pre-existing Town Forest property. The timing and form of the transaction, and the width, scope and exact location of the Relocated Right-of-Way, are subject to the sound discretion of the Selectmen.

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

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

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

ARTICLE 9 # AMEND ZONING BYLAW – ESTABLISH TEMPORARY MORATORIUM ON NEW CONSTRUCTION IN VILLAGE RESIDENTIAL DISTRICT
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw by inserting a new Section 3.12 as follows:

3.12 Temporary Moratorium on New Construction in the Village Residential District

3.12.1 Purpose and Justification – The purpose of the temporary moratorium is to afford sufficient time (1) for the Planning Board and the Historic District Commission to examine the appropriateness of the Village Residential zoning requirements in the Village Residential District in relation to the existing land area, BUILDINGS AND STRUCTURES in the Village Residential District and in the West Acton Historic District, and to recommend changes to Village Residential zoning requirements, including without limitation, establishment of a new zoning district and/or new overlay district, minimum lot area, minimum lot frontage, minimum lot width, minimum yard setbacks, and minimum open space, which preserve, support and enhance patterns of development and open space in the Village Residential District strongly compatible with the historically significant resources and character existing in the portion of the Village Residential District which includes the West Acton Historic District, and (2) for the Town to promulgate revised Village Residential zoning requirements to protect the irreplaceable and historically significant resources and character of the Village Residential District and its contextual relationship within and to the West Acton Historic District.

3.12.2 Temporary Moratorium Provision – For the duration of this Temporary Moratorium, there shall be no construction of new BUILDINGS or STRUCTURES in the Village Residential District.

3.12.3 Temporary Moratorium Expiration - Unless extended, continued or modified by a subsequent action of Town Meeting, the provisions of this Temporary Moratorium shall expire upon either of the first to occur of: (a) the adoption by Town Meeting of an amendment to this Bylaw that explicitly rescinds or replaces this moratorium, and the approval of any such amendment by the Massachusetts Attorney General, or (b) July 1, 2014.

, or take any other action relative thereto.

MOTION

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

SUMMARY

This article is a moratorium that temporarily prohibits construction of new BUILDINGS or STRUCTURES in the Village Residential District. During the moratorium the Planning Board and Historic District Commission will determine whether to recommend changes to the Village Residential zoning district and/or zoning requirements in light of the historically significant resources located in the West Acton Historic District.

Direct inquiries to: Scott Kutil: sdk9@verizon.net

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

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

ARTICLE 10 **AMEND ZONING BYLAW – TWO-FAMILY DWELLINGS IN THE**
(Two-thirds vote) **VILLAGE RESIDENTIAL (VR) DISTRICT**

To see if the Town will vote to amend the Zoning Bylaw Section 3 – Table of Principal Uses as follows, by changing from “Y” to “SPA” the field in column VR, line 3.3.3 (Two-Family Dwelling in the Village Residential District), 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 Village Residential Zoning District (VR) surrounds West Acton Village. Two-family dwellings are presently allowed by right. This article adds a Board of Appeals special permit for two-family dwellings.

Single-family dwelling are allowed by right. Dwellings with three and four units are allowed by special permit from the Board of Appeals. Multi-family dwellings with more than four units are not allowed. This article does not change these requirements.

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

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

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

ARTICLE 11 * AMEND ZONING BYLAW – SIGNS AND ADVERTISING DEVICES

(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw Section 7 - Signs and Advertising Devices, by inserting at the end of item 5) of sub-section 7.6.1 – Applications for Sign Permits, the following phrase:

“ ; the Lot owner’s signature shall not be required for TEMPORARY and SPECIAL EVENT SIGNS”

[Note – Section 7.6.1 currently reads:

Application – All applications for SIGNS requiring a SIGN Permit shall be made to the Zoning Enforcement Officer in such form as he may require, and such applications shall include at least:

- 1) the location, by STREET number, of the proposed SIGN;*
- 2) the name and address of the SIGN owner and the owner of the LOT where the SIGN is to be ERECTED, if other than the SIGN owner;*
- 3) a scale drawing showing the proposed construction, method of installation or support, colors, display, dimensions, location of the SIGN on the site, and method of illumination;*
- 4) such other pertinent information as the Zoning Enforcement Officer may require to ensure compliance with the Bylaw and any other applicable law; and*
- 5) the application must be signed by the owner of the SIGN and the owner of the LOT where the SIGN is to be ERECTED.*

The Zoning Enforcement Officer shall have the authority to reject any SIGN Permit application which is not complete when submitted.]

, 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 Zoning Bylaw requires an administrative permit for most commercial signs. This article exempts temporary and special event signs from the requirements that the land owner must co-sign the permit application.

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

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

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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ARTICLE 12 * AMEND ZONING BYLAW – TYPOGRAPHICAL CORRECTIONS
(Two-thirds vote)

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

- A. For Section 3.11 - Temporary Moratorium on Medical Marijuana Uses, including subsections 3.11.1 through 3.11.4, change the section numbering to 3.12, and change the numbering of all subsections to 3.12.1 through 3.12.4.
- B. In the lead paragraph for Section 3.8.3.3 change the phrase “similar convenience” to the plural “similar conveniences”.
- C. In Section 3.8.4.11 change the phrase “parking lot” to the plural “parking lots”.
- D. In Section 3.11.3, in the title phrase, change the word “Standard” to the plural “Standards”.
, or take any other action relative thereto.

MOTION

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

SUMMARY

This article ratifies typographical corrections in the zoning bylaw. The errors came in with the adoption of multiple zoning bylaw amendments at the 2013 Annual Town Meeting.

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

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

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

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 20th day of May, 2013.

Janet K. Adachi, Chair
Mike Gowing, Vice-Chair
Katie Green, Clerk
John Sonner
David Clough

Board of Selectmen

A true copy, Attest:



Constable of Acton

Town Meeting Parliamentary Procedure

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

Moderator’s Rules

These are quite arbitrary, but hopefully are consistently applied:

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

More Formal Parliamentary Procedure

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Don MacKenzie
Town Moderator

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