



Town of Littleton, Massachusetts
TOWN MEETING REPORT

VOTER INFORMATION

Please bring this with you to the
NOVEMBER 16, 2016
SPECIAL TOWN MEETINGS

Wednesday, November 16, 2016 at 7:00 PM
Charles Forbes Kaye Gymnasium
Littleton Middle School
55 Russell Street, Littleton, MA 01460

TOWN OF LITTLETON, MASSACHUSETTS

This Town Meeting Report is prepared by the

Office of the Board of Selectmen/Town Administrator
Town of Littleton
Littleton Town Offices
37 Shattuck Street
Littleton, MA 01460

Keith A. Bergman, Town Administrator
Bonnie Holston, Assistant Town Administrator for Finance and Budget

More information is available online at www.littletonma.org

NOVEMBER 16, 2016

SPECIAL TOWN MEETINGS

Special Town Meeting #1 - 7:00 PM

Financial Articles

1. Bills of Prior Years
2. Amend Classification & Compensation Plan: State Minimum Wage
3. FY 2017 Budget Amendments
4. Debt Exclusion Stabilization Fund
5. Supplemental FY 2017 capital items from available funds
 - A. Comprehensive needs assessment for recreation fields (*Park & Recreation Commission*)
 - B. Town government building space needs assessment
 - C. Littleton Common Sewer Strategic Plan
6. Fire Station Facility Expansion Construction, including authorization to rent temporary fire headquarters
7. Alumni Field renovations
8. Rescind Unused Borrowing Authority
9. Mill Pond Restoration Feasibility Study supplemental funding

Articles Requiring Super-Majority Votes

10. Acquire 34 Cedar Road (U17-83-0) for Littleton Water Department
11. Acquire Surplus MassDOT property for conservation purposes – Boxborough Rd (R05-14-3)
12. Acquire Joyce Williams property for conservation purposes – 31 Boxborough Rd (R05-13-0)
13. Restrict development for Tax Title Properties on Narcissus Road – Map U12, Lots 111, 113, 114, 115

Other Articles, including routine authorizations/reauthorizations

14. Town By-law Amendments: Town Administrator; Department of Finance & Budget
15. Establish Other Post-Employment Benefits Liability Trust Fund
16. Voter Petition: Online Posting of Town Notices
17. Voter Petition: Ballot and Checklist Vote Procedure for Expenditures in Excess of \$250,000

Special Town Meeting #2 - 7:30 PM

1. Economic Development Incentive Program / Tax Increment Financing Agreement – Patriot Beverage, LLC, for former Sunny Delight property, 3 & 20 Harvard Road

TOWN OF LITTLETON, MASSACHUSETTS

To the Voters of Littleton:

The Board of Selectmen and its Study Committee to Increase Voter Participation had developed recommendations based on community input, research and other information to improve voter participation in the Town of Littleton.

The Board of Selectmen has continued the practice-- as recommended by the Study Committee-- to order articles in the town meeting warrant so that financial articles come first, followed by those requiring a supermajority vote, with all other articles (including routine authorizations and reauthorizations) coming last.

Town Code §41-3. *Town Meeting Report*, was amended by the November 14, 2012 Special Town Meeting and provides that

For every annual and special town meeting, the Board of Selectmen shall mail to each occupied dwelling at least fourteen (14) days prior to said meeting a Town Meeting Report containing the full text of the articles as posted in the warrant; proposed motions and town board recommendations, if any; and concise explanations of each article, including the fiscal impact of any financial articles. The Town Meeting Report for the annual town meeting shall include the Finance Committee's report to the voters.

Accordingly, here is the format in which information for each article is presented in this Report:

ARTICLE #
Article Sponsor/Inserter
Title of the Article

Full text of the warrant article as printed in the Town Meeting warrant, as posted.

[Brief explanation of the article.]

Motion proposed by the sponsor, as reviewed by Town Counsel.

Recommendations of Town Boards.

The Board of Selectmen welcomes your feedback about this publication.

– ***Littleton Board of Selectmen***
Melissa Hebert, Chair
Charles DeCoste, Vice Chair
James F. Karr, Clerk
Joseph S. Knox
Paul Glavey

Summary of Fiscal Impact of Financial Articles

The list below shows a **dollar amount** following the title of each of the financial articles in the November 16, 2016 Special Town Meeting.

1. Bills of Prior Years - **\$1,439.35**
3. FY 2017 Budget Amendments - **\$106,189**
4. Debt Exclusion Stabilization Fund - **\$532,801**
- 5A. Capital: Comprehensive needs assessment for recreation fields - **\$48,000**
- 5B. Capital: Town government building space needs assessment - **\$20,000**
- 5C. Capital: Littleton Common Sewer Strategic Plan – **\$252,000**
6. Fire Station Facility Expansion Construction, including authorization to rent temporary fire headquarters – **\$8.9-million**
7. Alumni Field Renovation Construction – **\$4.0-million**
9. Mill Pond Restoration Feasibility Study supplemental funding- **\$19,500** from *Spectacle Pond Cell Tower Clean Lakes Fund*
10. Acquire 34 Cedar Road (U17-83-0) for Littleton Water Department - **\$200,000**
11. Acquire Surplus MassDOT property for conservation purposes Boxborough Road - **\$205,000**
12. Acquire Joyce Williams property for conservation purposes 31 Boxborough Road

A net increase of \$106,189 in the FY 2017 operating budget in Article 3 is offset by additional State Aid and estimated local receipts, with no additional impact on property taxpayers.

To fund one-time capital projects, \$852,801 is available from Overlay Surplus (\$412,485) and from the remaining Raise and Appropriate balance (\$440,316, which had been reserved for any snow and ice deficit). Use of that \$852,801 requires a simple majority vote of town meeting.

Also for one-time capital projects, there is an available balance of \$2,928,626 in the Capital Stabilization Fund, appropriations from which would require a two-thirds vote of town meeting. Applying \$2.9-million from capital stabilization to the fire station project (a 20-year bond issue), rather than to Alumni Field (a 5-year bond anticipation note), would produce a net savings of \$1.1-million in interest costs.

The Community Preservation Fund is an eligible funding source for both Boxborough Road land acquisitions. Available CPA reserve balances that could be used for open space acquisitions are \$466,660 in Open Space and \$411,898 in Undesignated, for a total of \$878,559. Short-term borrowing would be needed for spending above that total.

Spending articles for the May 2, 2016 Annual and November 16, 2016 Special Town Meetings make up the total FY 2017 estimated residential property tax levy of \$23,790,271. For the average residential property assessed at \$395,635 its property tax bill is projected to increase by \$192.67 or 2.75% - from \$7,005.21 in FY 2016 to \$7,197.89 in FY 2017—as a result of this recommended spending plan.



November 16, 2016 Special Town Meeting #1

7:00 p.m. Charles Forbes Kaye Gymnasium, Littleton Middle School

[FINANCIAL ARTICLES]

ARTICLE 1

Board of Selectmen Bills of Prior Years

[9/10ths vote required]

To see if the Town will vote to raise and appropriate or transfer from available funds a sum or sums of money to pay unpaid bills from prior fiscal years, or to take any other action in relation thereto.

[Article 1 is to pay bills from prior fiscal years, if there are any to be paid.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to transfer from Overlay Surplus the sum of \$1,439.35 to pay the following unpaid bills from prior fiscal years:

<u>Vendor</u>	<u>Dept.</u>	<u>Amount</u>	<u>Fiscal Year</u>
K.J. Plumbing & Heating Co.	Public Buildings (Police)	\$668.74	FY 2013
Littleton Electric Co.	Public Buildings (Fire)	<u>770.61</u>	FY 2015
	Total	\$1,439.35	

Finance Committee and Board of Selectmen support Article 1.

ARTICLE 2

Board of Selectmen / Personnel Board

Amend Classification & Compensation Plan – State Minimum Wage

To see if the Town will vote to amend the Classification and Compensation Plan to implement the State Minimum Wage of \$11 per hour, effective January 1, 2017, by amending Schedules C, C-1, and D to read as follows, or to take any other action in relation thereto.

Schedule C, Park & Recreation Department

Seasonal / Temporary / Fee-based Positions (hourly) – effective January 1, 2017

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
1 hourly	\$11.00	\$11.08	\$11.16	\$11.24	\$11.32
2 hourly	11.11	11.19	11.27	11.35	11.44
3 hourly	11.22	11.30	11.38	11.47	11.56
4 hourly	11.33	11.41	11.50	11.59	11.68
5 hourly	11.44	11.53	11.62	11.71	11.80
6 hourly	11.55	11.72	11.90	12.08	12.26
7 hourly	11.72	11.90	12.08	12.26	12.44
8 hourly	12.01	12.19	12.37	12.56	12.75
9 hourly	12.52	12.86	13.21	13.57	13.94
10 hourly	13.05	13.41	13.78	14.16	14.55
11 hourly	13.64	14.02	14.41	14.81	15.22
12 hourly	14.25	14.64	15.04	15.45	15.87

[Schedule C current range is:

Grade	Step 1	Step 5
1	\$10.00	\$10.40
2	10.15	10.55
3	10.30	10.72
4	10.45	10.88
5	10.61	11.38
6	10.88	12.01
7	11.26	12.56
8	11.77	13.11
9	12.30	13.72
10	12.92	14.42
11	13.57	15.11
12	14.18	15.80]

TOWN OF LITTLETON, MASSACHUSETTS

Schedule C-1, Community Education

Temporary / Fee-Based [Hourly] – *effective January 1, 2017*

GRADE	STEP 1	STEP 2	STEP 3
1 hourly	\$11.00		
2 hourly	14.00	14.35	14.71
3 hourly	20.00	20.50	21.01
4 hourly	25.00	25.63	26.27
5 hourly	30.00	30.75	31.52
6 hourly	35.00	35.88	36.77

Schedule D, Fire Department On-Call - *effective January 1, 2017*

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
1 hourly	\$11.00					
2 hourly	14.57	14.86	15.16	15.46	15.77	16.09
3 hourly	15.15	15.45	15.76	16.08	16.40	16.73
4 hourly	15.75	16.07	16.39	16.72	17.05	17.39
5 hourly	16.22	16.54	16.87	17.21	17.55	17.90
6 hourly	16.71	17.04	17.38	17.73	18.08	18.44
7 hourly	17.21	17.55	17.90	18.26	18.63	19.00
8 hourly	17.73	18.08	18.44	18.81	19.19	19.57
9 hourly	18.26	18.63	19.00	19.38	19.77	20.17
10 hourly	18.44	18.81	19.19	19.57	19.96	20.36

[Article 2 amends those Classification and Compensation Plan salary schedules currently containing rates of pay below \$11.00 per hour, in order to comply with the new State Minimum Wage of \$11.00 per hour, effective January 1, 2017. Funding is in Article 3.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to approve Article 2 as printed in the warrant.

Personnel Board, Finance Committee, Board of Selectmen, and Park & Recreation Commission support Article 2.

ARTICLE 3
Board of Selectmen
FY 2017 Budget Amendments

To see if the Town will vote to amend the FY 2017 Operating Budget, as adopted pursuant to Article 4 of the May 2, 2016 Annual Town Meeting, by adjusting budget line items, or to take any other action in relation thereto.

[Article 3 makes adjustments to the Fiscal Year 2017 budget, as follows:

- Add \$52,362 to the School Department budget from net increases in School State Aid, to reduce the use of School Choice funds by that amount for the fiscal year July 1, 2016.
- Add \$45,410 to implement a reorganization plan for Finance & Administration, effective January 1, 2017, so that the duties of the Assistant Town Administrator for Finance and Budget (Aafb) could be split between the incumbent, who would become the Director of

TOWN OF LITTLETON, MASSACHUSETTS

Finance and Budget, and a new position of Assistant Town Administrator, as described in Article 14, below.

- Add \$8,417 to the Park & Recreation Enterprise Fund General Fund subsidy to implement the minimum wage adjustments in Article 2, where PRCE has already set programming rates for the current fiscal year.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to raise and appropriate the sum of \$106,189 to amend the FY 2017 Operating Budget, as adopted pursuant to Article 4 of the May 2, 2016 Annual Town Meeting, by adjusting budget line items, as follows:

		FY 2017		FY 2017
Budget Line Item		Budget	Adjustment	Adjusted
122	Selectmen/Town Administrator – Personal Services	\$198,222	+\$45,410	\$243,632
300	School Department	18,000,000	+52,362	18,052,362
630	Park & Recreation Enterprise Subsidy	<u>113,226</u>	<u>+8,417</u>	<u>121,643</u>
TOTAL Appropriated Budgets		\$38,561,277	\$106,189	\$38,667,466

Finance Committee, Board of Selectmen, and School Committee support Article 3.

<p style="text-align: center;">ARTICLE 4 Board of Selectmen Debt Exclusion Stabilization Fund</p>
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To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be deposited in the Debt Exclusion Stabilization Fund established by Article 12 of the May 2, 2016 Special Town Meeting for the purpose of reducing the amount of existing debt service and/or the amount of debt needed to be placed when final bonding occurs for borrowing authorizations, both having been exempted from the provisions of Proposition two-and-one-half, so called; said fund as authorized by Chapter 40, Section 5B of the General Laws; or to take any other action in relation thereto

[Article 4 would deposit the sum of \$532,801 into the stabilization fund established to defray the costs of principal and interest payments on capital projects authorized by a debt exclusion ballot question. Since excluded debt costs can be added to a property tax bill beyond the limits of Proposition 2 ½, defraying those costs by use of this stabilization fund would reduce the cost of debt passed onto property taxpayers. With a change in the law effective 11/7/16, deposits into stabilization funds only require a simple majority vote of town meeting; while a two-thirds vote is still required for withdrawals. There is currently no balance in the Debt Exclusion Stabilization Fund.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to raise and appropriate the sum of \$440,316 and transfer from Overlay Surplus the sum of \$92,485, for a total of \$532,801 to be deposited in the Debt Exclusion Stabilization Fund.

Finance Committee and Board of Selectmen support Article 4.

ARTICLE 5
Board of Selectmen
Supplemental FY 2017 Capital Items from Available Funds

To see if the Town will vote to raise and appropriate or transfer from available funds the following sums of money to be expended by the respective Departments or Officers indicated, for the capital projects and purchases itemized and described, or to take any other action in relation thereto.

- A. Comprehensive needs assessment for recreation fields – a sum of money to be expended by the Park & Recreation Commission for a comprehensive needs assessment for recreation fields.
- B. Town government building space needs assessment – a sum of money to be expended by the Permanent Municipal Building Committee for a Town government building spaces needs assessment, including for seniors, park & recreation, and other Town offices.
- C. Littleton Common Sewer Strategic Plan – a sum of money to be expended by the Board of Selectmen to develop a Littleton Common Sewer strategic plan.

[Article 5 funds supplemental capital projects from one-time, non-recurring revenue sources, to address some of the Selectmen's adopted goals for FY 2017.

[\$48,000 is proposed for a comprehensive needs assessment for recreational fields; and \$20,000 for a Town government building space needs assessment.

[\$252,000 would update the 2012 smart sewer study for Littleton Common and conduct a full build-out analysis, making the Town eligible to apply \$150,000 grant from the State's Department of Energy Resources. \$600,000 is the total estimated cost for build-out and 30% design for the \$4.2-million smart sewer proposed in the 2012 study.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to transfer from Overlay Surplus the sum of \$320,000 for capital and one time projects itemized and described in Article 5, as follows: \$48,000 for Item A; \$20,000 for Item B; and \$252,000 for Item C.

Finance Committee, Board of Selectmen, and Park & Recreation Commission support Article 5.

ARTICLE 6
Board of Selectmen
Fire Station Facility Expansion Construction and
Lease of Temporary Fire Department Facilities
[2/3rds vote required]

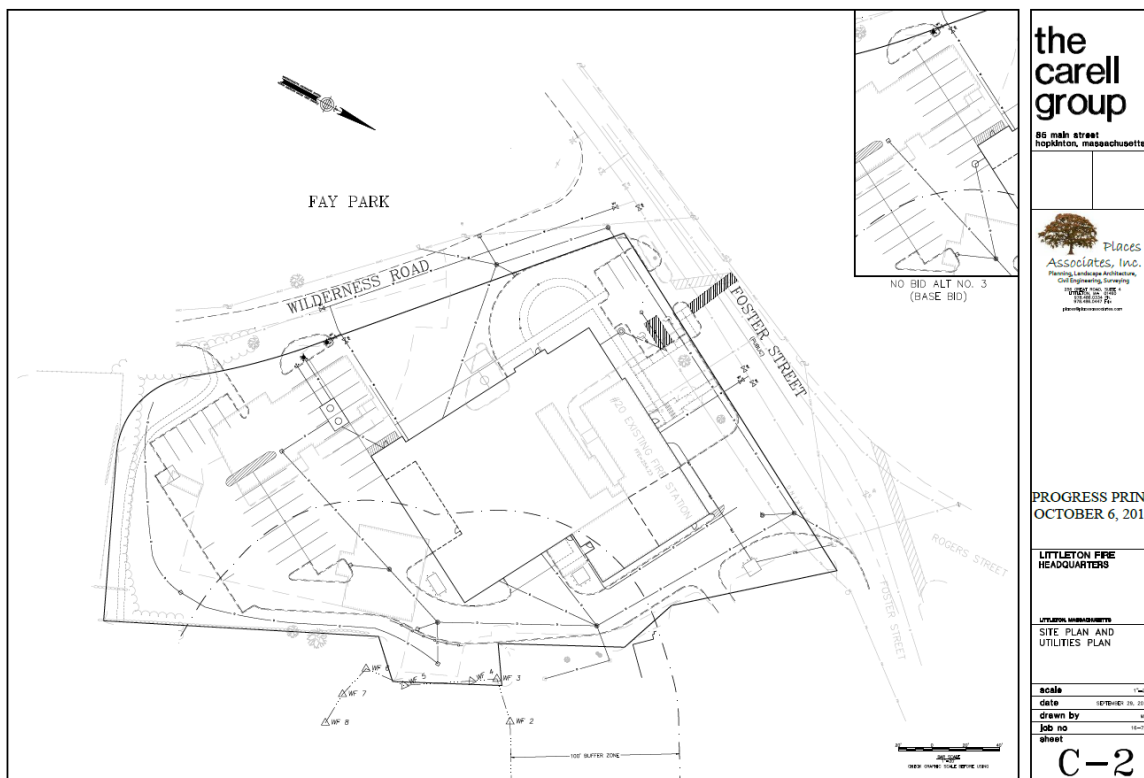
To see if the Town will vote to borrow and/or transfer from available funds a sum or sums of money to be expended by the Permanent Municipal Building Committee for the Fire Station expansion construction project at the 20 Foster Street facility, other site improvements incidental or directly related thereto, and the lease of private property for use as a temporary fire station during the course of the project, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(3), of the General Laws, or pursuant to and any other enabling authority, and to issue bonds or notes of the Town therefor; and, further, to authorize the Board of Selectmen to enter into a lease of private property to be used as the site of a temporary fire station in connection with the Fire Station expansion construction project, said site to be selected pursuant to the procedures set forth in M.G.L. c.30B, on such terms and conditions as the Board of Selectmen determine to be in the best interests of the Town; or to take any other action in relation thereto.

TOWN OF LITTLETON, MASSACHUSETTS

[Article 6 would fund the construction phase of the proposed expansion of the existing fire station at 20 Foster Street at a cost of \$8,900,000, including a low bid of \$6,518,500 for construction, and some \$2,381,500 in soft costs (including a 15.5% construction contingency of \$1,011,459). \$530,000 for design plans and bid services was approved by the May 2, 2016 Special Town Meeting. A 2014 feasibility study had identified the inadequate space to house apparatus in addition to a lack of efficient area to house the 24-hour staff. The facility currently does not have any decontamination area on top of serious facility deterioration. The design has taken into consideration the staffing levels of the future in addition to the changes in apparatus size also meeting today's code. Using the \$2,900,000 from capital stabilization would allow the Town to issue a bond for the project for \$6-million instead of the full \$8.9-million. As described on page 5, this strategy reduces the Town's net interest costs by \$1.1-million.]

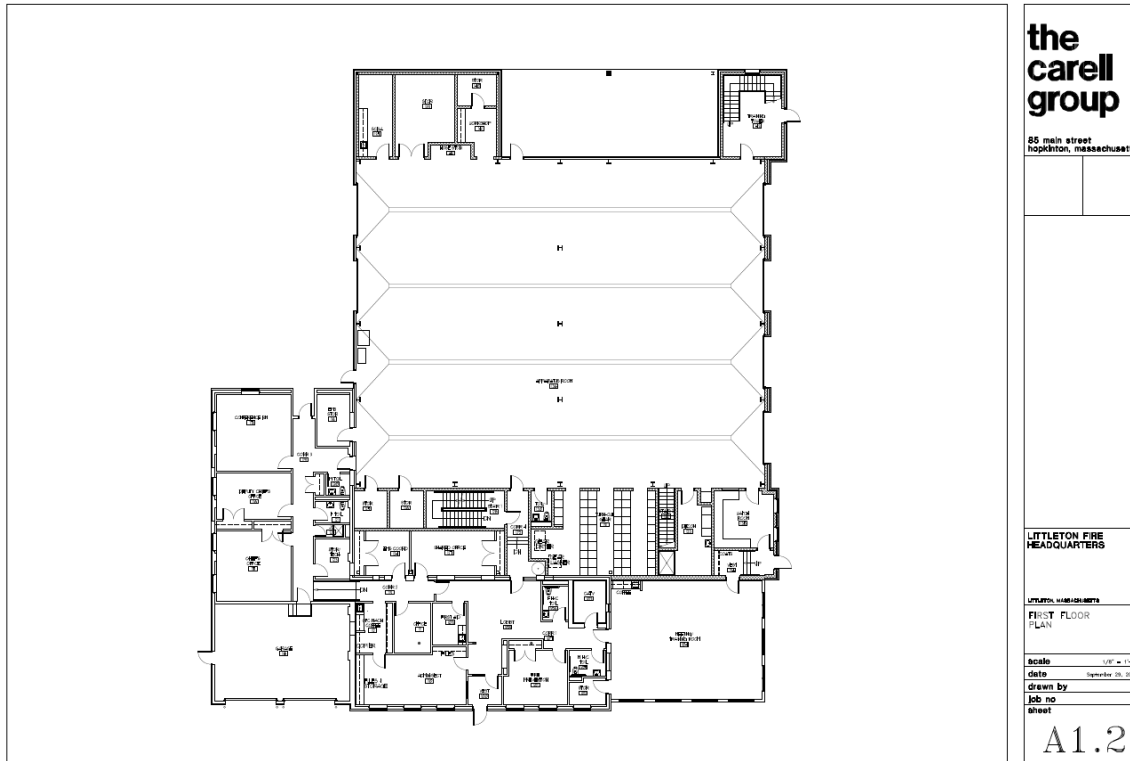
Motion: Moved and seconded by the Board of Selectmen that the Town vote to approve Article 6 as printed in the warrant, in the total amount of \$8,900,000 therefor, as follows: (1) by transferring from the Capital Stabilization Fund the sum of \$2,900,000; and (2) by appropriating and borrowing the sum of \$6,000,000, and authorizing the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for that purpose, as authorized by M.G.L. Chapter 44, or any other enabling authority

Finance Committee and Board of Selectmen support Article 6.



Article 6.
Fire Station
Facility
Expansion
Construction
and Lease of
Temporary
Fire
Department
Facilities

TOWN OF LITTLETON, MASSACHUSETTS

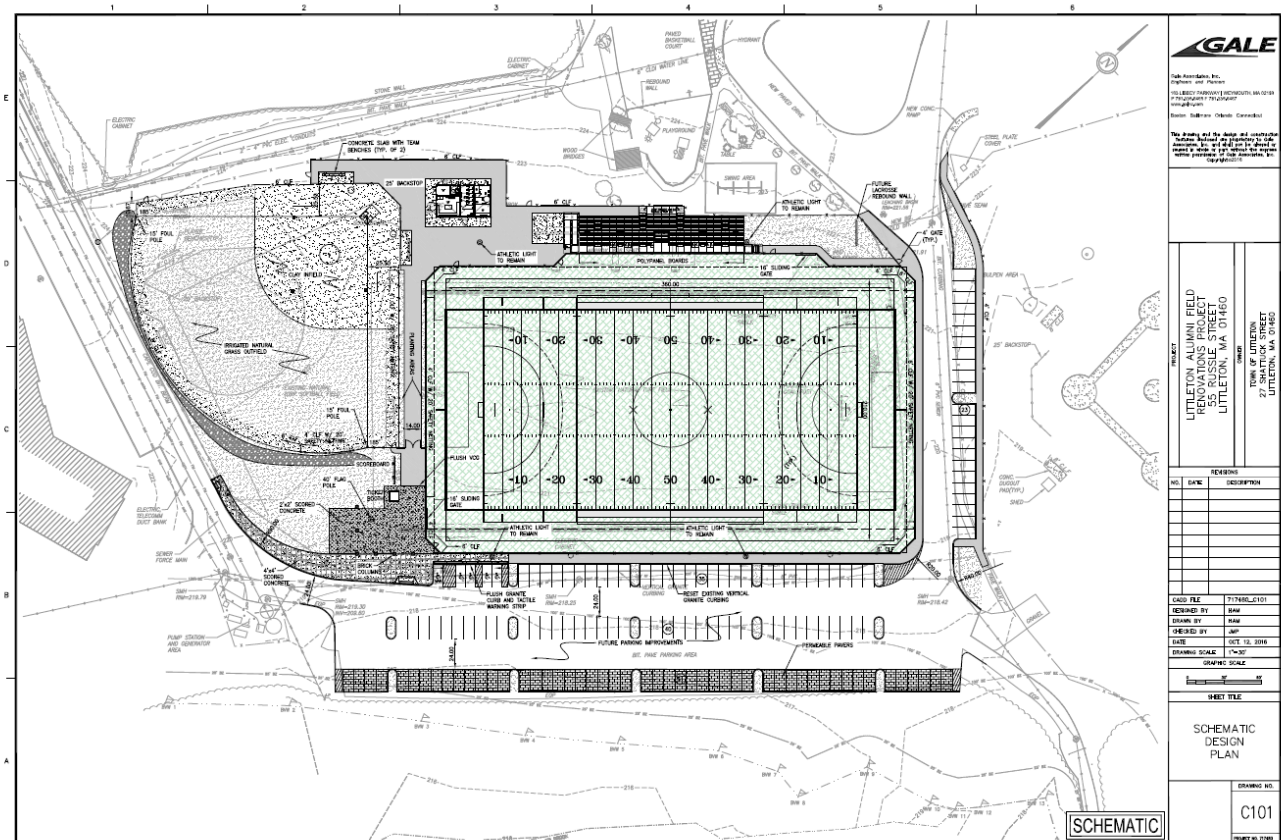


Article 6. Fire Station Facility Expansion Construction and Lease of Temporary Fire Department Facilities

ARTICLE 7
Board of Selectmen / School Committee
Alumni Field Renovation Construction
[2/3rds vote required]

To see if the Town will vote to borrow and/or transfer from available funds a sum or sums of money to be expended by the Permanent Municipal Building Committee for the Alumni Field renovation construction project at 55 Russell Street and other site improvements incidental or directly related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(3), of the General Laws, or pursuant to and any other enabling authority, and to issue bonds or notes of the Town therefor; or to take any other action in relation thereto

[Article 7 would fund the construction phase for renovations to the Alumni Field Complex, at a cost not to exceed \$4-million. The Alumni Field Renovation Advisory Committee-- directed by May 2016 Town Meeting voters to consider both natural and synthetic turf options for reconstruction of the playing field-- supports the use of synthetic turf. The project scope also includes construction and installation of new bleachers (including press box), an amenities building (to include bathrooms, concession stand, and storage), additional parking, and improved traffic flow around the complex. All improvements would meet Americans with Disabilities Act (ADA) standards. If approved, the project would be bid this winter, for completion by September 2017.]



Article 7. Alumni Field Renovation Construction

TOWN OF LITTLETON, MASSACHUSETTS

Motion: Moved and seconded by the Board of Selectmen that the Town vote to approve Article 7 as printed in the warrant, in the total amount of \$4,000,000 therefor, as follows: (1) by transferring from May 2, 2016 Special Town Meeting Article 4-D, Alumni Field renovation design, the sum of \$164,000; and (2) by appropriating and borrowing the sum of \$3,836,000, and authorizing the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for that purpose, as authorized by M.G.L. Chapter 44, or any other enabling authority
Finance Committee, Board of Selectmen, and School Committee support Article 7.

ARTICLE 8
Board of Selectmen
Rescind Unused Borrowing Authorizations
[2/3rds vote required]

To see if the Town will vote to rescind the borrowing authorized for the following articles and following un-issued amounts, or to take any other action in relation thereto:

<i>Town Meeting Vote</i>	<i>Project</i>	<i>Authorization</i>	<i>Amount Issued</i>	<i>Total to be Rescinded</i>
5/6/2013 ATM Art. 15	Church Meadows	\$270,000.00	\$0	<u>\$270,000.00</u>
			Total	\$270,000.00

[Article 8 rescinds the unused portion of borrowing previously authorized by town meeting for a project which has since been completed. The acquisition of the Church Meadows property was funded by \$270,000 in bond anticipation notes, rather than by a permanent bond issue. Article 8 reduces the Town's total authorized and unissued debt on the books to \$13.03-million, including the \$8.9-million proposed in Special Town Meeting Article 6. As of June 30, 2016, the Town had a total of \$28.56-million in outstanding debt.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to approve Article 8 as printed in the warrant.

Finance Committee and Board of Selectmen support Article 8.

ARTICLE 9
Board of Selectmen / Clean Lakes Committee
Mill Pond Restoration Project Feasibility Study

To see if the Town will vote to transfer from the Spectacle Pond Cell Tower Clean Lakes Fund established by Article 6 of the May 8, 2000 Special Town Meeting the sum of \$19,500, to be added the \$67,500 voted under Article 6 of the May 2, 2016 Special Town Meeting, for a total of \$87,000, to be expended under the direction of the Clean Lakes Committee for completion of a feasibility study for an aquatic ecosystem restoration project at Mill Pond, to be undertaken by the U.S. Army Corps of Engineers ("Corps") pursuant to a Feasibility Cost Share Agreement (FCSA) to be executed between the Corps and the Board of Selectmen; or to take any other action in relation thereto.

[Article 9 would increase from \$67,500 to \$87,000 the amount available as the Town's share of a feasibility study to be conducted by the Army Corps of Engineers for aquatic ecosystem restoration at Mill Pond. On June 30, 2016, the Corps had issued a revised estimate that the shared costs to complete the feasibility study would be \$174,000, with the Town's share at \$87,000. Upon completion of the feasibility study, the Corps could proceed to project design and construction with a 65% Federal cost share of up to \$2-million. The Town's 35% share

TOWN OF LITTLETON, MASSACHUSETTS

might total \$1-million, which could be borrowed over 15 years and paid by Clean Lakes Committee cell tower funds.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to approve Article 9 as printed in the warrant.

Finance Committee, Board of Selectmen, and Clean Lakes Committee support Article 9.

[ARTICLES REQUIRING SUPERMAJORITY VOTE]

ARTICLE 10
Board of Water Commissioners
Acquire 34 Cedar Road for Littleton Water Department
[2/3rds vote required]

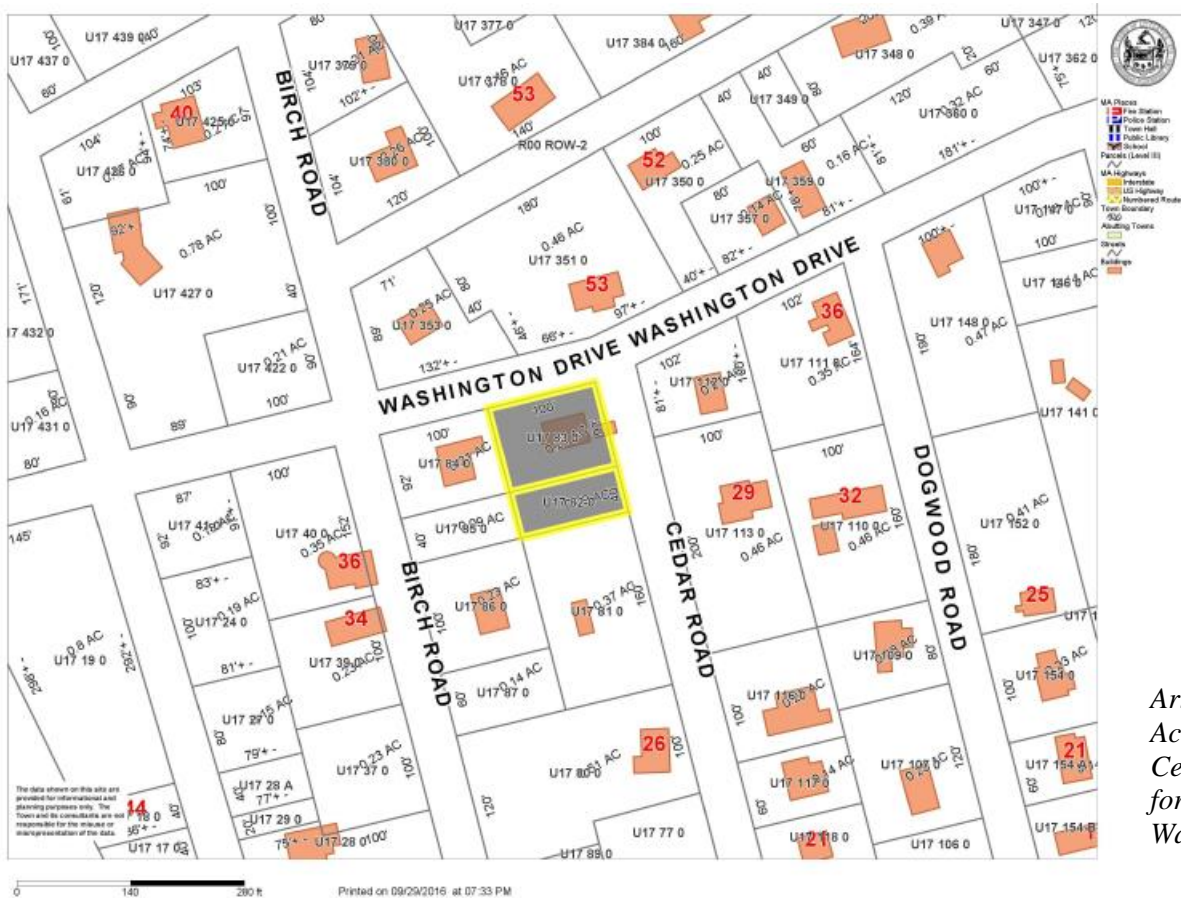
To see if the Town will (i) vote to authorize the Board of Water Commissioners to acquire by purchase, gift or eminent domain, for Water Department purposes, the fee interest in a certain parcel of real estate, with all buildings and improvements thereon, located at 34 Cedar Road, Littleton, MA and as further described in a deed dated April 19, 2016 and duly recorded at the Middlesex County Registry of Deeds, Book 67113, Page 95, containing 0.30 acres, more or less, shown as Assessors Map U17, Parcel 82 and 83, a copy of which maps are on file in the Office of the Town Clerk, together with and subject to all rights, restrictions and easements of record, on such terms and conditions as the Board of Water Commissioners may determine; (ii) to appropriate \$200,000 or some other amount to pay costs of purchasing the property described herein, including the payment of all costs incidental and related thereto, and to determine whether this amount should be raised by borrowing, transfer from available funds or otherwise; (iii) to authorize the Board of Water Commissioners to enter into all agreements and execute any and all instruments as may be necessary to effect said acquisition or purchase; or (iv) to take any other action in relation thereto.

[The Water Department will be replacing the Cedar Hill Standpipe in the next three to ten years due to age and condition. As such, the desire is to replace it with an elevated tank in the same general location. Because of pressure issues with the water system in that area the Cedar Hill Standpipe must remain online during construction of the new tank. Purchase of the 34 Cedar Road property, which is adjacent to the standpipe lot, will allow the new tank to be constructed without taking the standpipe out of service until the new tank is operational. Also, the attached cell and emergency service antennas will not have to be relocated temporarily during construction, avoiding additional costs.]

Motion: Moved and seconded by the Board of Water Commissioners that the Town vote to approve Article 10 as printed in the warrant and to appropriate and borrow the sum of \$200,000 therefor; and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for that purpose, as authorized by M.G.L. Chapter 44, or any other enabling authority.

Board of Water Commissioners, Finance Committee, and Board of Selectmen support Article 10.

TOWN OF LITTLETON, MASSACHUSETTS



*Article 10.
Acquire 34
Cedar Road
for Littleton
Water Dep't*

ARTICLE 11 **Board of Selectmen** **Acquire Surplus MassDOT Land on Boxborough Road for Conservation** *[2/3rds vote required]*

To see if the Town will vote (i) to authorize the Board of Selectmen to acquire by purchase from the Commonwealth of Massachusetts for passive outdoor recreation and conservation purposes the fee interest in a certain parcel of land on Boxborough Road, containing 5.3 acres, more or less, shown as Assessors Map R05-14-3, and being a property described in a deed recorded in the Middlesex South Registry of Deeds in Book 7575, Page 167-168 dated September 7, 1950, together with and subject to all rights, restrictions and easements of record, on such terms and conditions as the Selectmen may determine; provided that said land is to be conveyed to the Town of Littleton under the provisions of Chapter 40, Section 8C of the General Laws, as it may be hereafter amended, and other Massachusetts statutes relating to conservation and passive recreation, to be managed and controlled by the Littleton Conservation Commission; (ii) to appropriate \$205,000 or some other amount to pay the costs of purchasing the property described herein, including the payment of all costs incidental and related thereto, and to determine whether this amount should be raised by borrowing, use of Community Preservation Act funds, transfer from available funds, taxation or otherwise; (iii) to authorize the Board of Selectmen and the Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Littleton to effect said acquisition or purchase; or (iv) to take any other action in relation thereto.

TOWN OF LITTLETON, MASSACHUSETTS

[Article 11 would acquire for conservation purposes a 5.3-acre State-owned property on Boxborough Road, which MassDOT has declared surplus and made available to the Town for the appraised value of \$205,000.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to approve Article 11 as printed in the warrant and to transfer from the CPA Open Space Reserve the sum of \$205,000 therefor, as recommended by the Community Preservation Committee.

Community Preservation Committee, Finance Committee, Board of Selectmen, and Conservation Commission support Article 11.



ARTICLE 12
Board of Selectmen
Acquire Land at 31 Boxborough Road for Conservation
[2/3rds vote required]

To see if the Town will vote (i) to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee interest in a two parcels of land located at 31 Boxborough Road: Parcel A, containing approximately 32.25 acres of land, and Parcel B containing approximately 2.86 acres of land, both as shown on a plan entitled "Plan of Land in Littleton, Mass. owned by Joyce W. Williams," prepared by David E. Ross Associates, Inc. and dated July, 2016, which map is on file in the Office of

TOWN OF LITTLETON, MASSACHUSETTS

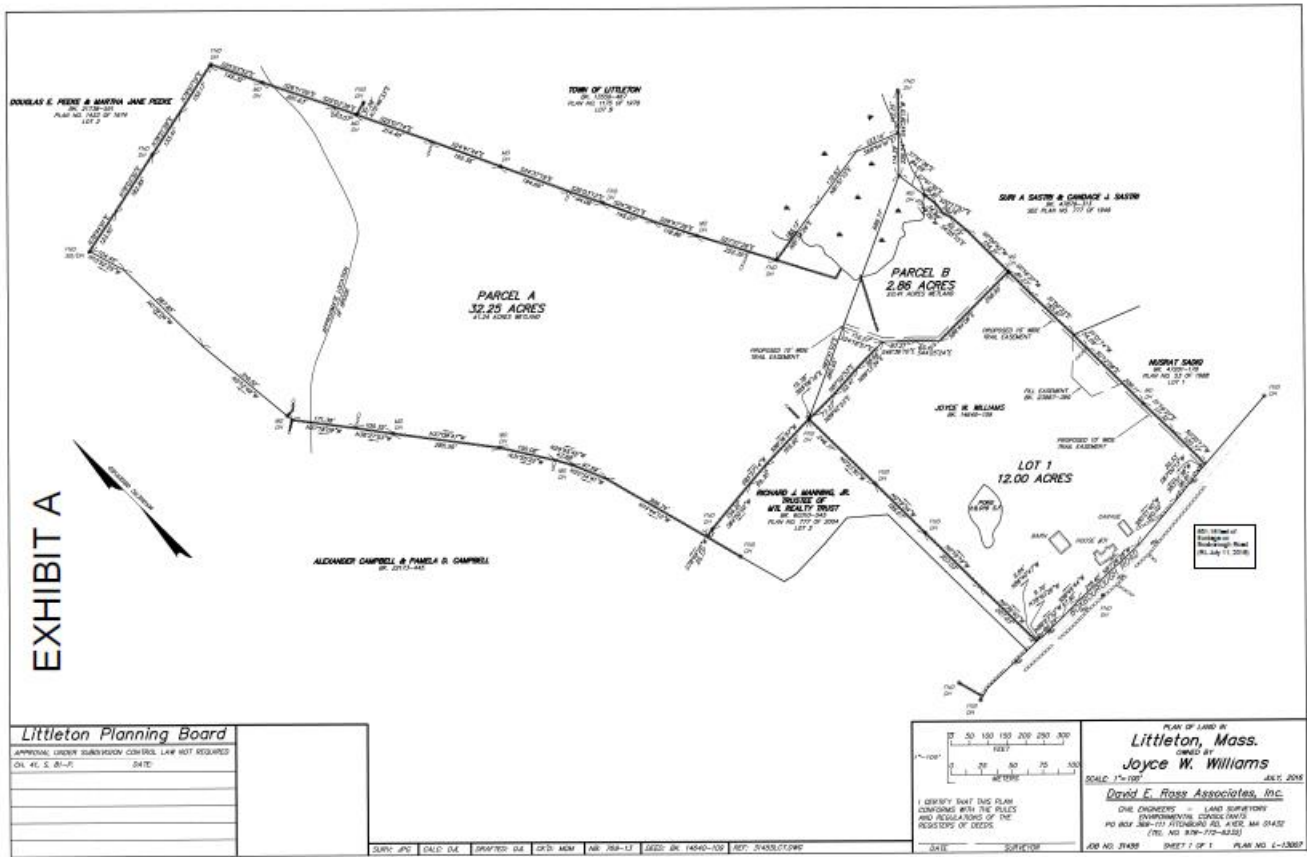
the Town Clerk, and being a portion of the property described in a deed recorded in the Middlesex South Registry of Deeds in Book 14640, Page 109, together with and subject to all rights, restrictions and easements of record, on such terms and conditions as the Selectmen may determine; provided that said land is to be conveyed to the Town of Littleton under the provisions of Chapter 40, Section 8C of the General Laws, as it may be hereafter amended, and other Massachusetts statutes relating to conservation and passive recreation, to be managed and controlled by the Littleton Conservation Commission; (ii) to authorize the Board of Selectmen to acquire by purchase or gift, a conservation restriction on a part of a certain parcel of land at 31 Boxborough Road, shown as Parcel 1 on a plan entitled "Plan of Land in Littleton, Mass. owned by Joyce W. Williams," prepared by David E. Ross Associates, Inc. and dated July, 2016, which map is on file in the Office of the Town Clerk, and being a portion of the property described in a deed recorded in the Middlesex South Registry of Deeds in Book 14640, Page 109, said conservation restriction to apply to 11 acres, more or less, and limit the use of said land to passive outdoor recreation and conservation purposes, together with and subject to all rights, restrictions and easements of record, on such terms and conditions as the Selectmen may determine; provided that said conservation restriction is to be conveyed to the Town of Littleton under the provisions of Chapter 40, Section 8C and Chapter 184, Sections 31-33 of the General Laws, as it may be hereafter amended, and other Massachusetts statutes relating to conservation and passive recreation, to be managed and controlled by the Littleton Conservation Commission; (iii) to appropriate the funds necessary to pay the costs of acquiring the property and the conservation restriction described herein, including the payment of all costs incidental and related thereto, and to determine whether this amount should be raised by borrowing, transfer from available funds, use of Community Preservation Act funds, taxation or otherwise; provided that such appropriations shall be contingent upon the award of a grant under the Commonwealth's Local Acquisitions for Natural Diversity (LAND) Program; and provided further that to the extent any federal, state or other funds are or become available for the purposes outlined in this Article, the Board of Selectmen and any other applicable boards or commissions of the Town are authorized to apply for and accept such funds and that the amount authorized to be borrowed for this purpose shall be reduced to the extent of any grants or gifts received by the Town on account of this project; (iv) to authorize the Board of Selectmen and the Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Littleton to effect said acquisition or purchase or grants; or (v) to take any other action in relation thereto.

[Article 12 would acquire for conservation purposes a portion of the Joyce Williams property at 31 Boxborough Road. If the Board of Selectmen successfully conclude negotiations with the seller for a purchase and sales agreement, the Community Preservation Committee would be asked to recommend use of CPA reserves and borrowing authority. In July, the Board of Selectmen submitted a grant application to the State's Division of Conservation Services under its Land Acquisitions for Natural Diversity (LAND) program for \$400,000 towards the proposed acquisition of this property. Article 12 would be contingent upon award of that grant. The grant announcement may not be known by the date of town meeting.]

Motion: To be made at town meeting.

Finance Committee, Board of Selectmen, Community Preservation Committee, Conservation Commission recommendations forthcoming.

TOWN OF LITTLETON, MASSACHUSETTS



ARTICLE 13 Board of Selectmen Restrict Development on Narcissus Road Tax Title Properties [2/3rds vote required]

To see if the Town will vote to transfer the care, custody, control and management of Assessors' Map U14, Parcels 111, 113, 114 and 115 to the Board of Selectmen to be held for the purpose of sale, and to authorize the Board of Selectmen to sell said Parcels, pursuant to the procedures set forth in M.G.L. c. 30B, subject to the condition that the Parcels will collectively comprise no more than one building lot, and subject to such other terms and conditions as the Board shall determine to be in the best interests of the Town; or to take any other action in relation thereto.

[Article 13 would authorize the Board of Selectmen to sell at auction four adjacent tax title properties on Narcissus Road with a requirement that all four parcels be sold to a single owner and merged into a single lot, and that the lot will be conveyed with a "no-build" deed restriction.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to transfer the care, custody, control and management of Assessors' Map U14, Parcels 111, 113, 114 and 115 to the Board of Selectmen to be held for the purpose of sale, and to authorize the Board of Selectmen to sell said Parcels, pursuant to the procedures set forth in M.G.L. c.30B, subject to a deed restriction that these Parcels shall be permanently

TOWN OF LITTLETON, MASSACHUSETTS

combined with each other and with another abutting lot or lots to collectively form no more than one building lot for a single-family dwelling, and subject to such other terms and conditions as the Board shall determine to be in the best interests of the Town.

Board of Selectmen supports Article 13. Finance Committee does not support.



[OTHER ARTICLES, INCLUDING ROUTINE AUTHORIZATIONS & REAUTHORIZATIONS]

ARTICLE 14

Board of Selectmen

Town By-law Amendments: Town Administrator; Department of Finance & Budget

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

(1) by amending Chapter 3, ADMINISTRATOR, TOWN, so that Section 3 reads follows:

The Town Administrator shall directly supervise and conduct performance reviews for the following current and future department heads unless otherwise specified by statute: Assistant Town Administrator; ~~for~~ Director of Finance and Budget; Head of the Highway Department; Facilities Manager; Head of Information Technology; Building Commissioner; Human Resources; Director of Elder and Human Services; and Littleton Community Television (LCTV) Executive Director. The department heads shall be appointed by, and can be removed by, the Town Administrator subject to the approval of the Board of Selectmen. The appointment of the Director of Elder and Human Services shall also be subject to approval by the Council on Aging. Employees of the heads of said departments shall be appointed by the department head subject to

TOWN OF LITTLETON, MASSACHUSETTS

approval of the Town Administrator. *The Executive Assistant to the Town Administrator shall be appointed by the Town Administrator.*

(2) by amending Chapter 17, FINANCE AND BUDGET, DEPARTMENT OF, so that all references to "Assistant Town Administrator for Finance and Budget" instead read "Director of Finance and Budget" and all references to "AAFB" instead read "DFB."

or to take any other action in relation thereto.

[Article 14 proposed to amend the Town By-laws so that the Assistant Town Administrator for Finance and Budget (AAFB) can transition to Director of Finance and Budget, to focus on finance, by creating an Assistant Town Administrator as second-in-command to whom many of the AAFB's non-finance functions would be assigned. The 2007 Town Government Study Committee report-- which strengthened the Town Administrator (TA) position and created the AAFB-- found that at some point in the future as the Town grows, the TA and AAFB positions may require hiring additional support to better leverage both.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to approve Article 14 as printed in the Town Meeting Report.

Board of Selectmen and Finance Committee support Article 14.

ARTICLE 15

Board of Selectmen

Establish Other Post-Employment Benefits Liability Trust Fund

To see if the Town will vote to accept the provisions of M.G.L. c.32B, §20, as amended by Chapter 218, Section 15 of the Acts of 2016, to establish Other Post-Employment Benefits Liability Trust Fund; or to take any other action in relation thereto.

[Article 15 authorizes the Town to accept changes to MGL c.32B,§20, included in the municipal modernization act which becomes effective November 7, 2016, to establish an Other Post-Employment Benefit Liability Trust Fund (OPEB Trust). Town Meeting had accepted a prior version of that statute in November 2013. The new statute conforms to the requirements of the Governmental Accounting Standards Board. The OPEB Trust is designed to hold the funds necessary to pay the health and life insurance benefits the Town provides to its retired employees. The Town began funding its obligation in 2010, with a total of \$8,352,952 set aside as of 9/30/2016. The Town's unfunded OPEB liability has been calculated at \$31.1-million.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to accept the provisions M.G.L. c.32B, §20, as amended by Section 15 of the Chapter 218 of the Acts of 2016, establishing an Other Post-Employment Benefits Liability Trust Fund; to authorize the Board of Selectmen and Treasurer to execute a declaration of trust creating an expendable trust for the purpose of holding monies appropriated to such fund; to designate the Treasurer as the trustee of such trust; to authorize the transfer of any and all monies currently held for the purpose of paying retiree health and life benefits to such trust; to authorize the trustee to invest and reinvest the monies in such fund in accordance with the prudent investor rule established in M.G.L. c.203C; to authorize the trustee to employ investment consultants to assist in determining appropriate investments and to pay for such services from the trust fund; and to authorize the participation of the Town of Littleton Electric Light Department in the trust fund in accordance with procedures and criteria established by the trustee.

Finance Committee and Board of Selectmen support Article 15.

ARTICLE 16
Voter Petition
Online Posting of Town Notices

To see if the Town will vote to: In addition to any current posting requirements, all public notices of the meetings of regulatory boards and appointed committees shall be posted online at the Town's website, in accordance with the same timeframes required for posting physical copies of said notices; or to take any other action in relation thereto.

[Article 16 is a voter petition which seeks to adopt an alternative posting method under 940 CMR 29.03(2)-(5), according to the petitioner: "The present posting location is the bulletin board behind the Town Hall. This warrant article would adopt as an alternative posting method, the town website." Town Counsel opines, however, that it is the Town Clerk, and not Town Meeting, that is empowered to submit any alternative posting method to substitute for the principal method of posting on the Town Hall bulletin board.]

Motion: To be made at town meeting.

ARTICLE 17
Voter Petition
Ballot and Checklist Vote Procedure for Expenditures in Excess of \$250,000

To see if the Town will vote to: As a matter of procedure relative to any expenditure in excess of \$250,000.00, ballot and checklist is allowed for any measure at any Town Meeting or any Special Town Meeting if six or more eligible voting members of the Town Meeting or the Special Town Meeting request a ballot and checklist vote. Then said vote shall not be preceded by either a voice vote or a hand count vote and will go directly to ballot and checklist vote; or to take any other action in relation thereto.

[Article 17 is a voter petition submitted "in an effort to improve the citizen experience, culture, and recording of votes" at town meetings, according to the petitioner. MGL c.39, §15 provides that a "town may pass by-laws . . . for the regulation of the proceedings at town meetings", and Town Counsel has opined that this proposal must instead be in the form of a Town by-law. Such a by-law amendment would not become effective until it is approved by the Attorney General and posted by the Town, and would not impact any vote taken at the November 16, 2016 Special Town Meeting.

[The Town By-laws currently limit use of the ballot-and-checklist to borrowing votes only, and not to the operating budgets or other capital appropriations. Town Code § 18-6, *Manner of authorizing indebtedness*, provides that "Whenever a two-thirds vote is required by law to authorize the Town to incur indebtedness, the manner of voting shall be by ballot, and a checklist of the voters of the Town shall be used; provided, however, that, by unanimous vote, the Town Meeting may dispense with the requirement for use of the ballot and checklist, and the vote to incur indebtedness may be conducted in such manner as the Moderator determines."]

Motion: To be made at town meeting.



November 16, 2016 Special Town Meeting #2

7:30 p.m. Charles Forbes Kaye Gymnasium, Littleton Middle School

ARTICLE 1

Board of Selectmen

Economic Development Incentive Program / Tax Increment Financing Agreement Patriot Beverage, LLC, for former Sunny Delight property, 3 & 20 Harvard Road

To see if the Town will vote, pursuant to M.G.L. c.40, §59, and M.G.L. c.23A, §3E and §3F, to authorize the Board of Selectmen to (a) approve a Tax Increment Financing (“TIF”) Agreement between the Town and Patriot Beverage, LLC, its successors and assigns, for property containing approximately 23.62 acres located at 3 and 20 Harvard Road, as shown on Assessors Map U44, Parcels 20-0 and 6-0, which TIF Agreement provides for real estate and personal property tax exemptions and approve a Certified Project application submission to the Massachusetts Economic Assistance Coordinating Council (EACC); and (b) execute the TIF Agreement, and approve submission to the EACC of the TIF Agreement and Certified Project application, all relating to the project as described in the TIF Agreement, and any necessary documents relating thereto, and to take such other actions as are necessary or appropriate to obtain approval of the TIF Agreement and Certified Project application, and related submissions and to take such other actions as necessary or appropriate to implement those documents; or to take any other action in relation thereto.

[Article 1 would authorize the Board of Selectmen to approve a Tax Increment Financing (TIF) agreement with Patriot Beverage, LLC, which is acquiring the former Sunny Delight / Veryfine property on Harvard Road to use as a bottling facility.

[TIF is a jobs growth program which Littleton has used to provide discounts on the property tax for the improved value of the property, which then qualifies the company for an investment tax credit from the State for jobs created. Littleton voters have authorized the Selectmen to approve four TIF agreements thus far— 550 King St. (IBM), 151 Taylor St. (Curtiss-Wright), 53 Ayer Rd. (FIBA Technologies), and 3 Distribution Center Circle (Potpourri Group).

[Patriot Beverage’s principals run a bottling cooperative in Ayer which produces and bottles products for PepsiCo. Acquiring this facility in Littleton will allow for further growth and an ability to add other Pepsi-produced product lines to its production. Patriot Beverage will invest \$22.75-million in the Harvard Road facility, for the creation of 50 full-time jobs.

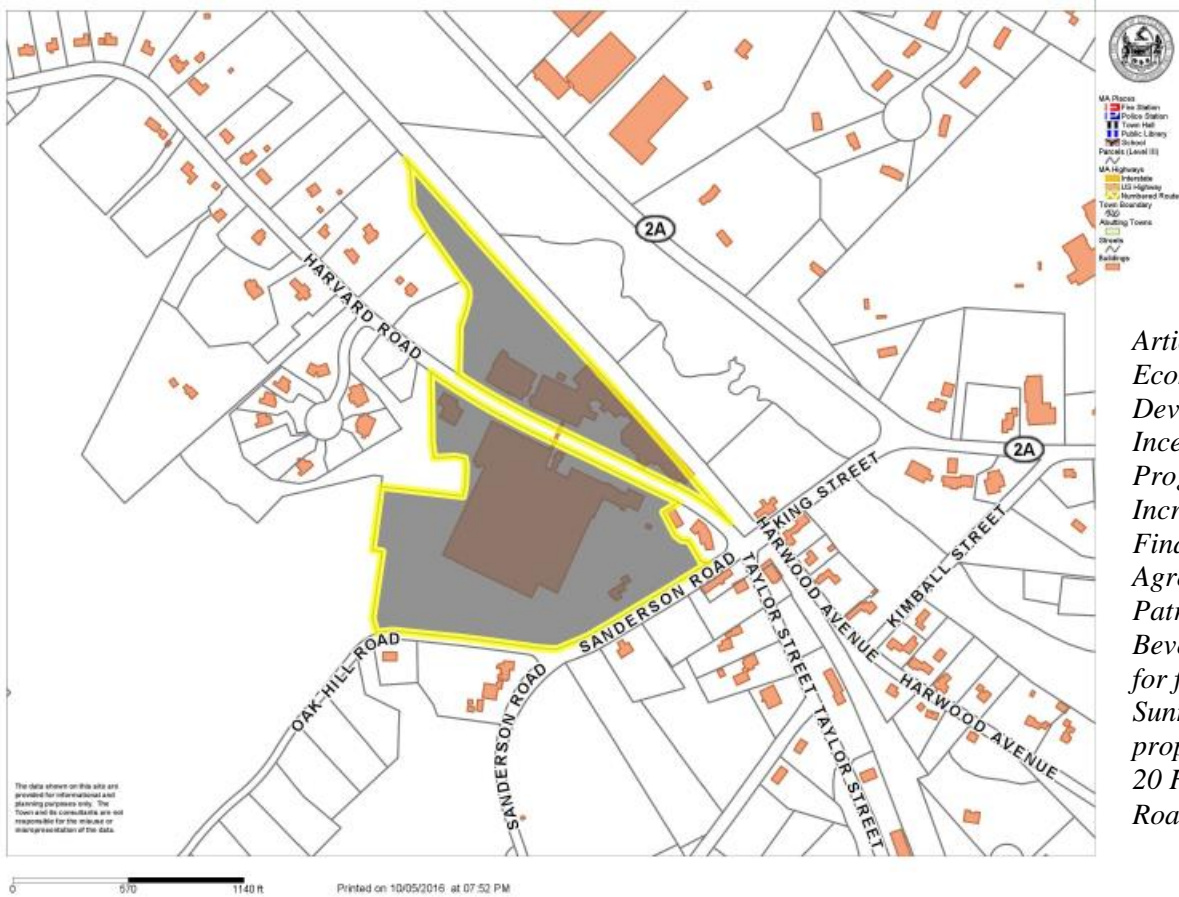
[The TIF agreement would apply discounts-- of 10% in years 1 and 2; 7.5% in years 3 and 4; and 5% in years 5, 6, and 7-- on an estimated \$8.1-million in incremental value, for a total reduction in property taxes of \$113,736 over 7 years. A host community agreement provides for \$20,000 paid to the Town by year 5; so the aggregate discount is 5.9%, or \$93,736.

[State approval of the TIF would then be sought at the Economic Assistance Coordinating Council’s quarterly meeting on December 13, 2016.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to approve Article 1 as printed in the warrant.

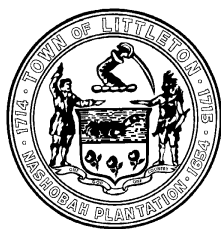
Board of Selectmen and Finance Committee support Article 1.

TOWN OF LITTLETON, MASSACHUSETTS



*Article 1.
Economic
Development
Incentive
Program / Tax
Increment
Financing
Agreement
Patriot
Beverage, LLC,
for former
Sunny Delight
property, 3 &
20 Harvard
Road*

TOWN OF LITTLETON, MASSACHUSETTS



Town of Littleton
Board of Selectmen
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