

**WARRANT FOR
WEDNESDAY, NOVEMBER 12, 2014 at 7:00 PM
SPECIAL TOWN MEETING
TOWN OF LITTLETON**

Commonwealth of Massachusetts

Middlesex, ss.

To any Constable of the Town of Littleton in the County of Middlesex,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Littleton qualified to vote in the elections and Town affairs, to meet in the **Charles Forbes Kaye Gymnasium, Littleton Middle School, 55 Russell Street in said Town of Littleton on Wednesday, the Twelfth day of November, 2014 at 7:00 o'clock in the evening** by posting a printed copy of this warrant, by you attested, at eight meeting houses, at the Town Office Building on Shattuck Street, at the Post Office at Littleton Common, at the Post Office at Littleton Depot, at the Baptist Church, at the Unitarian Church, at the Catholic Church, at the Congregational Church, and at the Mormon Church, in said Town, fourteen days at least before the Twelfth day of November, 2014 then and there to act on the following 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 2
Board of Selectmen
FY 2015 Budget Amendments

To see if the Town will vote to amend the FY 2015 Operating Budget, as adopted pursuant to Article 4 of the May 5, 2014 Annual Town Meeting, by adjusting budget line items, or to take any other action in relation thereto.

ARTICLE 3
Board of Selectmen
Supplemental FY 2015 Capital Items from Available Funds

To see if the Town will vote to raise and appropriate or transfer from available funds a sum or 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. Master Plan Update - \$50,000, to increase from \$100,000 to \$150,000 the amount appropriated under Article 7, Item VI-C of the May 5, 2014 Annual Town Meeting, to be expended by the Planning Board to update the Town's Master Plan.

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B. Elder & Human Services Needs Assessment – \$35,000 to be expended under the direction of the Director of Elder and Human Services to conduct an elder and human services needs assessment.

C. Fuel Facility Replacement – \$212,000 to replace the fuel facility at 39 Ayer Road.

ARTICLE 4
Board of Selectmen / Council on Aging
Property Tax Deferral for Seniors

To see if the Town will vote to increase the gross receipts that seniors may have in the prior calendar year to be eligible to defer property taxes under G.L. c. 59 § 5, Clause 41A from \$20,000 to \$55,000 (100% of the amount established annually by the Commissioner of Revenue as the income limit for single seniors who are not heads of households to qualify for the “circuit breaker” state income tax credit for the preceding state tax year), with such increase to be effective for deferrals granted for taxes assessed for the fiscal year beginning on July 1, 2014; and further, to vote to reduce the rate of interest that accrues on property taxes deferred by eligible seniors under G.L. c. 59, § 5, Clause 41A from 8% to 1%, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2014. If the property is transferred or the taxpayer dies before the account is paid, however, interest accrues at the 16% per year rate provided in G.L. c. 60, § 62 for ordinary tax title accounts from twelve months after the date of sale or death until payment is made; or to take any other action in relation thereto.

ARTICLE 5
Board of Selectmen
Amend FY 2015 Personal Exemption Amounts

To see if the Town will vote to amend its vote under Article 23 of the May 5, 2014 Annual Town Meeting to increase the personal exemption amounts therein from twenty percent (20%) to fifty percent (50%), so that said article reads as follows: “to accept Chapter 73 of the Acts and Resolves of 1986, as amended by Chapter 126 of the Acts and Resolves of 1988, and under the provisions thereof to grant additional real estate tax exemptions for fiscal year 2015 to those persons who otherwise qualify for an exemption under Clauses 17D, 22, 22A, 22B, 22C, 22D, 22E, 37A or 41C of section 5 of Chapter 59 of the General Laws (elderly persons, disabled veterans, or blind persons), in an amount equal to *twenty fifty* percent (2050%) of said exemption,” or to take any other action in relation thereto.

ARTICLE 6
Board of Selectmen / Planning Board
Appropriation into Community Preservation Fund Recreation Reserve

To see if the Town will vote, pursuant to MGL C.44B, §3b½, to appropriate/transfer to the Community Preservation Fund Recreation Reserve the following sums totaling \$200,000 for active recreation purposes, which appropriations also increase the base for CPA state matching funds:

- (1) the sum of \$100,000 from The Orchards Subdivision Mitigation Reserve for Appropriation, said sum having been donated by the developer of The Orchards subdivision as an alternative means of addressing the Planning Board’s concerns regarding the nature of the open space associated with the Orchards development; and
- (2) the sum of \$100,000 from the Fifteen Great Road Mitigation Reserve for Appropriation, said sum having been donated by the developer of the Village Green development at 15 Great Road;

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or to take any other action in relation thereto.

ARTICLE 7
Voter Petition
Turf Fields Design

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow the sum of \$200,000 to be expended by the Permanent Municipal Building Committee, as directed by Town Meeting, for the purpose of funding the design construction of two turf fields at the Littleton High School and the Alumni Field; or to take any other action in relation thereto.

ARTICLE 8
Board of Selectmen
Tax Increment Financing – 3 Distribution Center Circle

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: (a) approve a Tax Increment Financing (“TIF”) Agreement between the Town, Potpourri Group, Inc. (“Company”) and the parent holding company, PHI Acquisitions, Inc., and MA Littleton Land LLC, for property containing approximately 51.82 acres located at 3 Distribution Center Circle, as shown on Assessors Map R21, Parcel 9-1, which TIF Agreement provides for real estate tax exemptions and approve a Certified Project application submission to the Massachusetts Economic Assistance Coordinating Council (EACC); and (b) authorize the Board of Selectmen to 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 9
Board of Selectmen
Amend FY 2015 Revolving Funds: Dog By-law Enforcement

To see if the Town will vote to amend its vote under May 5, 2014 Annual Town Meeting Article 3, FY 2015 Revolving Funds, so that Item (2), Dog By-law Enforcement: reads as follows: “to allow receipts from dog license fees and fines to be segregated into a special account; and with funds therefrom, up to a limit \$5,000 of \$12,000 annually, to be expended for costs associated with by-law enforcement, under the direction of the ~~Town Clerk~~ *Chief of Police*”; or to take any other action in relation thereto.

ARTICLE 10
Board of Selectmen
Town By-law Amendment: Community Preservation Committee

To see if the Town will vote to amend Town Code Chapter 14, “Community Preservation Committee By-law,” so that the second sentence of §14-1, “Membership of the Committee,” reads as follows:

The composition of the Committee, the appointing authority and the term of office for the Committee members shall be as follows: one member of the Conservation Commission as designated by said Commission; one member of the Historical Commission as

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designated by said Commission; one member of the Planning Board as designated by said Board; one member of the Park and Recreation Commissioners, as designated by said Commissioners; one member of the Littleton Housing Authority as designated by said Authority; *one member of the Finance Committee as designated by said Committee;* and ~~four~~ *three* individuals to be appointed by the Board of Selectmen.
or to take any other action in relation thereto.

ARTICLE 11

Board of Selectmen

Town By-law Amendment: Finance Committee Eligibility Requirements

To see if the Town will vote to amend the Town Code Chapter 13, "Committees", Article I, "Finance Committee," so that Section 13-3, "Eligibility for appointment," reads as follows:

No one shall be eligible for appointment to the Finance Committee who, at the time of his/her appointment, *is not a resident of the town*, is an elected officer of the town or an appointed officer with power to incur expense chargeable against appropriated funds; ~~provided, however, that nothing herein shall make the Town Council ineligible for such appointment.~~ If a member, during his/her term, becomes ineligible for appointment to the Finance Committee, his/her place shall become vacant.

or to take any other action in relation thereto.

ARTICLE 12

Board of Selectmen

Town By-law Amendment: Boards, Appointed - Residency Requirement

To see if the Town will vote to amend the Town Code by adding a new Chapter 7, "Boards, Appointed," and Section 1, "Residency Requirement," to read as follows:

7.1 Residency Requirement - Except as otherwise provided by state law or regulation, a person shall not be a member of an appointed town board, committee or commission established by statute or vote of town meeting unless he or she is a resident of the town of Littleton.

or to take any other action in relation thereto.

ARTICLE 13

Board of Selectmen

Town By-law Amendment: Boards, Appointed - Removal

To see if the Town will vote to amend the Town Code by adding a new Section 2, "Removal," to read as follows:

7.2 Removal – Any appointed member of a town board, committee or commission established by statute or vote of town meeting may be removed for cause by the appointing authority upon written charges and after a public hearing.

or to take any other action in relation thereto.

ARTICLE 14

Board of Selectmen / Planning Board

Road Acceptances: New Estate Road and Nagog Hill Road

To see if the Town will vote as follows:

Whereas, New Estate Road and Nagog Hill Road were both constructed prior to 1846; and
Whereas, both roads serve as primary roads in Littleton; and

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Whereas, the Town has provided continuous and regular maintenance of both roads, and treated them as public ways in all respects; and

Whereas, despite a review of Town records, Town Meeting votes to accept New Estate Road and Nagog Hill Road have not been identified; and

Whereas, in order accept state grant funds needed to upgrade both roads, the Town must demonstrate that both roads are public ways.

Therefore, shall the Town vote:

- (1) to accept, as a Town way, the layout by the Board of Selectmen of the way known as "New Estate Road", and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain the land, rights, and easements therein for drainage, utility, or other purposes, all as shown on a plan entitled, "Street Acceptance Plan of New Estate Road, Littleton, Massachusetts", dated September 4, 2014 and prepared by Green International Affiliates, Inc., and to name said street "New Estate Road";
- (2) to accept, as a Town way, the layout by the Board of Selectmen of the way known as "Nagog Hill Road", and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain the land, rights, and easements therein for drainage, utility, or other purposes, all as shown on a plan entitled, "Street Acceptance Plan of Nagog Hill Road, Littleton, Massachusetts", dated September 4, 2014 and prepared by Green International Affiliates, Inc., and to name said street "Nagog Hill Road";

or to take any other action in relation thereto.

Hereof fail not and make due return of the Warrant with your doings thereon to the Town Clerk at the time and place of meeting aforesaid.

SELECTMEN OF LITTLETON

Chairman

Clerk

Member

Member

Member

A TRUE COPY ATTEST:

Constable, Town of Littleton

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CONSTABLE'S CERTIFICATION

I hereby certify under the pains and penalties of perjury that I posted an attested copy of this Warrant at the Town Office Building on Shattuck Street, at the Post Office at Littleton Common, at the Post Office at Littleton Depot, at the Baptist Church, at the Unitarian Church, at the Catholic Church, at the Congregational Church, and at the Mormon Church, in said Town, on the date attested. I further certify that this Warrant was posted in accordance with the Code of the Town of Littleton and the provisions of M.G.L. c.39, §10.

Attest: _____

Constable

Date: _____