



TOWN OF LITTLETON

NOVEMBER 5, 2007

SPECIAL TOWN MEETING

*Monday, November 5, 2007 at 7 p.m.
Littleton Middle School Gymnasium
55 Russell Street, Littleton, MA 01460*

ARTICLE 1

Board of Selectmen

Bills of Prior Years

To see if the Town will vote to transfer a sum of money from available funds to pay unpaid bills from prior fiscal years, or act in any manner in relation thereto.

Motion: Moved and seconded by the Board of Selectmen that the Town vote to transfer from Overlay Surplus the sum of \$4,542.92 to pay for unpaid bills from previous fiscal years, as listed below:

<u>Vendor</u>	<u>Dept.</u>	<u>Amount</u>
Hess Corporation	Gasoline	\$845.64
Athol Press, Inc.	Town Reports	2820.20
MASCO, Inc.	Selectmen	868.00
Municipal Management Associates, Inc.	Public Buildings	9.08
<i>Total</i>		<i>\$4,542.92</i>

Finance Committee supports Article 1 for \$4,543.

Board of Selectmen supports Article 1.

ARTICLE 2

Board of Selectmen

FY 2008 Budget Adjustments

To see if the Town will vote to amend the FY2008 Operating Budget, as adopted under Article 4 of the May 5, 2007 Annual Town Meeting, by adjusting budget line items, or act in any manner in relation thereto.

Motion: Moved and seconded by the Board of Selectmen that the Town vote to amend the FY2008 Operating Budget, as adopted under Article 4 of the May 5, 2007 Annual Town Meeting, by adjusting budget line items:

<u>Budget</u>	<u>Line Item</u>	<u>FY08 ATM Budget Adopted</u>	<u>Adjustment</u>	<u>FY08 Adjusted Budget</u>
3	Selectmen – Wages	\$125,291	\$7,300	\$132,591
5	Selectmen – Expenses	13,200	900	14,100
43	Public Buildings - Wages	35,387	4,151	39,538
44	Public Buildings - Expenses	227,500	4,800	232,300
55	Police – Expenses	86,308	10,220	96,528
157	Debt Service – Short Term Interest	466,840	179,921	646,761
158	Debt Service – Long Term Debt	3,751,201	(179,921)	3,571,280
162	Total Budget Appropriated	\$27,944,879	+\$32,545	\$27,977,424
183	Total Raise and Appropriate	\$27,215,998	+\$32,545	\$27,248,543

**Finance Committee supports the above amounts for Article 2.
Board of Selectmen supports Article 2.**

Finance Committee will make recommendations from the floor on the amounts below marked with asterisk (*) and on any new items.

<u>Budget</u>	<u>Line Item</u>	<u>FY08 ATM Budget Adopted</u>	<u>Adjustment</u>	<u>FY08 Adjusted Budget</u>
122	Library – Wages*	330,050	6,540	336,590
123	Library – Expenses*	65,700	1,911	67,611
162	Total Budget Appropriated	\$27,944,879	+\$40,996	\$27,985,875
183	Total Raise and Appropriate	\$27,215,998	+\$40,996	\$27,256,994

ARTICLE 3
Board of Selectmen
Minuteman Tech

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum of money not to exceed \$16,250.00 for the purpose of paying the educational costs assessed by Minuteman Technical High School, or to take any other action in relation thereto.

Motion: Moved and seconded by the Board of Selectmen that the Town vote to transfer from Overlay Surplus the sum of \$16,250.00 for the purpose of paying the educational costs assessed by Minuteman Technical High School.

Finance Committee supports Article 3 for \$16,250.

Board of Selectmen supports Article 3.

ARTICLE 4
Board of Selectmen
Economic Development Strategy/Action Plan

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum of money not to exceed \$25,000.00 for the purpose of formulating an economic development strategy and action plan, or to take any other action in relation thereto.

Motion: Moved and seconded by the Board of Selectmen that the Town vote to transfer from Overlay Surplus the sum of \$25,000.00 for the purpose of formulating an economic development strategy and action plan.

Finance Committee supports Article 4 for \$25,000.

Board of Selectmen supports Article 4.

ARTICLE 5
Board of Selectmen
MGL C. 43D - Priority Development Sites

To see if the Town will vote to accept the provisions of chapter 43D of the Massachusetts General Laws as amended pursuant to Section 11 of chapter 205 of the acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for the designation of land at 550 King Street (Map U8, Parcel 10) and the Cisco property, so-called, on Great Road (Map R18, Parcel 1-2) as Priority Development Sites, or take any other action in relation thereto.

Motion: Moved and seconded by the Board of Selectmen that the Town vote to accept the provisions of chapter 43D of the Massachusetts General Laws as amended pursuant to Section 11 of chapter 205 of the acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for the designation of land at 550 King Street (Map U8,

Parcel 10) and the Cisco property, so-called, on Great Road (Map R18, Parcel 1-2) as Priority Development Sites.

Board of Selectmen supports Article 5.

Planning Board supports Article 5.

ARTICLE 6

Board of Selectmen/School Committee Re-designate school article purpose

To see if the Town will vote to amend its vote under Article 7, Item h. School Facilities of the May 5, 2007 Annual Town Meeting by amending the purpose to read as follows “replace exhaust fans *and fix and repair the interior fire doors* at Russell Street School,” and to permit the borrowing of funds authorized to be borrowed under that article for this propose, or to take any other action in relation thereto.

Motion: Moved and seconded by the Board of Selectmen that the Town vote to amend its vote under Article 7, Item h. School Facilities, of the May 5, 2007 Annual Town Meeting by amending the purpose to read as follows “replace exhaust fans *and fix and repair the interior fire doors* at Russell Street School,” and to permit the borrowing of funds authorized to be borrowed under that article for this purpose.

Finance Committee supports Article 6.

Board of Selectmen supports Article 6.

School Committee supports Article 6.

ARTICLE 7

Board of Selectmen Town Hall Office Space Reconfiguration

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow the sum of \$75,000.00 for the purpose of reconfiguring Town Hall office space; or to take any other action in relation thereto.

Motion: Moved and seconded by the Board of Selectmen that the Town vote to transfer from Overlay Surplus the sum of \$75,000.00 for the purpose of reconfiguring Town Hall office space.

Finance Committee supports Article 7 for \$75,000.

Board of Selectmen supports Article 7.

ARTICLE 8
Board of Selectmen
By-law Amendment – Community Preservation Committee

To see if the Town will vote to amend the Town Code by adding a new Chapter 14, "Community Preservation Committee," to read as follows:

Chapter 14. Community Preservation Committee By-law

§14-1. Membership of the Committee. There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to the provisions of M.G.L. c.44B,s5. 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 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; and four individuals to be appointed by the Board of Selectmen. Each member of the Committee shall serve for a term of three years or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier; provided, however, that two of the Board of Selectmen's appointees shall be appointed for initial terms of three years, one appointee shall be appointed for an initial term of two years, and the final appointee shall be appointed for an initial term of one year. Should any of the officers and commissions, boards, or committees who have appointing authority under this Chapter be no longer in existence for whatever reason, the Board of Selectmen shall appoint a suitable person to serve in their place.

§14-2. Duties. The Community Preservation Committee shall have the powers and responsibilities specified in M.G.L. Chapter 44B, section 5(b) or other applicable provisions of the General Laws.

§14-3. Requirement for a quorum and cost estimates. The Committee shall not meet or conduct business without the presence of a majority of the members of the Community Preservation Committee. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the Committee's anticipated costs.

§14-4. Severability. If any provision of this Chapter is found invalid for any reason by a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of this Chapter shall be deemed to be amended to the minimum extent necessary to provide the Town substantially the benefits set forth in this Chapter.

§14-5. Appointments. Each appointing authority shall have thirty (30) days after the effective date to make its appointments. or to take any other action in relation thereto.

Motion: Moved and seconded by the Board of Selectmen that the Town vote to amend the Town Code by adding a new Chapter 14, "Community Preservation Committee," to read as follows:

Chapter 14. Community Preservation Committee By-law

§14-1. Membership of the Committee. There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to the provisions of M.G.L. c.44B, §5. 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 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; and four individuals to be appointed by the Board of Selectmen. Each member of the Committee shall serve for a term of three years or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier; provided, however, that two of the Board of Selectmen's appointees shall be appointed for initial terms of three years, one appointee shall be appointed for an initial term of two years, and the final appointee shall be appointed for an initial term of one year. Should any of the officers and commissions, boards, or committees who have appointing authority under this Chapter be no longer in existence for whatever reason, the Board of Selectmen shall appoint a suitable person to serve in their place.

§14-2. Duties. The Community Preservation Committee shall have the powers and responsibilities specified in M.G.L. Chapter 44B, section 5(b) or other applicable provisions of the General Laws.

§14-3. Requirement for a quorum and cost estimates. The Committee shall not meet or conduct business without the presence of a majority of the members of the Community Preservation Committee. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the Committee's anticipated costs.

§14-4. Severability. If any provision of this Chapter is found invalid for any reason by a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of this Chapter shall be deemed to be amended to the minimum extent necessary to provide the Town substantially the benefits set forth in this Chapter.

§14-5. Appointments. Each appointing authority shall have thirty (30) days after the effective date to make its appointments.

Board of Selectmen supports Article 8.

ARTICLE 9
Board of Selectmen
By-law Amendment – Town Meetings

To see if the Town will vote to amend the Town Code, Chapter 41, Town Meetings, by deleting Section 41-1 thereof in its entirety and replacing it with the following:

§41-1 Dates when held

The Annual Town Meeting shall be held on the first Monday in May at 6 p.m. and the Annual Town Election on the following Saturday.

Or to take any other action in relation thereto.

Motion: Moved and seconded by the Board of Selectmen that the Town vote to amend the Town Code, Chapter 41, Town Meetings, by deleting Section 41-1 thereof in its entirety and replacing it with the following: “§41-1 Dates when held. The Annual Town Meeting shall be held on the first Monday in May at 6 p.m. and the Annual Town Election on the following Saturday.”

Board of Selectmen supports Article 9.

ARTICLE 10
Board of Selectmen
Closing Town Clerk’s Office on Saturday

To see if the Town will vote to accept Chapter 51, Section 31 of the General Laws, *Final day for registration*, which provides as follows:

Section 31. If the final day for registration of voters falls on Sunday or on a holiday, the preceding day shall be the final day for such registration.

and further, to see if the Town will vote, pursuant to Chapter 41, section 110A of the General Laws, to close the Town Clerk’s Office on all Saturdays.

Or to take any other action in relation thereto.

Motion: Moved and seconded by the Board of Selectmen that the Town vote to accept Chapter 51, Section 31 of the General Laws, *Final day for registration*, which provides as follows: Section 31. If the final day for registration of voters falls on Sunday or on a holiday, the preceding day shall be the final day for such registration; and further, to vote, pursuant to Chapter 41, section 110A of the General Laws, to close the Town Clerk's Office on all Saturdays.

Board of Selectmen supports Article 10.

ARTICLE 11
Board of Selectmen
Street Acceptance - Nancy's Way

To see if the Town will vote to accept, as a Town way, the layout by the Board of Selectmen of the private way known as "Nancy's Way", varying from 40 feet in width, from the westerly sideline of Whitcomb Avenue, a distance of approximately 981 feet, and to authorize the Board of Selectmen to acquire by eminent domain or otherwise, the land and easements for drainage, utility, or other purposes, all as shown on a plan entitled: "As-Built Plan of Nancy's Way, Littleton, Mass" dated February 21, 2007, said street having been constructed to the satisfaction of the Planning Board and to name said street "Nancy's Way" or take any other action in relation thereto.

Motion: Moved and seconded by the Board of Selectmen that the Town vote to accept, as a Town way, the layout by the Board of Selectmen of the private way known as "Nancy's Way", varying from 40 feet in width, extending from the westerly sideline of Whitcomb Avenue, a distance of approximately 981 feet, and to authorize the Board of Selectmen to acquire by eminent domain or otherwise, the land and easements for drainage, utility, or other purposes, all as shown on a plan entitled: "As-Built Plan of Nancy's Way, Littleton, Mass" dated February 21, 2007, said street having been constructed to the satisfaction of the Planning Board and to name said street "Nancy's Way."

Board of Selectmen supports Article 11.

Planning Board supports Article 11.

ARTICLE 12
Board of Selectmen
Acquire Easement – Nashoba Trail

To see if the Town will vote to authorize the Board of Selectmen to acquire easements on the following described parcels and/or rights in land by purchase, gift or eminent domain for the purposes of roadway drainage improvements on Nashoba Trail, as shown on a plan # L-10380 prepared by David E. Ross Associates, Inc., dated January 2007, titled: “plan of easements” in Littleton, Mass., prepared for the Town of Littleton, or take any other action in relation thereto.

Motion: Moved and seconded by the Board of Selectmen that the Town vote to authorize the Board of Selectmen to acquire easements, by purchase, gift or eminent domain on the following described parcels and/or rights in land for the purposes of roadway drainage improvements on Nashoba Trail, as shown on a plan # L-10380 prepared by David E. Ross Associates, Inc., dated January 2007, titled: “Plan of Easements” in Littleton, Mass., prepared for the Town of Littleton.

Board of Selectmen supports Article 12.

ARTICLE 13
Board of Selectmen
Abandon Easement – Nashoba Trail

To see if the Town will vote to authorize the Board of Selectmen to abandon easements on the following described parcels on Nashoba Trail, as shown on a plan # L-10380 prepared by David E. Ross Associates, Inc., dated January 2007, titled: “plan of easements” in Littleton, Mass., prepared for the Town of Littleton, or take any other action in relation thereto.

Motion: Moved and seconded by the Board of Selectmen that the Town vote to authorize the Board of Selectmen to abandon easements on the following described parcels on Nashoba Trail, as shown on a plan # L-10380 prepared by David E. Ross Associates, Inc., dated January 2007, titled: “Plan of Easements” in Littleton, Mass., prepared for the Town of Littleton.

Board of Selectmen supports Article 13.

ARTICLE 14
Board of Selectmen/School Committee
Procurement By-law

To see if the Town will vote to amend the General Bylaws of the Town by adding a new section to the Littleton Code as follows: "Any Town officer or board authorized by the General Laws or the Town Code to enter into contracts for the procurement of goods or services is hereby authorized, pursuant to General Laws Chapter 30B, section 12, to enter into such contracts for terms not to exceed five (5) years, unless a longer term is specifically authorized by a vote of Town Meeting," or take any other action in relation thereto.

Motion: Moved and seconded by the Board of Selectmen that the Town vote to amend the General Bylaws of the Town by adding a new section to the Littleton Code as follows: "Any Town officer or board authorized by the General Laws or the Town Code to enter into contracts for the procurement of goods or services is hereby authorized, pursuant to General Laws Chapter 30B, section 12, to enter into such contracts for terms not to exceed five (5) years, unless a longer term is specifically authorized by a vote of Town Meeting."

Board of Selectmen supports Article 14.
School Committee supports Article 14.

ARTICLE 15
Board of Selectmen
Fill Easement – 51 Lake Shore Drive

To see if the Town will vote to authorize the granting of a fill easement on Town property as shown on a plan of land entitled "Proposed Sewage Disposal System Upgrade" for 51 Lake Shore Drive, Littleton, Massachusetts, prepared by R. Wilson and Associates, dated June 11, 2004 (last revised February 15, 2006), in order to facilitate the construction and maintenance of retaining walls as part of the septic system for 51 Lake Shore Drive, or to take any other action in relation thereto.

Motion: Moved and seconded by the Board of Selectmen that the Town vote to authorize the granting of a fill easement on Town property as shown on a plan of land entitled "Proposed Sewage Disposal System Upgrade" for 51 Lake Shore Drive, Littleton, Massachusetts, prepared by R. Wilson and Associates, dated June 11, 2004 (last revised February 15, 2006), in order to

facilitate the construction and maintenance of retaining walls as part of the septic system for 51 Lake Shore Drive.

Board of Selectmen supports Article 15.

Board of Health supports Article 15.

ARTICLE 16
Board of Water Commissioners
Cobb's Well Development

To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sum or sums of money for the purpose of funding the development of the Cobb's Well site as a future public water supply for the Town of Littleton Water Department, utilizing rock wells, or to take any other action relative thereto.

Motion: Moved and seconded by the Board of Water Commissioners that the Town vote to appropriate the sum of \$200,000.00 to pay the costs of developing the Cobb's Well site as a future public water supply for the Town of Littleton and to pay all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said sum under and pursuant to Chapter 44, Section 8(5), of the General Laws, or pursuant to and any other enabling authority, and to issue bonds or notes of the Town therefor, and further, that although the borrowing authorized by this vote must constitute a general obligation of the Town pursuant to Chapter 44 of the General Laws, it is the intention of the Town that the repayment of any borrowing authorized hereunder shall, in the first instance, be made from water system revenues.

Finance Committee supports Article 16 for \$200,000.

Board of Water Commissioners supports Article 16.

Board of Selectmen supports Article 16.

ARTICLE 17
Board of Water Commissioners
Ozone Generator - Spectacle Pond Treatment Plant

To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sum or sums of money for the purpose of funding the repair and upgrade of the Ozone Generator at the Spectacle Pond Treatment Plant and for the cleaning of the No. 5 production well, or to take any other action relative thereto.

Motion: Moved and seconded by the Board of Water Commissioners that the Town vote to appropriate the sum of \$100,000.00 to pay the costs of repair and upgrade of the Ozone Generator at the Spectacle Pond Treatment Plant, for the cleaning of the No. 5 production well and for the payment of all other costs incidental and 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 8(7C), of the General Laws, or pursuant to and any other enabling authority, and to issue bonds or notes of the Town therefor, and further, that although the borrowing authorized by this vote must constitute a general obligation of the Town pursuant to Chapter 44 of the General Laws, it is the intention of the Town that the repayment of any borrowing authorized hereunder shall, in the first instance, be made from water system revenues.

Finance Committee supports Article 17 for \$100,000.

Board of Water Commissioners supports Article 17.

Board of Selectmen supports Article 17.