



2009 00122561

Bk: 53098 Pg: 295 Doc: VOTE  
Page: 1 of 1 06/29/2009 04:22 PM



CERTIFICATE OF VOTE  
SPECIAL TOWN MEETING  
May 4, 2009

I, Diane Crory, Clerk of the Town of Littleton, hereby certify that pursuant to Article 6 of the Warrant for the Special Town Meeting duly called and held on May 4, 2009, at which more than the required number of qualified voters present and voting it was:

**ARTICLE 6: ACQUISITION OF LUCY'S LAND – YAPP CONSERVATION PROPERTY**

Voted by checklist and ballot to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain for open space purposes under the Community Preservation Program, the fee interest in a certain parcel of real estate on Newtown Road owned by the Lucy L. Yapp Nominee Trust, containing 53.61 acres, more or less, shown as Lots 2 and 3 on plan entitled, "Plan of Land, Littleton, Mass., prepared for Lucy L. Yapp, September 2, 1992" by Clyde R. Wheeler and endorsed by the Littleton Planning Board on September 10, 1992, a copy of which is 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 Selectmen may determine; to transfer from the Conservation Fund the sum of \$33,000, to transfer from the Oak Hill Cell Tower Fund the sum of \$111,000, and to transfer from the Newtown Hill Cell Tower Fund the sum of \$136,000, for a total of \$280,000; and to appropriate and borrow the sum of \$650,000, for a total of \$930,000 for such acquisition and all expenses incidental and related thereto; and to authorize the Town Treasurer, with the approval of the Selectmen, to borrow said \$650,000 under and pursuant to Chapter 44B and Chapter 44, Section 7 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however, that, although any bonds or notes issued pursuant to this vote shall constitute a pledge of the full faith and credit of the Town, it is the intention of the Town that the debt service on \$150,000 of the amount authorized to be borrowed by this vote shall be paid from Community Preservation Fund revenues, and that the debt service on the remainder of said amount shall be paid from general fund revenues including cell tower revenues; and provided further 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; and, to the extent that any federal, state or other funds are or become available for the purposes outlined in this Article, to authorize the Board of Selectmen or other applicable boards or commissions to apply for and accept such funds; and 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; and to authorize the Board of Selectmen and the Conservation Commission to convey to the Sudbury Valley Trustees, for no consideration, a perpetual conservation restriction on said land as authorized by Chapter 184, Sections 31 through 33 inclusive of the General Laws, allowing conservation and passive recreation uses described in Chapter 40, Section 8C of the General Laws.

Total votes cast: YES 164 NO 9 Passed by necessary 2/3rds.

A TRUE COPY:  
ATTEST: *Diane Crory*  
DIANE CRORY, TOWN CLERK

June 26, 2009

Return to:  
Miyares and Harrington LLP  
50 Leonard Street, Suite Three  
Belmont MA 02478

Newtown Road, Littleton MA