



# **TOWN OF LITTLETON**

## **MONDAY, NOVEMBER 14, 2011 at 7 PM**

### **SPECIAL TOWN MEETING**

*Charles Forbes Kaye Gymnasium - Littleton Middle School  
55 Russell Street - Littleton, MA 01460*

1. Bills of Prior Years
2. FY 2012 Budget Adjustments
3. Borrowing Authorization: Reconstruct Track Facility
4. Increase Local Room Occupancy Excise Tax to 6%
5. Accept Statute - Animal Inspector Nomination
6. Approve Easements – 1 Lake Drive
7. Abandon Electrical Easement
8. Acquire Roadway Easement – Bruce Street at Ayer Road
9. Deed In Lieu of Foreclosure to Land on Manchester Drive
10. Establish Tax Title Abutter Lot Sales Program
11. Tax Title Abutter Lot Sales Program – List of Parcels
12. General By-law Amendment: Conservation Commission
13. General By-law Amendment: Council on Aging
14. General By-law Amendment: Clean Lakes Committee
15. General By-law Amendment: Committee on Personnel
16. General By-law Amendment: Fees
17. General By-law Amendment: Gas Piping and Appliances Inspector
18. General By-law Amendment: Treasurer, Collector
19. Demand Charges for Delinquent Fees

#### **ARTICLE 1**

#### **Board of Selectmen**

#### **Bills of Prior Years**

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

**Motion:** Moved and seconded by the Board of Selectmen that the Town vote to transfer the sum of \$400 from Line 720 Short Term Debt of the FY 2012 Operating Budget as adopted under Article 4 of the May 2, 2011

Annual Town Meeting to pay for an unpaid bill from a previous fiscal year, as listed below:

<u>Vendor</u>	<u>Dept.</u>	<u>Amount</u>	<u>Fiscal Year</u>
Phyllis Tower	510 Animal Inspector	\$400.00	2011

**Finance Committee and Board of Selectmen support Article 1. *Nine-tenths vote required.***

**ARTICLE 2**  
**Board of Selectmen**  
**FY 2012 Budget Amendments**

To see if the Town will vote to amend the FY 2012 Operating Budget, as adopted pursuant to Article 4 of the May 2, 2011 Annual Town Meeting, by adjusting budget line items, 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 FY 2012 Operating Budget, as adopted pursuant to Article 4 of the May 2, 2011 Annual Town Meeting by adjusting budget line items as follows:

Budget	Line Item	FY 2012 Budget	Adjustment	FY 2012 Budget Adjusted
122	Selectmen Expenses	\$11,870	\$10,000	\$21,870
155	Information Systems Expenses	69,944	15,000	84,944
175	Planning Board Personal Services	48,505	4,540	53,045
194	Employee/Retiree Benefits	5,048,243	(16,100)	5,032,143
241	Building Department Personal Services	99,059	(10,000)	89,059
420	Highway Expenses	466,034	(75,000)	391,034
510	Board of Health Personal Services	26,977	(6,540)	20,437
510	Board of Health Expenses	1,235	2,000	3,235
510	Board of Health Animal Inspector	1,300	1,100	2,400
<b>TOTAL Appropriated Budgets</b>		<b>\$33,021,021</b>	<b>\$(75,000)</b>	<b>\$32,946,021</b>

**Finance Committee and Board of Selectmen support Article 2.**

**ARTICLE 3**  
**Board of Selectmen**  
**Borrowing Authorization: Reconstruct Track Facility**

To see if the Town will vote to borrow a sum or sums of money to be expended under the direction of the Permanent Municipal Building Committee for the purpose of reconstructing the track facility located on Town-owned property at 55 Russell Street, including original equipment and landscaping, paving 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(25), of the General Laws, or pursuant to and any other enabling authority, and to issue bonds or notes of the Town therefor, provided that such amount shall be contingent upon successful passage of a debt exclusion referendum pertaining thereto on a town ballot; or to take any other action in relation thereto.

**Motion:** Moved and seconded by the Board of Selectmen that the Town vote to appropriate the sum of \$735,000 for the purpose of reconstructing the track facility located on Town-owned property at 55 Russell Street, including original equipment and landscaping, paving 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(25), of the General Laws, or pursuant to and any other enabling authority, and to issue bonds or notes of the Town therefor, provided that such amount shall be contingent upon successful passage of a debt exclusion referendum pertaining thereto on a Town Ballot.

**School Committee, Finance Committee, and Board of Selectmen support Article 3. *Two-thirds vote required.***

#### ARTICLE 4

##### Board of Selectmen

##### **Increase Local Room Occupancy Excise Tax to 6%**

To see if the Town will vote to amend its vote under Article 9 of the October 20, 2008 Special Town Meeting, which accepted the provisions of Section 3A of Chapter 64G of the Massachusetts General Laws and established a local room occupancy excise tax at the rate of 4%, to become effective on July 1, 2009, by amending its local room occupancy excise under Section 3A of Chapter 64G to the rate of six percent (6%), effective July 1, 2012; 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 9 of the October 20, 2008 Special Town Meeting, which accepted the provisions of Section 3A of Chapter 64G of the Massachusetts General Laws and established a local room occupancy excise tax at the rate of 4%, to become effective on July 1, 2009, by amending its local room occupancy excise under Section 3A of Chapter 64G to the rate of six percent (6%), effective July 1, 2012.

**Finance Committee and Board of Selectmen support Article 4.**

**ARTICLE 5**

**Board of Selectmen / Board of Health  
Accept Statute - Animal Inspector Nomination**

To see if the Town will vote to accept the provisions of the second paragraph of Section 15 of Chapter 129 of the General Laws so that the annual nomination of one or more inspectors of animals shall be made by the board of health to the state's director of animal health; or to 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 the second paragraph of Section 15 of Chapter 129 of the General Laws so that the annual nomination of one or more inspectors of animals shall be made by the board of health to the state's director of animal health.

**Board of Selectmen and Board of Health support Article 5.**

**ARTICLE 6**

**Board of Selectmen / Planning Board  
Approve Easements – 1 Lake Drive**

To see if the Town will vote to authorize the Board of Selectmen to grant to the owner of 1 Lake Drive, an easement in Lake Drive and an easement in Woodland Drive, both as shown on a plan entitled "Easement Plan for 1 Lake Drive in Littleton, Mass." prepared by Russell D. Wilson, R. Wilson & Associates, Inc., 676 Great Road Littleton, MA 01460, dated September 20, 2011, a copy of which is on file in the Town Clerk's office; 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 grant to the owner of 1 Lake Drive, an easement in Lake Drive and an easement in Woodland Drive, both as shown on a plan entitled "Easement Plan for 1 Lake Drive in Littleton, Mass." prepared by Russell D. Wilson, R. Wilson & Associates, Inc., 676 Great Road Littleton, MA 01460, dated September 20, 2011, a copy of which is on file in the Town Clerk's office.

**Board of Selectmen and Planning Board support Article 6. *Two-thirds vote required.***

**ARTICLE 7**

**Board of Selectmen / Board of Electric Light Commissioners  
Abandon Electrical Easement**

To see if the Town will vote to transfer the care, custody, control and management of the electric and telephone line easement shown on the plan entitled "Town of Littleton, Plan of Way for the Littleton Municipal Light Department", Horace F.

Tuttle, C.E., dated December 9, 1952 and recorded with the Middlesex South District Registry of Deeds as Plan No. 2238 of 1952, taken by the Town pursuant to Articles 6 and 7 of the May 16, 1952 Special Town Meeting, to the Board of Selectmen for purposes of abandonment, and, further, to authorize the Board of Selectmen to abandon said easement; or to take any other action in relation thereto.

**Motion:** Moved and seconded by the Board of Selectmen that the Town vote to transfer the care, custody, control and management of the electric and telephone line easement shown on the plan entitled "Town of Littleton, Plan of Way for the Littleton Municipal Light Department", Horace F. Tuttle, C.E., dated December 9, 1952 and recorded with the Middlesex South District Registry of Deeds as Plan No. 2238 of 1952, taken by the Town pursuant to Articles 6 and 7 of the May 16, 1952 Special Town Meeting, to the Board of Selectmen for purposes of abandonment, and, further, to authorize the Board of Selectmen to abandon said easement for a minimum consideration of one dollar.

**Board of Selectmen and Board of Electric Light Commissioners support Article 7. Two-thirds vote required.**

## ARTICLE 8

### Board of Selectmen

#### Acquire Roadway Easement – Bruce Street at Ayer Road

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift a roadway easement over a portion of the property located at 2 Bruce Street shown as "Proposed Easement" on a plan entitled "Easement Plan, Bruce Street at Ayer Road, Scale:1"=40', dated July 22, 2011, Plan 1 of 1, prepared by Green International Affiliates, Inc.", containing 108 square feet, more or less, for the purpose of establishing, maintaining and repairing roadway improvements to Bruce Street; 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 by gift a roadway easement over a portion of the property located at 2 Bruce Street shown as "Proposed Easement" on a plan entitled "Easement Plan, Bruce Street at Ayer Road, Scale:1"=40', dated July 22, 2011, Plan 1 of 1, prepared by Green International Affiliates, Inc.", containing 108 square feet, more or less, for the purpose of establishing, maintaining and repairing roadway improvements to Bruce Street.

**Board of Selectmen supports Article 8.**

## ARTICLE 9

### Board of Selectmen

#### Deed In Lieu of Foreclosure to Land on Manchester Drive

To see if the Town will vote to authorize the Board of Selectmen to accept, pursuant to Section 77C of Chapter 60 of the General Laws, a deed in lieu of foreclosure to a parcel of land located on Manchester Drive, shown as Littleton Assessors Map U14, Parcel 101-0, and to further specify that the land so acquired thereunder shall be in lieu of taxes owed, 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 accept, pursuant to Section 77C of Chapter 60 of the General Laws, a deed in lieu of foreclosure to a parcel of land located on Manchester Drive, shown as Littleton Assessors Map U14, Parcel 101-0, and to further specify that the land so acquired thereunder shall be in lieu of taxes owed.

**Board of Selectmen supports Article 9.**

## ARTICLE 10

### Board of Selectmen

#### Establish Tax Title Abutter Lot Sales Program

To see if the Town will vote to establish a “Tax Title Abutter Lot Sales Program” hereunder by which the Board of Selectmen is authorized to dispose of a specific list of tax title properties as voted by town meeting that contain 4,800 square feet or less, and are presently unbuildable, by sale to direct abutters; and further to transfer the care, custody, control, and management of parcels of land from the board or officer that currently has custody of the land to the Board of Selectmen to be held for the purpose of sale; and further to authorize the Board of Selectmen to sell said parcels, pursuant to the procedures set forth in General Laws Chapter 30B, on such terms and conditions as the Board of Selectmen shall determine to be in the best interests of the Town; or to take any other action in relation thereto.

**Motion:** Moved and seconded by the Board of Selectmen that the Town vote to establish a “Tax Title Abutter Lot Sales Program” hereunder by which the Board of Selectmen is authorized to dispose of a specific list of tax title properties as voted by town meeting that contain 4,800 square feet or less, and are presently unbuildable, by sale to direct abutters; and further to transfer the care, custody, control, and management of parcels of land from the board or officer that currently has custody of the land to the Board of Selectmen to be held for the purpose of sale; and further to authorize the Board of Selectmen to sell said parcels, pursuant to the procedures set forth in General Laws Chapter 30B, on such terms and conditions as the

Board of Selectmen shall determine to be in the best interests of the Town.  
**Finance Committee and Board of Selectmen support Article 10. Two-thirds vote required.**

<p style="text-align: center;"><b>ARTICLE 11</b> <b>Board of Selectmen</b> <b>Tax Title Abutter Lot Sales Program – List of Parcels</b></p>
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To see if the Town will vote to add the following list of properties to the “Tax Title Abutter Lot Sales Program” established by Article 10 of the November 14, 2011 Special Town Meeting:

U03-54	0.0100 AC	Snow Drive
U12-131	0.0459AC	Oak Road
U12-140	0.0918 AC	Pine Road
U15-9	0.0918 AC	Tracy Place
U15-101	0.0459 AC	Suffolk Drive;
U17-236	0.0918 AC	Lake Drive
U17-239	0.0964 AC	Woodland Drive

or to take any other action in relation thereto.

**Motion:** Moved and seconded by the Board of Selectmen that the Town vote to add the following list of properties to the “Tax Title Abutter Lot Sales Program” established by Article 10 of the November 14, 2011 Special Town Meeting:

U03-54	0.0100 AC	Snow Drive
U12-131	0.0459AC	Oak Road
U12-140	0.0918 AC	Pine Road
U15-9	0.0918 AC	Tracy Place
U15-101	0.0459 AC	Suffolk Drive;
U17-236	0.0918 AC	Lake Drive
U17-239	0.0964 AC	Woodland Drive

**Finance Committee and Board of Selectmen support Article 11. Two-thirds vote required.**

<p style="text-align: center;"><b>ARTICLE 12</b> <b>Board of Selectmen</b> <b>General By-law Amendment: Conservation Commission</b></p>
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To see if the Town will vote to amend the Town Code by deleting Chapter 8, Article II, Conservation Commission, which currently reads as follows:

**ARTICLE II, Conservation Commission**  
**§ 8-4. Increase in membership.**

The membership of the Conservation Commission is increased from the present number of five (5) to the maximum number of seven (7) permitted by the enabling act, MGL C. 40, §8C.

And by inserting in place thereof the following:

**ARTICLE II, CONSERVATION COMMISSION**

**§8-4. Membership, terms.**

The Conservation Commission established by the 1961 Annual Town Meeting's acceptance of MGL C.40,§8C shall consist of seven regular members appointed by the Board of Selectmen for three-year overlapping terms so arranged that the term of at least two members shall expire each year. In addition, the Conservation Commission, with the approval of the Board of Selectmen, may appoint such other associate members as they deem necessary. Associate members shall have no vote.

or to take any other action in relation thereto.

**Motion:** Moved and seconded by the Board of Selectmen that the Town vote to amend Chapter 8, Article II, Conservation Commission, as printed in the warrant, subject to the modification that the second sentence of the new section shall read "In addition, the Conservation Commission, with the approval if the Board of Selectmen, may appoint such other associate members as they deem necessary for staggered three-year terms."

**Board of Selectmen supports Article 12.**

**ARTICLE 13**

**Board of Selectmen**

**General By-law Amendment: Council on Aging**

To see if the Town will vote to amend the Town Code by amending Chapter 15, Council on Aging, to read as follows:

**§ 15-1. Appointment authorized.**

The Board of Selectmen shall appoint a Council on Aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in ~~cooperation with programs of the Commission on Aging established under MGL C. 6, § 23~~ *coordination with programs of the Massachusetts Department of Elder Affairs.*

**§ 15-2. Membership.**

The Board of Selectmen shall appoint the Council on Aging, consisting of seven (7) to eleven (11) members. ~~Upon acceptance of this chapter, the Board shall appoint three (3) members for three (3) years, two (2) members for two (2) years and two (2) members for one year terms. Members can be reappointed for consecutive terms. All appointments to the Council on Aging shall be made by the Board of Selectmen for three-year overlapping terms so~~



*arranged that the terms of at least two members shall expire each year.*

**§15-3. Compensation.**

The members of the Council shall serve without pay.

**§ 15-4. Filling of vacancies.**

Whenever a vacancy shall occur in the membership of the Council, ~~by reason of death, resignation, inability to act or for any other reason,~~ the vacancy shall be filled by appointment by the Selectmen for the remainder of the term.

**§ 15-5. Election of officers.**

The Council on Aging, ~~at its first annual meeting and thereafter annually in April of each year,~~ shall *annually at its first regular meeting held after June 30*, elect from its membership a ~~President, First Vice President, Second Vice President, Chairman, Vice Chairman,~~ Secretary and Treasurer. Each officer shall hold office until the *Council's* next annual election. In the event that a vacancy occurs in any of the offices above, the Council shall hold a special meeting for the purpose of electing one of its members to fill such vacancy.

**§ 15-6. Annual report.**

The Council shall prepare and submit an annual report of its activities to the Town and shall send a copy thereof to the ~~Commission on Aging~~ *Department of Elder Affairs*.

**§ 15-7. Appointment of clerks and other employees.**

The Council may appoint such clerks and other employees as it may require, *subject to approval by the Board of Selectmen.*

or to take any other action in relation thereto.

**Motion:** Moved and seconded by the Board of Selectmen that the Town vote to approve Article 13 as printed in the warrant.

**Board of Selectmen supports Article 13.**

**ARTICLE 14**

**Board of Selectmen**

**General By-law Amendment: Clean Lakes Committee**

To see if the Town will vote to amend the Town Code by adding to Chapter 13, COMMITTEES, a new Article XII, Clean Lakes Committee, to read as follows:

**ARTICLE XII, CLEAN LAKES COMMITTEE**

**§13-30. Establishment; purpose.**

There is hereby established a Clean Lakes Committee to assess conditions and coordinate improvements to Littleton's lakes and ponds, by providing a forum which brings together town committee representatives and concerned citizens with representatives from neighborhood associations on Long Lake, Mill Pond, Spectacle Pond and Lake Matawanakee to plan and implement

necessary actions to help restore and preserve water bodies, streams and wetlands in the Town of Littleton. As circumstances dictate, the Committee shall coordinate its activities with the Board of Selectmen, Board of Water Commissioners, Conservation Commission, Board of Health, and Planning Board or their representatives.

**§13-31. Membership; terms.**

The Committee shall consist of one member and one alternate from each of the neighborhood associations on Long Lake, Mill Pond, Spectacle Pond, and Lake Matawanakee, each nominated by their respective neighborhood association; and three citizens at large. All appointments shall be made by the Board of Selectmen for three-year overlapping terms so arranged that the term of at least two members shall expire each year.

or to take any other action in relation thereto.

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

**Board of Selectmen and Clean Lakes Committee support Article 14.**

**ARTICLE 15**

**Board of Selectmen**

**General By-law Amendment: Committee on Personnel**

To see if the Town will vote to amend the Town Code by deleting Article IX, Committee on Personnel, from Chapter 13, COMMITTEES, inasmuch as Chapter 33 of the Town Code provides for a Personnel Board performing the same function; or to take any other action in relation thereto.

**Motion:** Moved and seconded by the Board of Selectmen that the Town vote to approve Article 15 as printed in the warrant.

**Board of Selectmen and Personnel Board support Article 15.**

**ARTICLE 16**

**Board of Selectmen**

**General By-law Amendment: Fees**

To see if the Town will vote to amend the Town Code by deleting from Article III, Fees, §64-7. Building permit fees and §64-8. Plumbing and gas fees, as amended by Articles 16 and 17, respectively of the May 5, 2003 Annual Town Meeting, since Article 15 of said Annual Town Meeting adopted MGL C.40,§22F which provides that any municipal board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons, may, from time to time, fix reasonable fees for all such licenses, permits, or certificates issued pursuant to statutes or regulations wherein the entire proceeds of the fee remain

with such issuing city or town, and may fix reasonable charges to be paid for any services rendered or work performed by the city or town or any department thereof, for any person or class of persons; or to take any other action in relation thereto.

**Motion:** Moved and seconded by the Board of Selectmen that the Town vote to approve Article 16 as printed in the warrant.

**Board of Selectmen supports Article 16.**

## **ARTICLE 17**

### **Board of Selectmen**

#### **General By-law Amendment: Gas Piping and Appliances Inspector**

To see if the Town will vote to amend the Town Code by deleting Chapter 20, Gas Piping and Appliances Inspector, which currently read as follows:

#### **Chapter 20, GAS PIPING AND APPLIANCES INSPECTOR**

##### **§ 20-1. Annual appointment duties.**

The Selectmen shall annually, in March, appoint a qualified Inspector of Gas Piping and Gas Appliances in buildings, whose fees shall be fixed by the Selectmen and whose duties shall be the enforcement of the rules and regulations adopted by the Board established under MGL C. 25, § 12H.

And by inserting in place thereof the following:

#### **Chapter 20, GAS PIPING AND APPLIANCES INSPECTOR**

##### **§20-1. Appointment.**

Pursuant to Chapter 3, Section 3 of the Town Code, the Inspector of Gas Piping and Gas Appliances shall be appointed by the Building Commissioner with the approval of the Town Administrator.

; or to take any other action in relation thereto.

**Motion:** Moved and seconded by the Board of Selectmen that the Town vote to approve Article 17 as printed in the warrant.

**Board of Selectmen supports Article 17.**

## **ARTICLE 18**

### **Board of Selectmen**

#### **General By-law Amendment: Treasurer, Collector**

To see if the Town will vote to amend the Town Code by deleting §§29-1 and 29-3, which currently read as follows:

##### **§29-1. Term of Town Treasurer.**

The Town Treasurer shall be elected for a term of three years, said change in term of office to take effect at the 1964 Annual Town Meeting and election.

##### **§29-3. Term of Town Tax Collector.**

The Town Tax Collector shall be elected for the term of three years, said change in term of office to take effect at the 1966 Annual Town Meeting and election.

since the Town Treasurer and Tax Collector became appointed positions by the voters' approval of Questions 11 and 12, respectively, on the May 12, 2007 Annual Town Election ballot; or to take any other action in relation thereto.

***Motion:*** Moved and seconded by the Board of Selectmen that the Town vote to approve Article 18 as printed in the warrant.

**Board of Selectmen supports Article 18.**

<p style="text-align: center;"><b>ARTICLE 19</b> <b>Board of Selectmen</b> <b>Demand Charges for Delinquent Fees</b></p>
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To see if the Town will vote to amend its vote under Article 19 of May 4, 2009 Annual Town Meeting, by setting for each written excise demand issued by the collector a fee of \$10 and for each other written demand issued by the collector a fee of \$30, to be added to and collected as part of the tax, as authorized by Chapter 60, Section 15 of the General Laws, effective as of November 15, 2011, or to take any other action in relation thereto.

***Motion:*** Moved and seconded by the Board of Selectmen that the Town vote to approve Article 19 as printed in the warrant.

**Finance Committee and Board of Selectmen support Article 19.**