



TOWN OF LITTLETON

MONDAY, NOVEMBER 8, 2010 at 7 PM

SPECIAL TOWN MEETING

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

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 raise and appropriate the sum of \$33.96 to pay for unpaid bills from previous fiscal years, as listed below:

<u>Vendor</u>	<u>Dept.</u>	<u>Amount</u>	<u>Fiscal Year</u>
Municipal Management Associates	Selectmen	\$33.96	FY 2010

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

ARTICLE 2

Board of Selectmen

FY 2011 Budget Amendments

To see if the Town will vote to amend the FY 2011 Operating Budget, as adopted pursuant to Article 4 of the May 3, 2010 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 2011 Operating Budget, as adopted pursuant to Article 4 of the May 3, 2010 Annual Town Meeting by adjusting budget line items as follows:

Line Item/Budget	FY 2011 Budget	Adjust- ment	FY 2011 Budget Adjusted
300 School Department	\$14,428,679	+548,397 ¹	\$14,977,076
Total Appropriated Budgets	\$31,154,038	+548,397	\$31,702,435

Finance Committee, Board of Selectmen, and School Committee support Article 2.

¹ Operating budget increase for the School Department reflects increase in Chapter 70 funding from the State.

ARTICLE 3
Board of Selectmen
Fund Collective Bargaining Agreements

To see if the Town will vote to raise and appropriate or transfer from available funds a sum or sums of money for the purpose of funding any new collective bargaining agreements between the Town and its employee unions, or to take any other action in relation thereto.

Motion: Moved and seconded by the Board of Selectmen that the Town vote to raise and appropriate the following sums necessary to fund the cost items contained in collective bargaining agreements reached between the Town and its employee unions:

<i>Collective Bargaining Agreement</i>	<i>Department/Budget</i>	<i>Amount</i>
Massachusetts Coalition of Police, Local 204 (Police)	210 Police/Dispatch	\$10,450
Massachusetts Coalition of Police, Local 204A (Dispatch)	210 Police/Dispatch	\$2,490
Local 4599, I.A.F.F. (Fire)	220 Fire	\$3,300
AFSCME Council 93, Local 1703 (Highway)	420 Highway	\$5,490

Finance Committee and Board of Selectmen support Article 3.

ARTICLE 4
Board of Selectmen – Personnel Board
Amend Classification and Compensation Plan

To see if the Town will vote to amend Chapter 33 of the Town Code, Personnel, to amend Schedule A of the Classification and Compensation Plan to read as follows:

FY 2011 CLASSIFICATION & COMPENSATION PLAN
Schedule A, Permanent Full and Part-time Employees

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
1 hourly annual	\$8.82 18,416.16	\$ 9.13 19,063.44	\$9.44 19,710.72	\$9.79 20,441.52	\$10.11 21,109.68	\$10.47 21,861.36	\$10.85 22,654.80
2 hourly annual	10.97 22,905.36	11.35 23,698.80	11.77 24,575.76	12.17 25,410.96	12.59 26,287.92	13.04 27,227.52	13.49 28,167.12
3 hourly annual	13.79 28,793.52	14.27 29,795.76	14.77 30,839.76	15.30 31,946.40	15.83 33,053.04	16.38 34,201.44	16.95 35,391.60
4 hourly annual	15.87 33,136.56	16.41 34,264.08	16.98 35,454.24	17.58 36,707.04	18.20 38,001.60	18.84 39,337.92	19.50 40,716.00
5 hourly annual	16.65 34,765.20	17.22 35,955.36	17.82 37,208.16	18.46 38,544.48	19.12 39,922.56	19.77 41,279.76	20.46 42,720.48
6 hourly annual	17.48 36,498.24	18.10 37,792.80	18.72 39,087.36	19.37 40,444.56	20.07 41,906.16	20.76 43,346.88	21.48 44,850.24
7 hourly annual	18.35 38,314.80	19.01 39,692.88	19.66 41,050.08	20.35 42,490.80	21.06 43,973.28	21.81 45,539.28	22.55 47,084.40

Town of Littleton, Massachusetts

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
8 hourly annual	19.28 40,256.64	19.95 41,655.60	20.65 43,117.20	21.37 44,620.56	22.11 46,165.68	22.89 47,794.32	23.69 49,464.72
9 hourly annual	20.24 42,261.12	20.95 43,743.60	21.66 45,226.08	22.43 46,833.84	23.22 48,483.36	24.05 50,216.40	24.88 51,949.44
10 hourly annual	21.25 44,370.00	22.00 45,936.00	22.76 47,522.88	23.55 49,172.40	24.39 50,926.32	25.24 52,701.12	26.14 54,580.32
11 hourly annual	26.56 55,457.28	27.50 57,420.00	28.45 59,403.60	29.44 61,470.72	30.49 63,663.12	31.54 65,855.52	32.65 68,173.20
12 hourly annual	33.21 69,342.48	34.37 71,764.56	35.58 74,291.04	36.80 76,838.40	38.09 79,531.92	39.45 82,371.60	40.82 85,232.16
13 hourly annual	38.19 79,740.72	39.53 82,538.64	40.91 85,420.08	42.34 88,405.92	43.81 91,475.28	45.34 94,669.92	46.93 97,989.84

and further to vote to raise and appropriate or transfer from available funds a sum or sums of money for the purpose of funding a one percent (1%) salary schedule increase for permanent full and part-time positions governed by said schedule, or to take any other action in relation thereto.

Motion: Moved and seconded by the Board of Selectmen that the Town vote to amend Schedule A of the Classification and Compensation Plan in Chapter 33 of the Town Code, Personnel, precisely as set forth in Article 4 as printed in the warrant, and further to raise and appropriate the sum of \$13,500 for the purposes described in Article 4 as printed in the warrant.

Finance Committee, Board of Selectmen and Personnel Board support Article 4.

ARTICLE 5

**Board of Selectmen / School Committee / Trust Fund Commissioners
M.H. Kimball Trust Fund Expenditure**

To see if the Town will vote to amend the action taken under Article 11 of the May 3, 2010 Annual Town Meeting by substituting “Littleton High School” for “Russell Street Elementary School”, so that the action to be taken pursuant to said Article 11 is to transfer \$9,800 from a grant from the M.H. Kimball Trust to the Littleton School Department for the purpose of procuring and installing ceiling-mounted LCD projectors at the Littleton High School and costs related thereto; 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 action taken under Article 11 of the May 3, 2010 Annual Town Meeting precisely as set forth in Article 5 as printed in the warrant.

Finance Committee, Board of Selectmen, Trust Fund Commissioners and School Committee support Article 5.

ARTICLE 6
Board of Selectmen
FY 2011 Supplemental Capital Expenditures

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, and/or borrow 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.

1. Shattuck Street Building Roof Repairs – \$120,000 to be expended by the Permanent Municipal Building Committee for repairs to the roof of the Shattuck Street Building, including the library and school administration;
2. Library Self Check Station - \$11,000 to be expended by the Library Trustees for a self check station and desk adaptation;
3. Ball field renovations - \$12,000 to be expended by the Park and Recreation Commission for field repairs at the Russell Street and Middle School Properties;
4. Refurbish 2000 Mack Lift hook sander # 18 - \$20,000 to be expended by the Highway Department to refurbish the 2000 Mack Lift hook sander #18;
5. Shaker Lane Flooring - \$13,000 to be expended by the School Committee to replace/repair the flooring at the Shaker Lane School;
6. Crematory Feasibility Study - \$30,000 to be expended by the Board of Selectmen for a crematory feasibility study.

Motion: Moved and seconded by the Board of Selectmen that the Town vote to raise and appropriate the sum of \$206,000 for capital projects and purchases precisely as set forth in Article 6 as printed in the warrant.

Finance Committee and Board of Selectmen support Article 6.

ARTICLE 7
Board of Selectmen
Rescind Unused Borrowing Authorizations

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 relative thereto:

Town Meeting Vote	Project	Author- ization	Amount Issued	Total to be Rescinded
03/07/05 STM Article 2	Construct New Middle School	\$4,000,000	\$3,564,105	\$435,895
11/5/07 STM Article 17	Ozone Generator	\$100,000	\$86,609	\$13,391

Town of Littleton, Massachusetts

Town Meeting Vote	Project	Authori-zation	Amount Issued	Total to be Rescinded
10/20/08 STM Article 3	New Police Station Construction	\$6,285,308	\$6,023,303	\$262,005
5/4/09 STM Article 5	Houghton Memorial Building Roof Replacement	\$215,000	\$195,000	\$20,000
5/4/09 STM Article 6	Acquisition of Yapp Conservation Land	\$650,000	\$150,000	\$500,000

Motion: Moved and seconded by the Board of Selectmen that the Town vote to rescind the borrowing authorized for the articles and un-issued amounts precisely as set forth in Article 7 as printed in the warrant.

Finance Committee and Board of Selectmen support Article 7. Two-thirds vote required.

**ARTICLE 8
Voter Petition
Rescind Pay-As-You-Throw**

To request a change of the 'PAY-AS-YOU-THROW' procedure of the Transfer Station. We want to rescind the vote of the Board of Selectmen for this process.

Board of Selectmen does not support Article 8.

**ARTICLE 9
Board of Selectmen/Community Preservation Committee
Acquisition of Cobb Conservation Properties**

To see if the Town will vote (i) 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 certain parcels of real estate on Crory Lane owned by the Emily B. Cobb Trust, containing 16.39 acres, more or less, shown as Assessors Map R3, Parcels 21, 22, and 23, comprising 9.99 acres abutting the Yapp Conservation Land; and Assessors Map R01, Parcel 15-9 comprised of 6.4 acres abutting Cobb's Pond, 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 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 \$745,000 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, taxation or otherwise; provided that to the extent any federal, state or other funds are or become available for the purposes outlined in this Article, including amounts that may be available for this project from the Commonwealth's Division of Conservation Services Land and Water Conservation Fund (LWCF) or its Local Acquisitions for Natural Diversity (LAND) Program, 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; **(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 grants; and to authorize the Board of Selectmen and the Conservation Commission to convey to the Littleton Conservation Trust, 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 on the land acquired pursuant to this vote, within the meaning of Chapter 40, Section 8C of the General Laws, or **(iv)** to take any other action in relation thereto.

Motion: Moved and seconded by the Board of Selectmen that the Town vote to: **(i)** 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 certain parcels of real estate on Crory Lane owned by the Emily B. Cobb Trust, containing 16.39 acres, more or less, shown as Assessors Map R3, Parcels 21, 22, and 23, comprising 9.99 acres abutting the Yapp Conservation Land; and Assessors Map R01, Parcel 15-9 comprised of 6.4 acres abutting Cobb's Pond, 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 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 \$745,000 to pay costs of purchasing the property described herein, including the payment of all costs incidental and related thereto, and that to meet this appropriation, \$323,955.68 shall be raised by borrowing under and pursuant to Chapter 44, Section 7(3) of the General Laws, or pursuant to any other enabling

authority, which borrowing shall be reduced to the extent of any grants or gifts received by the Town on account of this project, and the following amount shall be transferred from available funds as follows:

- (i) \$147,859.62 Conservation Fund
- (ii) \$ 78,519.64 Oak Hill Cell Tower Fund
- (iii) \$ 45,535.18 Newtown Hill Cell Tower Fund
- (iv) \$ 2,129.88 Land Acquisition Fund
- (v) \$ 47,000.00 Community Preservation Open Space Fund
- (vi) \$100,000.00 Community Preservation Undesignated Fund Balance

provided that to the extent any federal, state or other funds are or become available for the purposes outlined in this Article, including amounts that may be available for this project from the Commonwealth's Division of Conservation Services Land and Water Conservation Fund (LWCF) or its Local Acquisitions for Natural Diversity (LAND) Program, the Board of Selectmen and any other applicable boards or commissions of the Town are authorized to apply for and accept such funds; and (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 grants; and to authorize the Board of Selectmen and the Conservation Commission to convey to the Littleton Conservation Trust, 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 on the land acquired pursuant to this vote, within the meaning of Chapter 40, Section 8C of the General Laws.

Board of Selectmen, Community Preservation Committee, and Conservation Commission support Article 9. Finance Committee recommendation to be made from the floor. *Two-thirds vote required.*

**ARTICLE 10
Planning Board**

Zoning Amendment - Flood Insurance Rate Maps and Flood Insurance Study

To see if the Town will vote to amend the Zoning Map and Zoning By-Law of the Town of Littleton as follows:

1. Delete § 173-72 in its entirety and insert in its place the following:

§ 173-72. Applicability

All land lying below certain control elevation (United States Geological Survey datum) as shown on the Zoning Map shall be considered wetlands, deemed to be subject to seasonal or periodic flooding. And all special flood

hazard areas within the Town of Littleton designated as Zone A and AE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program, shall be considered floodplains. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Littleton are panel numbers 25017C0209E, 25017C0216E, 25017C0217E, 25017C0218E, 25017C0219E, 25017C0228E, 25017C0236E, 25017C0237E, 25017C0238E, 25017C0239E, 25017C0241E and 25017C0243E dated June 4, 2010. The exact boundaries of the floodplain may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Building Inspector. Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing flood elevation data, which shall be reviewed by the Building Inspector or the Board of Appeals for its reasonable use toward meeting the requirements of this chapter.

2. Amend §173-73.D by deleting the words “the Flood Boundary and Floodway Maps” and inserting in their place “the FIRM”.
3. Amend §173-73 by deleting subsection E in its entirety and inserting new subsections E, F, and G as follows:

E. Floodway Data. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

F. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

G. All development in the floodplain, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);

- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.”

4. Amend the first sentence of § 173-74 by deleting “§ 173-73C” and inserting therefor “§ 173-73.B and §173-73.C”

5. Renumber existing § 173-75 as §173-76, and insert a new §173-75 as follows:

§ 173-75. Notification of watercourse alteration.

In a riverine situation, the Building Commissioner or Board of Appeals shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110”

Or to take any other action in relation thereto.

Motion: Moved and seconded by the Planning Board that the Town vote to amend the Zoning Map and Zoning By-Law of the Town of Littleton precisely as set forth in Article 10 as printed in the warrant.

Planning Board and Board of Selectmen support Article 10. Two-thirds vote required.