

March 16, 2001

TO: Board of Selectmen

FROM: F. Dore' Hunter, Chairman

SUBJECT: Selectmen's Report

MARCH 20, 2001
in Room 204

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:33 **COMMITTEE APPOINTMENT – CHRISTOPHER SCHAFFNER** – Enclosed please find Mr. Schaffner's volunteer application and VCC recommendation for appointment as an Associate Member of the Planning Board for a term to expire 6/30/02.
2. 7:34 **SITE PLAN SPECIAL PERMIT #01/03/01-375 – KT REALTY TRUST, 55 KNOX TRAIL Hearing Continuation- *Please bring plans from March 6, 2001 Board Meeting.***
3. 8:00 **ROBERT SUNBERG – COMMON VICTULLER'S LICENSE – 257 MAIN STREET** – Please find petitioners application and staff comment, for Board consideration.

4. 8:10 **PLANNING BOARD** – Per the Board's request, the Planning Board will be in to discuss their ATM, along with the Special Town Meeting Warrant Article. Warrant Articles.
5. 8:35 **CONSERVATION COMMISSION** – Per the Board's request, the Conservation Commission will be in to discuss their Warrant Article.
6. 8:45 **BOARD OF HEALTH** – Per the Board's request, the Board of Health will be into discuss their warrant article.

III. SELECTMEN'S BUSINESS

7. **Library Directional signs** – Enclosed please find a request from the Trustees for placement of directional signs, as well as staff comment.
8. **ATM Warrant Discussion** – Enclosed please find remaining articles which the Board deferred, for any further consideration.
9. **OTHER BUSINESS**

IV CONSENT AGENDA

V. TOWN MANAGER'S REPORT

V1 EXECUTIVE SESSION

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete Agenda.

April 2, 2001 Annual Town Meeting pre-meetings

GOALS 2000-2001

1. To obtain facilities plan and bring to Fall Town Meeting. (Dore')
2. Determine future of Vallencourt House - 17 Woodbury Lane. (Herman)
3. Revisit the 2020 process and review make-up and consider expand or reduce the membership. (Peter)
4. Provide looking at salary levels in the organization, include liaison with Personnel Board (Trey /Peter)
5. Review Board of Health duties to expand its role so it becomes a more visible department. (Pam)
6. Formulate charge and suggested membership list for a "Long Range Planning Committee" (Ashton):

FY 2000 GOALS carried forward

7. Develop a comprehensive Beaver Nuisance policy (Pam)
8. Work with the Planning Board to implement the goals, objectives and strategies of the Master Plan update (Peter/Trey)

revised 9/26/00

RECEIVED & FILED

APR 25 2001

TOWN CLERK
ACTION

SELECTMEN'S MINUTES MARCH 20, 2001

Present: F. Dore' Hunter, Peter Ashton, Trey Shupert, Herman Kabakoff, Pamela Harting-Barrat, Town Manager and Assistant were present. The Meeting was televised.

CITIZEN'S CONCERNS

None Expressed

PUBLIC HEARINGS & APPOINTMENTS

Christopher Schaffner - Appointment as Associate Member, Planning Board

HERMAN KABAKOFF - Moved to appoint TREY SHUPERT - Second. Make note that he would be interviewed prior to being elevated to Full member. Contact Mr. Schaffner to find out why he was not available.

Site Plan Special Permit – 10/03/01-375 – KT Realty Trust, 55 Knox Trail

Bill Sullivan outlined the process they have taken to develop the area at the end of Knox Trail. They feel that they could use this for storage buildings. They have exceeded the open space requirement and have gone to full floor ratio. They plan to phase in the project. In addition they will build a mini storage area in the final phase. He spoke about the access to W.R. Grace property. He finally settled on an overlay to accommodate the 45-foot right of way. He wanted to know what the Town wanted to do about this crossing to get to Grace. They have made several plan changes. Dore' noted the back slope and stability issue. They have designed it and they are looking at the architect and he said it should hold. Dore' said they would not condition the plan on the access to the Grace Property. Dore' noted that this is a good and productive use of this site.

Peter asked about traffic impacts. He said just minimal and car carriers.
DORE' HUNTER – Moved to – take under advisement. PAM HARTING-BARRAT – Second. UNANIMOUS VOTE.

Robert Sundberg – Common Victuller's License at 257 Main Street

Mr. Sundberg said the needed the license for parties and would not be serving breakfast – HERMAN KABAKOFF – Moved to approve. TREY SHUPERT – Second. UNANIMOUS VOTE.

Planning Board

Pat Halm addressed each of the proposed articles with the Board. Pam suggested that they not use the acronyms, she felt it needed to more simple. Trey asked that we vote this at the upcoming Annual meeting as we now have a minimal buffer.

Peter spoke about land takings and if a problem still existed. Pat said that there would be no need for land taking. Peter asked if EDC supported these. Lauren said EDC voted unanimously to support the articles. Trey said great care will need to be made in the presentation.

Ken Sundburg had several issues to make note of.

Resident of 5 Nadine Road and a member of the working group said that they never wanted a secondary street and if you wanted a secondary road it would need to be barricaded. He has a problem with .4 with the BOS choosing a .6 with Special permit. Urged the Board to vote against it.

Sue Kennedy – Spoke about development of Condo's. She noted if we go to a point 6 we won't have the nice look.

Bill Lawrence - Spoke about parking in the rear and facades and sidewalks in front. He feels if we were discussing the drop down of FAR this would constitute a land taking.

TREY SHUPERT - Move that the Board of Selectmen recommend Articles 25, through 29 **PETER ASHTON** – Second. Herman and Dore' abstaining. Motion passes.

Special Town Meeting – Peter noted that the article had two parts. Concerns have been raised about part B.

Ms. Maxwell a West Acton resident spoke about the article and there are problems that need to be addressed before it makes good sense for the Town.

CONSERVATION COMMISSION

Dore' spoke about the proposed bylaw. Matt Leibman spoke about the Riverfront area designations. They currently consider it in the plan review and would like to add to their bylaw. Dore' asked about the addition of endangered species. Matt said they currently have provision to protect them. **PETER ASHTON** – Move to recommend this article – **TREY SHUPERT** – Second. UNANIMOUS VOTE.

BOARD OF HEALTH

Mark Benedict felt we needed this article to protect the public health. He asked for the Selectmen's support.

Herman spoke about the need for this and how many more regulations will follow. Herman said that it is good common sense to have no smoking. And feared that the government will be intruding in to our lives and now we have to protect us from us.

Dore' spoke in favor of the article.

Trey noted the health issues associated with smoking, he supports this article.

Peter too supports this article.

PETER ASHTON - Moved to support this article TREY SHUPERT - second, 4-1 Herman no. Motion passes.

SELECTMEN'S BUSINESS

Library Directional Signs – HERMAN KABAKOFF – Moved to approve the directional sign requested for Woodbury Lane at Main Street. TREY SHUPERT – Second. UNANIMOUS VOTE. The Chair asked that staff notify the problem of the 2 other areas give them Mass Highways number.

ATM Warrant Discussion –Dore' spoke about the letter received from Nancy Tavernier regard the Public Safety Facility. It was noted that it was too late to change the article.

Ann Chang urged them to change the article and fears if it is not changed we may not get the building.

School Capital Articles - PETER ASHTON – Moved to Recommend Article 32 in the amount of \$247,080 TREY SHUPERT – Second. UNANIMOUS VOTE.

PETER ASHTON – Moved to recommend Article 35 \$48,528 – TREY SHUPERT- Second. UNANIMOUS VOTE.

Other Business

Dore' reported on his meeting in Concord with regard to the Rotary. The plans submitted are not much different. Concord Selectmen were asked to develop feedback. Dore' will forward the plans to TAC. He suggested that they would need to pick out 3 alternatives in the next several months.

Peter noted the Insurance Trust is in better shape than we thought. They will be proceeding to bring the agreement up to current status as well as how to continue to fund this over the next several years.

Dore' asked for a report about general E-mail at the next meeting.

School Building he wanted to alert the Board on exposures for additional charges.

Temple use of Town buildings - Bring policy to next meeting.

The Board reviewed Steve Barrett's Memo regarding the Sewer Betterments. TREY SHUPERT – Moved that the following policy be given to the Board of Assessors decision-making process:

1. The Board of Assessors only allows (1) apportionment of the original amount of any estimated or actual betterment, (2) if a written apportionment request was received prior to or simultaneously with the initial payment.

2. The Board of Assessors disallows the apportionment of past due interest, penalty and collection fee amounts.
3. The total apportionment period shall not exceed the term of the initial permanent financing for the project.
4. The Board of Assessors require that all past due interest, collection fees and penalties be paid prior to granting apportionment of any assessment pursuant to #1 above.
5. The Board of Assessors allow the Finance Director or his designee to ministerially apply the rules adopted by the Board of Assessors rather than to require appointments/hearings before the Board of Assessors for each individual case.

PETER ASHTON – Second. – UNANIMOUS VOTE.

ACTON DAY – After discussion, the Board recommended September 23rd as Acton Day.

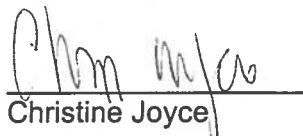
CONSENT AGENDA

PETER ASHTON – Moved the approval of the Consent Calendar with the additional approval for LWV Signs. HERMAN KABAKOFF – Second. UNANIMOUS VOTE.

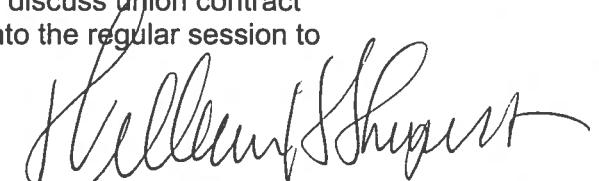
TOWN MANAGER'S REPORT

EXECUTIVE SESSION

TREY SHUPERT - Moved to go into Executive Session to discuss union contract negotiations as well as litigation strategy only to adjourn into the regular session to adjourn – Roll call all Ayes.



Christine Joyce



William H. Shupert, Clerk
Date 4/24/01

MEMORANDUM

Exhibit 10

SUBJECT: FINANCE COMMITTEE POSITION ON PUBLIC SAFETY FACILITIES
BUILDING

TO: BOARD OF SELECTMEN

APR 24 2001

DATE: APRIL 24, 2001

After reviewing the several minutes of the Finance Committee and BOS meetings since 01/08/01, we are requesting and recommending that the BOS add to and amend the draft minutes of their 03/20/01 meeting. These minutes should state that S. Johnston and J. Prendiville, Chairman and Vice-Chairman of the Finance Committee, respectively, did represent properly the position of the Finance Committee at the 01/20/01 ALG meeting. At this session, the Finance Committee's representatives recommended that the total project cost of a proposed Public Safety Facility Building (PSFB) be presented to the electorate.

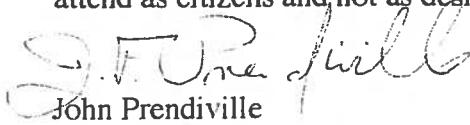
We note that significant discussion took place at the 03/20/01 BOS meeting regarding this matter and that J. Prendiville was described by the Chairman and supported by others as presenting a personal opinion and recommendation. This was patently false. Both J. Prendiville and S. Johnston presented the Finance Committee recommended position.

To correct the misstatements we recommend that the minutes be amended to include this memorandum and its attachments. These include:

- A summary of Finance Committee and BOS meetings where the PSFB was discussed,
- Approved copies of the minutes of the 01/08/01 and 01/20/01 Finance Committee meetings. (The former meeting describes the position regarding total project cost funding; the latter states approval of 01/08 minutes), and
- A 03/15/01 letter from N. Tavernier to D. Hunter.

We further recommend that the BOS describe these additions and amendments for the video audience. The BOS's 03/20/01 one half-hour debate regarding this matter was broadcast and a viewer would have been left with the impression that S. Johnston and J. Prendiville did not act in a professional manner. A tape of this BOS meeting can probably be obtained from the AT&T Broadband representative. If not, then we can provide a copy for reproduction.

The reputation of the Finance committee, its officers, and members require these corrections. We understand that all may not agree with the Finance Committee's positions on financial issues; that is the stuff of which healthy debate is made. Personal positions of our members preface their remarks at ALG, BOS, or the sundry other Town and School meetings which members may attend as citizens and not as designated Finance Committee representatives.


John Prendiville