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TOWN CLERK
ACTON

SELECTMEN'S MINUTES

December 2, 1997

Present: F. Dore' Hunter, Wayne L. Friedrichs, Herman Kabakoff, William Mullin, Nancy Tavernier, Town Manager Don Johnson and Assistant Mgr. Murray. (The meeting was televised)

CITIZEN'S CONCERNS

Paula Huber of Sacham Way asked the Board to have a dog removed from Acton that has bitten her son. The Dog is owned and registered in the Town of Hudson but comes to work with its owner to Acton. The neighbor hood is concerned that this dog is not restrained and might really hurt someone while they are waiting for the school bus at the end of their street. The Board explained that the dog would have to be handled by the Town of Hudson and that the Town Manager would look into the situation and get back to them with his findings. The Board reminded them that the Town of Acton does not have a leash law as they presumed.

PUBLIC HEARINGS AND APPOINTMENTS

LEXICON PRESENTATION

Jesse Liberty and Peter Ashton presented the findings of the Committee. Dore' asked if the FinCom had accepted their numbers. Jesse said no and that they have not made the presentation to them yet. Dore' asked if the Fin Com's comment and recommendation would be ready to be printed in the warrant, they said they hoped it would be.

Bill Mullin commented on the quality of the presentation. He asked why they used 10 years. They said that the further out you go it gets hazier and it was ultimately a judgment call.

Wayne asked for an opportunity to go over the maintenance budget numbers he noted that he was suspect of the numbers presented. He also was concerned that the Committee had not remained as it was presented to the Board and that it had become an advocacy for the building of the new schools. Mr. Liberty said he was sorry, but the intent had changed after consensus and it is no secret he is pro-education and schools. Bill Mullin urged the debate to remain at a high level.

Herman wanted to know the logic that gets to 10 years. 20 Million to 6 million project. Peter Ashton said 63% is at work, cash flows from Fleet Securities and an estimate short and long term. 1997 dollars and future cash flows are deflated. He wanted to see the best cut Lexicon can scrub and give over 10 to 25 years at least 10, a picture of how class sizes are affected presented in the same manner as you showed dollars and the affects of sign ways and projections of the numbers. He wants a chart of the tax impact associated with the operating budget and to add together the cost to taxpayers.

Nancy said it was a fine presentation, very understandable. It identified costs of building proposal and the 21 million assumption, she wanted to see the breakdown. She wants to see why it is increasing from 17 to 21. Jesse said they used the 21 million voted by the School Committee, Lexicon did not develop the 21 million number. Nancy asked how a 135,000 sq. Ft. elementary school building compared to other projects throughout state. Lees Stunz said they added system wide spaces, 2 additional classrooms were added, they hope to house all day kindergarten. An escalator for building Merriam School \$600,000 contingency since they would not built until after 18 months.

Dore' spoke about Fleet Security sheet assumptions it shows complete in Jan 2000 and then making the student transfer. Lee's clarified the date and student transfer plans. The

assumptions include architect fee of 8 to 10% of costs and 1/2 design and 1/2 for management. Fleet says 8.6 for design expended in the beginning of 98. 20% would be for management cost of project according to Bill Ryan.

TAX IMPACT REPORT

John Murray outlined the assumptions made to 2001 plan. The peak is at \$213 on \$300,000 parcel, the 2001 plan includes all projects including school projects. His concern is that Fleet numbers are O.K. but more sophisticated in predicated monthly cash flows and draw downs are overly conservative.

Bill Mullin assumes borrowings at the beginning of the projects.

Herman Kabakoff noted the \$650 does not include operating costs and does not include the Region. John says it dealt with 21 million. Herman requested that John's numbers be melded into Lexicon and Capital figures.

TAX CLASSIFICATION

Chairman Hunter opened the annual tax classification hearing noting the rise in residential of 9 to 10% and condo's at 11%. Of 340 cities and towns, our ranking was 16 last year and we are 15 this year from the top. The average tax bill is \$4,546. Assessor Dave Brown made the Assessors presentation to the Board about the various options available to the Board of Selectmen.

Bill Lawrence of the Chamber commented on the higher split rates in other communities and hoped we would not follow that practice. He thinks we need to maintain uniform tax rate to cover the base of residential growth, and to entertain new businesses.

Bill Funk, resident stated that businesses are leaving Acton and asked what will be happening to residents. The Chairman noted that in fact the businesses are not declining, there has been a modest increase in business in Acton.

WILLIAM MULLIN - Moved to adopt the Minimum Residential factor at 100% for the next coming year. HERMAN KABAKOFF - Second. UNANIMOUS VOTE

WILLIAM MULLIN - Moved that the Board not adopt the open space or residential commercial exemptions. HERMAN KABAKOFF - Second. unanimous VOTE.

Wayne thanked the Chamber for their annual attendance at the Classification Hearing and current involvement on the EDC.

CABLE CONTRACT DISCUSSION

Peter Robinson and Laura Hirsch were present to represent the cable committee in the review of the contract with the Board. They have been working to put the RFP out. It was noted that we cannot use current counsel as they represent Cablevision. Don has been working on getting a new firm on Board.

Dore' was pleased with the document and asked if we could send to other providers. Don felt the committee has striven to see what Cablevision could provide in response to the proposal. Nancy thought competition could leverage us. The Committee said they had copied the outline and questions from other communities for use in the re-negotiation process.

Nancy wanted all Finance Committee and School Committee meetings televised as well as Planning, Board of Health, Conservation and ALG meetings. She questioned the need for Patriots

Day and Memorial Day coverage. She also had questions about VCR Plus, the time for customers to wait on line, data equipment - Town staff to look at to be sure it is consistent with I NET plans. He noted the reduced rates at 62 rather than 65.

Herman questioned the time requirements of retaining tapes. He also urged a requirement to get a local office to get new cable boxes and conduct business in Acton, he also asked about automatic reimbursement for times when cable goes out without asking for a rebate.

The committee's request for restructuring as discussed. WAYNE FRIEDRICHES- Moved to approve the restructuring of the Membership from 8 to 5. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

SPECIAL TOWN MEETING WARRANT ARTICLE- Chairman Hunter spoke about the motion and article as revised by Town Counsel vs the one submitted by Dr. Zimmerman. Bill asked if the numbers are placed in the article does that mean they can't change the numbers. Bill was concerned that numbers go up and down on other projects.

Herman said the contingency line is included at a fairly high amount already. Dore' thought the monies could be shifted later and Don agreed. Nancy was concerned on how we would administer the project on the Town side and suggested another committee and or Citizen's committee could handle this. Wayne agreed it was too much to ask the Town Manager to oversee a project of that level taking place at the school and wanted to see school staff or designee take the lead and load.

Dore' asked if anyone was against taking the Town Manager out of the loop. Herman felt he should be included but not at the level of supervisor of the building project. Nancy was concerned that 21 million of public monies was spent with no Town side involvement or oversight.

Mike Scanlon said that a meeting was scheduled to address these issues around 21 Million expenditure he will take to school Board along with other issues listed on the Agenda. Wayne still does not feel he has seen a good presentation all in one piece. He urged them to put together a better presentation. Dore' invited them back to the December 16th meeting to make another presentation to the Board.

1998 LICENSE RENEWAL - The Board reviewed the renewal list for the licenses under their jurisdiction. WILLIAM MULLIN - Moved to approve with the deletion of DJS Class II and holding Makaha until after their public hearing. NANCY TAVERNIER - Second. UNANIMOUS VOTE. John Murray noted the one license that the landlord had defaulted on agreed payment of back taxes and he will be moving toward foreclosure on the owner.

EAGLE SCOUT COURT OF HONOR - Wayne will take the December 27th and Herman the January 10th.

WINDSOR AVE. TRAFFIC - Wayne discussed the recent letter from Messer's Pavan and Chernin and the possible agenda time in the future to address. Nancy felt that TAC should address this and the commuter lot issues and would forward these materials to them.

Acton 2001 - Nancy reminded the Board of the Wednesday meeting at 6:45 at the Jr. High.

CONSENT AGENDA

WILLIAM MULLIN- Moved to approve. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

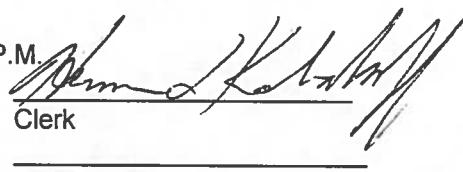
ETHICS DISCLOSURE - Don outlined his issue outlined in his memo regarding the sub-contractor used by his oil company to remove the oil tank. He wanted to make disclosure to the Board. WILLIAM MULLIN -Moved to approve the disclosure as outlined in his memo dated November 26, 1997 regarding the Sub-Contractor. HERMAN KABAKOFF- Second. UNANIMOUS VOTE.

MIDDLE FORT POND SEWER PROJECT FUNDING - WILLIAM MULLIN - Moved the expenditure of funds for this project from the sewer Gift Funds be at the discretion of the Town Manager and Treasurer as they deem appropriate and necessary. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

EXECUTIVE SESSION

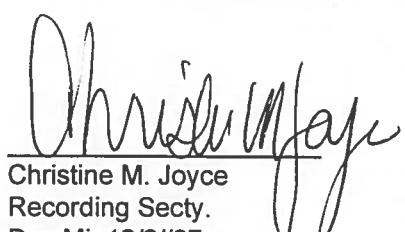
None Required

The Board adjourned at 10:30 P.M.



Herman K. Kabaoff
Clerk

Date



Christine M. Joyce
Recording Secty.
Doc:Min12/2/97

November 26, 1997

TO Board of Selectmen
FROM: F. Dore' Hunter, Chairman
SUBJECT: Selectmen's Report

AGENDA
Room 204
DECEMBER 2, 1997
7:30 P.M.

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:45 LEXICON GROUP
2. 8:00 TAX IMPACT REPORT
3. 8:30 TAX CLASSIFICATION HEARING- Enclosed please find materials prepared by Staff and The Acton Chamber of Commerce.
4. 9:15 CABLE CONTRACT DISCUSSION

III. SELECTMEN'S BUSINESS

5. 1998 LICENSE RENEWAL LIST - Enclosed please find the 1998 list of license renewals that will be brought to the Board for approval at the meeting of the 16th.
6. EAGLE SCOUT CEREMONIES - Enclosed please find an invitation to attend Matthew Whelihan and Matthew Warren's Court of Honor on December 27 and January 10, respectively for Board action.
7. Discussion of Form of Special Town Meeting Warrant Article(s)
8. Discussion of School Bldg. Project
9. Discussion of any other petitions for warrant articles
10. OTHER

IV. CONSENT AGENDA

11. FEE WAIVER REQUEST - Enclosed please find a confidential request for fee waiver for Board action.
12. CHRISTMAS TREE SALES - Enclosed please find the annual request from Mrs. DiDucca to sell trees at her farm stand on Great Road for Board action.

V. TOWN MANAGER'S REPORT

13. ETHICS DISCLOSURE - The Town Manager will seek board approval of the enclosed disclosure.

14. Discussion of Memorandum of understanding with Schools

VI. EXECUTIVE SESSION

MEETINGS

2001 - Wednesday, December 10 @ Jr. High Library 6:45

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.

Dec. 16- Set STM Date and take position

Bd of Appeals Interviews

Site Plan - Concord/Acton Squash Club

Common Victuller - 5 Spruce Street

Jan 6

Site Plan - 80-82 Nagog Park

Jan 20

Planning Board Presentation of articles

Pcc/dec.297DOC