

Selectmen's Minutes

May 6, 2002

7:00 P.M.

RECEIVED & FILED

AUG 20 2002

Present: Trey Shupert, Walter Foster, Pam Harting-Barrat, Peter Ashton, F. Dore' Hunter, Town Manager and Assistant Town Manager. Meeting was televised.

CITIZEN'S CONCERNS

None expressed

PUBLIC HEARINGS & APPOINTMENTS

BLACKBIRD CAFÉ' - Common Victualer's - The new owner Mr. Parent wants to add ice cream and have more stock on hand with regard to pastries and such. He wants to expand seating to 24 in the next month. Peter asked about the expansion of seats. Peter asked if he felt that there was sufficient parking. Mr. Parent said that there are 8 spaces common to the architectural firm and the restaurant and they will use street parking and common parking in the rear. Don urged Mr. Parent to talk with the Building Commissioner and Board of Health about the expansion. PETER ASHTON - Moved to approve. PAM HARTING-BARRAT - Second. UNANIMOUS VOTE.

Scott Parent - Conservation Associate - The Board asked about his thoughts on CPA and Wetlands issues. He noted that his wife works for Northwest Structures and the golf course, he would have to recuse himself.

NONE

Barbara Smith - Conservation Associate - She has been off the Board for two years. She was asked about the CPA, she is in favor. She has one concern that if the CPA passed she wondered if voters will still consider overrides for open space.

Susan Phoenix - Conservation Associate - She is interested in serving now that her schedule has changed. She hosts mystery walks and enjoys the conservation lands.

Michael Eder - Conservation Associate - He is interested in taxes and feels he has expertise. He feels that he has offered because the Cons Com was low on membership. Pam noted his involvement with regard to the Golf Course, and how he would separate his role as commissioner and individual.

SELECTMEN'S BUSINESS

Girl Scout Gold - Pam to represent the Board

Eagle Scout - Trey will represent the Board.

MAKAHA Continued Discussion - They discussed the letter from Atty. Deimert with regard to the length of the trial period. The Board feels that they previously agreed to three months not the one month as noted in the correspondence from Mr. Diemert. All agreed it was a three-month period. Town Manager to notify Mr. Deimert about the

length of the trial period. Don asked about the DARE contribution and asked for a range acceptable to the Board. The Chief and Town Manager will negotiate this.

Acton Housing Authority - Additional parking for Windsor Green – The Board discussed the parking issues at the Windsor facility and they need 20 more spaces at this time. Trey asked the Town Manager for direction. Staff will take a look at the issue; he feels wetlands may be a problem. On a whole the Board agreed that they needed the additional parking.

Acton Housing Authority Beach Request – Walter commented on the request and approved it with the idea to provide the half price cost for the Beach. Don was asked to have the Housing Authority to encourage the sending of their children to the NARA Summer program. **WALTER FOSTER** – Moved to approve the ½ price memberships **PAM HARTING-BARRAT** – Second. **UNANIMOUS VOTE**

Arbitrage Rebate Payment – John explained the process and defined arbitrage.. We have made profit from the interest costs on the Twin School and we are not allowed to keep the profit. We have to reimburse the funds to the IRS. Many hours were spent on this issue and it is important to remember we did not lose money. We made a small amount of money. **DORE' HUNTER** – Moved to find the refund of interest income in excess of interest expense in relation to the Twin school Borrowing that is necessary to maintain the federal tax exempt status or those bonds and the amount of \$125,012.01 be paid to the federal government in compliance with the IRS Code and MGL Chapter 44 Section 53H. **PETER ASHTON** – Second. **UNANIMOUS VOTE**.

Town Building Parcel Delineation – Peter discussed the request and he and the school and town and ACHC positions and views and then go forward. He felt it was premature to act until they have the meeting and will update the Board at the next meeting.

JATC Appointments under the Teaming agreement. Trey has been informed that John Donnelly would like to remain on the committee. Dore' suggested that we go forward with the people on the committee first. They would like to have him stay on. Dore' thinks that we need an additional Selectman involved. He feels we ought to defer to the Town Manager for appointments and to appoint him and John, or anybody else that has been coming that would qualify for our choice as a citizen volunteer. Dore' thinks that the BOS would like to appoint one more citizen with technical background on the committee. He would be happy to continue on the Committee and Peter noted that Walter would be the additional Selectmen representative. **DORE' HUNTER** – Moved to appoint Walter Foster to the additional opening for Selectmen on JTAC. **PETER ASHTON** – Second. **UNANIMOUS VOTE**

DORE' HUNTER – Moved to appoint John Donnelly as a citizen participant. **PETER ASHTON** – Second. **UNANIMOUS VOTE** – Dore' asked for those who may be interested to come forward.

Don Johnson will suggest members when he makes his final choices. Trey noted that perhaps the Police Chief should be included. Don noted Mark Hald; John and himself were also interested.

OTHER BUSINESS – Pam noted that there are questions about additional parking at the S. Acton train station and Jones Field. There is a need for additional parking.

Dore' discussed Route 2 Plans and requests to look at other plans. He asked that it be put on an upcoming agenda. He also discussed updating Goals and reminded Peter that he has to review the Town Manager's evaluation. Peter asked for Dore's template for use in this task. He also made a recommendation before Town Meeting that we begin the preliminary budgets before the summer and set a town meeting in the fall, which will distract some of the members from moving toward the budget. He discussed the condition of the town's emergency plan and feels it is important it get updated. He feels we need to have a table top exercise and probably could be done during the summer.

Peter spoke about citizen's idea to form a new advisory committee. It would be an architectural Advisory Board. They would serve when renovation or new buildings were being proposed. More to aid in the process and help in how to present things at Town Meeting and dealing with the proponents. Designate them as advisors so they would not have to do minute's etc., somewhat like Trust funds Advisory Group.

Goals and Assignments will be discussed at next meeting.

CONSENT AGENDA

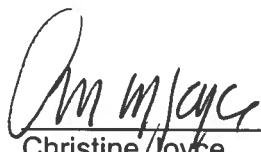
DORE' HUNTER – Moved to Approve. Peter Ashton – Second. UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

None

EXECUTIVE SESSION

PAM HARTING-BARRAT – Moved to go into Executive Session to discuss Litigation - **PETER ASHTON** - SECOND. The Board will only return to open session to adjourn. Roll Call taken by the Clerk, All Ayes.



Christine Joyce
Recording Clerk



Pam Harting
Clerk
Date

Executive Session

May 6, 2002

Christine Joyce
Recording Clerk

Clerk

Date

May 3, 2002

TO: Board of Selectmen, Sewer Commissioners
FROM: Trey Shupert, Chairman
SUBJECT: Selectmen and Sewer Commissioners Report

MAY 6, 2002
PLEASE NOTE THAT THE MEETING BEGINS AT 7:00 P.M.

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:10 **BLACKBIRD CAFÉ COMMON VICTUALER'S LICENSE – 5A SPRUCE ST**
Enclosed please find an application for a Common Victualer's License , along with staff comment for Board consideration.
2. 7:30 **SCOTT PARENT – CONSERVATION COMMISSION INTERVIEW** – Enclosed please find Mr. Parent's application and VCC comment for his appointment as an Associate Member of the
3. 7:40 **BARBARA SMITH –CONSERVATION COMMISSION INTERVIEW** - Enclosed please find Ms. Smith's application and VCC comment for her appointment as an Associate Member of the Conservation Commission with a term to expire 6/30/03 for Board consideration.
4. 7:50 **SUSAN PHOENIX – CONSERVATION COMMISSION INTERVIEW** – Enclosed please find Ms. Phoenix's application and VCC comment for her appointment as an Associate Member of the Conservation Commission for a term to expire 6/30/03 for Board consideration.
5. 8:00 **MICHAEL EDER – CONSERVATION COMMISSION INTERVIEW** – Enclosed please find Mr. Eder's application and VCC comment for his appointment as an Associate Member of the Conservation Commission for a term to expire 6/30/03 for Board consideration.

III. SELECTMEN'S BUSINESS

6. **GIRL SCOUT GOLD AWARD CEREMONY** – Enclosed please find a letter of invitation to attend the Gold Award Ceremony for Emily Gardel of Girl Scout Troop 2001 on Monday, June 10, at 7:15 P.M. for Board assignment.
7. **BOY SCOUT EAGLE COURT OF HONOR** – Enclosed please find a letter of invitation to attend the Court of Honor for Jacob Ellis Russell, Troop 1, on Sunday, June 16, 2002 for Board assignment
8. **MAKAHA RESTAURANT-** Enclosed please find correspondence from Attorney Diemert for which staff seeks clarification.

9. **HOUSING AUTHORITY** – Enclosed please find a request from the Housing Authority for Board consideration.

10. **ACTON HOUSING AUTHORITY BEACH REQUEST** – Enclosed please find a request from the Housing Authority for reduced Beach Fees at NARA, along with staff comment for Board consideration.

11. **ARBITRAGE REBATE PAYMENT** – Enclosed please find materials from staff in the subject regard for Board consideration.

12. **TOWNE BUILDING PARCEL DELINEATION** – Enclosed please find a memo from the Acton Community Housing Corp. asking that the Town Manager contract with an engineering firm to provide a survey of the parcel and that funding be from the New View Affordable Housing Gift Fund for Board consideration.

13. **JTAC REPRESENTATIVE(S)** – The Board will need to consider it's appointment(s) to JTAC under the new Teaming Agreement."

14. OTHER BUSINESS

IV SEWER COMMISSIONER'S REPORT

V CONSENT AGENDA

15. **ACCEPT MINUTES** – Enclosed please find March 25th minutes for approval.

16. **SEWER GIFT FUND APPROPRIATION** – Enclosed please find a memo from staff regarding appropriations from the sewer "GIFT" Fund for Board approval.

17. **SEWER USE REGULATIONS** – Enclosed please find proposed Sewer Use Regulations for Board consideration.

18. **OUT DOOR LIGHTING ADVISORY COMMITTEE** – Enclosed please find materials in the subject regard as well as the names of four members for appointment with terms for the duration of the project for Board consideration.

19. **FRIENDS OF THE ACTON LIBRARIES** – Enclosed please find the Friend's request to hold the summer book sale on June 1, 2002 on the front lawn of the library, for Board consideration.

20. **ANNUAL ANTIQUE SALE** – Enclosed please an the application and staff comment regarding the Acton Congregational Church's Annual Antique Show for Board consideration.

21. **ONE DAY LIQUOR LICENSE** – Enclosed please find a request from the Council on Aging Board for a one day liquor license at the Senior Center on May 8, 2002 for Board consideration.

22. **JENKS FUND ALLOCATIONS** – Enclosed please find the recommendations made by Selectman Foster for Board consideration.

23. **ACHC PLANS REIMBURSEMENT** – Enclosed please find a request for reimbursement for plans associated with the Towne School reuse for Board consideration.

24. **LRTA REAPPOINTMENT** – Enclosed please find a letter from Sheldon Herskovitz regarding his reappointment to represent Acton on the Lowell Regional Transportation Authority (LRTA) for Board consideration.

VI. TOWN MANAGER'S REPORT

VII EXECUTIVE SESSION

25. **There will be a need for Executive Session to discuss the enclosed materials.**

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.

May 13 – Special Meeting with the Water Commissioners at Water District offices

May 20 – Beer and Wine License – Savory Lane

June 3 - EDC

GOALS 2001-2002

1. Resolution of on-going Labor Negotiations (Peter/Trey)
2. Improve Communication with Town Boards (Peter)
3. Towne Building Reuse (Walter/Dore')
4. ALG process be used for purpose of Budget Planning for FY '02 (Peter/Trey)
5. Residential and Commercial Growth (Walter/Trey/Pam)
6. Open Space and Recreation Plan (Peter/Walter)
7. Health Insurance Trust Agreement (Peter)
8. HDC Bylaw Review (Dore'/Peter)
9. Decision on Pentamation Accounting System (Dore'/Pam)
10. Process Planning for "Life after NESWC" (Pam)

FY 2000 GOALS carried forward

11. Public Safety Facility (Dore'/Trey)
12. Determine future of Vallencourt House - 17 Woodbury Lane.
13. Provide looking at salary levels in the organization, include liaison with Personnel Board (Trey /Peter)