

# **Selectmen's Minutes**

## **December 16, 2002**

### **7:00 P.M.**

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

## **CITIZEN'S CONCERNS**

Ann Chang suggested that we hold the override at the same time as town election. She asked if the Board would be willing to participate in a simulated override election. She asked that the Board change their March 10<sup>th</sup> meeting to another date so that they could participate.

It was noted that the override vote would be on the Town ballot. Peter said he thought the idea was good. He does not share Dore's opinion on this. Peter feels having as many outreach sessions as possible is a good idea. PETER ASHTON - Move to set the ballot vote on April 1st. 2003, in connection with the Town Election. WALTER FOSTER - Second. 4-1, Dore' Hunter, No

Karen Laufer – Representing "No place for Hate" Organization is seeking the Board's signature on the proclamation. PAM HARTING-BARRAT – Moved to become the 55<sup>th</sup> community to sign the proclamation. WALTER FOSTER - Second. UNANIMOUS VOTE

## **PUBLIC HEARINGS & APPOINTMENTS**

### **SEWER COMMISSIONER'S REPORT**

DORE' HUNTER - Move that we approve rate as noted. PAM HARTING-BARRAT – Second - UNANIMOUS VOTE

**STARBUCKS SPECIAL USE PERMIT – 411 MASS AVE.** – The representatives of Starbucks presented the plan for the new coffee shop at 411 Massachusetts Ave. They felt they could address all outstanding issues noted by the Staff. Dore' felt that this project's parking was dangerous and was very uneasy about this. Dore' said he felt we needed a crosswalk and felt that this plan has possible pedestrian problems. Dore' said that we should have them comply with all of the issues noted. Peter Ashton – and Trey agreed that pedestrian safety and the continued ATM use at this location needed to be addressed. Walter felt that pedestrian safety was important. He wanted to see if they would be willing to install a pedestrian light to cross the No Name Street. He would like to hear from other Selectmen about their ideas about having a traffic study done. Dore' asked that they work with Garry to try to work out some of the concerns. PETER ASHTON - Moved to continue the hearing until January 13<sup>th</sup> at 7:10 p.m. WALTER FOSTER- SECOND. UNANIMOUS VOTE.

**STARBUCKS COMMON VICTUALER LICENSE – 411 MASSACHUSETTS AVE.**  
Continued to January 13<sup>th</sup> at 7:10 p.m.

**AT&T PERFORMANCE HEARING** – AT&T Representatives, the Cable Advisory Committee and Attorney Solomon were present for the Performance Hearing ordered by the Board. It was noted that the Performance Hearing was due last year. Stuart Gilmore noted three areas for discussion and improvement, technical improvements, citizen complaints and the high-pressure tactics. They feel AT&T needs to address these concerns.

Pam was concerned about transfer and what to expect from Customer Service. We have seen no improvement and in fact service has plummeted. None of the promises have been complied with. She spoke about channel changes and senior citizen issues and she felt that people are very unhappy and wondered what AT &T were going to do to correct these issues. Rob Travers spoke about the September Upgrade to Digital high speed internet. He noted that the company has only been a merged company for a month or so. They are aware of the issues and their need to work on Customer Service issues and will work on this in the coming months. They said that they have resolved the Senior Discount issue. The Channel Changes and shared changes will require that they have to remove some of the shared channels in order to bring new ones in. Walter wanted to focus on major problems with the Town of Acton's role and the Representatives of the Contract as well as changes in the whole function behind the public channel. He also spoke about the high-pressure tactics and wanted to make sure the misinformation and tactics were stopped.

They agree that PEG access is an important part of the line up. They have had a couple of technical issues and meeting issues especially with the School Committee's meetings. In September they saw a few more complaints and that was due to fiber optic installation.

Dore' said that his comments are the same as the others. He feels that we need to address the problems with the televised Board and Committee meetings. He spoke about his interaction with AT&T installers at his home and he said they were fine.

Rob said that they have looked into the complaints regarding sales tactics and high-pressure sales, but noted the low percentage of complaints regarding this issue.

John Covert – Spoke about not necessarily needing a cable box to operate a TV and did not see it explained in the letter. He felt that it was not accurate information. He said people have been told they need Digital because their TV will not work.

Rob was asked if AT&T was aware of any problems at the School committee meetings and Peter noted the lack of quality transmission. Section 12.2 of the contact requires them to provide clear signals.

Peter spoke about the increase in costs coming up in January of 7.8%. Rob said that they need to buy more shows.

Mary Ann Ashton spoke about the quality of the transmission. She wondered why they could not get a good transmission at the fixed location at the school. But she noted when she tuned in to the Selectmen's meeting tonight it was wavy and could not be heard. She suggested the taping of meetings and asked for incoding on the tape. She had a suggestion that a notice should be crafted to tell people about what to do when

you have a problem. She also asked about the public's access to studio time and how people can schedule time.

Terra Freidrichs asked that they agree to a schedule to complete tasks or be found in contempt.

It was decided to put a notice in the Municipal Quarterly to update the citizens regarding Cable Television.

Friz Reip noted the cost of programming is going up and asked about alternatives.

Trey has asked if AT&T are in compliance now. Rob Travers said yes, and Trey further asked if he felt they have always compliant to which Rob replied "to the best of his knowledge."

Atty. Solomon wanted to set out questions for the next meeting. He asked about the hours open for the studio. Why are there no evening and weekend hours available?

Attorney Solomon suggested we have better local programming and said that the Cable Advisory Committee could address this.

The CTAC asked how many volunteers we have, and also about public access issue and how many people have been trained; and that they need to address this.

6.2 the license provides that a production person not the PEG coordinator be scheduled 40 hours per month.

A Proof of performance test should be prepared and to see if the next test is different. It was noted that the test took place before the change over.

Bill spoke about the 3% per subscriber fee.

**DORE' HUNTER** – Moved to continue the hearing until January 13 at 8:00 p.m.  
**WALTER FOSTER** - Second. UNANIMOUS VOTE.

**DORE' HUNTER** – Moved to approve that Attorney Solomon represent the Town at the upcoming rate setting meeting.

Mark Hald asked the Board to approve the expenditure of \$187,500 for expenses related to equipping and operating the I Net, as well as equipping municipal buildings with related net work infrastructure and equipping the government channel. **WALTER FOSTER** – Second. UNANIMOUS VOTE.

**CONSERVATION COMMISSION** – Andy Magee was present to discuss a bylaw in development for the 2003 Town Meeting Warrant. The Board of Selectmen will add it to the Warrant. Peter volunteered to work with Andy.

## **SELECTMEN'S BUSINESS**

Dore' spoke about the CAC meeting.

**FY04 BUDGET DISCUSSION** – The Board reviewed Peter's memo. Peter spoke to his memo, which outlines his thoughts and suggestions on the A & B budgets. Dore' asked about the split between the educational side and the town. Trey said we don't have an agreement for 05 and 06, but currently it is 72/28.

**DEC. 12 ALG MEETING ISSUES** - They will be discussing the split and will try to come to an agreement.

**CPA COMMITTEE** – The Board discussed and recommended the approval of the following appointments: 2 Year, Peter Berry, 1 Year Susan Mitchell-Hardt, and Catherine Coleman, and Wayne Klockner and Mimi Herrington as Associates for a 1 year term.

**DORE' HUNTER** – Moved to approve the above appointments to the CPA Committee.  
**PAM HARTING-BARRAT** – Second. UNANIMOUS VOTE.

It was noted that Walter Foster will be representing the Board of Selectmen, Andy McGee will be the Conservation Commission representative, Allison Gallagher will represent Recreation, James Eldridge, Housing Authority, Chris Schafner, Planning board and we anticipate notification from Historical Commission on their representative.

#### OTHER BUSINESS

### CONSENT AGENDA

**F. DORE HUNTER** – Moved to approve. **PETER ASHTON** – Second. UNANIMOUS VOTE.

Item 11 MMA Meeting, the Board was asked to designate the Town Manager as the Board's designee...

### TOWN MANAGER'S REPORT

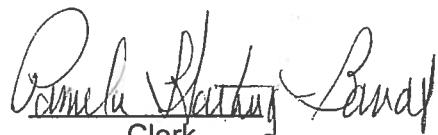
Contract Settlement with the Fire Union - Don outlined the Settlement just reached with the Fire Union.

### EXECUTIVE SESSION

Clerk moved to enter into Executive session for the purpose of discussing litigation only to return to the meeting to adjourn.

Roll Call taken, All Ayes.

CJ  
Christine Joyce  
Recording Clerk

  
Pamela Harting Landy  
Clerk  
2/16/03  
Date

December 13, 2002

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

**DECEMBER 16, 2002**  
**MEETING BEGINS AT 7:00 P.M.**

**I. CITIZEN'S CONCERNS**

**II SEWER COMMISSIONER'S BUSINESS**

- 1. 7:05 SEWER RATE SETTING AND REVIEW OF SPECIAL CIRCUMSTANCES –**  
Enclosed please find recommendations and staff comments for Board consideration.

**III. PUBLIC HEARINGS & APPOINTMENTS**

- 2. 7:15 STARBUCKS SPECIAL USE PERMIT – 411 MASS AVE. –** Enclosed please find materials in the subject regard.
- 3. 7:20 STARBUCKS COMMON VICTUALER LICENSE –** Enclosed please find application and staff comment for Board review.
- 4. 7:30 AT&T PERFORMANCE HEARING –** AT&T Representatives, the Cable Advisory Committee and Attorney Solomon will be present for the Performance Hearing ordered by the Board.
- 5. 9:00 CONSERVATION COMMISSION –** Andy Magee will be present to discuss a bylaw in development for the 2003 Town Meeting Warrant.

**IV. SELECTMEN'S BUSINESS**

- 6. FY04 BUDGET DISCUSSION –** Enclosed please find materials in the subject regard.
- 7. Dec. 12 ALG MEETING ISSUES --** Enclosed please find materials in the regard to pyramid and menu override questions and a preliminary long-range financial plan.
- 8. OTHER BUSINESS**

**V CONSENT AGENDA**

- 9. CABLE TELEVISION RATE SETTING HEARING –** Enclosed please see materials in the subject regard.
- 10. ACCEPT MINUTES –** Enclosed please find minutes of November 4, 18 and 19 for Board acceptance.

11. **MIIA VOTING DESIGNEE** – Enclosed please find the Annual MMA/MIIA materials in the subject regard.

12. **ACCEPT GIFT** – Enclosed please find a request from the West Acton Library to accept \$2,002.00 for the cost of Tot Time for Board consideration.

13. **ACCEPT GIFT** – Enclosed please find a request from Recreation for Board acceptance of donations for Winterfest.

14. **WEST ACTON CITIZENS LIBRARY SIGN REQUEST** - Enclosed please find a request in the subject regard for Board review.

15. **BOARD OF HEALTH RESIGNATION** – Enclosed please find Doug Halley's memo regarding the resignation of Ms. Gilmore and request to have Associate Member, Ms. Hunt, elevated to full member to fill Ms. Gilmore's unexpired term. That term being June 30, 2003.

## **VI. TOWN MANAGER'S REPORT**

## **VII EXECUTIVE SESSION**

An Executive Session will be required – Please see 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.

**Jan 13 Wine And Malt 50 Powder Mill Road, Special Permit Acton Assisted living, EDIC, AT&T Performance hearing continuance.**

**Jan. 27 – Bond Sale**

### **GOALS 2002-2003**

1. Labor Negotiations & Improve Labor Relations environment (Peter/Trey)
2. Improve Communication with Town Boards (Peter/Trey)  
Implement Chairman Round Table - (Trey) (for Dec/Jan)  
Revisit 2020 Planning Process for direction to make this process more beneficial towards Implementation of long-term vision (Trey).
3. Towne Building Reuse (Walter/Dore'/Peter)
4. ALG process be used for purpose of Budget Planning for FY04 (Walter/Trey)
5. Residential and Commercial Growth (Walter/Pam) (PCRC EDC – Continuing to meet)
6. Open Space and Recreation Plan (Peter/Walter) Completed
7. Health Insurance Trust Agreement (Peter) (Peter still working on getting comments from Water District.)
8. Decision on Pentamation Accounting System (Dore'/Peter) (Proposals are being looked at by staff)
9. Process Planning for "Life after NESWC" (Pam/Peter) (John Murray is looking at this)
10. Joint IT process-organizational change (Walter/Dore')
11. Implement an on-going Public Relations campaign regarding budgetary situation (Trey/Walter) (ALG put plan in place A/B)
12. Provide looking at salary levels in the organization, include liaison with Personnel Board (Trey /Peter) (Need to look at budget)

Based upon results of Salary Survey, conduct a through review of current salary levels (Trey/Peter) (*Need to look at budget override for Operating budget*)

- 13. Broader community interface with Emerson Hosp.- Board of Health to take elder issues on (Pam)
- 14. Recreational field lack of space, prison land etc. (Walter)
- 15. Middlesex Pension alternatives (Walter)

**GOALS carried forward**

- 16. Public Safety Facility (Dore'/Trey)
- 17. Determine future of Vaillancourt House - 17 Woodbury Lane. (Pam) (*No dialogue thus far as budgets have had the bottom fallout, Historical Commission issue and seek suggestions*)

Goals 2003-Selectmen folder