

BOARD OF SELECTMEN MINUTES

3/13 (12)

February 27, 2006

All Board members were present The Town Manager and Assistant were present, the meeting was televised

CITIZENS' CONCERNS

Representatives of the League of Women Voters read a brief statement about the effective participation for citizens through the use of E-mail and the Document Management System. They urged the use of the Document Management system to post minutes, agendas and other meetings. Peter noted that we are in the process of updating our e-mail policy.

SEWER COMMISSIONERS' BUSINESS

None Expressed

PUBLIC HEARINGS & APPOINTMENTS

OPERATIONAL MINUTE

Don updated the Board on his labor negotiations today.

VERIZON, JOHN SWIFT ROAD POLE LINE INSTALLATION REQUEST– DORE' HUNTER - Moves for approval of temporary permit to allow staff to continue to review and provide additional comments. WALTER FOSTER – second. UNANIMOUS VOTE

SENATOR RESOR – Senator Resor spoke about the Governor's budget and felt Acton did well. She also spoke about the Lottery Funding and the Increase in community policing grants. The Acton's Veterans bill filed this year has potential to be included in another Veteran's Bill. Sen. Resor noted Rail Trail Liability language and will continue to work on that. James Eldridge spoke about the work done on Chapter 70 it has been filed on the House side. They have set a regional caucus meeting in Concord about Regional School issues. They are looking for 100% bus funding and decreasing the Sped costs. Jamie spoke about the fact that there was no raid on CPA funds. He feels the efforts toward funding CPA will continue. He met with COA and they will be asking for full COA funding. Jamie noted the Middlesex Retirement Board reform and they are giving consideration to tightening up the investments and other suggested reforms.

Peter spoke about Chapter 70 funds and asked for the Senator and Representative's input in this effort. Walter spoke about the planning required to bring a budget to Town Meeting. Walter said that we need to work on the current split with the schools. Walter urged them to continue the review of Middlesex Retirement Board practices. Dore' agreed with what Walter said. Dore' said that he was concerned with the flow of funds and noted the basic flaw is that the Great and General Court will not make the decisions in time for our Town Meeting, that knowledge of money divisions, would allow us to make good decisions. Dore' noted that the MBTA is ensnared in the same irregular conduct of investment of retirement funds. The Board encouraged them to continue with their efforts regarding the Bruce Freeman Rail Trail. Dore' is delighted in this discussion of Chapter 70 Formula and noted that it is in a form that the citizens can understand and makes sense.

Lauren agreed with Walter and Dore'. She attended the rally at the State House and enjoyed it. Lauren asked what we could do to help them. Pam said that the Board has written letters of support and that is helpful.

Andy asked about the funding for Council on Aging and urged them to do any thing they could to increase funding for the elderly.

Jamie asked for a letter about the MRB issues and the Board will provide letters.

SITE PLAN SPECIAL PERMIT – #12/29/05-406 MILL CORNER, LLC, 140 MAIN STREET

Walter as Selectman assigned opened the discussion. They are seeking a special permit for 6 residential units. 4 Units are allowed by right. The FAR will remain unchanged the foot print or height. It is a well known stick style architecture. The adaptive use of the property will strengthen the housing development fabric of South Acton. The homes being located so close to the commuter rail is an example of a smart growth project. They project 12 spaces for parking. They want to restore the exterior to its former condition and will open the windows on Main Street which have been closed. They will install dormers on the roof for head room in the bedrooms. They noted that they are not in the district but have spoken with them and gotten feed back. They have discussed the Buy Down program for one of the units with ACHC. Andy asked about run off. The parking lot will use the current catch basin in the Town Right of Way. Lauren applauded their efforts to restore this building. Peter too supported this and was impressed with their submittal packet and noted the HDC's involvement.

Dore' too was delighted that they are taking such an effort. He was happy that they were going to preserve the building and work with town departments.

Walter too spoke about what a "Jem" this building is. It will bring life to the village and is esthetic if it turns out the way they have portrayed the development.

Nancy Tavernier spoke about how cooperative the developer has been and is excited about a chance to get a small unit. She said they will do every thing they can to move this forward. WALTER FOSTER – Moved to take under advisement. DORE' HUNTER – second. UNANIMOUS VOTE'

TRANSPORTATION ADVISORY COMMITTEE – ELEVATION OF JAMES YARIN - DORE' HUNTER - Moved to appoint James Yarin to a full member with a term to expire 6/30/09. WALTER FOSTER – second. UNANIMOUS VOTE

TRANSPORTATION ADVISORY COMMITTEE – INTERVIEW, MAUREEN GREER – Dore' asked about her resume. She is was a soft ware designer and wants to change her profession and this will be a good fit. Lauren spoke about Transportation as a multi modal and asked if she had any ideas about improvement around town. She noted pedestrian and biking with the kids on the street that will keep them safe. ANDY MAGEE -Moved to appoint her as an Associate Member to expire June 30, 2006. DORE' HUNTER – second UNANIMOUS VOTE

TRANSPORTATION ADVISORY COMMITTEE – INTERVIEW, HOLLY BEN-JOSEPH Peter asked why she wanted to serve on this committee. She was reading the Beacon and found a letter looking for volunteers from the Transportation Advisory Committee. Walter spoke about her interest for the BFRT and connecting the towns. DORE' HUNTER – Moved to appoint Holly Ben-Joseph to Associate Member of the TAC to expire 6/30/06. WALTER FOSTER – second. UNANIMOUS VOTE.

WARRANT ARTICLE REQUEST – ACTON FIREFIGHTERS' RELIEF FUND

Joe Sandulli representing the Fire Fighters requested changes to the Relief Association. He has discussed with Town Counsel and the agreed with this redraft.

The last time an award was made was in the 1950's. Dore' liked Bill Klauer's uses which are acceptable from this fund including any catastrophic injuries to fire fighters. Sandulli noted that Steve Anderson was concerned with the phrasing of these items and suggested we run any changes thru Steve Anderson. Dore' was asked if he would review changes with Don. DORE' HUNTER – Moved to place it on the Warrant. WALTER FOSTER – second. UNANIMOUS VOTE

SELECTMEN'S BUSINESS

DRAFT BOARD OF APPEALS RULES AND REGULATIONS 40B

Lauren spoke about the regulations. She feels it will help ZBA in their decision making. It suggested changes to their rules and regulations for small projects. They Board will be trying to fine tune the policy. This presents an incentive from builders to come to town and streamline their projects. Andy had several questions and they discussed his items of concern. It will be referred to Steve Anderson for his review and comments. Peter asked if it was helpful to get together with ZBA and Counsel to meet with them proposed Rules and Regulation and ask them to consider the items.

2006 WARRANT DISCUSSION

Peter's memo about legal expense reduction will need to be discussed at the next meeting. Peter wanted to talk about Senior Tax Relief as well as what interest we would like to establish. He also spoke about transfer of Funds from NESWC, and whether or not we want it on the warrant. Dore' asked about interest amounts on what is paid when not in tax title and John said 12% it goes up if they go to tax title of 16%. Lauren asked about CPA funding. Andy asked about CPA, Liquor, and Habitat issues. Walter said he wanted to talk about Cultural Council article. Peter raised an issue about whether or we are going to have one article for budget or split up, he will expand on this later this evening. Don wanted to be sure the Board understood the article for the COA Van and extra article to deal with DOR interpretations of Gift and asking for boiler plate items.

DORE' HUNTER Moved to approve all articles with the exception of Articles 3, 7, 15, 21, 22, 30, 32, 34, 37, 38 and 45. WALTER FOSTER – Second. UNANIMOUS VOTE.

The Board later voted to recommend Articles 3, 7, 15, 21, 22, 32, 34 (moved to consent), 37(reduce the volume of pages), 38(shorten article to replace Special Wastes where is appears) and 45. and to remove Article 30).

Walter gave an update on the finalized votes for CPA Funds. CPA approved projects that requesters had come back to CPC asking for less funding. CPC supported these requests and noted the compromise made in the amount requested by several requestors.

Lauren asked if they used a check off list to represent the conditions.

Dore' asked to see an electronic version of the finalized warrant so that they can review.

FY07 BUDGET DISCUSSION

Peter spoke about the Overtime in the Fire Department. Peter discussed this issue with David Stone. Peter noted he discussed the legal budget; it will stay at its current level.

Peter asked if we could find some money in the operational budget to fund the COA van.

Peter said we should make a \$100,000 cut in Fire Department Overtime. Peter asked if we were going to improve the service or stay the same. Currently with the four additional firefighters we free up \$200-250,000.

Walter would be willing to go to the \$100,000 cut. Lauren noted this is an issue of safety and lives. She felt the chief made a good argument for this money. She did not want the public to be affected and she wanted to support the overtime money of \$100,000 and if not that it be used for some other safety project.

Dore' felt that we have been running light, the Firefighters are now released from dispatching and are in the fire house.

Herman Kabakoff of the Finance Committee agreed with Peter's memo. If overtime is cut by \$100,000. The Finance Committee may support the cut.

Andy asked if there was room for compromise. Peter proposed a different type of compromise, let's look at this for a couple of months and see what coverage we are getting. A decision could be made under bottom line budget once the issue is reviewed. Dore' agreed and added that some increased pressure to control Overtime was implemented and see what happens. It was noted that we need to see some sort of incentive to improve. Peter noted it is the sense that this is an issue we need to look at and make adjustments down the road. Walter echoed Dore's view and that he wanted to see some savings. Dore' asked about getting bi weekly reports on how the time is used so we can track the use.

Peter spoke about the Legal Budget, \$628,000 with a \$50,000 cut which could be used to plug the hole on the COA Van or buy a truck. He does not think we will spend this much money next year. He will support the \$50,000 cut bringing it back to level funding. Dore' was inclined to pull the money and put it in the Van. WALTER FOSTER – Moved to support the \$50,000 reduction in Legal Services. He wanted to use the money to fund the COA van DORE' HUNTER – Second. UNANIMOS VOTE

Peter asked if we should fold the truck and new employee in to one article. Lauren said it is separated and was ok leaving it separate. Peter wanted these articles first and let the voters know we had adjusted our budget to support these items. The presenter of the Budget notify what we will fund if these items fail.

ACHC REQUEST FOR APPROVAL OF EXPENDITURE FROM COMMUNITY HOUSING PROGRAM FUND – BUY DOWN FUND

– Peter felt it was a good program and makes sense to start the process now to set up a program in Acton – DORE' HUNTER – Moved to approve and to also be sure we are in compliance with the bid laws. WALTER FOSTER – second. UNANIMOUS VOTE.

BOY SCOUT OF HONOR, ADAM MARGOLIS, EAGLE SCOUT COURT OF HONOR -

Lauren Rozenzweig will attend on behalf of the Board

ELECTION OFFICERS THAT THEY HAVE NOT RESPONDED - The Board will wait to see if any one comes forward from the Democratic and Republican Town Committee.

OTHER BUSINESS

Lauren spoke about the Commuter Rail Task Force meeting this Wednesday.

Dore' updated the latest meeting of MBTA. Things are not progressing well. They will be selling properties and noted the T's Pension Fund has been in similar circumstances as ours.

The Board was concerned that Mr. Berger, Exchange Hall owner, has not come forward to let us know what is going on as there is interest in this area.

Peter reported on the Acton Health Trust and we will have an addition of over \$500,000 in fund balance if all goes well the remainder of the year.

CONSENT AGENDA

DORE' HUNTER – Moved to Approve – LAUREN ROSENZWEIG recused herself from #17
ANDY MAGEE - second. 4 in favor, and 1 abstention Motion Passes

TOWN MANAGER'S REPORT

No Report

EXECUTIVE SESSION

DORE' HUNTER- Moved to go into Executive Session to discuss collective bargaining. ROLL CALL TAKEN, All members AYE. The Board adjourned into Executive Session only to adjourn.

Christine Joyce

F. Dore' Hunter, Clerk

DATE

BOARD OF SELECTMEN AGENDA

February 27, 2006

Francis Faulkner Hearing Room
Acton Town Hall
7:00 P.M.

I CITIZENS' CONCERNS

II SEWER COMMISSIONERS' BUSINESS

III PUBLIC HEARINGS & APPOINTMENTS

1. **7:05 OPERATIONAL MINUTE** – The Town Manager will give the Board a brief update on various topics.
2. **7:10 VERIZON REQUEST FOR PLACEMENT OF AN AERIAL CABLE ON JOHN SWIFT ROAD** - Enclosed please find materials in the subject regard, for Board consideration.
3. **7:15 SENATOR PAMELA RESOR** – Senator Resor will be in to brief the Board on various subjects.
4. **7:45 SITE PLAN SPECIAL PERMIT # 12/29/05-406, MILL CORNER LLC, 140 MAIN STREET** – Enclosed please find materials in the subject regard, for Board consideration.
5. **8:10 INTERVIEW, TRANSPORTATION ADVISORY COMMITTEE, ASSOCIATE POSITION, MAUREEN GREER** – Enclosed please find materials in the subject regard, for Board consideration.
6. **8:25 INTERVIEW, TRANSPORTATION ADVISORY COMMITTEE, ASSOCIATE POSITION, HOLLY BEN-JOSEPH** – Enclosed please find materials in the subject regard, for Board consideration.
7. **8:40 WARRANT ARTICLE REQUEST, ACTON FIREFIGHTERS' RELIEF FUND** – Trustees of both the current Relief Funds will explain their requested Warrant Article, for Board consideration.

IV SELECTMEN'S BUSINESS

8. **DRAFT BOARD OF APPEALS RULES AND REGULATIONS** – Enclosed please find materials in the subject regard, for Board consideration.
9. **2006 WARRANT DISCUSSION**
Enclosed please find materials in the subject regard, for Board consideration.
10. **FY07 BUDGET DISCUSSION**
Enclosed please find materials in the subject regard, for Board consideration.

- 11. **ACHC REQUEST FOR APPROVAL OF EXPENDITURE FROM COMMUNITY HOUSING PROGRAM FUND** – Enclosed please find materials in the subject regard, for Board consideration.
- 12. **BOY SCOUT COURT OF HONOR, ADAM MARGOLIS** – Enclosed please find materials in the subject regard, for Board assignment.
- 13. **OTHER BUSINESS**

VI CONSENT AGENDA

- 14. **IDIOSYNCRASY FUND RAISER** – Enclosed please find materials in the subject regard, for Board consideration.
- 15. **DRAFT DECISION, SITE PLAN SPECIAL PERMIT, #10/27/05-405, BRAVERY REALTY TRUST, 144 GREAT ROAD** – Enclosed please find materials in the subject regard, for Board consideration.
- 16. **POLE RELOCATION, BOSTON EDISON/VERIZON, BRABROOK ROAD** – Enclosed please find materials in the subject regard, for Board consideration. (NO HEARING IS REQUIRED)
- 17. **SETTLEMENT AGREEMENT** - Enclosed please find confidential materials related to settlement terms, for Board consideration.
- 18. **MMA LETTER TO END LOTTERY DIVERSION** – Enclosed please find materials in the subject regard, for Board consideration.
- 19. **ACCEPT GIFT, WORKERS' CREDIT UNION** – Enclosed please find a gift in the amount of \$500 from Workers' Credit Union for concert sponsorship, for Board acceptance.
- 20. **ACCEPT GIFT, THE INN AT ROBBINS BROOK, ACTON ASSISTED LIVING, LLC.** - Enclosed please find a gift in the amount of \$250.00 from The Inn at Robbins Brook, to be used for the Annual Easter Egg Hunt, for Board acceptance.

VII TOWN MANAGER'S REPORT

VIII 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.

March 13 & 27	April Annual Town Meeting

GOALS 2004-2005

1. Produce Morrison Farm Development Master Plan (Walter)
2. NARA Park
3. Pursue Commercial Tax Base
4. Master Plan review meeting once per year

GOALS carried forward

5. Monitor Labor Negotiations (Peter)
6. Improve Communication with Town Boards (ALL), Improving Inter-Board Communication (Dore')
7. Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision, and to get a first rough cut of what happens next year before school is out for the summer (Peter)
8. ALG process be used for purpose of Budget Planning for FY05 (Dore'/Peter)
9. Process Planning for "Life after NESWC"
10. Middlesex Pension Alternatives (Walter)