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# Selectmen's Minutes

## June 2, 2003

7:00 P.M.

Present: Walter Foster, Peter Ashton, Trey Shupert, F. Dore' Hunter, Robert Johnson, Town Manager and Assistant Town Manager. Meeting was televised.

### CITIZEN'S CONCERNS

Request to place signs to notify the citizens of the benefit supper for the Pires Family who had a automobile crash and lost three members of their family. Susan Muller representative of the 3<sup>rd</sup> Grade at Conant School outlined their planned fundraiser. TREY SHUPERT – Moved to Approve. BOB JOHNSON – second. UNANIMOUS VOTE.

### PUBLIC HEARINGS & APPOINTMENTS

**COMMITTEE INTERVIEW** – Karen McDonald, appointment to the VCC for a term to expire 6/30/06. Trey thanked her for volunteering to serve. Bob noted her background. TREY SHUPERT- Moved to appoint Ms. McDonald to the VCC for a term to expire June 30, 2006. ROBERT JOHNSON – Second. UNANIMOUS VOTE.

**SITE PLAN SPECIAL PERMIT #03/29/03-389 – 816 MAIN STREET, PITTERINO.**  
DORE' HUNTER – Moved to grant the request and continue to June 23, at 7:30. BOB JOHNSON – Second. Bruce Reichlen of 2 North Briar was present to give their comments regarding the project. While they are in favor they have a few comments and issues they would like addressed. He gave the Board a copy of his concerns.

Greg Nyemski a neighbor supports all of the items in the letter and would try to attend the meeting on June 23.

**SITE PLAN SPECIAL PERMIT #04/07/03-391 – 2 CRAIG ROAD – STEVEN NEUENIGHOFF** - Dan McGrath and Steve Neuenighof, his partner described how they came to propose the programs they are going to provide to the athletes. They plan on taking 15,000 ft to conduct athletic training in semi private programs for people 8-21

The across the street neighbor said it is a great idea but was concerned with the traffic increase.

William Burke, School Street resident spoke about the increase in traffic.

274 School Street – Commented on Route 2 School Street cut through, speed and traffic. She is a 35-year resident.

Ken Cooper – concerned about the revitalization of the buildings as it will increase the traffic associated noise.

Kathy Quinn – commented on the potential traffic

295 School Street – She is against the plan.

Dore' noted that the Board cannot deny if they meet requirements. Dore' noted that they will not get less traffic. People are coming off Route 2 and off the side streets. The 20-year plan notes that there will be increased traffic. He noted that the Craig Road site is an accepted use.

TREY SHUPERT – Move to close the hearing and take under advisement – BOB JOHNSON - Second. UNANIMOUS VOTE.

### **POLICE STATION ARCHITECT PRESENTATION TO THE BOARD**

Dore' updated the Board on the work that they have been doing with regard to the PSFC.

Dean Charter and Brian Hume were present to discuss issues. The committee voted that the landscaping would be moved out and placed in soft costs, The General Contract with one add on alternate or landing pad included. 9-2 with two abstentions.

They are trying do get further definition on the costs and the Steering Committee wants to go over the soft costs issues. Monday June 9 or June 11 7:00 TBD location.

Charlie Kadlec – He feels it is important that the bid not go out until they can determine the soft costs.

Dore' agreed that we need to keep an eye on the costs but the timing is of issue.

DORE' HUNTER – Move that the Board vote to release the plans as prepared by the architect and to authorize the Town Manager to release such plans when he feels appropriate. TREY SHUPERT – Second. UNANIMOUS VOTE.

### **ATLANTIC SEA GRILL LIQUOR LICENSE VIOLATION HEARING**

Ali Zosherafatian, Manager, said there is no excuse and they have been working harder to make sure this does not happen again. He submitted an updated Liquor Service File for the file. The Board cautioned him not to let this happen again.

### **ASSABET RIVER RAIL TRAIL**

Peter noted the need to transfer the money that we would not be using. There are 2 ½ miles of trail in Maynard and Acton is 1.1. total 12 miles. It is noted that we will not need the \$80,000. We cannot use for insurance only for purchase of land. They need a letter to close the deal. DORE' HUNTER – Moved to transfer the \$80,000 to Maynard and to send a letter. TREY SHUPERT – Second. UNANIMOUS VOTE.

The Board noted that it would be looking forward to Interlocal issues in the future with Maynard.

## **SELECTMEN'S BUSINESS**

**NARA BEACH FEE REDUCTION** – TREY SHUPERT- Moved to approve. DORE' HUNTER- Second. UNANIMOUS VOTE

**REQUEST FOR SUPPORT FROM AHA** – The materials submitted as for Support of Robert Whittlesey as the State appointment to the AHA. DORE' HUNTER – Moved to have the Chair sign the letter of support. TREY SHUPERT – Second. UNANIMOUS VOTE.

**MBTA** – Dore' distributed copies of his Motion for the Record. He noted that they passed the budget without comments. Dore' remains on the Executive Committee on MBTA. He noted that out of 178 members only 48 were present.

**DANNY'S PLACE** – Trey attended the Danny's Place meeting to bring a youth center to Acton last night. They have been meeting and planning events and have raised \$40,000 and they are well on their way. Trey noted that it was more like a Community Center for a broad-based group of people. Trey spoke about the petition in support of the building of this center. Don reported on his tour of a community center while on vacation...

Bob Johnson spoke about traffic signals in EAV. We will be going back to Mass Highway to take action on the Brookside Mall and Concord Road intersections.

## **OTHER BUSINESS**

Health Insurance Agreement needs to be signed and someone should be appointed from the Board to attend meeting DORE' HUNTER – Moved to authorize Walter to sign the agreement. TREY SHUPERT – Second. UNANIMOUS VOTE. Peter to be the representative from BOS. They will think about and make the appointment at the next meeting.

## **CONSENT AGENDA**

TREY SHUPERT – Moved to approve the Consent Agenda – DORE' HUNTER - Second. UNANIMOUS VOTE.

## **TOWN MANAGER'S REPORT**

Don gave a Status report regarding Sewers.

**ANNOUNCEMENT OF COPS GRANT AWARD COPS (Schools)** – Don noted that they have avoided the Cops Fast in the past because of the requirements attached. Don noted the entering into this would require a No Layoff in the Police Dept. It commits us to four years of no layoffs. Dore' feels that they have designed it to keep Police in the schools. The Board felt that the program should be entered into. DORE' HUNTER – Moved to have the Town Manager accept the grant cop program. TREY SHUPERT – Second. UNANIMOUS VOTE.

**SENIOR TAX PROGRAM** – DORE' HUNTER – Moved to re-up the program and increase the pay from \$500 to\$750. BOB JOHNSON- Second. UNANIMOUS VOTE.

**POST NESWC TRASH DISPOSAL PROCESS** – Don asked John to discuss his memo. They have been asked to work with LWV. He stressed that we will not participate in an extension of this contract. We have the transfer station on Route 2, which puts us in a more favorably situation than most. We need to garner bids to address post NESWC issues. He feels that a meeting should be held to start the process and have the Board endorse the process. He said that the Board should hold the public forums. Dore' agreed we need a post NESWC plan.

## **EXECUTIVE SESSION**

DORE' HUNTER – Moved to go into Executive Session to discuss Litigation . PETER ASHTON - second  
ROLL CALL TAKEN, ALL AYES.

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Christine Joyce  
Recording Clerk

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Clerk

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Date

## Executive Session June 2, 2003

Town Counsel briefed the Board on the Status of the following actions: Grace, Bonica, Kennedy, and a DEP enforcement action.

DORE' HUNTER – Moved to have the Town act conservatively and assume more than 100 cubic yards of contaminated soil and file a RAM, which needs approval by DEP. BOB JOHNSON – Second. UNANIMOUS VOTE

John Murray  
Recording Clerk

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Clerk

\_\_\_\_\_  
Date

ACTON'S MOTION  
TO CONDITION THE ADVISORY BOARD'S APPROVAL  
OF THE  
PROGRAM FOR MASS TRANSPORTATION

WHEREAS there is an inadequate schedule of commuter rail service on the Fitchburg line west of the South Acton commuter rail station, leading many commuters from west of Acton to seek access to rail service at South Acton or at other stations further east along the line; and

WHEREAS there is a lack of adequate parking at South Acton and the stations to the east; and

WHEREAS the overflow of would-be rail commuters who cannot find parking at South Acton or other stations therefore resort to driving along Route 2, thereby materially contributing to the highway congestion referred to in the draft PMT; and

WHEREAS the Fitchburg Rail Line Working Group, the Minuteman Advisory Group on Interlocal Coordination (MAGIC), and others have long recommended that a new Regional Commuter Rail Station with adequate parking be located at or near the intersection of highway Routes 2 and Interstate I-495 with the Fitchburg rail line in order to siphon commuter motorists from Routes 2 and I-495 into the commuter rail system, even though no specific station location has yet been generally agreed upon; and

WHEREAS the said long proposed new Routes 2 and I-495 Regional Commuter Rail Station was included as such in the published drafts of the proposed new MBTA Program for Mass Transportation until it was re-characterized and differently described without specific notice to the effected communities, some time prior to the recent transmission of the May 2003 version of the PMT to the MBTA Advisory Board members; and

WHEREAS what had been proposed as the Regional Routes 2 and I-495 Station is now effectively described in the May 2003 draft PMT as a new Sub-Regional Commuter Rail Station "in the former Fort Devens complex" and is now before this Board for approval, apparently without notice to the directly effected communities of Ayer and Shirley, re-titled "Commuter Rail Station Along Route 2 West of I-495", and includes a discussion which assumes that one or both of the aforesaid Towns would lose their present commuter rail station yet includes no conceptual proposal how automotive traffic from Routes 2 and/or I-495 would access the re-described proposed new station;

NOW THEREFORE ACTON MOVES that the MBTA Advisory Board's approval of the PMT be conditioned upon the following amendment:

That the low priority proposal to build a new Commuter Rail Station which appears on pages 5C-104 and 105 of the Draft-May 2003 Program for Mass Transportation be returned to the original concept by being re-captioned as "BUILD REGIONAL COMMUTER RAIL STATION AS CLOSE AS PRACTICAL TO INTERSECTION OF ROUTE 2 AND I-495"; and

That the Map 5C-51, on page 5-104 be revised to only illustrate and caption the general area around highway intersection referred to by means of a 5 to 7 mile circle, inasmuch as no site has actually yet been chosen nor specific means of access to the highways determined; and

That appropriate remarks be substituted by staff on page 5C-105, below the aforesaid caption, based on the foregoing discussion.

May 30, 2003

**TO:** Board of Selectmen, Sewer Commissioners

**FROM:** Walter Foster, Chairman

**SUBJECT:** Selectmen and Sewer Commissioners Report

**June 2, 2003**  
**MEETING BEGINS AT 7:00 P.M.**

**I. CITIZEN'S CONCERNS**

Please note that a group organizing a Fund raiser on June 11<sup>th</sup> for the Pires family will be in to discuss a variance from our Temporary Sign Regulations.

**II. PUBLIC HEARINGS & APPOINTMENTS**

1. **7:10 KAREN MCDONALD – COMMITTEE APPOINTMENT TO VCC** – Enclosed please find Ms. McDonald' Citizen Application and comment from VCC recommending that she be appointed Regular Member with a term to expire June 30, 2006. Please note that the application has requested a continuance.
2. **7:15 SITE PLAN SPECIAL PERMIT 04/04/03-390 – 816 MAIN STREET – PHILLIP PITTERINO #03/20/03-389.** Enclosed please find materials in the subject regard.
3. **7:30 SITE PLAN SPECIAL PERMIT 04/07-03-391 2 CRAIG ROAD – STEVEN NEUENIGHOFF.** Enclosed please find materials in the subject regard.
4. **7:45 POLICE STATION ARCHITECT PRESENTATION TO THE BOARD** – The Board will receive a short presentation, and will be asked for Board comment upon the "Final Draft Design".
5. **8:00 ATLANTIC SEA GRILL LIQUOR LICENSE VIOLATION HEARING -.** Enclosed please find materials in the subject regard for Board consideration.
6. **8:15 ASSABET RIVER RAIL TRAIL (ARRT) -** The Board will discuss regional issues concerning ARRT.

**III SELECTMEN'S BUSINESS**

7. **FEE REDUCTION – NARA BEACH AND DAY CAMP**– Enclosed please find a request and recommendation from the Recreation Director for the reduction of fees for Board consideration.
8. **REQUEST FROM ACTON HOUSING AUTHORITY STATE APPOINTEE** – Enclosed please find a request and backup materials regarding the nomination of Robert Whittlesey as the State Appointee for Board consideration.
9. **OTHER BUSINESS**

## **IV CONSENT AGENDA**

10. **ACCEPT MINUTES OF APRIL 28 AND MAY 5, 2003** – Enclosed please find minutes for Board approval.
11. **ACCEPT GIFT** – Enclosed please find a request from the Council on Aging for acceptance of 8 Chairs for the Senior Center, for Board consideration.
12. **ACCEPT GIFT** – Enclosed please find a request from the Citizens' Library for acceptance of a gift of \$130.30 from the A/B Jr. Women's club, for Board consideration.

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

13. **STATUS REPORT REGARDING SEWER CONSTRUCTION ISSUES.**
14. **ANNOUNCEMENT OF GRANT FOR ACTON POLICE DEPARTMENT (COPS) IN SCHOOLS.** Enclosed please find the announcement of Acton's receipt of the Grant.
15. **SENIOR TAX PROGRAM** – Enclosed please find a request to continue the Senior Work Program for FY'04.
16. **POST NESWC TRASH DISPOSAL PROCESS PROPOSAL** – Enclosed please see the enclosed "Staff process Proposal"

## **VI EXECUTIVE SESSION**

17. There will be a need for Executive session to review litigation matters.

### **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.

June 23 Acton Assisted Living LLC – Site Plan second phase  
July 14  
August 4  
Sept. 8 & 22  
October 6

### **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**