

16

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'
SPECIAL MEETING AGENDA**

*Francis Faulkner Meeting Room,
Town Hall
June 11, 2007
7:00 PM*

Present: Selectman Rosenzweig, Selectman Magee, Selectman Berry and Selectman Knibbe, Town Manager Don Johnson and Assistant Town Manager John Murray.

CITIZENS' CONCERNS

Daniel Wagner of 54 Great Road spoke of his concern with the Board's decision for McDonalds being given a special permit to operate longer hours than he had requested at a previous meeting. He explained a 20 year old court battle he went through with Burger King and how the court proceedings resulted in changes being built into Burger King's special permit. That did not happen with McDonalds. It is a blend of business and residential in this area of Acton. Deliveries and truck noise pose greater problems due to the extended hours permitted to McDonalds for operations. Mr. Wagner also explained a court case he entered into against the town for not allowing him to operate his home as a business which he felt his property should have been grandfathered into. He feels it is a slap in the face now to see McDonalds operating as it pleases. He would like to also develop his property like across the street into a business development. Lights at the McDonalds are awful and care was not taken as promised to curb the effects of the lighting to the residents. His sees a drainage problem with water running down the tarred parking surface into the streets causing safety and environmental issues. Buses and trucks should not be allowed to park in the lot, it is too small and creates a safety hazard. You need to make accessible parking if trucks are going to park there. Selectman Magee stated these are the same arguments heard at an earlier Board of Selectmen's meeting and the concerns had been addressed by the Building Department and the Health Department and then gone before the Board for a full public hearing. The Selectmen voted to approve a plan which had addressed many of these issues. Selectman Rosenzweig recommended Mr. Wagner meet with Town manager and staff to address his concerns.

PUBLIC HEARINGS AND APPOINTMENTS

None

SELECTMEN'S BUSINESS

FY07 YEAR-END BUDGET UPDATE

Selectman Rosenzweig started by reading a memo from Chair of Finance Committee stating that the Town Manager should be commended for prudent management and reiterating their commitment to funding capital items. This being said the Finance Committee felt that better communications should be maintained with the Board of Selectmen. In conclusion, the Finance Committee would like some of the unspent monies be reserved for free cash. That being read, Selectman Rosenzweig turned to Mr. Murray's memo of priority items that have been fully vetted with the Finance Committee and the Acton Leadership Group (ALG) in the January budget meeting. Selectman Magee questioned the degree at which free cash comes back to the town. He has issues with the town and schools each carving out their various blocks of cash. Mr. Murray described to the new selectmen the reasoning behind the Stone Formula. The allocation of free cash is a Town Meeting decision and it will be made there. Selectman Knibbe would like a very good relationship with the Finance Committee and respects their commitment to conservative spending. Selectman Knibbe would like to reserve 50K for free cash. Selectmen Berry would like Pat Clifford to answer a few questions. These are capital items and all agreed that the capital items on the list were to be purchased if there was the cash and there is, so why

the discussion on returning free cash. Mr. Murray stated that the common misconception is that free cash is only excess revenue or unspent appropriations. In actuality, the free cash calculation also includes Town balance sheet changes in assets, liabilities, and fund balance. Selectman Magee stated again that this list is a segment of the list that got prioritized. It might not seem as vetted to the new selectman but did go through many conversations. He would recommend 100-150K go to free cash. Mr. Murray would like the selectmen to give a range as the list is fluid list at the time. The Town Manager, Don Johnson explained that the town always has held some money at the end of the year in case of any emergency. A range would be helpful as they could still retain something to the last day yet still fulfill some of the remaining capital purchases. Selectman Rosenzweig noted that at the last meeting there was a request to move the light study up higher on the list. Selectman Rosenzweig realized after speaking to her committee that to put together a proposal in such short notice would not be possible. Given that fact, Selectman Knibbe withdrew her request. They will present the study options in September. Mr. Murray stated it is the town's intent to go in priority order with the remaining spending. Mr. Murray asked if the Board had any other priority for consideration. As there were none, Selectman Magee moves Municipal Operations to return \$100-150 thousand from the FY 07 Budget allocation to free cash; and pursuant to prior ALG agreements such amounts returned to free cash shall a) be reserved for municipal operations and b) shall be available for any Special Town Meeting and/or to be an addition, rather than a component of, the FY09 municipal revenue allocation. Selectman Berry seconds the motion. Selectman Knibbe would like this information to be forwarded to the School Committee and Acton Leadership Group. All in favor Motion passes. Selectman Magee moves the staff purchase priority items #26-47 of the fiscal year 2008 Capital Plan with fiscal year 2007 monies to the degree possible given monetary, legal, and time restrictions. Selectman Knibbe seconds the motion. A vote was taken and passes all in favor.

OTHER INFORMATION

Selectman Rosenzweig stated it looked as though on June 21 the Acton Leadership Group will hold a pre-organizational meeting at 7:30 a.m. in a show of commitment to the process. Selectman Knibbe had a question concerning Quail Ridge and their water usage, a follow-up to a notice to the Board of old business, stating a penalty was paid to the state for violations. The Town Manager gave what little back round information he had knowledge of and said the item does not need the Board's attention at this time. Selectman Rosenzweig left the room when the conversation started as she is a member in the club. Selectman Knibbe wanted to be certain that someone will monitor the existing permit. Selectman Magee clarified in this discussion the history of monitoring water usage at Quail Ridge, and noted that the Audubon International Company is a for profit company that has no connection to the Massachusetts Audubon Society or the National Audubon Society; but is an outfit that makes standards and you pay them for your rating. This misconception was the source of some of the original confusion on standards. Selectman Knibbe stated progress in formatting her Sidewalk committee. She hopes to have a list of members for the June 25th Board meeting for approval. Selectman Rosenzweig reminded the Board of the Shuttle Bus Forum meeting June 14th at 7:00pm in the Faulkner Room of Town Hall.

CONSENT AGENDA

None

TOWN MANAGER'S REPORT

None

ADDITIONAL INFORMATION

SELECTMAN MAGEE MOVED TO GO INTO EXECUTIVE SESSION FOR DISPOSITION OF REAL PROPERTY. THE BOARD WILL GO BACK INTO REGULAR SESSION ONLY FOR THE PURPOSE TO ADJOURN THE SESSION.

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 25

July 16 August 13

September 10

Recording Secretary

Andy Magee, Clerk

Date

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CITIZENS' CONCERNS

Daniel Wagner of 54 Great Road spoke of his concern with the Board's decision for McDonalds being given a special permit to operate longer hours than he had requested at a previous meeting. He explained a 20 year old court battle he went through with Burger King and how the court proceedings resulted in changes being built into Burger King's special permit. That did not happen with McDonalds. It is a blend of business and residential in this area of Acton. Deliveries and truck noise pose greater problems due to the extended hours permitted to McDonalds for operations. Mr. Wagner also explained a court case he entered into against the town for not allowing him to operate his home as a business which he felt his property should have been grandfathered into. He feels it is a slap in the face now to see McDonalds operating as it pleases. He would like to also develop his property across the street into a business development. Lights at the McDonalds are awful and care was not taken as promised to curb the effects of the lighting to the residents. His sees a drainage problem with water running down the tarred parking surface into the streets causing safety and environmental issues. Buses and trucks should not be allowed to park in the lot, it is too small and creates a safety hazard. You need to make accessible parking if trucks are going to park there. Selectman Magee stated these are the same arguments heard at an earlier Board of Selectmen's meeting and the concerns had been addressed by the Building Department and the Health Department and then gone before the Board for a full public hearing. The Selectmen voted to approve a plan which had addressed many of these issues. Selectman Rosenzweig recommended Mr. Wagner meet with Town manager and staff to address his concerns.

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PUBLIC HEARINGS AND APPOINTMENTS

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Deleted: He stated the standards that finally were set have been adhered to.

CONSENT AGENDA

None

TOWN MANAGER'S REPORT

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ADDITIONAL INFORMATION

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I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

None

III. SELECTMEN'S BUSINESS

1. FY07 YEAR-END BUDGET UPDATE

Enclosed please find materials in the subject regard, for Board consideration.

IV. CONSENT AGENDA

None

V. TOWN MANAGER'S REPORT

None

VI. EXECUTIVE SESSION

Not required.

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

FUTURE AGENDAS

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