

11/4 (14)

**Selectmen's Minutes**  
**September 8, 2003**  
7:00 P.M.

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

**CITIZEN'S CONCERNS**

None Expressed

**PUBLIC HEARINGS & APPOINTMENTS**

**WEST NILE VIRUS UPDATE** – Doug Halley made a presentation about the current position Acton is in with regard to the West Nile Virus.

**GUINNESS WORLD RECORD** - Susan Muller of the Acton Day Committee was present to give the Board the certificate acknowledging Acton's record setting at last year's Acton Day of the world's largest human flag.

**ACTON MARKET, INC. – 465 GREAT Road** – Anthony Russo presented his background to the Board and asked for approval to Transfer the Beer and Wine as Package Store from Acton Convenience to Acton Market, Inc. **TREY SHUPERT** – Move to Approve. **PETER ASHTON** – Second. **UNANIMOUS VOTE.**

**VCC OVERSIGHT MEETING** – Nancy Whitcomb updated the Board on the status of their committee. She asked that if anyone wants to serve on a town Board or Committee to give their time that they fill out the Volunteer Application and forward to them at Town hall. Walter asked that the application be placed on the WEB. Dore' noted the work they perform is very important to keep the town committees staffed.

**NESWC UPDATE** – John Murray gave a presentation to update the Board on the status of NESWC. He further gave a report on the contract Termination. He suggested that the Board continue on discussing at each meeting through December 15<sup>th</sup>. Walter felt we need to take a broad look at where we go from here. .

Dore' was concerned that we schedule them so that citizens can make comment. Peter felt the first meeting should be an overview meeting. Peter agreed with Dore'. Trey noted he agreed with Dore' and Peter. He suggested that we rearrange the schedule and bring it before Town Meeting. Bob Johnson asked about brokerage in the new contract.

John asked the Board to send their comments for distribution to the citizens. Walter wanted add it to the goals.

Dore' asked about how other communities handled solid waste. John asked about how they wanted the recycling portion to be handled.

**BOARD OF APPEALS OVERSIGHT MEETING** - John Wagner spoke about the Board of Appeals and its duties. Peter asked about the attendance at a recent seminar that Jon found very helpful. Peter asked if other members might be interested in attending.

The Board thanked them for their hard work especially the current 40B's that they are reviewing.

**CVS 24 HOUR PERMIT** – Representatives of CVS and their Attorney, Kathy Netburn were present to request this 24 hour permit. The Selectmen noted that staff comment had not been received or reviewed at this time and asked that they come back on the next agenda to continue the review. It was noted that they can be open 24 hours as long as they don't sell food items and will be open 24 hours at this Mass Ave. location regardless of whether or not they open for food. The Board wants to get staff comment. PETER ASHTON – Moved to continue to 7:02 on Sept 22nd– TREY SHUPERT - Second. UNANIMOUS VOTE

## **SELECTMEN'S BUSINESS**

**CROSSROADS, LLC COMPREHENSIVE PERMIT** Nancy Tavernier gave an overview of the process and that the ACHC could monitor this pro forma. DORE' HUNTER – Moved that the Board of Selectmen appoint the ACHC as the Town of Acton's monitoring agent under a proposed Monitoring Services Agreement (Substantially in the form attached) with Crossroads Development, LLC, to be executed under the comprehensive permit issued by the Acton Board of Appeals pursuant to Chapter 40B of the Mass General Laws for development of mixed-income housing on a 2.23 acre site on Main Street in Acton, and pursuant to Chapter 143 of the Acts and resolves of 1996, authorize the ACHC to: (a) acquire and hold interests in real and personal property, including affordable housing restrictions, and to sell, lease, convey, mortgage, or encumber the same; (b) enter into contracts with consultants, accountants, and any other agents, employees and contractors; and (c) receive and hold such funds as may be appropriated from time-to-time by the Town of Acton and other funds from any source, and to expend or utilize the same, all as may be necessary and appropriate to carry out its functions and perform its obligations as Monitoring Agent under said Agreement. PETER ASHTON- Second. UNANIMOUS VOTE

**FIRST HOME BUYERS SEMINAR** - Nancy Tavernier said that it will be a requirement in the future that this course be taken in order to purchase their first homes. They are charging \$25.00 and will be put back in the affordable housing funds DORE' HUNTER –Move we approve. TREY SHUPERT – Second. UNANIMOUS VOTE.

**INCREASE THE EMERGENCY MANAGEMENT FLEET.** PETER ASHTON – Moved to add the pick up truck to Emergency Management. TREY SHUPERT – Second. UNANIMOUS VOTE.

**EAGLE SCOUT** – Trey will handle

**TRAFFIC STUDY FOR POPE AND STRAWBERRY HILL ROAD.** Bob noted it has been spoken about in EAVC meetings. Peter asked where the money will come from. John said we will try to find the money in the budget.

ROBERT JOHNSON – Moved to expend the \$7,000 for the study with the money to be found in the budget. TREY SHUPERT – Second. UNANIMOUS VOTE.

Walter spoke about plans for Sept. 11<sup>th</sup>.

SEWER COMMISSIONERS REPORT – EXPANSION – Doug noted that we have been contacted by Powder Mill Plaza and Acton Ford to tie in. He wants the BOS permission to begin negotiation. Dore' noted we should open the door and discuss. TREY SHUPERT Moved to direct staff to begin negotiations with Acton Ford and Powder Mill Plaza on potential expansion of the Sewer system. DORE' HUNTER – Second. UNANIMOUS VOTE.

John wanted to know if we could accept gifts for outside consultants as we see fit. Trey said he did not agree. He was not in favor because we are so new in this and wants to understand and would help the Selectmen understand.

John Murray spoke about CJ P and mediation coverage. Dore' said you want to have someone that can attend all meetings. Dore' offered to attend the meetings.

TREY SHUPERT - Move we authorize Dore' to act on behalf of the Board at the negotiated settlement Meeting in September. PETER ASHTON – Second. UNANIMOUS

ALG – Chairman Foster gave an overview of the ALG issues. John Murray made a presentation and Walter spoke to the overheads John was showing. John Murray said that the 04 numbers had no additional changes.

Peter said that the ALG process intent is to work with or best guess of revenues. He felt we could begin this process next week. He also noted that we will not anticipating an override in 05 and will do all they can at this point.

Peter also discussed the reporting procedure that may be more useful, and it may have a different format down the road.

**HEALTH INSURANCE TRUST** – Peter noted that while he has authored the letter, he was asked by the committee members. He spoke about the fund balances going down and how to maintain the trust. He said the trustees need guidance and activities that may assist both School and town. Once the audit is complete by late October and will give them more information. What do you want the Trustees to do?

Walter felt that the trustees could serve in a fact finding position. John asked if the unions could be sent the Trustees materials. Dore' suggested we include the union employees in the process. It was suggested the minutes sent to unions.

**MINUTEMAN TECH** – Walter outlined the letter regarding assessment issue. Peter asked that it be an agenda meeting at ALG. And that we Post the meeting on the 16<sup>th</sup>.

## **OTHER BUSINESS**

Peter asked whether this Board wants to submit any further materials of 520 Main Street or steer clear right now. Walter was concerned with density.

**COMMUNITY PRESENTATION COMMITTEE** – They have an opening as one Associate member has resigned. They feel that Carol A. Todzia should be appointed  
WALTER FOSTER – Moved to appoint Carol Todzia as Associate member. PETER ASTHON – Second. UNANIMOUS VOTE

**SPECIAL TOWN MEETING PETITION** – The Board discussed setting a date or alternate and look at the logistics. Walter said he would like the costs prepared. Looks like October 13. And plan to meet on the 16<sup>th</sup> to discuss.

## **CONSENT AGENDA**

PETER ASHTON – Moved to approve the Consent Agenda– DORE' HUNTER - Second. UNANIMOUS VOTE.

21 held TREY SHUPERT – DORE' HUNTER – Second.

Dore' said he felt we should have a protocol for sign placement on the Borders of the Town. Dore' suggested we need a formal procedure. He said we could approve this request and continue to work on it. PETER ASHTON – Moved to approve this sign on Route 111. DORE' HUNTER – Second. UNANIMOUS VOTE.

## **TOWN MANAGER'S REPORT**

None

## **EXECUTIVE SESSION**

DORE' HUNTER – Moved to go into Executive Session for the purpose of 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

September 5, 2003

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

**FROM:** Walter Foster, Chairman

**SUBJECT:** Selectmen and Sewer Commissioners Report

**SEPTEMBER 8, 2003**  
**MEETING BEGINS AT 7:00 P.M.**

**I. CITIZEN'S CONCERNS**

**II. PUBLIC HEARINGS & APPOINTMENTS**

1. 7:02 **WEST NILE VIRUS UPDATE** – Enclosed please find materials in the subject regard. Doug Halley, Health Director, will provide an update to the Board.
2. 7:07 **PRESENTATION, GUINNESS WORLD RECORD** Members of Acton Day will be present to share their recognition by Guinness Book of Records regarding the certification of largest human flag at last year's Acton Day.
3. 7:10 **ACTON MARKET, 465 GREAT ROAD, TRANSFER OF LIQUOR LICENSE -** Enclosed please find the application and staff comment in the subject regard.
4. 7:15 **VCC OVERSIGHT MEETING**
5. 7:30 **NESWC OVERVIEW MEETING-** Review of Termination clause language of current contract and approval of public meeting schedule for continuing discussions.
6. 8:15 **BOARD OF APPEALS OVERSIGHT MEETING**
7. 8:45 **CVS, 393 MASSACHUSETTS AVE.** – Enclosed please find a request from CVS to obtain a 24 Hour Food Sales Permit for Board consideration.

**III SEWER COMMISSIONERS' BUSINESS**

8. A. Staff is asking for authorization to pursue expansion of sewer system to include Powder Mill Plaza and Acton Ford, subject to final approval of the Sewer Commissioners.  
  
B. Staff would like to propose an amendment of the Sewer Rules and Regulations – redefining “public sewers”  
  
C. CJP mediation settlement appeal mechanism.

**IV. SELECTMEN'S BUSINESS**

9. **ALG REPORT** – Chairman Foster will update the Board on the progress of ALG.
10. **REVIEW OF SEPTEMBER 11<sup>th</sup> OBSERVANCES-** The Chairman will update the Board.

11. **HEALTH INSURANCE TRUST REPORT**, Selectman Ashton will speak to the enclosed Trustee letter.
12. **MINUTEMAN TECH** – Enclosed please find a draft letter Selectmen Ashton will speak to, as well as correspondence from the Fin Com and Minuteman for Board consideration.
13. **TRAFFIC STUDY, POPE ROAD/STRAWBERRY HILL** – Enclosed please find the Client Authorization form from VHB for Board consideration.
14. **REQUEST TO INCREASE THE EMERGENCY MANAGEMENT DEPARTMENTS VEHICLE FLEET** - Staff requests that the Board authorize the acceptance of a 4 person cab pickup. Vehicle will be parked in front of town hall for inspection beginning at 6 P.M. on Monday.
15. **CROSSROADS DEVELOPMENT, LLC COMPREHESIVE PERMIT – MONITORING AGENT** – Enclosed please find the materials from Town Counsel for Board consideration.
16. **ACTON COMMUNITY HOUSING CORPORATION** – Enclosed please find a request from ACHC to expend \$1,800 from the New View Monies to pay for a First Time Homebuyer's course or Board consideration.
17. **EAGLE SCOUT AWARD CEREMONEY** – Enclosed please find an invitation to attend Geoffrey R. Blizard's Court of Honor for Board assignment.
18. **OTHER BUSINESS**

## **V CONSENT AGENDA**

19. **ACCEPT BOARD MINUTES OF JULY 14, 2003** – Enclosed please find a copy of the June 14 minutes for acceptance.
20. **REQUEST FOR REFINCINING of a LIP Unit** – Enclosed please find a request for the Chairman to sign the consent for the Dept. of Housing and Community Development before they will refinance.
21. **REQUEST FOR SIGN INSTALLATION** – Enclosed please find a request from the McQueen's for installation of a sign regarding Acton's Champions, Football Super Bowl to be located at the Acton-Boxborough town line for Board consideration.
22. **COMMITTEE APPOINTMENT, ACTON BOXBOROUGH ARTS COUNCIL** – Enclosed please find the Volunteer Application and VCC recommendation regarding the appointment of Ann R. Budner as a regular member of the Acton Boxborough Arts Council with a term to expire June 30, 2006, for Board consideration.
23. **BIMINI BLUES SITE PLAN SPECIAL PERMIT, 279 MAIN STREET, 5/29/03-392** – Enclosed please find a draft decision for Board Consideration.
24. **SUPPORT OF LEGISLATION REQUEST, REGARDING ELECTRIC UTILITY COMMITTEE, TOWN OF LEXINGTON** – Enclosed please find materials in the subject regard for Board consideration.
25. **ACTON CONGREGATIONAL CHURCH ANNUAL ANTIQUE AUCTION** – Enclosed please find a request from the Acton Congregation Church for approval of their Annual Auction, and staff comment for Board consideration.

## VI. TOWN MANAGER'S REPORT

## VII EXECUTIVE SESSION

There will be no need for an Executive Session at this time.

### 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.

**Sept. 22 Budget Priority Discussion, Cable Advisory Oversight Meeting, Planning Board Oversight Meeting, Update on FY04, Sewers O&M rate plan, review of final betterment schedule, review of sidewalk construction priority list for FY04**

**October 6 Conservation Oversight, Recreation Oversight, CPA Project Submission**

**October 20 BOH Oversight, TAC Oversight**

**Nov. 3 HDC Oversight, Historical Commission Oversight**

**Nov. 17**

**Dec. 1 & 15**

#### 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)*