

5/18/09

(16)

BOARD OF SELECTMEN MINUTES

Acton Boxborough Regional High School – Room 115N

April 13, 2009

6:00 P.M.

Present: Chairman Rosenzweig, Selectmen Magee, Berry, Knibbe, Friedrichs and Selectman Elect Mike Gowan, Town Manager Steve Ledoux, Judge Cass, Town Counsel Steve Anderson and Nina Pickering, Citizen Paul Gaboury and Royce Fuller and Finance Committee Member Herman Kabakoff (for the last 10 minutes of the meeting)

CITIZEN'S CONCERNS

None

SEWER COMMISSIONERS' BUSINESS

PUBLIC HEARINGS & APPOINTMENTS

None

SELECTMEN'S BUSINESS

1. GENERAL PRE-TOWN MEETING DISCUSSION AND MATERIALS

No materials enclosed.

2. TO AMEND ARTICLE #49 STATING THAT THE SEWER COMMISSION AND TOWN COUNSEL WILL MAKE AN EFFORT TO RECOVER THE VALUE OF 122 BETTERMENT UNITS AND REPORT THE RESULTS TO THE 2010 TOWN MEETING

The Board has continued this discussion from its April 7, 2009. Mr. Gaboury has withdrawn his request for an amendment to Article 49. Mr. Gaboury will ask Town Meeting to allow him extra time to make a presentation in support of Article 49.

The Board has voted to recommend Article 49. Selectman Friedrichs voted against. Selectman Berry will abstain as he lives in the Sewer District.

3. TO AMEND ARTICLE #50.

This article will need a majority vote; the Town will consider Article 50 only if Article 49 fails.

If Article #49 fails, Steve Anderson explained that there is a procedure for how this amendment will be presented.

- Mr. Fuller will make a motion to reconsider the article. This requires a two-thirds vote.
- Make a motion to amend the main motion under the article. This requires a majority vote.
- Take a vote on the amended motion. This requires a two-thirds vote.
- Modify the main motion under Article #50. This requires a Majority vote.

If defeated Mr. Royce Fuller will do a reconsideration to allocate the abatement followed by a motion to amend which brings the amended motion back for a vote. It needs to pass by a 2/3 vote. (For both option 1 and option 2.) It is a 4 step procedure.

Selectmen will caucus about their recommendation on Article 50 and the amendments. The FinCom will also caucus and then give their recommendation.

Selectman Friedrichs thanked the Board and Counsel for helping Royce Fuller with his motion. He asked to amend article 50 and staff and counsel spent a good deal of time helping him. Mr. Kabakoff stated that he was going to continue to support Article #49.

Selectman Friedrich inquired if 49 and 50 fail can the motion be brought back to another night. Counsel stated it can be done with the proper procedure. Citizens can ask for reconsideration once a night, the Board can make a recommendation to reconsider; there is a by-law process.

CONSENT AGENDA - Selectman Berry held item #4; Selectmen Magee moves to approve all other items #5-8, Selectmen Knibbe seconds. All voted to approve those consent items. Selectman Berry noted he was not present at the March 24th meeting with that amended he moved to approve consent item #4, four voted to approve and Selectman Friedrichs abstained.

- 3. Approve minutes, Board of Selectmen, March 9, 2009, March 24, and March 6th.
- 5. Correction to the appointment of associate member Steve Pratt filing John Coane's unfinished term to a term ending June 30, 2009.
- 5A. Accept Changes in membership of the Sidewalk Committee, Paulina Knibbe will be resigning her Membership; Pam Cochran currently an Associate Member will move to a full member with a term ending 6/30/09.
- 6. Accept donation for Recreation Department, \$500.00 pledge by Big Fish Promotion Marketing Company for Dunkin Donuts and free samples of Dunkin Donuts for Acton Day, Total Donation \$3000.00.
- 7. Accept donation for Recreation Department, \$500.00 pledge by Big Fish Promotion Marketing Company for Dunkin Donuts and free samples of Dunkin Donuts for 4th of July celebration, total donation of \$3000.00.
- 8. Accept donation for Recreation Department, \$500.00 pledge by Big Fish Promotion Marketing Company for Dunkin Donuts and free samples of Dunkin Donuts for the Summer Concert Series, total donation of \$3000.00.

TOWN MANAGER'S REPORT

None

VII. EXECUTIVE SESSION

None

NEXT MEETING: April 27, 2009

Selectmen Friedrichs suggests setting up a different type of program for Sewer Betterment Units. Steve Anderson stated coming up with a plan is important but you cannot tie this vote of Town Meeting to that. It is the job of the Board of Selectmen now to decide on this vote. The policy on various programs can be discussed at future meetings. The Board is considering another Town Meeting in June, it is possible to discuss policy before that meeting. Don McKenzie stated that the amendments make this a very complicated article and it could likely be extended. The Judge's function is to describe what happened in mediation stating that both parties acted intelligently were flexible in mediation. This is why we have an agreement, not perfect but a good out come for both parties.

Recording Secretary
Maryjane Kenney

Andrew D Magee

Date

BOARD OF SELECTMEN AGENDA

Acton Boxborough Regional High School – Room 115N

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6:00 P.M.

I. CITIZEN'S CONCERNS

II. SEWER COMMISSIONERS' BUSINESS

III. PUBLIC HEARINGS & APPOINTMENTS

None

IV. SELECTMEN'S BUSINESS

1. GENERAL PRE-TOWN MEETING DISCUSSION AND MATERIALS

No materials enclosed.

2. TO AMEND ARTICLE #49 STATING THAT THE SEWER COMMISSION AND TOWN COUNSEL WILL MAKE AN EFFORT TO RECOVER THE VALUE OF 122 BETTERMENT UNITS AND REPORT THE RESULTS TO THE 2010 TOWN MEETING

The Board has continued from April 7, 2009.

3. TO AMEND ARTICLE #50

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

V. CONSENT AGENDA

4. APPROVE MINUTES, BOARD OF SELECTMEN, MARCH 9, 2009, MARCH 24, AND APRIL 6TH.

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

5. CORRECTION TO THE APPOINTMENT OF ASSOCIATE MEMBER STEVE PRATT FILING JOHN COANE'S UNFINISHED TERM TO A TERM ENDING JUNE 30, 2009

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

5A. PLEASE ACCEPT CHANGES IN THE SIDEWALK COMMITTEE, PAULINA KNIBBE WILL BE RESIGNING HER MEMBERSHIP; PAM COCHRAN CURRENTLY AN ASSOCIATE MEMBER WILL MOVE TO A FULL MEMBER WITH A TERM ENDING 6/30/09

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

6. ACCEPT DONATION FOR RECREATION DEPARTMENT, \$500.00 PLEDGE BY BIG FISH PROMOTION MARKETING COMPANY FOR DUNKIN DONUTS AND FREE SAMPLES OF DUNKIN DONUTS FOR ACTON DAY, TOTAL DONATION \$3000.00

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

7. ACCEPT DONATION FOR RECREATION DEPARTMENT, \$500.00 PLEDGE BY BIG FISH PROMOTION MARKETING COMPANY FOR DUNKIN DONUTS AND FREE SAMPLES OF DUNKIN DONUTS FOR 4TH OF JULY CELEBRATION, TOTAL DONATION OF \$3000.00

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

8. ACCEPT DONATION FOR RECREATION DEPARTMENT, \$500.00 PLEDGE BY BIG FISH PROMOTION MARKETING COMPANY FOR DUNKIN DONUTS AND FREE SAMPLES OF DUNKIN DONUTS FOR THE SUMMER CONCERT SERIES, TOTAL DONATION OF \$3000.00

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

VI. TOWN MANAGER'S REPORT

VII. EXECUTIVE SESSION

None

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.

NEXT MEETING: April 27, 2009