

10/29 (5)

Christine Joyce

From: Steve Ledoux
Sent: Thursday, October 25, 2012 8:44 AM
To: Christine Joyce
Subject: FW: EAV green description for selectmen and donation letter.
Attachments: Acton Board of Selectmen eav green.pdf; EAV Gift Letter fina;.pdf

Put both attachments and the email in the packet

Steven L Ledoux
Town Manager
472 Main Street
Acton, MA 01720
Telephone (978) 929-6611

When writing or corresponding, please be aware that the Secretary of State has determined that most email is a public record and, therefore, may not be kept confidential.

-----Original Message-----

From: axebros [<mailto:axebros@verizon.net>]
Sent: Thursday, October 25, 2012 8:13 AM
To: Steve Ledoux
Subject: EAV green description for selectmen and donation letter.

Steve, here is a brief description of the EAV green for the Selectmen and our updated donation letter. Please forward them to the appropriate parties. We can sign the donation letter just before the next selectmen's meeting, but we really cannot put a dollar value on the project until we find out exactly what cons com will allow us to do. Since we are not asking for any funding we planned to ask for letters of donation to be approved in a later consent agenda as efforts are undertaken and only expect fair value for the group's efforts, these will funnel through town staff for approval before being presented.

-Charlie & Jake Abraham

10/29 (5)

**ACTON BOARD OF SELECTMEN VOTE ON MOTION RE:
EAST ACTON VILLAGE GIFT**

Motion – East Acton Village Green, October 29, 2012

Acton Board of Selectmen:

Moved pursuant to G.L. c. 44, § 53A, that the Selectmen accept with appreciation on behalf of the Town the donation by Charles Abraham, in memory of Carol Holley, Mary Michelman, and Micki Williams, of his services and the use of his equipment to make certain improvements to the East Acton Village Green under the oversight of the Director of Municipal Properties/Tree Warden and the Conservation Director.

Moved by Selectman _____ seconded by
Selectman _____ Record of Vote: In
favor: ___ Opposed: ___; Abstaining: _____

The forgoing is an accurate record of the proceedings of the
Acton Board of Selectmen on October 29, 2012

Michael J. Gowing, Clerk

On this 29th day of October, 2012 before me personally appeared Michael J. Gowing, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the Clerk of the Acton Board of Selectmen whose name is signed on the preceding or attached document as Clerk.

Christine J. Joyce, Notary
My Commission Expires:

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

	PUBLIC EMPLOYEE INFORMATION
Name of public employee:	Janet Adachi
Title or Position:	Selectman
Agency/Department:	Town of Acton
Agency address:	472 Main Street Acton, MA
Office Phone:	978-929-6611
Office E-mail:	jkajeg@msn.com
	<p>In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
	APPEARANCE OF FAVORITISM OR INFLUENCE
Describe the issue that is coming before you for action or decision.	Acceptance of proposed gift of logging services to the Town of Acton by Charles L. Abraham in memory of his late partner Carol J. Holley, to help revitalize the East Acton Village Green.
What responsibility do you have for taking action or making a decision?	<ol style="list-style-type: none"> As a member of the Board of Selectmen, I am the liaison to the Conservation Commission and to the Bruce Freeman Rail Trail Project. The Board of Selectmen is also the Board that would, in accordance with G.L. c. 44, § 53A, accept the proposed gift of services described above.
Explain your relationship or affiliation to the person or organization.	I have no relationship to Charles L. Abraham. The proposed gift of services for the improvement of the East Acton Village Green, which is proximate to the Bruce Freeman Rail Trail Project and may be subject to the jurisdiction of the Conservation Commission.
How do your official actions or decision matter to the person or organization?	I understand that Charles L. Abraham (1) would potentially benefit from a proposed zoning amendment before the Planning Board to authorize the commercial cutting, splitting of logs and delivery of firewood related to a location at 848 Main Street where Mr. Abraham would be the operator of such a business, and (2) is a defendant subject to potential enforcement of Summary Judgment Decision and Judgment in the matter <i>Holley v. Acton Board of Appeals, et al.</i> , Land Court # 3333850 (CWT) re 39 Pope Road in Acton.

<p>Optional: Additional facts – e.g., why there is a low risk of undue favoritism or improper influence.</p>	<p>I have not solicited this prospective donation from Mr. Abraham. I understand that he is offering this donation freely and voluntarily in memory of his late partner Carol J. Holley.</p> <p>I make this disclosure to comply with the State Ethics Commission's Advisory Ruling EC-COI-12-1 and G.L. c. 268A, § 23(b)(3).</p>
<p>If you cannot confirm this statement, you should recuse yourself.</p>	<p>WRITE AN X TO CONFIRM THE STATEMENT BELOW.</p> <p><input checked="" type="checkbox"/> Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.</p>
<p>Employee signature:</p>	<p><i>Janet K. Adams</i></p>
<p>Date:</p>	<p><i>25 October 2012</i></p>

Attach additional pages if necessary.

Not elected to your public position – file with your appointing authority.

Elected state or county employees – file with the State Ethics Commission.

Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.

Elected municipal employee – file with the City Clerk or Town Clerk.

Elected regional school committee member – file with the clerk or secretary of the committee.

Form revised July, 2012

Acton Board of Selectmen

Description of EAV Green

We would just like to describe the EAV green area as we envision it. What we would like to see happen is slightly less formal approach than had previously been suggested. The project will entail removal of most of the understory and invasive species in the area between Concord Rd and Great Rd. on the corner near Ice House Pond, but leaving the mature trees. There will also be some sight lines opened up to the pond itself. There are many areas where very little work would have to be done to accomplish this. As in the original design for the EAV Green the side of the Green near the Pond will be heavily gladded to provide a more open feel, but on the Great Rd. side it would be left with more of a woody feel, with smaller areas opened up with benches dedicated to Micki Williams, Mary Michelman, and Carol Holley. At this point in time most of the trees on the Great Rd. edge would be left in place to help discourage people from crossing Great Rd, which will be an issue in the future once the rail trail is in place. There is also a nicely sloped area leading up to what would be the bench areas to allow for handicap access. The whole idea is to work with what the land offers, including some nice ledge outcroppings, rather than just clearing the area and forcing it into what a plan dictates. There is also the potential to incorporate the original station master's house foundation into the whole project.

We have already met with Tom Tidman, Roland Bartl, and Dean Charter at the site to discuss what is envisioned, and they all agreed it would be a fitting addition to the area that would be low cost and low maintenance. We have also met with Tom Michelman to discuss how it would incorporate into the rail trail and he also approved of the concept.

Thank you for your time

Charles & Jacob Abraham

October 24, 2012

Board of Selectmen
Town Hall
472 Main Street
Acton, MA 01720

Re: East Acton Village Green

Dear Members of the Board:

As many of you know, my late life partner Carol J. Holley volunteered on a number of Town of Acton boards and committees over the years, and she also served for years on the board of the Acton Citizens for Environmental Safety. Carol had a deep and abiding passion for the Town, its citizens, its history and its environment. Among her other contributions, Carol served tirelessly on the East Acton Village Planning Committee seeking to establish and revitalize East Acton Village and its Green. In memory of Carol and her friends and colleagues, the late Mary Michelman and Micki Williams, I want to donate my professional services to help make their vision a reality, by assisting with clearing the necessary trees from the site, opening the view onto Ice House Pond, and thereby helping to create accessible walks, seating areas, and an interpretive station highlighting the historical features of the area for the peaceful enjoyment of town residents and visitors.

As the board is aware, I have challenged local zoning bylaws and their enforcement as it relates to my business. My proposed donation of services to the Town for the EAV Green Project has not been solicited by any town official. I do not hope to gain, nor would I accept any advantages or favorable treatment from the Town or its officials for this donation. I am making this donation to the Town freely and voluntarily in loving memory of Carol, Mary and Micki, in keeping with their vision and spirit of voluntarism, and for the benefit of present and future generations of Acton residents.

Please accept this donation on behalf of the Town in their memory.

Sincerely,

Charles Abraham

Christine Joyce

From: Steve Ledoux
Sent: Monday, October 22, 2012 11:06 AM
To: Christine Joyce
Subject: FW: Acton/GenSel - EAV Green proposal - gift issue
Attachments: Section 23 Disclosure Form - Dean Charter (A0168372-2).DOC; Section 23 Disclosure Form - Scott Mutch (A0168369-2).DOC; Section 23 Disclosure Form - Roland Bartl (A0168368-2).DOC; Section 23 Disclosure Form - Tom Tidman (A0168371-2).DOC; Section 23 Disclosure Form - Mike Gowing (A0168370-2).DOC; EAV Gift Letter - Draft 10-22-12 (A0167947-2).DOCX

See motion below about East Acton Village. I am waiting to make sure all the attached disclosure forms are accurate.

Steven L Ledoux
Town Manager
472 Main Street
Acton, MA 01720
Telephone (978) 929-6611

When writing or corresponding, please be aware that the Secretary of State has determined that most email is a public record and, therefore, may not be kept confidential.

From: Stephen D. Anderson [<mailto:SAnderson@AndersonKreiger.com>]
Sent: Monday, October 22, 2012 11:04 AM
To: Steve Ledoux; Dean Charter; Scott Mutch; Roland Bartl; Tom Tidman; Mike Gowing
Cc: Nina Pickering Cook
Subject: Acton/GenSel - EAV Green proposal - gift issue

Steve:

I have attached a revised draft gift letter from Mr. Abraham to the BOS, and revised versions of the disclosure forms for Dean, Scott, Roland, Tom and Mike.

- Tom should run the revised draft gift letter by Mr. Abraham to make sure it is accurate and that he will sign it. (Tom, please use the attached draft as I have added that the donation "has not been solicited by any Town official" for clarity.)
- Each Town official should check his disclosure form to make sure it is accurate. (Each form includes the individual corrections from the relevant Town official; and all forms include a corrected description of the proposed zoning amendment from Roland.)

The bottom line - assuming the attachments are accurate - is that Mr. Abraham is acting voluntarily and he was not solicited by Town officials to make this donation. As such, the proposed donation can proceed based on the signed letter from Mr. Abraham and the signed disclosures from the Town officials (with Mike being recused). The appointed individuals forms should be filed with the Town Manager for presentation to the BOS with the proposed gift letter. Mike's form should be filed with the Town Clerk and a copy provided to the Town Manager for presentation to the BOS with the proposed gift letter.

If there is any other Town official who did solicit this donation, please let me know before proceeding. Otherwise (unless you want me to double-check with the State Ethics Commission's counsel), the proposed donation can be presented to the BOS and accepted subject to the following motion:

Moved pursuant to G.L. c. 44, § 53A, that the Selectmen accept with appreciation on behalf of the Town the donation by Charles Abraham, in memory of Carol Holley, Mary Michelman, and Micki Williams, of his services

and the use of his equipment to make certain improvements to the East Acton Village Green under the oversight of the Director of Municipal Properties/Tree Warden and the Conservation Director.

Please let me know if you have any questions.

Steve

Stephen D. Anderson
ANDERSON & KREIGER LLP
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Cambridge, MA 02141
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f: 617-621-6610
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www.andersonkreiger.com



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Christine Joyce

From: Roland Bartl
Sent: Tuesday, October 09, 2012 12:03 PM
To: Christine Joyce
Subject: FW: EAV Green proposal - gift issue

Here is the original EAV Green funding application to the CPC:

<https://doc.acton-ma.gov/dsweb/Get/Document-14585/Town%20of%20Acton%20-%20East%20Acton%20Village%20Green.pdf>

It was funded, but then never implemented for a number of reasons. Since then the appropriation had expired. I will be there on the 15th anyway.

Roland Bartl, AICP
Planning Director
Town of Acton
472 Main Street
Acton, MA 01720
978-929-6631

From: Steve Ledoux
Sent: Tuesday, October 09, 2012 10:51 AM
To: Janet Adachi
Cc: Roland Bartl; Tom Tidman; Marianne Fleckner
Subject: Re: EAV Green proposal - gift issue

I asked Christine to put it on agenda.
I have sent Steve A an email but had no reply.

Maybe someone can follow up with him?
Sent from my iPad, please excuse any brevity or typos

On Oct 9, 2012, at 5:45 AM, "Janet K. Adachi" <jkaieg@msn.com> wrote:

Steve,

Before this goes any further, we need a better understanding of the the impact of the recent court ruling about donations to municipalities.

If we need to allow more time for Counsel to provide advice, I will let Mr. Abraham know that. He will be disappointed, of course, but even he can appreciate the need for the Town to address potential legal issues sooner rather than later. There is no point in having a presentation to the BOS unless we know that the Town ultimately may accept the proposed services and what the conditions and constraints of that acceptance will be.

Thoughts? Thanks. Janet

Janet K. Adachi
978-340-0746
Sent via iPhone wireless

Begin forwarded message:

From: "axebros" <axebros@verizon.net>
Date: October 9, 2012 7:48:39 AM EDT
To: "'Janet K. Adachi'" <jkajeg@msn.com>
Cc: <tmichelman@comcast.net>, "'Bartl Roland'" <rbartl@acton-ma.gov>, "'Tidman Tom'" <ttidman@acton-ma.gov>, "'Ledoux Steven L.'" <sledoux@acton-ma.gov>
Subject: RE: selectman awareness of EAVGreen progress

Janet,

Thank you for the effort to bring me a chance to present to the BOS on the beginning of the EAVGreen. I was going to meet with at least Tom T and maybe Andy to get the vision on paper. I will ask Tom T to be sure it can be displayed in that forum rather than as handouts. Roland could supply original CPC Materials to those who do not have one already. Tom M might help me, lord knows how many times Carol and Mary sat together for this kind of thing. The major difference of course being that I would talk and Tom wouldn't say much.....HA. If it is late just have someone kick me when I start snoring, it has worked for years.

Charlie

From: Janet K. Adachi [<mailto:jkajeg@msn.com>]
Sent: Monday, October 08, 2012 6:53 PM
To: axebros
Cc: <tmichelman@comcast.net>; Bartl Roland; Tidman Tom; Ledoux Steven L.
Subject: Re: selectman awareness of EAVGreen progress

Charlie, Tom,

We should be able to get the EAV Green proposal on the agenda for the BOS's meeting a week from now, on 10/15.

A brief presentation would help to bring the full BOS up to date on what has transpired in recent weeks, the buy-in by the Morrison Committee chairman and other members, and what Charlie's 1st-phase work will entail. Also what the original EAV plan was, who was involved in developing and approving it and why it hasn't come to fruition. I'm hoping Roland and Tom T will be able to assist with the presentation. . . . :-) Janet

Janet K. Adachi
978-340-0746
Sent via iPhone wireless

On Oct 8, 2012, at 2:49 PM, "axebros" <axebros@verizon.net> wrote:

Janet,

I wanted to update you on progress with the EAV plans. Roland forwarded us 75% drawings to determine the location of the "bumpout" that would be the beginning of a handicapped accessible ramp leading to several seating areas that would have views of the pond after the other side of the trail amenities were completed. We will meet later this week to put pen to plan in order to give the design team exact locations to consider. Some landscape materials will have to be moved, it should be no big deal as the plans are still in flux.

You had recognized the importance of having the selectman review and consent to the concept before implementation and I was curious if that will happen at the next meeting or could it be done administratively sooner. We do not need DOT permission to enter the town owned section above the trail easement, it can be accessed from Concord Rd. This would be the area where things can be installed now and it is where I had hoped to put the three benches. If the permission to move forward comes in the form of approval of a donation on the next consent agenda I could put a price on the tree removal portion of the work, but could not speak to the total value of all donations to produce a simple park like appearance. We had intended to keep track of efforts honestly and present at the end since there is no financial outlay on the part of Town of Acton at this time. Tom Tidman would handle tallying the efforts, then produce letters valuing the donations. Perhaps there is another avenue that would be quicker.

Roland has already applied for permission to enter the right of way, but that could be a slow process. Tom Michelman has seen what I have in mind and seemed to approve, any progress on the Green is good as long as it does not slow the rail trail and will blend in well to the trail when it is completed. If anyone objects to a speedy process for approval (or actually reapproval) please remind them this had already been through a process years ago, had solid support then and now. Thank you for your consideration,
Charlie