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**Selectmen's Minutes**  
**October 19, 2004**  
7:00 P.M.

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

**CITIZEN'S CONCERNS**  
**NONE**

**SEWER COMMISSIONER'S REPORT**  
**NONE**

**PUBLIC HEARINGS & APPOINTMENTS**

**SPECIAL FLAG PRESENTATION-** Skip Kennedy and Beth Petr presented a flag that had been flown over Iraq that the Ltd dad sent. The Board of Selectmen presented them with a flag flown over the Acton Center Monument. Dore' asked that we display the flag that was flown in Iraq in West Acton and Acton Center and to have it later displayed inside town hall.

**ACTON CITIZENS FOR ENVIRONMENTAL SAFETY (ACES)** – Mary Michaelmen announced the ceremony on November 14, to be held at New View Community Building. She asked if the Board was willing to write a letter to Bob Eisengrin and Charlotte Sagoff. She asked that we have this presented to them on the 14<sup>th</sup>. BOB JOHNSON - Moved to send certificate of Appreciation and an Isaac Davis medal. PETER ASHTON – Second. UNANIMOUS VOTE

**SITE PLAN SPECIAL PERMIT #04/03/04-397- RAIL ROAD REALTY TRUST – 19 RAIL ROAD STREET** – The petitioner reviewed the changes that have been made after they read the Building Commissioner's review. He noted he submitted the lighting requirements to the Board. He noted that there is a plan to have his son occupy one unit and one to be occupied by him which will require that they have to sell two units. The remaining units will be rental units and asked that we not require him to have an affordable unit. Historic District has submitted comments. He was asked if he had seen the letter written by HDC commenting on the proposed buildings, he had not. He was not sure what we wanted, and asked several questions about how the process would proceed. The Board went over list of comments. Peter asked about the cost of the two units he will sell, he said they will be \$200,000. Peter urged him to include affordable housing. The petitioner felt it was not feasible and restricted his options to sell units. Dore' said that he should interface with ACHC. Dore' wanted to hear the view of the ACHC after he met with them. Ann Forbes spoke about the HDC meetings with the petitioner. Dore' asked that the ACHC be contacted to gather their insight regarding the feasibility of this project. BOB JOHNSON - Moved to continue to Nov 1<sup>st</sup>. at 9:00 – PETER ASHTON – Second. UNANIMOUS VOTE. The Manager was asked to contact ACHC to discuss this plan and obtain their view.

**ENTERPRISE RENT-A-CAR COMPANY CLASS II DEALER'S LICENSE** - Andrea McNiff was present to answer the Boards questions. They need to obtain a license to continue to keep their operation in one facility. Walter asked about the Building Commissioner's comments regarding this as an accessory use. Peter wanted information regarding the Excise and Rail trail. They have paid total of \$364 per unit x 316, or, \$115,000. They anticipate additional \$154,000 being paid. Bob questioned the Rail Trail issue. Don said we have been working on it and noted that MBTA is the hold up. TREY SHUPERT - Moved to approve the Class II as requested at 20 Main Street. BOB JOHNSON – Second. UNANIMOUS VOTE.

**BRUCE FREEMAN RAIL TRAIL** - Tom Michelman presented a slide show of their activities and things that they are working on. He noted that they were hoping for CPA funds as part of the 10% funding. They feel that Acton will take the lead on this project. He noted that the Town has to be the applicant for the grants. They offered to write the grant and have fund raisers and have volunteers on board for building the trail. They want the Town to move forward on this project. They want to apply for the CPA funds in November. They needed to move forward and decide on strategy, they wanted a Town staff person with an allocation of town staff time. Dore' noted that we are in support but noted the towns stretched staff and thought that Roland Bartl would be the appropriate staff person. Dore' noted that we did not think we would have enough time to apply for grants at this time. Don reported that he has meet with staff and we are anxious to move the rail trail forward. He noted the trouble they had with the Assabet River Rail Trail including the MBTA and right of way issues. He proposed a submission to CPA that said we would like to get the first piece to start with. Our matching funds are required. He asked that the Board and friends get together with staff and town counsel to see if we can get the right of way issues resolved. Walter wanted to use the volunteers to push this forward to obtaining CPC Funds prior to the November 12<sup>th</sup> submittal deadline. Peter asked Tom about the requirement of needing a vote to see if the Town was behind this, we have already put money up to the initial funds. Don spoke about the Town being in the lead. He feels we should just move forward and get the Acton piece in place. BOB JOHNSON - Moved to direct the Town Manager move forward with as much of an application and to present it back at our next meeting. PETER ASHTON – Second. UNANIMOUS VOTE  
Don suggested that we hold out for staff to come to us with a bigger portion as we may have only one chance at the State Grant.

**CHIEF CRAIG – CPA APPLICATION** – The Chief is asking for \$25,000 from CPC to refurbish two antique fire engines. Walter asked if it would be eligible since it is a vehicle. He also spoke about the funding this year with the specifics and estimates. He recommends the private donation portion be upped through business participation. He wanted to have an assurance that the town's people can get to see them and they be used, Bob Craig said that they currently use them in parades and at Discovery Museum and Open Houses. They noted that this would be an educational tool. Don was asked to consult with Town Counsel. PETER ASHTON -Move to go forward if it passes the legal muster. BOB JOHNSON – Second. UNANIMOUS VOTE.

## **SELECTMEN'S BUSINESS**

**"STATE OF THE TOWN" MEETING DATES, OVERRIDE TIME LINE** – Dore' wanted to be sure that we get notice out about this meeting and Dore' also noted that we need

to get as many people to attend as possible. He wanted the Board and School Committee to listen instead of talking. Dore' asked for history of our override issues and percent increases in our budgets in recent years. We will try to provide the information regarding 06 and has asked Don and John to lay out what overrides would be like if we kept level funding. Dore' felt we might want to lay out the process and problems with 40B because people don't understand the process.

Bob spoke about Life after NESWC and Morrison Property, maybe one and not both as it may be overwhelming. Dore' said he could allot a certain amount of time so that all topics could be discussed. Peter thought we need to expand 40B and our lack of affordable housing in this community. Life after NESWC will provide up date of information of where we are as the contract is going to expire next year. He felt Morrison was not ready as the committee as it has not yet been formed. Walter thought W.R. Grace Reuse Assessment, and Growth in the Town should be included. Dore' wanted at least a skeleton put together for the next meeting. Trey agreed with 40B and LAN as topics. He said that he wanted a meeting of how you preserve a Town's character and growth and would be a good time to get people thinking

**ALG** – Peter updated the Board on the two ALG meetings and he outlined three issues that need to be discussed and taken back to ALG. He reviewed the packet of information from the ALG meeting. They have been looking into the revenues and how the pot would be split. Town Manager and Supt. to come in with high level of cuts for the next meeting. For budgeting the 06 split will be identical to 05. They are in the process of developing a new three year plan and need to have input in this regard. Peter said that the municipal side does not include any additional staff and works into the plan 1.4 million for tools or infrastructure. He also discussed the project revenues for 06 and they will revisit the issue of fees. They have met consensus for revenues for 06 and applying constant budget split and what shares are being taken out as debt as it has its own revenue stream.

He also noted that we are trying to get feed back from the schools to reconsider the split in upcoming years. FY 06 we will need a 3 to 4 million dollars, and schools are pushing for a higher number. He did not want to take a risk on the Override being higher and thus failing. Peter said they will consider multi-year overrides. First, 3.7 million, schools plan a 2 million in 07 and split 50/50, with none in 07.

Second split and no override in 07 and one in 09.

Third, 1 mill override

Fourth, 3 mil in 06, 1.50 in 07, and 2 mill in 08 with split to be determined.

Dore' realized that after talking to the Town Manager he was not thinking that the debt would be spread out over a number of years. It was noted that debt excluded funds need to be used, you can't save them. Dore' feels we need to discuss the split and get it back where it should be. He is looking for a token shift as we are hurting worse then the school. He said it is not a popular opinion.

**COMMUTER PARKING LOT DISCUSSION** – Dore' discussed the problems at the lot because of the new schedule for the express train. Dore' asked if anyone had any thoughts about the changed circumstances, adding a row, or other ideas. Walter noted that the suggestion of meter spots to park if you have a sticker on first come first serve basis. Paul Malcodi suggested a Parking garage run by a private vendor; double tracking on Central Street, as well as finding an alternate spot with a shuttle running back and forth.

## **OTHER BUSINESS**

Walter is conducting interviews for Morrison Committee, and hopes to have the appointments for action next week.

Trey spoke about the Special Town Meeting last evening regarding how Walter Foster was treated. He did not appreciate the line of questioning and derogatory and ugly attack on our character and the innuendos made about the process.

Peter noted that he agreed, and noted the many e-mails that really question the role of the Selectmen.

**CITIZENS ADVISORY COMMITTEE ON SEWERS** – Don updated the Board on his meeting with Doug Halley. The make-up of the committee as it currently stands is a 20 person range. Three BOS, one Aces Org, 7 citizens and 2 Planning Board members as well as one Water District member and business owners.

They don't have Representative from Conservation, and Trey was no longer serving, Bob is taking his place.

Dore' wanted a letter drafted to the group and person assigned noting Notice your representative has not been coming to the meetings and would appreciate you appointing someone else if they are no longer interested.

## **CONSENT AGENDA**

BOB JOHNSON – Moved to approve. – PETER ASHTON – Second. UNANIMOUS VOTE. HOLD SITE PLAN, TREY CANNOT VOTE HE WAS NOT THERE. TREY ABSTAINED.

## **TOWN MANAGER'S REPORT**

**40B** – Don asked the Board about the three upcoming projects. He called the Manager in Westford and got assurance that they have looked at it but noted that they have not been responsive. Peter suggested that a meeting (joint hearing) regarding Woodlands be held. He further noted that the response times are going to be too long for emergency services.

Dore' urged a joint meeting with Westford so that all are hearing the same information at the same time. Staff was asked to write Westford asking for joint meeting to discuss

finances, school numbers and public safety issues. It was noted that information from developer and inadequate.

**EXECUTIVE SESSION**

None Required

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Christine Joyce  
Recording Clerk

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Clerk

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Date

October 15, 2004

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

**FROM:** F. Dore' Hunter, Chairman

**SUBJECT:** Selectmen and Sewer Commissioners' Report

**OCTOBER 19, 2004**

**7:00 P.M.**

**I CITIZENS' CONCERNS**

**II SEWER COMMISSIONERS' BUSINESS**

**III PUBLIC HEARINGS & APPOINTMENTS**

1. 7:02 **SPECIAL FLAG PRESENTATION** – Skip Kennedy and Beth Petr will be in to present the flag flown over Iraq to the Board.
2. 7:10 **ACTON CITIZENS FOR ENVIRONMENTAL SAFETY (ACES)** – Enclosed please find materials in the subject regard, for Board consideration.
3. 7:15 **SITE PLAN SPECIAL PERMIT #04/03/04-397, RAIL ROAD REALTY TRUST, 19 RAIL ROAD STREET (Continued from Sept. 27, 2004.)** - Enclosed please materials in the subject regard, for Board consideration.
4. 7:30 **ENTERPRISE RENT A CAR COMPANY CLASS II CAR DEALER'S LICENSE, 20 MAIN STREET** – Enclosed please find materials in the subject regard, for Board consideration.
5. 7:45 **BRUCE FREEMAN RAIL TRAIL**
6. 8:00 **FIRE CHIEF CRAIG** – The Fire Chief will be in to seek the Board's support and approval of a CPA Application per the enclosed materials.

**IV SELECTMEN'S BUSINESS**

7. **STATE OF THE TOWN** – Enclosed please find a memo from the Chairman for Board discussion.
8. **COMMUTER PARKING LOT DISCUSSION.** Enclosed please find materials in the subject regard, for Board consideration.

**9. OTHER BUSINESS**

**V CONSENT AGENDA**

10. **ACCEPT MINUTES** – Enclosed please find Minutes from the September 27, 2004 meeting for Board consideration.

11. **COMMITTEE APPOINTMENT** – Enclosed please find a recommendation from the VCC for appointment of Oleg Volinsky to an Associate position on the Cable TV Advisory Committee with a term to expire 6/30/05, for Board consideration.

12. **SITE PLAN SPECIAL PERMIT #03/09/04-396, MARGARET NAZZARO, 253 ARLINGTON STREET-** . Enclosed please find a draft decision from the Building Commissioner, for Board consideration.

13. **ACCEPT GIFT** – Enclosed please find a notice of a seminar ticket provided to the Chairman of the Board of Appeals, for Board of Selectmen acceptance.

14. **APPROVAL OF ADVISORY SPEED SIGN** – Enclosed please find materials in the subject regard, for Board consideration.

15. **FIRST HOMEBUYERS REFINACE REQUEST** – Enclosed please find materials in the subject regard, for Board consideration.

## **VI TOWN MANAGER'S REPORT**

## **VII EXECUTIVE SESSION**

### **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.

Nov. 1, Syliva's Place LIP

Nov. 15, Faulkner Mill Realty SPSP, High Street

Nov. 29.

Dec. 13

Jan. 24

### **GOALS 2004-2005**

1. Produce Morrison Farm Development Master Plan (Bob/Walter)
2. Improving Intra Board Communication (Dore')

### **GOALS carried forward**

3. Monitor Labor Negotiations (Peter/Trey)
4. Improve Communication with Town Boards (ALL)
5. Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision, and to get a first rough cut of what happens next year before school is out for the summer (Trey/Peter)
6. ALG process be used for purpose of Budget Planning for FY05 (Dore'/Peter)
7. Process Planning for "Life after NESWC" (Bob)
8. Joint IT process-organizational change (Walter/Dore')
9. Middlesex Pension Alternatives (Walter/Trey)