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BOARD OF SELECTMEN APPROVED MINUTE DISTRIBUTION LIST

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High Way

(selectmenLDrive)

Selectmen's Minutes
January 24, 2005
7:00 P.M.

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

CITIZEN'S CONCERNS Tina Groskowski, Conant Street resident, outlined the Youth Risk Behavior Survey Response Forum that will be meeting on Feb 13 at ABHS to go over the results with parents and other interested parties. She urged Dore' or another Selectmen attend.

The Board had Boy Scout's observing the meeting as part of obtaining their Citizenship Badge. Selectmen Hunter and Foster welcomed them to the meeting.

SEWER COMMISSIONER'S REPORT

None Required

PUBLIC HEARINGS & APPOINTMENTS

OPERATIONAL MINUTE – Don Johnson gave an overview of the Burger King fire. This building did not have any fire suppression as required by today's Building Codes.

STATE HOUSE NOTES – The Director of Finance updated the Board the results of the bid 4.4 %. Dore' asked if he felt that the sale to the citizens before going out to the State House Notes was successful. Steve said it was a success if you look at all the restrictions that were placed on the ability to purchase them. Steve asked that the Selectmen accept Bank of America 4.4% and issue remaining monies to Bank of America. Peter Ashton – Moved to approve. Trey Shupert. Second. UNANIMOUS VOTE

NSTAR REBATE CHECK PRESENTATION – Ms. Walsh of NSTAR presented a check in the amount of $16,590.00, to be used for the Public Safety Building only.

MAPC, MARK DRAISEN, EXECUTIVE DIRECTOR OF MAPC – Mr. Draisen was not able to attend this evenings meeting. He will be rescheduled for a meeting in February at his request. Dore' noted a letter that was sent from Hopkinton. It noted that the MAPC Executive Board knew nothing about the proposed CPA action.

O'NATURALS LIQUOR HEARING - David Bulger, General Manager and the proposed Manager, Dawn Lima were in attendance and answered questions about why they wanted to step down to a Wine and Malt License. TREY SHUPERT – Moved to approve the change and Manager and the Wine and Malt license as a Common Victualler – BOB JOHNSON - second. UNANIMOUS VOTE.

CLASS II USED CAR NON-DISPLAY LICENSE, 171 NEWTOWN ROAD – The proponent is in Florida and cannot get a flight back to Boston. The hearing was opened and continued to February 28 at 7:15. PETER ASHTON - Moved to continue to February 28, at 7:15. BOB JOHNSON – second. UNANIMIOUS VOTE

CONSERVATION COMMISSION MEMBER INTERVIEW WITH CHERYL LOWE - PETER ASHTON - Moved to appoint Cheryl Lowe as a Full Member of the Conservation Commission with a term to expire 6/30/08. TREY SHUPERT - second. UNANIMOUS VOTE

CONSERVATION COMMISSION ASSOCIATE MEMBER INTERVIEW WITH JANET ADACHI – WALTER FOSTER - Moved to appoint Janet Adachi as an Associate Member of the Conservation Commission with a term to expire 6/30/05. PETER ASHTON. - second. UNANIMOUS VOTE.

FAULKNER MILL SITE PLAN SPECIAL PERMIT/SPECIAL PERMIT, 09/24/04-394, 4 HIGH STREET – Peter Ashton excused himself from the Hearing as he was not in attendance for the entire process.

Dore' noted that the proponent has answered the questions that were asked at previous meetings to the Town's satisfaction. The Engineer agreed and said that the lighting plans have been submitted and approved by Building. This project requires sidewalks and a sewer connection. Don said that the status of the sewer hook-up was still being reviewed at the State level. Don said that they would be having a meeting on February 10 and will update the Board as he receives information. TREY SHUPERT – Moved to take under advisement. WALTER FOSTER - Second. UNANIMOUS VOTE.

COMMON VICTUALLER LICENSE FOR TEDESCHI'S FOOD SHOP, 75 GREAT ROAD – BOB JOHNSON - Moved to approve six seats as allowed by Health Regulations. PETER ASHTON - second. UNANIMIOUS VOTE

SELECTMEN'S BUSINESS

FY06 BUDGET/WARRANT DISCUSSION – Don updated the Board on the budgets and proposed cuts. He wants the HR. Director reinstated and was concerned with the land use side of the house. Dore' again urged that we not make deep cuts in the Council Aging Budget. It was noted that the Road Runner now operates 3 days per week. He noted that he attended a meeting that discussed the need for transportation for the elderly, immigrant's population and those without vehicles. Dore' asked about the department cuts that staff has prepared in the very large document in this weeks mail.

Peter wanted to have additional A Budget materials for this Saturday's budget meeting. John explained that he did not think he could provide this because of the work load and pending projects in Finance. Dore' noted that the Fire Dept. will have one man on duty in the Station due to proposed cuts. The Police will have fewer patrols if positions are cut.

OVERRIDE ELECTION TIMING – Dore' said that they have before them a Pyramid Ballot for the Override. They discussed the issue of having the Vote before Town Meeting or after Town Meeting. Dore' mentioned the Solid Waste issue that may require a Town Meeting. Dore' wanted the vote taken before Town Meeting and felt it would

save money by including it on the Town Election Ballot. Peter is going to listen to the discussion this evening because he is not a 100% convinced at this time.

Trey asked that a special education overview night to discuss the pyramid method be held by the Finance Committee and School. He wanted the vote taken before Town Meeting,

Walter was in favor of the vote before Town Meeting. He strongly leans toward the Pyramid option; he feels it gives the voter more input. He also said he felt a town wide mailing to the voters would be informative. He felt that they should also have meetings with the public as well as having the options posted outside the voting booths. The League will hold a forum about the Pyramid Option. He feels that this Board and the Beacon should get some educational materials out to the citizens.

Bob Johnson – He agrees with Walter, but noted he thinks it gets messier if we have a pyramid before Town Meeting. If we don't have the vote before Town meeting t will be more difficult to educate and explain it to the citizens after the Town Meeting. He advocates the vote be taken before Town Meeting.

Marie Altieri – The School Committee has voted unanimously to ask the Board of Selectmen to have the Override Vote at the Town Election in March.

Herman Kabakoff speaking as a member of the Finance Committee, noted that the Finance Committee did not take a vote, but discussed it in length. The Fin Com decided on a consensus that they recommend the vote be taken after Town Meeting if there was a Pyramid Option.

Charlie Kadlec – Charlie has no strong feelings on the timing, but as to the amounts of 3.8 Million, 4.5 or -0- he did have an opinion. He wanted to state that the 3.8 proposed lowest amount is too high. He feels that the BOS should include a number of 1.5 million. The 3.8 will equate to 12-13% increase if passed. He urged them to consider a 1.5 to 2 million figure.

Peter noted that we have had many discussions on a 2 million override at ALG. He too noted that the percentage that Mr. Kadlec stated reflects all taxes included and allowed under Prop. 2 ½, not just the Override amount.

DORE' HUNTER – Moved to schedule the Override of 3.8 and 4.5 Million on March 29 at the Annual Election. BOB JOHNSON – second. 4-1 Peter voting No. Motion carries.

STREET ACCEPTANCE PROCESS – PETER ASHTON - Move to approve and move forward with the public notification process. WALTER FOSTER – second. UNANIMOUS VOTE.

INTER-MUNICIPAL AGREEMENT – Dore' spoke about the municipal lease and outlined the process that was used. Walter gave a brief background presentation on this project and the need to insure that the newly constructed field would be a community resource. He thanked Mary Ann Ashton of the School Committee, Bill Mullin and the Friends of Leary Field. PETER ASHTON - Moved to accept as written. TREY SHUPERT – second. UNANIMOUS VOTE.

ARMED FORCES DAY – A Parade to thank those who have been serving in the Armed Forces is proposed for Armed Forces day. Dore' noted that he wanted to know the financial implications of this event. PETER ASHTON – Moved to endorse the idea of a parade on Armed forces. TREY SHUPERT – second. UNANIMOUS VOTE.

IL FORNO RESTAURANT – Mike Mohammad outlined how he has been operating his restaurant in Fitchburg and Gardner in which he allows the patrons to bring in their own liquor. He cards customers and has had staff attend Tip Training Program. The Town Manager urged the Board to proceed carefully as we have had issues with Official licensed liquor holders. The Board asked that Mr. Mohammad send us a copy of this policy on Bring Your Own to the restaurant when he files his Common Victualler License, the Board will review his request for BYOB during the Common Victualler Hearing.

WOODLANDS AT LAUREL HILL – DORE' HUNTER - Moved to exercise his judgment regarding the draft letter, and to authorize him to sign the proposed draft letter. PETER ASHTON – second UNANIMOUS VOTE.

OTHER BUSINESS

OPEN SPACE AND RECREATION COMMITTEE – It was suggested that they have the committee continue its work investigating open space preservation opportunities. The committee should work with other Boards and Commissions as well as landowners. The Group will have to update the OSRP in two years. The suggested make-up of the committee to include one member each from the Board of Selectmen, Planning Board, Conservation Commission, one from the Water District and Conservation Trust as well as 2 or 3 at large members. This committee will be a sub-committee of the Conservation Commission and have no more than 7 permanent members serving three year terms PETER ASHTON – Moved to approve the proposed sub-committee activities and

CONSENT AGENDA

PETER ASHTON – Moved to approve. – TREY SHUPERT - Second. UNANIMOUS VOTE

TOWN MANAGER'S REPORT

UPDATE MMA ANNUAL MEETING ACTIVITIES - Will address this at the next meeting.

EXECUTIVE SESSION

BOB JOHNSON –Move to go into Executive Session for the purpose of discussing Land Negotiations and Potential Litigation. – Second. Roll Call was taken, Hunter, Ashton, Foster Shupert and Johnson. All AYES

Christine Joyce
Recording Clerk

Clerk

2-28-05
Date

TO: Board of Selectmen, Sewer Commissioners

FROM: F. Dore' Hunter, Chairman

SUBJECT: Selectmen and Sewer Commissioners' Report

JANUARY 24, 2005

7:00 P.M.

I CITIZENS' CONCERNS

II SEWER COMMISSIONERS' BUSINESS

III PUBLIC HEARINGS & APPOINTMENTS

1. 7:01 **OPERATIONAL MINUTE** – The Town Manager will give the Board a brief update on various topics.

2. 7:03 **STATE HOUSE NOTES** – The Treasurer and Finance Director will address the Board concerning the enclosed materials.

3. 7:10 **NSTAR REBATE CHECK PRESENTATION** – Annemarie Walsh of NSTAR will be in to present the Town a check for energy conservation measures used in the construction of the Public Safety Facility, for Board consideration.

4. 7:15 **METROPOLITAN AREA PLANNING COUNCIL (MAPC)** – Marc Draisen, Executive Director of MAPC, will be in to speak with the Board concerning the enclosed materials.

5. 7:30 **LIQUOR LICENSE HEARING, O'NATURAL'S, CHANGE FROM FULL LIQUOR AS A COMMON VICTUALLER TO BEER AND WINE** – Enclosed please find materials in the subject regard, for Board consideration.

6. 7:40 **CLASS II USED CAR NON-DISPLAY LICENSE APPLICATION HEARING, 171 NEWTOWN ROAD** –Enclosed please find materials in the subject regard, for Board consideration.

7. 7:45 **COMMITTEE INTERVIEW, CHERYL LOWE, CONSERVATION COMMISSION ASSOCIATE MEMBER -** Enclosed please find Ms. Lowe's VCC Application and recommendation for appointment as an Associate Member of the Conservation Commission, with a term to end June 30, 2005, for Board consideration.

8. 7:50 **COMMITTEE INTERVIEW, JANET ADACHI, CONSERVATION COMMISSION ASSOCIATE MEMBER -** Enclosed please find Ms. Adachi's VCC Application and recommendation for appointment as an Associate Member of the Conservation Commission, with a term to end June 30, 2005, for Board consideration.

9. 8:00 **FAULKNER MILL SITE PLAN SPECIAL PERMIT / SPECIAL PERMIT, #09/24/04-399, 4 HIGH STREET** – (continued from January 3 meeting) Enclosed please find materials in the subject regard, for Board consideration.

10. 8:30 **COMMON VICTUALLER'S LICENSE, TEDESCHI'S FOOD SHOP, 75 GREAT ROAD** – Enclosed please find an application, along with Staff comments in the subject regard, for Board consideration.

IV SELECTMEN'S BUSINESS

11. **FY06 BUDGET/WARRANT DISCUSSION** – Enclosed please find materials in the subject regard, for Board consideration.

12 **OVERRIDE ELECTION** – Enclosed please find materials in the subject regard, for Board consideration.

13. **STREET ACCEPTANCE PROCESS** – Enclosed please find materials in the subject regard, for Board consideration.

14. **OPEN SPACE AND RECREATION COMMITTEE** – Selectman Ashton will address the Board concerning the enclosed communication.

15. **INTER-MUNICIPAL AGREEMENT** - Enclosed please find materials regarding the proposed Inter-Municipal Agreement with the Regional School District for Leary Field, for Board consideration.

16. **ARMED FORCES DAY** – Enclosed please find materials in the subject regard, for Board consideration.

17. **IL FORNO RESTAURANT** - Enclosed please find materials in the subject regard, for Board consideration. Enclosed please find materials in the subject regard. Chairman Hunter wishes to discuss issues related to the provision of Public Safety Services to the Westford portion of this project.

18. **WOODLANDS AT LAUREL HILL** – Enclosed please find materials in the subject regard. Chairman Hunter wishes to discuss issues related to the provision of Public Safety Services to the Westford portion of this project.

19. **OTHER BUSINESS**

V CONSENT AGENDA

20. **ACCEPT MINUTES** – Enclosed please find Minutes of the January 3, 2005 Selectmen's meeting, for Board consideration.

21. **FIRE ALARM REVOLVING FUND APPROPRIATION INCREASE** – Enclosed please find a request from the Fire Chief to increase the statutory limit for expenditures by $30,000, for Board consideration.

22. **CLERICAL CORRECTION TO SITE PLAN SPECIAL PERMIT #11/18/98-366 PHASE II, ACTON ASSISTED LIVING** – Enclosed please find materials in the subject regard, for Board consideration.

23. **ONE DAY LIQUOR LICENSE REQUEST** – Enclosed please find a request from #5 Strawberry Hill Restaurant for a One Day Liquor License for Valentines Day, for Board consideration.

24. ONE DAY LIQUOR LICENSE REQUEST – Enclosed please find a request from the Le Le Lyonnais Restaurant for a One Day Liquor License for Valentines Day, for Board consideration.

25. ONE DAY LIQUOR LICENSE REQUEST – Enclosed please find a request from the Acton Barn Cooperative for a One Day Liquor License at the Church of the Good Shepherd for their fund raiser auction, for Board consideration.

26. SURPLUS EQUIPMENT – Enclosed please find a memo from the Municpal Properties Director seeking the Board's declaration of certain equipment as surplus, for Board consideration.

27. ACCEPT GIFT– Enclosed please find a request for acceptance of the following gifts for Winterfest 2005 at NARA Park:
Wachusett Mountain - 4 Communty Spirt Day Tickets, valued at $24.00 (Total)
Berkshire East Ski Resort - 2 lift tickets, valued at $84.00 (Total)
Nashoba Valley Ski Area – Two Ski Lift Passes and two Snow Tube passes, valued at $104.00 (Total)
JSP Cleaning Services – Sponsorship of the Chili Cook-off $500 Contribution
Lowell Spinners – 8 Vouchers to Spinners Games, valued at $36.00 (Total)

28. ACCEPT GIFT – Enclosed please find a request for acceptance of a donation of $500 from Bonnie Geithner to be used at the Nashoba Brook Conservation Area in memory of her husband, Edgar, and their dog, Rudy, for Board consideration.

29. ACCEPT GIFT – Enclosed please find a request from Arthur Gagne, for acceptance of a donation of $2,000 from the Acton Permanet Firefighters, Local 1904, for the Flag Pole Project at the Public Safety Facility, for Board consideration.

30. ACCEPT GIFT– Enclosed please find a request from Arthur Gagne, for acceptance of a donation of $1,000 from the Acton Rotary Club for the Flag Pole Project at the Public Safety Facility, for Board consideration.

31. ACCEPT GIFT – Enclosed please find a gift certificate from NSTAR, for trees and shrubs, valued at $1,000, for Board consideration.

VI TOWN MANAGER'S REPORT

32. MMA ANNUAL CONFERENCE REPORT – The Town Manager will brief the Board on his attendance at the recent MMA Annual Conference.

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.

Feb 7, Site Plan, 864 Main Street, TJ O'Grady Skate Park discussion, Sen. Resor and Rep Eldridge, Interviews for Planning Bd. Associates
Feb 28
March 14/28 – Street Acceptances, Dunham Ln. and Elm @Central
April 4

GOALS 2004-2005

1. Produce Morrison Farm Development Master Plan (Bob/Walter)
2. Improving Inter 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)