

Selectmen's Minutes

December 1, 2003

Present: Walter Foster, Peter Ashton, William Shupert, Robert Johnson, F. Dore' Hunter, Town Manager and his Assistant.

CITIZEN'S CONCERNS

NONE

PUBLIC HEARINGS & APPOINTMENTS

MEDICAL EMERGENCY HELIPORT FUND – Art Gagne updated the Board on the background of the project. Each was a member of the PSFB Committee. They were concerned that we need a heliport for medical emergency aspects. He noted the need to be able to get people to a trauma center in order to provide a better result. Emerson has no trauma center, but has a helipad. He said we need an all weather helipad for the Town. Because it was not included in the PSFB, they said they were going to try to raise the \$21,000 through private fundraising.

Nancy Tavernier – Spoke about her son's Med flight rescue and how it affected his survival and ultimate outcome from his injuries because he was rescued. They have raised 90% of the project funded. He asked that the Board support the program, and to establish a fund account and lock box. The Lock Box has been established and further they would like permission to place a Plaque in the Lobby of the new facility recognizing large benefactors. DORE' HUNTER - Moved to support the Project, and to establish and accept donations to the "Medical Emergency Heliport Fund". TREY SHUPERT – Second. UNANIMOUS VOTE

SITE PLAN SPECIAL PERMIT #10/09/394 – 1 & 19 MAPLE STREET, MONTUORI REALTY TRUST Walter read the notice into the record. Trey updated the Board on the progress of the changes to the Plan. Tonight we will hear presentation and take public comment and continue to a time certain. Mark Donohue made a presentation regarding the proposed plan.

Dore' spoke about the site plan comments from HDC, while the building is not in the district he was urged to speak with the HDC about their comments. He wanted Maple Street to remain the same. Dore' noted it looks tight but felt it would work.

Peter was concerned about the building on the lot that looks like it is on their parcel. He suggested moving the buildings closer together and moving the parking at the other end. The engineer said that they did not want to do that as they would lose parking spaces. They will determine what trade shops will work in the building, but imagined plumbers, electricians etc.. Fire suppression is not required but they may provide dry pipes for tenants.

Walter asked for clarification of the side walk. It goes down Maple Street to #16 and they will take a cross walk to their site and extend the sidewalk to their property line.

Bob Johnson said he had concerns about the possibility to put the driveway in a different location. The engineer said that he would look at that and provide a plan.

Anne Forbes – 25 Martin Street, she said that the scale was of concern. She asked that they consider all views of the property as all four sides are viewed. HDC suggested that the windows should be changed from how they appear on the plan.

Claire Sisco – She noted that people are going the wrong way already. She wanted to know what could be done to mitigate this and the safety issues.

Gordon Richards – Owns adjacent building, he is concerned on the placement of the building for a number of reasons. He felt it would limit his use of his building and felt that he and the Montouri's could work it out. Walter suggested that they should get together and see if they can resolve his concerns.

Mary Utt – She was concerned about the significant traffic from Jones field. No sidewalks or lighting exist and it is dangerous, that is why TAC suggested sidewalks.

Jen Chen 61 Maple Street – She spoke about the children that play in the street and wanted to be sure their safety was taken in to account.

Shawn Hanley, Maple Street spoke about the one way traffic he suggested speed bumps.

Marty Miley – She asked about lease conditions. She also asked about displacement of water. She wanted to know if any environmental study has been performed. They noted that the petitioner needs to handle run off on site and they can't make the situation worse with the storm runoff.

Traffic concerns on Maple Street and asked for caution signs and speed bumps.

Christine Hanley – spoke about hours and possible reduction in the height of the building. Mr. Montuori said he was already considering the reduction of the heights.

TREY SHUPERT – Moved to continue the hearing until January 5, 2004 at 7:15 P.M.
PETER ASHTON – Second, UNANIMOUS VOTE.

CLASSIFICATION HEARING

Jim Kotanchik explained the process. He said that they need to transfer the burden to other classes when one class is affected. He spoke about shifting the tax burden to the residential and commercial and Industrial class. You cannot increase more than 50% of the burden on to the Commercial side. He noted that we do not have any parcels in the Open Space category in Town. The Residential Exemption allows a decrease on the burden to lower cost properties with the burden from that exemption placed on the balance of the remaining taxpayers.

Peter asked for a forecast of what the increases were between Commercial and Residential. Jim thought roughly the same increase.

ASSESSOR OVERSIGHT MEETING – They do not have any vacancies at this time. They have a procedural issue that needs to be resolved with them internally as a committee. He feels that the Town is in good shape and thanked the staff for their help. Jim said that we have very few abatements and that things are going well.

Dore' noted the increased amount of exemptions filed and is glad that people are taking advantage of these programs. He asked if it was due to getting the information out to those who need it. Jim felt that people are coming forward as they learn of it and Acton has an aging population, so we get more people over 65 taking advantage of the exemptions. He feels it is up 50%. Dore' noted the he got reports that those applying have been pleased.

Peter wanted to discuss Overlay - Peter asked if we have had a surplus in recent years. He said we need to look into every area for funds. If we compare to other communities the amount we set aside for tax levy is in the middle but below State average.

He asked about the money committed to Overlay and abatements. He also noted the statue that allows us to set up a reserve account, and can be used immediately. Overlay is intended to deal with taxes.

Jim Kotanchik responded that he and Peter did talk; the issue is they need to be sure that there is enough money left for ATB cases and unpaid taxes. He cautioned we need to have these looked at, and ultimately it is up to the Town how it chooses to manage overlay and as long as they have enough for their use in Assessing he did not have a problem.

Don noted that he would like to bring a report back to the Board about overlay use.

Herman Kabakoff – He asked if future reportings will show if we have made some assumptions incorrectly, what happens, do we have to pay it back, what about town meeting votes, He asked about amounts legally required. He said he wanted these issues expanded upon and discussed in more detail.

Jonathan Chintz- Responding to Herman's question about risk, and further in the past documents we have ball parked the numbers and levy. Don and Brian will work on this. DORE' HUNTER - Moved to continue the Classification Hearing to 7:30 on December 15, 2003. TREY SHUPERT – Second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

TOWN MANAGER'S SALARY REVIEW – Trey reviewed Don's review TREY SHUPERT- Move that we support this review FY03. DORE' HUNTER – Second UNANIMOUS VOTE.

TREY SHUPERT – Moved to extend the contract for a year and further recommend an increase of 3% effective July 1, 2003. DORE'HUNTER – Second, UNANIMOUS VOTE.

Walter commented that he feels we need to get Emails out and wanted to see Christine responding to these.

FREE STANDING SIGN, 60 GREAT ROAD

Walter outlined the request and conditions noted by staff. Dore' wanted the 60 taken off the sign. Peter wanted to get Historical comments before taking action. Don was asked to notify HC and ask about the parts of the sign that would be being moved. They will revisit at the Dec. 15th meeting.

COMMUTER PARKING LOT SPACE REALLOCATION -14 spaces could be converted to resident parking. Dore' felt the 14 was practical for enforcement. PETER ASHTON – Moved to reallocate 14 spaces from meter to sticker, BOB JOHNSON. Second. UNANIMOUS VOTE.

2003 ELIZABETH WHITE FUND DISBURSEMENTS

DORE' HUNTER – Moved to adopt the recommended disbursements. PETER ASHTON. Second. UNANIMOUS VOTE

MMA ANNUAL BUSINESS MEETING - PETER ASHTON – Moved to Designate Dore' to vote on business at the MMA Meeting. TREY SHUPERT – Second. UNANIMOUS VOTE.

DOG LICENSE FEE SCHEDULE - Bob Johnson said he could go with schedule 1
Trey said he would go with schedule 1 but wanted the senior citizens to have a lower rate.

BOB JOHNSON - Moved to adopt schedule one, 50% increase. TREY SHUPERT – Second. UNANIMOUS VOTE

OTHER BUSINESS

Peter spoke about fees and are we bringing in other fees. Don will have ready for Dec, 15th.

Boy Scout Proclamation materials– Dore' wanted to make the presentation materials more formal. Christine to work on this with IT.

Walter noted the CPA applications that were received and they will be going over them in the coming weeks.

CONSENT AGENDA

PETER ASHTON – Moved to Approve. TREY SHUPERT – Second. UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

EXECUTIVE SESSION

DORE' HUNTER – Moved go in Executive Session regarding Collective bargaining.
ROLL CALL taken, All Ayes

Christine Joyce

Recording Clerk

Clerk

Date

EXECUTIVE SESSION

December 1, 2003

KENNEDY LANDSCAPING – Trey updated the situation with regard to the letter from his attorney. He does not want to go to court. He proposed to settle the suit saying he would have 7 years beginning in April 2005 that would give him three tries at Town meeting to get his zoning changed. He wants to work with Garry Rhodes and Roland. If he doesn't get the rezoning he will move it all back. Mr. Kennedy will be putting this in a revised format with his attorney and get it to Stephen Anderson.

Bob Johnson was uncomfortable about the crossing and how dangerous it was and suggested 5 years to get the vote. Dore' felt we could not tie other Boards of Selectmen to this. Walter said he agreed with Bob and felt it was reasonable. Dore' felt that we should say agree or we proceed to discovery. Peter asked why he could not go this year. The consensus of the Board is 5 years. TREY SHUPERT - Moved to contact Mr. Kennedy in the a.m. tell him that we reject this letter and terms and that we favorable to 5 year to resolve this and if no zoning change he will have to vacate and if we don't get response within 48 hours we direct Town Manager to move to discovery. PETER ASHTON – UNIMOUS

FIRE NEGOTIATIONS- Trey and Peter said they held tight and offered 4% no change. Highway was offered the 4% and they accepted. DORE' HUNTER - Moved to Approve contacts 4% and one year extension for Highway and Fire. TREY SHUPERT – Second, UNAIMOUS VOTE.

Christine Joyce
Recording Clerk

Clerk

Date