

12/5/00
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Selectmen's Minutes November 7, 2000

Present – F. Dore' Hunter, Peter Ashton, William Shupert, Herman Kabakoff, Pam Harting-Barrat. The Town Manager (The meeting was televised)

CITIZEN'S CONCERNS

Chairman Hunter spoke about the need for an extra meeting to discuss Tax Classification. It was scheduled for November 14, 2000.

PUBLIC HEARINGS AND APPOINTMENTS

SUDBURY VALLEY TRUSTEES – David Hardt explained the gift of land from the Donald's of 11 acres adjacent to the Arboretum. It is a very important addition to conservation land in that part of town. **TREY SHUPERT** – Moved to accept the property as outlined in the documents presented by SVT, and owned by the Donald's for conversion to conservation. **PAM HARTING-BARRAT** – Second. **UNANIMOUS VOTE.**

SELECTMEN'S BUSINESS

Street Lighting Policy – Dore' discussed the proposed policy. Dore' asked for any changes or comments and none were presented. **HERMAN KABAKOFF** – Moved to adopt the official policy – **PAM HARTING-BARRAT** – Second. **UNANIMOUS VOTE**

Committee appointments - Doug Halley asked that the list of suggested members of AWCAC-be appointed by the Selectmen. **HERMAN KABAKOFF** – Moved to approve. **TREY SHUPERT** – Second. **UNANIMOUS VOTE**. ~~Town Clerk to attend meeting and swear these appointments in.~~

CONSENT AGENDA

HERMAN KABAKOFF - Moved to approve. **PETER ASHTON** – Second. **UNANIMOUS VOTE.** None

TOWN MANAGER'S REPORT

SIDEWALK PETITION – Don briefly gave an overview of the status of sidewalks in town. The Board will review this at a latter meeting.

Clerk

Date

Christine Joyce

November 3, 2000

TO: Board of Selectmen

FROM: F. Dore' Hunter, Chairman

REVISED TOWN MANAGER'S REPORT

SUBJECT: Selectmen's Report

AGENDA

November 7, 2000
8:00 P.M. in Room 204

NOTE 8:00 Starting time due to Elections

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 8:00 **SUDBURY VALLEY TRUSTEES** – Representatives for SVT will be presenting James and Mary Donald's plans for placing some of their land on Taylor Road into conservation restrictions.

III. SELECTMEN'S BUSINESS

2. **STREET LIGHT POLICY** – Enclosed please find a copy of the proposed Policy for Board review and action.
3. **WASTEWATER CITIZENS ADVISORY COMMITTEE** – Enclosed please find a request for appointment of members to this advisory committee.
4. **OTHER BUSINESS**

IV CONSENT AGENDA

4. **AUDUBON HILL SENIOR CENTER LEASE** – Enclosed please find a copy of counsel's letter and a copy of the Notice to be signed.
5. **ACCEPT MINUTES** – Enclosed please find the minutes of October 10, 2000 for approval.
6. **CABLE TV ADVISORY COMMITTEE** – Enclosed please find Volunteer forms forwarded from the VCC with regard to appointing Stuart Gilmore, Donald Lane, and Robert Burnham as members of the Cable Advisory Committee with a term to end 6/30/2003 for Board action.
7. **ONE DAY LIQUOR LICENSE** – Enclosed please find a request from the Church of the Good Shepherd for a One-day Liquor License in conjunction with their silent auction to be held on 12/3/00 for Board action.

V. TOWN MANAGER'S REPORT

8. **SIDE WALKS** – The Town Manager will discuss this Tuesday Night.

VI. 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. 14 – Classification Hearing
Nov. 21- Brook Side continuance
Dec. 5
Dec. 19

GOALS 2000-2001

1. To obtain facilities plan and bring to Fall Town Meeting. (Dore')
2. Determine future of Vallencourt House - 17 Woodbury Lane. (Herman)
3. Revisit the 2020 process and review make-up and consider expand or reduce the membership. (Peter)
4. Provide looking at salary levels in the organization, include liaison with Personnel Board (Trey /Peter)
5. Review Board of Health duties to expand its role so it becomes a more visible department. (Pam)
6. Formulate charge and suggested membership list for a "Long Range Planning Committee" (Ashton):

FY 2000 GOALS carried forward

7. Develop a comprehensive Beaver Nuisance policy (Pam)
8. Work with the Planning Board to implement the goals, objectives and strategies of the Master Plan update (Peter/Trey)

revised 9/26/00

11/7/00
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TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: November 3, 2000

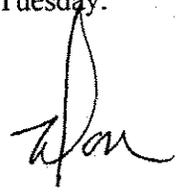
TO: Board of Selectmen

FROM: Don P. Johnson

SUBJECT: Senior Center, Notice of Lease

The Board has previously reviewed and signed the new lease for the subject property. We are now providing a "Notice of Lease", with respect to the Senior Center, for the Board to sign Tuesday evening.

Our agreement is that we will record the lease for this property but, when we approached Counsel to complete the recording we were advised that one does not record the lease. Instead, one records a "Notice of Lease". Town Counsel has drawn-up the necessary documentation which we will ask the Board to sign Tuesday.



PALMER & DODGE LLP

ONE BEACON STREET, BOSTON, MA 02108-3190

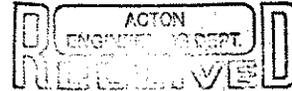
JANE THOMASSEN
(617) 573-0662
jthomassen@palmerdodge.com

TELEPHONE: (617) 573-0100
FACSIMILE: (617) 227-4420

October 18, 2000

Via Overnight Delivery

David F. Abbt, P. L. S.
Engineering Administrator
Town of Acton - Engineering
472 Main Street
Acton, MA 01720



OCT 19 2000

Re: Notice of Lease for Audubon Hill Senior Center Lease

Dear David:

Please find enclosed four (4) execution copies of the above-referenced Notice of Lease. As we discussed, please arrange to have each Notice of Lease executed (and notarized) on behalf of the Landlord and the Town. After the Notices have been fully executed, please return two (2) copies of the same to my attention. I will then arrange to have the Notice of Lease recorded. The other two (2) copies are for the records of the Landlord and the Town.

Please feel free to contract me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jane Thomassen".

Jane Thomassen

Enclosure

cc: Norman Cohen, Esq.

JT:las

9/3

**RECORDING REQUESTED
AND WHEN RECORDED RETURN TO:**

**Jane Thomassen, Esquire
Palmer & Dodge LLP
One Beacon Street
Boston, Massachusetts 02108**

NOTICE OF LEASE

Notice is hereby given, pursuant to the provision of Chapter 183, Section 4 of the Massachusetts General Laws, of the following Lease:

Lessor:

Audubon Hill North Condominium Association and Audubon Hill South Condominium Association

Lessee:

Town of Acton, Massachusetts, a Massachusetts municipal corporation

Date of Lease Execution:

November 1, 1993, as amended by a First Lease Amendment dated September 12, 2000

Description of Premises:

The building, known as the Smith-Cloonan Center for Town of Acton Seniors, along with a storage shed and the approximately 1.6 acres of land on which the Building is located, commonly known as the Town of Acton Senior Center, located in the Audubon Hill North and South Condominium, specifically identified as Lot E and numbered 50 Audubon Drive, which lot of land is located in the Town of Acton, Middlesex County, Massachusetts and described in a deed recorded with the Middlesex County Registry of Deeds in Book 24778, Page 383, together with all appurtenances thereto and fixtures thereon, including the parking lot.

Commencement Date and Term of Lease:

A period of ninety-nine (99) calendar years beginning on November 1, 1993.

Option to Extend:

The Lease may be extended for one (1) additional period of ninety-nine (99) years, subject to the terms and conditions of the Lease, as amended.

To the extent there is an inconsistency between the Lease, as amended, and the Notice of Lease, the Lease shall govern.

MSD 11/22/00 09:48:48 120 12.02

IN WITNESS WHEREOF, Lessor and Lessee have caused this Notice of Lease to be duly executed, under seal, by persons hereunto duly authorized, in multiple copies, each to be considered an original hereof, as of the 21 day of October, 2000.

Lessor:

AUDUBON HILL SOUTH CONDOMINIUM ASSOCIATION

By: Walter S. Harrington
Name: WALTER S. HARRINGTON
Its: PRESIDENT
Hereunto duly authorized:

AUDUBON HILL NORTH CONDOMINIUM ASSOCIATION

By: [Signature]
Name: [Signature]
Its: [Signature]
Hereunto duly authorized:

Lessee:

TOWN OF ACTON, MASSACHUSETTS

[Signature]
F. Dore Hunter, Chairman
[Signature]
Peter K. Ashton, Vice Chairman
[Signature]
William H. Shupert III
[Signature]
Herman Kabakoff
[Signature]
Pamela Harting-Barrat

Board of Selectmen
Town of Acton

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

10/31, 2000

Then personally appeared the above-named Walter Thurman Pres. of the Audubon Hill South Condominium Association, who acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said Audubon Hill South Condominium Association.

Christine M. Joyce
Notary Public
My Commission Expires: May 25, 2001

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

10/31, 2000

Then personally appeared the above-named St. Edmunds Pres. of the Audubon Hill North Condominium Association, who acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said Audubon Hill North Condominium Association.

Christine M. Joyce
Notary Public
My Commission Expires: May 25, 2001

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

11/7, 2000

Then personally appeared before me the foregoing, F. Dore Hunter, Peter K. Ashton, William H. Shupert III, Herman Kabakoff, and Pamela Harting-Barrat to me known to be the same persons who executed the foregoing instrument and acknowledged the same to be the free act and deed of the Board of Selectmen on behalf of the Town of Acton.

Christine M. Joyce
Christine M. Joyce
NOTARY PUBLIC
My commission exp. May 25, 2001

10/10/00 (8)

SELECTMEN'S MINUTES SEPTEMBER 12, 2000

Present: F. Dore' Hunter, Peter Ashton, Herman Kabakoff, Pam Harting-Barrat, Trey Shupert and the Town Manager and Asst. Town Manager.
(The meeting was televised)

CITIZEN'S CONCERNS

None

APPOINTMENTS/HEARINGS

WILLIAM SAWYER – BOARD OF APPEALS INTERVIEW

Mr. Sawyer said that he wanted to again become involved and to serve the Town.
HERMAN KABAKOFF – Moved to appoint Mr. Sawyer as an Alternate Member of the Board of Appeals with a term to expire 6/30/2003. PETER ASHTON – Second. UNANIMOUS VOTE.

OVERSIGHT MEETING WITH HDC AND AHC

Dore' noted that we would not be discussing the potential merger as he was convinced that it would not be supported. Instead, he asked for suggestions that they might have to ease the confusion of the names of the Commissions. He thought we needed to get it in print to the population. Michaela Moran suggested a notice in the Municipal Quarterly might be helpful. He asked if the name of the committee could be changed. It was felt not, but he then suggested the committee could use a working name. It was noted that many communities have the same problem with the names of the Commissions. It was also suggested by HDC that communication needs to be improved and requested that any issues raised in regard to a board or to a Selectman or management be forwarded to that board.

The chairman asked that the Historical Commission what duties they have. They maintain the Resources List. Home, bridges and other buildings of historical significance. They handle demolition permits. They have five full members which they are chartered for, but they could use Associate members.

HDC can have up to 6 regular members and 4 alternates they currently have openings in each category.

Dore' wanted the properties that are significant to Acton placed on the web page. He felt it could be a learning tool. He suggested getting in touch with our MIS director to set up some space.

They need volunteers. Peter thought that they might put a recruitment notice in the Beacon and to also write about what each committee does to let people know about the differences in the commissions.

NARA CONCERNS BETINA NORTON

Betina Norton- Outlined her concerns with NARA. Don to report at the next meeting.

BROOKSIDE Site Plan #8/25/00-373

Mr. Schaffer 11 Flag Road – Concerned about left and right turns onto Great Road concerned with traffic.

Stephine Keifer - Introduced herself. She is legally representing the Esterbrook Group.

Owner of Legends – He felt that they would be in competition when Thunder came in. He disagreed with the article in the Beacon.

Sam 16 Quail Run – Traffic issues and asked the Board for a copy of the Traffic Report.

Patricia Macie 1 Fox Lane concerned with the traffic and does not want to see it ruin Acton.

Carol Holley – Concerned about the traffic speeds.

Graham Knowland – Esterbrook Road, - Went over the things that the developer must provide at the hearing. Parking at the site is 491 or 479 spaces and must submit comprehensive details to the Town.

Jon Fox – Traffic report says 500 cars per day on Pope Road, the street us already busy.

Susan Helter – Esterbrook Road – Asked why he wasn't putting it in his hometown of Carlisle.

Resident, Stoney Meade Way– They left Seattle Washington for what is happening here. She thinks the proposed mall with choak this town.

Charlotte Sagoff – She said Trader Joe's customers come from all around to shop.

Howard Cooper 276 Pope Road – Asked that the developer notify the people that came tonight when upcoming hearings and meetings arise.

Pam Harting-Barrat said that we have a major infrastructure problem and not just a problem for Pope Road, or Esterbrook Road. It will affect the entire community.

Trey is pleased that the developer is going over the problems noted in the review. He asked when the final plan would be available. The treatment plant has been approved by BOH, DIR said it would only serve 90,000 gallons. He urged him to sit down with Esterbrook Road residents. He noted that the town would be interested in Recreation space, could they offer to land that the day care was to be located?

TREY SHUPERT – Moved to Continue the hearing until September 26, at 7:55 P.M. PETER ASHTON – Second. UNANIMOUS VOTE

15 NEWTON ROAD RIGHT OF WAY AGREEMENT

Herman said he had no problem with the moving date to the 19th, but that the Board did not have the right to grant them special rights. The applicant agreed to drop the striking of without. The Board then signed the agreement.

SELECTMEN'S BUSINESS

Audubon Hill Lease Amendment - Trey outlined the amended lease and asked the Board to sign the lease. HERMAN KABAKOFF – Moved to sign the lease – PETER ASHTON – Second. UNANIMOUS VOTE.

Zoning Amendments – Early January date. Moderator is available and 3 and 8th is available at the school find out if we have a backup night.

United Nations Day - PETER ASHTON – Moved to sign the Proclamation. HERMAN KABAKOFF – Second. UNANIMOUS VOTE.

Elderly Tax Committee Appointments –Peter outlined the status of the fund and they need 3 other members to begin work. Peter felt a Board of Selectmen and someone on council on aging; perhaps Nancy Gerhardt would be willing, as she has shown interest in the past. Dore' felt we should have a citizen at large for the final member. Peter will contact Nancy. HERMAN KABAKOFF – Moved to appoint Nancy Gerhardt and Peter Ashton to the Elderly Tax Committee. – UNANIMOUS - It was suggested that they put a note in the Beacon that we are looking for an at large person to serve on the Committee.

Girl Scout Gold Award – Pam will represent the Board.

Bennett Report – Dore' asked if we needed any more discussion. Everyone was comfortable with the Chief's response.

CONSENT

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

TOWN MANAGER'S REPORT

Update on progress of Police/Fire Feasibility Study – Dore' said we need to address the Police and Police Dispatch first, and not the Fire if the problem continues.

Trey noted experience in Natick with the combined facilities that it worked out and everyone was satisfied. Dore' noted Bellows Falls. VT had a combined facility. He suggested staff investigate this station.

Fire Dept. Dispatch for Boxboro – John noted that he is looking into the legality of the termination.

EXECUTIVE SESSION

WILLIAM SHUPERT - Moved to go into Executive Session for the purpose of discussing Collective Bargaining – noting only to enter into regular session to adjourn.

Clerk

Christine Joyce

Date

CC: BOS 9/12/00
The Condo Associations have signed
this Amendment 9/8/00

6

FIRST LEASE AMENDMENT

This instrument is the First Amendment to a Lease dated November 1, 1993 (the "Lease") between **Audubon Hill North Condominium Association** and **Audubon Hill South Condominium Association** (collectively the "Landlord") and the **Town of Acton, Massachusetts**, a Massachusetts municipal corporation acting by and through its Board of Selectmen (the "Tenant"). Terms not defined herein but defined in the Lease shall have the meanings given in the Lease.

The Landlord and the Tenant have agreed to modify the Lease in accordance with the terms and conditions set forth below.

Accordingly, in consideration of the mutual undertaking of the parties under this Amendment and under the Lease, the parties hereby agree as follows:

1. Enumeration of Exhibits. Section 1.2 of the lease is hereby deleted and the following substituted therefor:

"ENUMERATION OF EXHIBITS

Exhibit A-1 Plan showing the configuration and location of the Building and the Lot."

2. Exhibits. Delete Exhibit A to the Lease and add the attached Exhibit A-1. All references in the Lease to Exhibit A shall be deemed to be references to Exhibit A-1.

3. Repairs and Maintenance. The second paragraph of Section 7.1 of the Lease is hereby deleted and the following substituted therefor:

"The Tenant shall keep in good order, condition and repair the roof and exterior of the Building, the foundation of the Building, the structural elements of the Building and the parking facilities located on Lot E. Furthermore, the Tenant shall maintain the landscaping of Lot E in a manner consistent with the balance of the Audubon Hill Project and a certain Conservation Restriction executed by the Landlord placed on property which includes Lot E."

4. Improvements and Alterations. A new Section 7.3 is hereby added to the Lease as follows:

"7.3 IMPROVEMENTS AND ALTERATIONS

Tenant shall have the right to make, at its expense, any and all structural or non-structural alterations, additions, deletions, or improvements in, on or to the Premises (including, without limitation, the Building, the storage shed, and Lot E and all landscaping, driveways and parking areas located thereon) which it deems necessary or appropriate in its sole discretion, without the prior consent or approval of the Landlord."

As amended hereby, the Lease is ratified and confirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this First Lease Amendment, to be executed under seal as of this ___ day of _____, 2000.

LANDLORD:

Audubon Hill South Condominium Association

By: _____
Name:
Its:
Hereunto duly authorized

Audubon Hill North Condominium Association

By: _____
Name:
Its:
Hereunto duly authorized

TENANT:

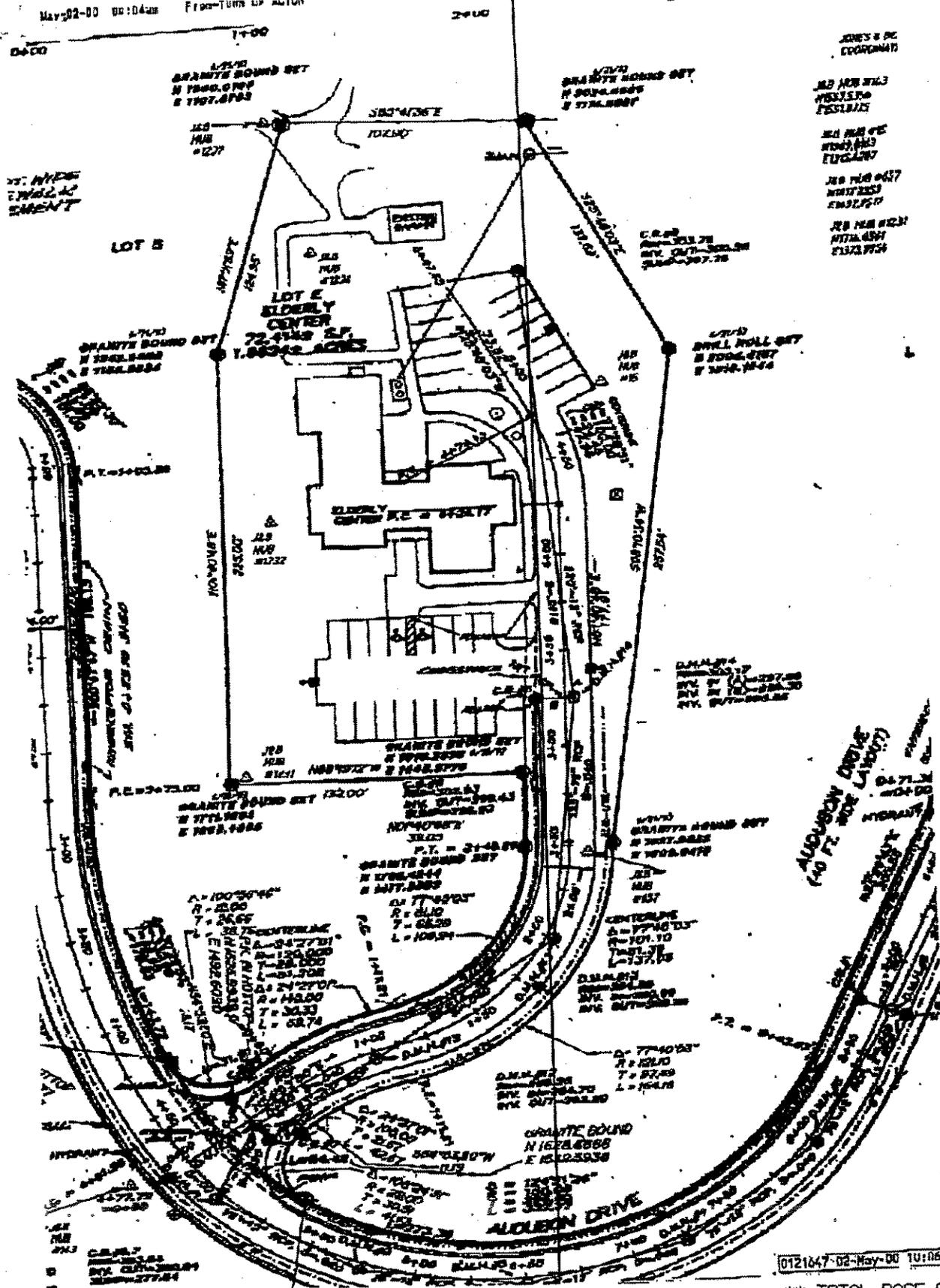
Town of Acton, Massachusetts

By: _____
Not individually, but as a member of the
Town of Acton Board of Selectmen

By: _____
Not individually, but as a member of the
Town of Acton Board of Selectmen

By: _____
Not individually, but as a member of the
Town of Acton Board of Selectmen

May 02-00 00:04am From: TURN UP AGENCY



0121647-02-May-00 10:06A