

Selectmen's Minutes FEBRUARY 10, 2003 7:00 P.M.

Present: Trey Shupert, Walter Foster, F. Dore' Hunter, Peter Ashton, Pam Harting-Barrat, Town Manager. Meeting was televised.

CITIZEN'S CONCERNS

Robert Johnson spoke about running for Selectmen. He is running as a candidate with environmental issues and concerns. He also serves on the committee Together For Acton to pass the override.

Pam Harting-Barrat thanked the town for the support she has received during her term; she announced that she is not running for reelection.

SEWER COMMISSIONER'S REPORT

PUBLIC HEARINGS & APPOINTMENTS

Brookside Traffic- Chief Widmayer spoke about the problems with big events and traffic on Esterbrook Road. He has kept a log on radar activities. One resident traveling at 34 was top speed. Safety Officer Cowan recommends a count to be again taken in the Spring.

They have spent a lot of time planning for the bank opening on Saturday. All mall tenants have been notified of the issues with these large openings. He noted that there were 5 accidents 3 at mall entrance and one at the Auto Parts store. He recommends we have a traffic light installed by the State as soon as possible.

Garry Rhodes said they have issued 5 permits of occupancy. Garry said that when the other tenants open it will be more congested. He too urged the State look at the traffic light sooner than one year.

Peter asked if we had any way to require them use uniformed Police Officers. Frank said that they probably would agree but we still may not be able to fill these special details.

Trey spoke about the need and for the light at the State level and their meeting with the Mass Highway regarding the need. He noted the lower speed limit on Route 2a and that it was now 40 but it could not be any lower as it is an enforcement issue. He felt we needed to get started on installing a light with the Mass Highway. The developer was in agreement, and would install the light with the money in escrow. Trey said that there was no harm asking.

It was noted that we pursue the State for the Light and staff was asked to prepare a letter in this regard.

Site Plan 12/13/02-386 – Palmer Kennels – Randy Clemence of Acton Survey and Engineering was present on behalf of the Kennel owners. Animal waste disposal was discussed. The noise issue was also discussed. Ron Peabody said it would be a better situation than the current situation. He spoke about the curtains that they would be installing as well as the fact that the facility was covered by a roof.

Bob Lassard a Wampus Ave. resident spoke about the current noise from the Kennel and commented that the facility will be moved closer to his residence and he was concerned about the noise being more intrusive with the dogs closer to 2A.

Mike Eder asked about the four requirements that need to be in place before the Board could issue a Special Permit. Trey addressed the four requirements and felt it was meeting those four requirements.

A representative from Brook Run Condos wanted a continuation of the hearing to give the condo owners a chance to review the plans.

Ron Peabody tried to answer the questions from the abutters about the noise. He said that the kennel as designed would have less noise. Currently the noise is high and this will reduce it substantially. He could not promise that there would not be noise.

William Kennegh asked about the open run and whether or not it could be relocated.

DORE' HUNTER – Moved to Continue the hearing to Feb 24 at 7:15. PAM HARTING-BARRAT - Second. UNANIMOUS VOTE.

Site Plan Special Permit #12/20/02-387 Concord Connection- The petition asked for a continuance. PAM HARTING-BARRAT – Moved to continue the hearing to March 24 at 7:30 P.M. PETER ASHTON – Second. UNANIMOUS VOTE.

ASSABET BEER AND WINE PACKAGE STORE 48 POWDER MILL ROAD

Leo Bertolami noted that this location was previously a beer and wine package store occupied by Wine Cask Cellars. He has a partner that will be on site to make sure all goes according to the regulations. The Board noted the completeness of his submittal of the Rules and Regulations for the sale of alcoholic beverages.

DORE' HUNTER – Moved to issue a Beer and Wine Package Store license to Assabet Beer and Wine. PAM HARTING-BARRAT – Second. UNANIMOUS VOTE. Building Commissioner to handle the occupancy issues.

SITE PLAN SPECIAL PERMIT #11/18/98-366 – ASSISTED LIVING DEVON DRIVE-

Joe March representing the applicant noted they have addressed all the engineering issues and added a sidewalk and other minor issues has also been resolved. Lack of parking has been resolved by the addition of 25 spaces. They also spoke about contribution for a walk way around NARA Park. They will contribute \$6,500 for this.

Trey asked why they gave us two units that are smaller than the others and why he has not given us the five we asked for? They feel that two is what economically

works for them. Applicant stated there was never discussion about 4 or 5 units. Pam stated that of the 45 additional units the discussion was 10% = 4-5 units and that she had stated that 5 units should be given to the Housing Authority.

Dore' was concerned that the town (affordable units) should be the same size.

Dore' asked about the inability to fill the units. Betty said that there has been some degree of trouble. Betty said that one more would be moving in in February and the third person in March.

Peter noted that the number of units should be 4 or 5 and was concerned again about the size of the units being smaller than market rate. Peter said he needs to see the financial plan.

Peter Geegan Representing the Nashoba Sportsman Club asked about the sound issue. He wanted to know what the owners have done to inform potential buyers as to the gun noise currently at the Club. He said that the club does exist, and potential owners should know they are there when considering purchasing a unit.

It was noted for the record that the owner of the project would inform potential owners as well as the current residents about the gun club.

Richard King 21 Devon Drive spoke about parking concerns and noted they have more spaces. He asked if there would be opportunity to review the revised plans. He also spoke about the septic system and the street signs.

PAM HARTING-BARRAT – Moved to continue the hearing to February 24 at 7:45.
DORE' HUNTER – Second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

Override Ballot Question – PAM HARTING-BARRAT – Moved to accept the Override question as printed. PETER ASHTON – Second. UNANIMOUS VOTE.
Charlie Kadlec asked about the amount. It will be 3 million.

Bike Locker Fees – Don commented that Roland said that the current rate would be adequate for this year as we raised them last year. Trey noted that we would be holding the rate steady. PETER ASHTON – Moved to hold the rate constant for 2003/ PAM HARTING-BARRAT – Second. UNANIMOUS VOTE.

Cable TV Complaint – Staff was asked to follow-up with Atty. Solomon for any options under performance hearing we may have.

Eagle Scout of Honor – Peter will do this one

FY04 BUDGET DISCUSSION

Don noted we would be getting our 3 and 4th quarter payment from the State on time.

Trey asked how we were going to end the year. Don said short \$103,000. They are still watching the departments and will be discussing with departments. He does not want to shut the budgets down, but we could if we have to.

Annual Town Meeting Warrant – Trey will assign the articles

Brookside Mall/Esterbrook Road Sidewalk – Memo in package – Don said staff has looked at it and feels there will not be enough money. Dore' and Peter said we should take the \$30.00 per foot. DORE' HUNTER Moved to accept the builders fee of \$30.00 per foot for this project. WALTER FOSTER – Second. UNANIMOUS VOTE

Malone Audit Service – Health Trust - Don said that it has roughly doubled in price. Trey is upset that we had to tell the auditor where his mistakes were. Peter noted that there is an item that is not in the final project. Walter said he is not of the mind to pay this bill. He noted the low caliber job and why are we paying it? He said the larger issue is we get presented with a bill and he feels that this is not what we asked for. Peter suggested that the chair to write to trust outlining the concerns and issues. PETER ASHTON - Moved the payment be made and that it is conditioned that paying this bill that we do not use vendor again. DORE' HUNTER – Second. UNANIMOUS VOTE.

OTHER BUSINESS

Public Safety Building committee meeting overview of 2/10/03 given by Dore'

Pam thanked Don for sending the officer to the train station to help the traffic issues at the lot.

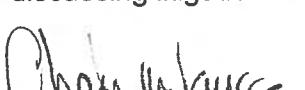
CONSENT AGENDA

PETER ASHTON – Moved to approve.–DORE' HUNTER - Second. UNANIMOUS VOTE.

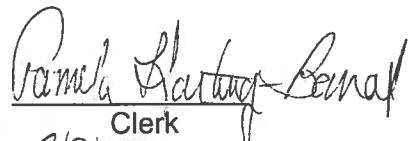
TOWN MANAGER'S REPORT

Westford Grille – DORE' HUNTER – Moved a donation of the Acton seal as a cultural attachment and not as being any type of endorsement. PETER ASHTON – Second. UNANIMOUS VOTE

PAM HARTING-BARRAT - Moved to enter Executive Session for the purpose of discussing litigation. Roll Call taken all AYES



Christine Joyce
Recording Clerk



Clerk
3/3/03
Date

February 7, 2003

TO: Board of Selectmen, Sewer Commissioners
FROM: Trey Shupert, Chairman
SUBJECT: Selectmen and Sewer Commissioners Report

February 10, 2003
MEETING BEGINS AT 7:00 P.M.

I. CITIZEN'S CONCERNS

II. SEWER COMMISSIONER'S BUSINESS

III. PUBLIC HEARINGS & APPOINTMENTS

1. 7:05 **BROOKSIDE TRAFFIC** – Staff will be present to discuss the recent traffic - generated concerns at the Brookside Mall.
2. 7:15 **SITE PLAN #12/13/02-386, PALMER KENNELS, 350 GREAT ROAD** – Enclosed please find materials reviewed and prepared by staff for your consideration.
3. 7:10 **SITE PLAN SPECIAL PERMIT #12/20/02-387, 136 MAIN STREET, CONCORD CONNECTION** -The petitioner has asked that this meeting be continued to March 24 at 7:30 P.M.
4. 7:15 **BEER AND WINE PACKAGE STORE APPLICATION, WAYSIDE MANAGEMENT CORP, 48 POWDER MILL ROAD** – Enclosed please find application and staff comments for your review.
5. 7:30 **SITE PLAN SPECIAL PERMIT #11/18/98-366 AMENDMENT, ACTON ASSISTED LIVING, DEVON DRIVE (Continued from January 27, 2003)**. Enclosed please find materials in the subject regard.

IV. SELECTMEN'S BUSINESS

6. **OVERRIDE BALLOT QUESTION** – Enclosed please find a draft of the proposed Override Question for the Annual Election, for Board consideration.
7. **BIKE LOCKER FEES** –Enclosed please find a recommendation from the Town Planner for 2003 Bike Locker rental rates at the Commuter Parking Lot for Board consideration.
8. **CABLE TV COMPLAINT**- Enclosed please find materials in the subject regard, for Board consideration.
9. **EAGLE SCOUT COURT OF HONOR** –Enclosed please find an invitation to attend Ward Benson's Court of honor on February 26, at 7:00 P.M. at St. Elizabeth of Hungary Church, for Selectman assignment.

10. **BUDGET DISCUSSION** – Ongoing general discussion.
11. **ANNUAL TOWN MEETING DRAFT WARRANT** – Enclosed please find a very rough draft warrant for Board consideration.
12. **BROOKSIDE MALL/ESTERBROOK ROAD SIDE WALK** – Enclosed please find a staff report and recommendation in the subject regard, for Board consideration.
13. **MALONE AUDIT INVOICE** – Enclosed please find materials in the subject regard.
14. **OTHER BUSINESS**

V CONSENT AGENDA

15. **ACCEPT MINUTES** – Enclosed please find the Minutes of October 7, and 21, December 16, January 6, and 13, for Board acceptance.
16. **COMMITTEE APPOINTMENT, ROSIE LATTO, A/B CULTURAL COUNCIL** – Enclosed please find Ms. Latto's application and the VCC's recommendation for appointment to the Cultural Council with an expiration date of June 30, 2006, for Board action.
17. **ACCEPT GIFT** – Enclosed please find a request from the West Acton Citizens' Library to accept a gift of \$15.00 from the Kaplan-Earle's for Library use, for Board acceptance.
18. **SPECIAL USE PERMIT #11/04/02-385/COMMON VICTUALER'S, STARBUCKS COFFEE, 411 Mass Ave.** – Enclosed please find a draft decision in the subject regard for Board consideration.

VI. TOWN MANAGER'S REPORT

19. **WESTFORD GRILLE** – Enclosed please find correspondence from the Town Manager for Board consideration.

VII EXECUTIVE SESSION

- 20.. An Executive Session will be required – Please see enclosed materials.

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 24 – Sewer Commissioners and Bond Signing
March 3 – Street Acceptance – Class I Moran
March 10 – Mock Town Meeting

GOALS 2002-2003

1. Labor Negotiations & Improve Labor Relations environment (Peter/Trey)

2. Improve Communication with Town Boards (Peter/Trey)
Implement Chairman Round Table - (Trey) (for Dec/Jan)
Revisit 2020 Planning Process for direction to make this process more beneficial towards Implementation of long-term vision (Trey).
3. Towne Building Reuse (Walter/Dore'/Peter)
4. ALG process be used for purpose of Budget Planning for FY04 (Walter/Trey)
5. Residential and Commercial Growth (Walter/Pam) (PCRC EDC – Continuing to meet)
6. Open Space and Recreation Plan (Peter/Walter) Completed
7. Health Insurance Trust Agreement (Peter) (Peter still working on getting comments from Water District.)
8. Decision on Pentamation Accounting System (Dore'/Peter) (Proposals are being looked at by staff)
9. Process Planning for "Life after NESWC" (Pam/Peter) (John Murray is looking at this)
10. Joint IT process-organizational change (Walter/Dore') (
11. Implement an on-going Public Relations campaign regarding budgetary situation (Trey/Walter) (ALG put plan in place A/B)
12. Provide looking at salary levels in the organization, include liaison with Personnel Board (Trey /Peter) (Need to look at budget)
Based upon results of Salary Survey, conduct a through review of current salary levels (Trey/Peter) (Need to look at budget override for Operating budget)
13. Broader community interface with Emerson Hosp.- Board of Health to take elder issues on (Pam)
14. Recreational field lack of space, prison land etc. (Walter)
15. Middlesex Pension alternatives (Walter)

GOALS carried forward

16. Public Safety Facility (Dore'/Trey)
17. Determine future of Vaillancourt House - 17 Woodbury Lane. (Pam) (No dialogue thus far as budgets have had the bottom fallout, Historical Commission issue and seek suggestions)
Goals 2003-Selectmen folder