

# **BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**

**January 7, 2008  
Acton Town Hall, Faulkner Hearing Room  
7:00 P.M.**

Present: Dore' Hunter, Lauren Rosenzweig, Andrew Magee, Paulina Knibbe and Peter Berry (came in at 8:00). The Temporary Town Manager, John Murray was present. Recording Secretary; Christine Joyce. The meeting was televised.

## **CITIZENS' CONCERNS**

Ann Chang reported on town report committee. She is concerned with smaller committees that she has to call to get information.

## **OPERATIONAL MINUTE**

John updated the Snow removal budget; we have spent 70%. If we have a normal 3 months we will probably go over budget. John will let the Board know when it is wrapped up and let them know the amount of overage.

## **PUBLIC HEARINGS & APPOINTMENTS**

### **ACTON INDOOR SPORTS, D/B/A OVERTIME BAR, 36 GREAT ROAD, CHANGE OF MANAGER ON THE LIQUOR LICENSE. JEN RYDER**

Dore' asked how old she was and asked if she had worked in the liquor industry. She said she was 30 and has not worked in the industry in the past. Dore' impressed upon her that we take it very seriously and if any one is killed or hurt the institution will be affected as well. He felt the policy was good and they are all TIP Certified.

Paulina reiterated the concern of the Board to prevent underage people being able to obtain alcoholic beverages.

Lauren noticed the policy of having the form of action and we should recommend all establishments have this type of paperwork.

Andy noted that they are TIP Trained and noted we have taken away licenses and will take any action that needs to be taken.

LAUREN ROSENZWEIG, Moved to Approve the Change of Manager – ANDREW MAGEE – second - UNANIMOUS VOTE

## **SIDEWALK PLOWING UPDATE AND SIDEWALK COMMITTEE REPORT**

John asked to move to the next meeting since staff is out. John noted our short staff and design issues with the way we are designing sidewalks. They need 6-10 feet buffer to let the sidewalk plow do its work or they will need to remove the snow at night. The last major storm took 9 days

to clear. They have asked for school routes and other areas that need attention to hit prime areas of need.

### **SISTER CITY DISCUSSION GUIDAN ROUMDJI, NIGERIA**

Mike Klinger was in the Peace Corps 25 years ago and has returned with his daughter to meet with officials of Guidan Roudji Nigeria. They asked about the Sister City program. Mr. Klinger suggested that perhaps an exchange of books and items from local business that could provide such things as computers. Sister Cities have been created in many places. He suggested that they could have students come here as exchange students, which would provide an exchange of art and cultural customs. They don't recycle or compost presently and hoped some of the businesses could contribute to this drive. He will meet again with the Mayor of Guidan Roudji.

Dore' asked John to report. There are fees to some Sister City programs. They will grow these person by person and that we work toward something more formal that would not cost Acton any money. The State Department currently has many associations to Sister Cities.

Lauren thanked him for bringing this forward.

Andy noted he liked the idea and needed an outline of what he is being asked to vote on. Andy asked for a mission statement.

Pauline too liked the idea and asked about budget items. John said this was only to adopt the concept. There is a small dollar change for shipping and it will not be proposed for 18 months.

Peter liked the cultural interchange with the Moslem people and asked about how they pick which country to enter into this.

The board talked about the needs and we need the openness and exposure and the ability to present who we are. Andy said we need to have some framework to capture this in. Andy said that there are a lot of people who would help.

Mike said that he would put a vision statement and get the Mayor's ideas and come back with something in writing.

John Murray said we needed to have a document that both sides could sign off on. It could change at a later date.

### **PETITION FOR WARRANT ARTICLE FOR A TOWN SOCIAL WORKER POSITION**

Tina Growsky noted her communication with Dore' and noted Counsel's review and wanted to acknowledge the petition for insertion at the Annual meeting in Town Counsel's suggested language. Tina needs to get the 10 citizen's who signed the original petition to sign that they wish to withdraw it. We need it in writing to remove a filed citizen petition. Dore' suggested that she get the 10 people to withdraw the petition and then it could be put on the warrant by the Board. Dore' reminded folks about the process of citizen petition submittal. Dore' noted that we get what town meeting is going to be asked to vote on. Dore' asked about case loads and number of people to hire. Is the person going to be an overseer? We will need to develop a job description and what we need to budget. Dore' also asked about neighboring communities which would be involved and to possibly share this person. Dore' said that we need to be

convinced we need it. Dore' noted we do not have staff to assist and will be waiting for them to present materials to the Board.

Lauren asked them to follow through with removing the original Petition. Lauren told them that it is a project that they will need do a lot of outreach for and asked what is being provided now and who is providing it. Lauren said that they need to look at the needs and what kinds of things that the agencies are currently facing.

Andy agreed we have a need and the need is there. Andy was concerned about our staffing needs. This article would call for creating and raising appropriate funds. We will need to put it in our budget, a budget that we will be cutting this evening. Andy asked if the concept is ripe enough for Town. He was concerned that it is premature at this time and they need to go back and get the political will and to convenience those who don't support it.

John noted that they would need an article to enter into a Municipal Agreement with another town. John suggests that the Charter has say the on the employee positions.

### **COMMUNITY PRESERVATION COMMITTEE UPDATE**

Andy reported on an issue that came up at the last meeting. They are within their budget and will be an easy process this year. They have interviewed all but 2 applications and will finish up this Thursday. They will then go into their discussions about deeming the projects acceptable.

Andy spoke about the Exchange Hall application to CPC. They are essentially becoming partners in project. Andy noted that only after Mr. Berger spends his \$2 million and completes the entire restoration project will the CPC funds be expended. Andy wanted to put the information in the packet just to make the Selectmen aware of the issue.

Dore' is concerned with the project and felt that someone should look into the exterior as it has been let go and wondered if the numbers for the renovation were correct. Dore' would hope we don't partner and find out that there are more issues and problem and we need to spend more money to fix it.

Andy too was concerned with this and has not seen the business plan at this time. Andy felt that there is a desire to see the building fixed and recommend that anyone get a tour of the building. The interior is in good shape and the exterior needs a lot of work. Andy hoped that this building works out.

Ann Chang asked about Town Counsel's opinion of appropriateness for this project,. It was noted that it was a judgment call. We received a Yellow on this project. Red Not is suitable and Green clearly a go.

Ann noted that this is not a non-profit, and this will be a for profit endeavor. Ann asked the Town be careful and felt the Town should own this building.

### **SELECTMEN'S BUSINESS**

#### **FY09 BUDGET POLICY, ALG DISCUSSION**

John spoke about offering below interest rate loans for non-sewer areas in town and advance treatment options. John said that there are areas that need this we could become greener and noted loans could be used for the installation of solar panels. John said that if we put \$500,000 in the budget, this amount would go fast, but more money would be available as the loans are paid back.

Dore' noted ALG meeting and asked other Members if they wanted to attend the next meeting.

Dore' went over the 11 Selectmen initiatives. He did not feel we could go with Woodbury Lane and asked about the Shuttle money requirements for this year. Lauren said they are working with LRTA and they have a lot of requirements we don't have the staff to handle this. The money is to be used for the application process. Lauren said that we need funds to obtain a consultant to apply for the application.

Paulina said that she understands seed money and what a shuttle costs and asked if Lauren knew the scale of the Grant. Lauren noted that the committee does not know how to prepare the application without a planner.

Andy noted he went to ALG with the then Chairman, Walter Foster; which was when they got a 31.25% split, after arguing for a 32% split. They wanted to move back to a fair split, and he believes ALG essentially agreed it would move some more this year. He felt that we would be looking at an increase this year and did not know what it would be. Andy noted that it was taken off the table this year. Dore' said that he thought that we might want to make some provision to propose an idea about the concept and sliding numbers with increased enrollment which is the nature of beast and in another 4 years it will come down. The formula was tied to enrollment. Andy said it was discussed early this year and using NESWC funds for Bonding. He believes that after what was said last year the split shift should not just stop.

Paulina noted her concern and that we need to look at the whole picture before getting too wound up in the issues. Paulina understands that the split was made after review of the needs. Paulina said that we need to share in the pain and share in the good times. The Board discussed the Stone Formula and that it ended up making people own budget buckets. Dore' noted that in ALG the rule was for this year and this year only.

Andy spoke about the Stone Formula and how it related to the process. We will lose 70 percent to the schools.

Lauren felt that there is a commitment on the school side and that they have the desire to move and we have had to put a lot of things on hold and that they are willing to move the split. Lauren said we need a yearly bump up and wanted to go out three years and figure what they can start to shift over while meeting their needs in their budget and our essential needs. Certain things need to happen this year and we need to look to them for some assistance. Lauren would like to go into the meeting knowing that they will move the one more step that they agreed to when Andy was on the Board.

Paulina wanted the split maintained at 30.89 at this time she would be willing to trade off some NESWC money to get a larger split.

## **Design Services for Hayward Road**

John said that we have not moved forward. Lauren asked about the need for an Executive Session to discuss this. It was hoped we could meet the deadline as a "maybe."

### **Social Worker Position**

Paulina said that she felt that the social worker request probably would not be able to move forward. It was discussed and left as a maybe if the Article was ready for Town Meeting.

### **Woodbury Lane**

Andy did not see it in our budget; we have studied this over and over again. We won't consider it at this time.

### **Acton Boxborough Cultural Council**

Funding \$2,000; we give them money each year.

### **Design services three existing fire stations**

Dore' said that one of the alternatives is interaction with Center. We might choose to do it or not, but did not know if we could be a quick study. John said the architect has been asked to look forward to the Center Station and felt that they should take this off.

### **Senior Center Expansion Advisory Committee**

Paulina said she wanted to keep the funding active and felt it would happen in around 18 months.

### **North Acton Fire Station**

Not to fund at this time.

### **Street Light Conversion**

Paulina would like this to stay on for now and we can spend money to save money. Lauren updated the board on her meeting with the Outdoor Lighting Committee. John wanted to bring Dean to the meeting to discuss this at a later time. John said that on the Saturday we have Fin Com and BOS together we should have the Committee make a 5 minute presentation. John asked to allow them to come to the meeting as they would have more information and felt in Dean's absence they would be able to answer the questions.

### **DRAFT POLICY, APPOINTMENT OF DOCUMENTED ALIEN RESIDENTS TO TOWN BOARDS AND COMMITTEES**

Dore' outlined the policy he drafted. We have an opinion from Town Counsel that he reviewed the outlined and folded them into the policy.

Paulina noted that she reviewed and is pleased with the policy.

Lauren supported and asked if the policy needed to go back to Counsel. Dore' felt we could save the Legal Fees as he used Counsel's opinion to draft this policy.

Andy said it was clear and simple and he noted that we may need to take other actions but felt it was covered in the Policy, and he is comfortable to support this.

ANDREW MAGEE - Move to accept the policy as written. LAUREN ROSENZWEIG - second. UNANIMOUS VOTE.

Peter asked that we look at the definition of resident aliens.  
Change Resident Alien to Legal Acton resident in the Policy.

DORE' HUNTER - Moved to Stay the Policy earlier this evening pending Peter's rework.  
LAUREN ROSENZWEIG – second. UNANIMOUS VOTE.

#### **LICENSE RENEWAL UPDATE**

John reported all the fees have been accepted.

#### **NORTH ACTON FIRE/EMS PROJECT DISCUSSION**

Dore' outlined the progress that has been taking place. The Architect has been sent back to develop concept schemes. First was to move it closer to 2A. Second was to turn the station toward the street and bring it a little closer. The third was a rather bold reorganization which is pending on trading off land on the east side of 2A. The land would have to come out of the deed restriction before we could trade the areas. Counsel has been asked to speak with the land owner to discuss this removal from the current deed restriction. Dore' noted the Chief's concern about the fire trucks trying to turn in scheme 3. This is not being brought to Town Meeting this year. The Recommendation is that the BOS formally move that we will not have it at April Town Meeting this year. Dore' said we will need to increase the size of the bay to house the ladder in Center, the truck would be taken out of South Station and will be doing more renovations in the center station. DORE' HUNTER - Moved to vote to omit the North Acton Fire Project for any appropriation action at the next Town meeting in April 2008. ANDREW MAGEE – second. UNANIMOUS VOTE

Lauren noted the Design Review Board offered their suggestions to the three schemes presented by the Architect to FETAG. Lauren said that she wanted to leave open the window to take advantage of being able to change zoning to accommodate the changes needed.

Paulina noted that scheme 3 has the potential of being less expensive and would allow parking for the field.

#### **TOWN MANAGER CONTRACT DISCUSSION**

To be discussed in Executive Session

**OTHER BUSINESS**

**NONE**

**TOWN MANAGER'S REPORT**

**NONE**

**CONSENT AGENDA**

ANDREW MAGEE – Moved to accept the Consent Agenda. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

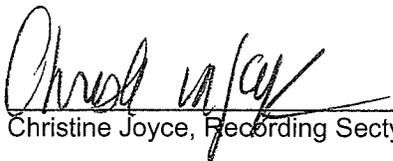
**EXECUTIVE SESSION**

PETER BERRY – Moved to go into Executive Session to discuss contract negotiations with non union personal and further to discuss possible land purchase. LAUREN ROSENZWEIG - second. Roll call was taken all ayes, UNANIMOUS VOTE

**RETURN TO REGULAR SESSION**

The Board returned to public session to let the public know that the Board of Selectmen voted to enter into a contract with Mr. Ledoux. Some small changes will be made and forwarded to Mr. Ledoux for acceptance.

It was discussed that John Murray should receive the Town Manager salary while he was performing the duties as the Temporary Town Manager for the months and days he performed in that position.

  
Christine Joyce, Recording Secty

  
Clerk, Board of Selectmen  
Date 25 February 2008

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'**  
**MEETING AGENDA**

*Francis Faulkner Meeting Room*

*Town Hall*

January 7, 2008

7:00 PM

**I. CITIZENS' CONCERNS**

**II. PUBLIC HEARINGS AND APPOINTMENTS**

**1. 7:02 OPERATIONAL MINUTE**

The Town Manager will provide a brief report on topics of interest.

**2. 7:20 REQUEST FOR CHANGE OF MANAGER, ALL ALCOHOL, ACTON INDOOR SPORTS, D/B/A OVERTIME BAR, 36 GREAT ROAD, JENNIFER RYDER TO REPLACE KEVIN O'CONNELL.**

Enclosed please find materials in the subject regard, for Board consideration.

**3. 7:30 SIDEWALK PLOWING UPDATE AND SIDE WALK COMMITTEE REPORT**

Enclosed please find Materials in the subject regard, for Board consideration.

**4. 7:45 SISTER CITY DISCUSSION – GUIDAN ROUMDJI**

Enclosed please find Materials in the subject regard, for Board consideration.

**5. 8:00 PETITION FOR WARRANT ARTICLE FOR SOCIAL WORKER POSITION**

Enclosed please find Materials in the subject regard, for Board consideration

**6. 8:15 COMMUNITY PRESERVATION COMMITTEE UPDATE**

Enclosed please find materials in the subject regard, for Board consideration.

**III. SELECTMEN'S BUSINESS**

**6A. FY09 BUDGET POLICY, ALG DISCUSSION**

Enclosed please find materials in the subject regard, for Board consideration.

**7. DRAFT POLICY ON APPOINTMENT OF DOCUMENTED ALIEN RESIDENTS TO TOWN BOARDS AND COMMITTEES**

Enclosed please find materials in the subject regard, for Board consideration.

**8. LICENSE RENEWAL UPDATE**

The Temporary Town Manager will report to the Board in the subject regard.

**9. NORTH ACTON FIRE/EMS PROJECT DISCUSSION.**

No materials Enclosed

**10. TOWN MANAGER CONTRACT DISCUSSION**

No Material Enclosed

**11. OTHER BUSINESS**

**IV. TOWN MANAGER'S REPORT**

**V. CONSENT AGENDA**

**12. ACCEPT MINUTES, BOARD OF SELECTMEN, DECEMBER 3, 2007,  
NOVEMBER 5 EXECUTIVE SESSION AND NOVEMBER 19, 2007**

Enclosed please find materials in the subject regard, for Board consideration.

**13. CEMETERY COMMISSIONER'S REQUEST TO INCREASE FEES**

Enclosed please find materials in the subject regard, for Board consideration.

**14. SPECIAL PERMIT SITE PLAN #12/23/04-400 FOR 864 MAIN STREET,  
LANDSCAPE PLAN CHANGES**

Enclosed please find materials in the subject regard, for Board consideration.

**15. SENIOR CENTER EXPANSION COMMITTEE, THREE NEW TASK FORCES  
APPOINTED**

Enclosed please find materials in the subject regard, for Board consideration.

**16. DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST, FIRE CHIEF  
ROBERT CRAIG**

Enclosed please find materials in the subject regard, for Board consideration.

**17. DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST, TEMPORARY  
TOWN MANAGER**

Enclosed please find materials in the subject regard, for Board consideration.

**18. ACCEPT GIFT, WEST ACTON CITIZENS' LIBRARY**

Enclosed please find a gift of \$5,000.00 from the Friends of the Acton Libraries, to be used to purchase computers, printer, and appropriate furniture for the new equipment.

**19. ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a gift of \$50.00 from the Le Lyonnais Restaurant, to be used to fund the activities at Winterfest, for Board consideration.

**20. ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a gift of \$500.00 from Sorrento's Restaurant, to be used to fund the appearance of the Pat Patriot, the Patriot's Mascot at Winterfest, for Board consideration.

**21. ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a gift valued at \$1,750.00 from Kennedy Nursery for assorted shrubs to be planted at NARA Park in the cement patio area at the bathhouse and the hill behind the Amphitheatre, for Board consideration.

**22. ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a gift of \$4,000.00 from Roche Brothers, to support the 2008 Summer Concert Series at NARA Park, for Board consideration.

**23. ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a gift of \$1,400.00 from Middlesex Savings Bank, to be used to support the Acton Teen Repertory Theatre, \$100.00, \$300.00 for Winterfest and \$1,000.00 to support the 2008 Summer Concert Series at NARA Park, for Board consideration.

**24. ACCEPT GIFT, CONSERVATION COMMISSION**

Enclosed please find a gift of \$1,000.00 from Steven and Rachel Kelley to be used for trail maintenance on Acton's conservation lands, for Board consideration.

**25. OBSOLETE MATERIALS DISPOSAL, ACTON MEMORIAL LIBRARY**

Enclosed please find materials in the subject regard, for Board consideration.

**VI. EXECUTIVE SESSION**

**ADDITIONAL INFORMATION**

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

**MINUTES PENDING VOTES**

December 17, 2007

**PENDING COMMITTEE APPOINTMENTS**

Mike Fisher, TAC (still with VCC), Reshma G. Singh, and ABCC to fill the unexpired term of Elaine Sisler who recently resigned. Barbara Estabrook, ABCC, Sumar Adishesu, ABCC. *(Ms. Estabrook and Ms. Adishesu's applications are at VCC for Interview and recommendation, Joseph R. Ianelli, Interested in several committees, The following applications have been forwarded to VCC for interview and comment: Jean Lane, VCC, Nancy Gerhardt, VCC, Les Gerhardt, Cable Advisory Committee, Mary Ann Angle, COA*

**FUTURE AGENDAS**

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda.

January 26 - Budget Saturday

February 4 & 25

April 7 - Town Meeting Begins

January 28

March 3 & 24