

final

BOARD OF SELECTMEN AND SEWER COMMISSIONERS MEETING
November 22, 2010

RECEIVED
JAN 25 2011

**Acton Town Hall
Francis Faulkner Hearing Room
Meeting begins at 7:00 P.M.**

TOWN CLERK, ACTON

Executive Session – Room 126 @ 5:30 with respect to Litigation Strategy, Walker Realty Trust

Present: Lauren Rosenzweig Morton, Michael J. Gowing, Terra Friedrichs, Janet K. Adachi, Pamela Harting-Barrat, Town Manager, Recording Secretary; Christine Joyce.
The Meeting was televised

Ms. Rosenzweig Morton Moved to open into public session only to go into Executive Session to discuss strategy with respect to litigation, Walker Realty Trust, and declared that an open meeting may have a detrimental effect on the negotiation position of the Board of Selectmen, and to invite Members of the Board of Appeals, Zoning Enforcement Officer, Scott Mutch as well as Attorneys Pickering Cook and Krieger; Ms. Friedrichs – second Roll call All AYES
Scott and BOA

CITIZENS' CONCERNS

Claire Ciska – 14 Stow Street said that with so many things going on in South Acton at this time, she feels that we need someone to be looking at the changes in South Acton in a cohesive way and involve the neighborhood.

Ms. Harting- Barrat suggested we revitalize the South Acton Revitalization Committee. It was agreed the Board would discuss this at an upcoming meeting.

Christine Hanley of 16 Maple Street expressed similar sentiments, and said she feels decisions are being made without the public's knowing about them. And she hopes that such a group can help citizens be heard and stay aware.

CHAIRPERSON'S UPDATE

Ms. Rosenzweig Morton – Announced the deaths of former Town Clerk Cathy Belbin and former School Committee Chairman and League of Women voters' member, Ann Ridley, and expressed the Board's condolences to their families. She also mentioned that Mr. Gowing has proposed a form for Board members to complete about their liaison activities, and that could be added to the meeting packet.

OPERATIONAL MINUTE

Mr. Ledoux noted that surrounding communities are looking into creating a regional dispatch center. The funding deadline is January 30, 2011 and funds must be spent by Sept, 2011. A sub-committee was formed to draft an RFP, to inventory all structures and equipment and to develop a feasibility study.

final

Mr. Ledoux said there might be an opportunity for the Town to acquire the Fish and Wildlife building on Harris Street, which has office space and includes a garage on the property that could be quite useful to Natural Resources, including for the equipment from the cemetery. Natural Resources Director Tom Tidman and Mr. Ledoux are exploring ways for a transaction to occur. The Fisheries and Wildlife Dept. will draft a memorandum of understanding so that we can proceed. A "land transfer" was mentioned as a possibility for a trade.

Mr. Ledoux reported on the lunch last Wednesday at Minuteman Tech, at which the member communities were advised that Minuteman is working on the member agreement as to how to allocate capital costs, with a proposed change to a 3% rolling averaged based on each community's attendance instead of the current approach based on student population. It will be Warrant article in 2011.

PUBLIC HEARINGS & APPOINTMENTS

EAGLE SCOUT JOHN RUSSELL, ASKING THE TOWN TO ACCEPT SURPLUS MONIES FROM HIS EAGLE SCOUT PROJECT

Mr. Russell presented the surplus monies to the Board of Selectmen for use for trail maintenance and such activities.

HARMONY'S CAFÉ – COMMON VICTUALLER LICENSE, 263 MAIN STREET

David Kong asked the Board to approve this to allow for seating inside. He has received all other permits. Mr. Gowing - Moved to approve. Ms. Friedrichs – second
UNANIMOUS VOTE

AMY BARNETT – OWNER OF HENRY, CONTINUED DOG -BITE HEARING

Ms. Rosenzweig Morton opened the continued hearing. The evaluation report from Tufts Veterinary School opines that Henry has issues and had been abused. He is very anxious and fearful of women. He needs some training and intervention to be familiarized around strangers and the owner needs to put him behind a protective device when anyone enters the home. In addition, he should be kept on leash and basket muzzle when outside

Mr. Medeiros, husband of the bite-victim, felt that the doctor did not get the correct information from the owner as he evaluated the dog. His wife should have been allowed to talk to the evaluator. He noted that the Board will hear from their attorney if the decision is to let the dog go. They want the dog destroyed and don't think the owner can be trusted to keep the basket muzzle and other safety devices on the dog. They are requesting that the dog be put down.

The Board asked Ms. Barnett if she was sure that the dog had not bitten anyone before this incident and she replied no.

Mrs. Medeiros spoke about attack and said that it did not happen the way Ms. Barnett had said.

final

Ms. Barnett spoke about the evaluation. While the veterinarian examined Henry, another veterinarian and new veterinary school graduate were present. She agreed to kennel the dog when she went on vacation.

Mr. Medeiros said the dog bit Mrs. Medeiro's brother and also her sister in law.

Ms. Harting-Barrat - Moved to close the hearing to deliberate. Mr. Gowing – second. 4-1 Nay Ms. Friedrichs, Motion passes

The Board discussed whether we can rely on the owner to prevent this dog from biting again and that if it does bite again, it should be put down.

Ms. Friedrichs - Move that we allow the dog to live with restraining and muzzling as stated in our memo and the doctor's conditions. And that we consider that it a warning. If the dog bites again, we will take stronger action. And we recommend she obtain liability insurance. And we have Town Counsel review to make sure we are not liable. Ms. Rosenzweig – second for discussion. Ms. Adachi wanted to exclude the Insurance recommendation. MOTION WITHDRAWN

Mr. Gowing was concerned that the doctor had not been given the police report and other documentation and this was not just a bite but an attack, which makes a huge difference; he is not comfortable with the doctor's not knowing about all the paperwork. Ms. Harting-Barrat agreed with Mr. Gowing and said perhaps this doctor should be given further information about this event.

Ms. Friedrichs - Move that we give the police report and other materials and pictures to the behavioral Doctor and see if it changes his opinion. Ms. Harting-Barrat – second. UNANIMOUS VOTE

Mr. Gowing is concerned about being impartial and he thinks the evaluation presentation was made only by Ms. Barnett to the behavioral doctor.

Ms. Adachi asked the Town Manager to find out the additional cost to the owner of having the evaluator review the additional paperwork.

ALG DISCUSSION

On December 20th, Mr. Ledoux will present the budget recommendations to the Board. The tax rate classification hearing will be on 12/6. Staff is currently in talks about the FY2012 budget.

Some of the ongoing discussion relates to whether under the waterfall money will go back to the taxpayers as tax relief.

Also recommending utilization of \$200,000 in free cash, sticking to the hiring policies, and trying to keep the expenses down during these trying times.

Ms. Rosenzweig Morton explained what is in process and asked how do we make the waterfall happen. She proposed that we stick with the usual 2/3-1/3 split with the

final

schools. She and Mr. Gowing need to bring to the ALG what the Board's comfort level is on a number of issues:

- 1) Whether to limit the waterfall to Chapter 70 funds
- 2) Use of reserves
- 3) Level-service funding or cuts to give money back to taxpayers
- 4) Split – the Finance Committee says keep the same

The schools are not comfortable using anything other than Chapter 70 toward the waterfall, so federal ARRA funds and other funds are not part of the calculation. Mr. Gowing said that Bill Mullin of the Finance Committee was thinking that all revenues were part of the waterfall, but the waterfall document listed only Chapter 70.

Mr. Ledoux said that he had to support limiting the waterfall to the Chapter 70 funds. There is a proposal for the Regional Schools to lower the assessment, but that requires discussion with Boxborough.

Ms. Rosenzweig Morton said it will cost \$3.5 million if we are to keep our services at the same level and assuming reductions in Chapter 70 and other aid, and the use of only \$2 million in reserves, that means we could be short and need to make cuts.

Ms. Friedrichs asked what "level service" meant exactly. Ms. Rosenzweig Morton said the Town is aiming to provide municipal services that are absolutely necessary. Mr. Ledoux said we need to look at what is minimally necessary under law. The Town provides more than the minimum every year; if it did only the minimum, the Town would look very different.

Mr. Gowing added that the Board needs to oversee all and cannot let Town staff decide what is essential.

Ms. Harding-Barrat liked the idea of starting from the minimum and building, but said we need to make clear to the residents that a tax break might result in cuts in service.

Ms. Friedrichs said one difficulty is that the Town is organized by department by the concern is with service, which crosses department lines. Ms. Rosenzweig Morton suggested that perhaps Mr. Ledoux could identify the impact of department cuts on service.

One Board member said that we need to look at salaries on the school side and the collective bargaining contract awards.

Ms. Adachi noted that people may or not know we control a third of the budget and the schools control the balance.

Mr. Gowing said we need to get the wants and needs identified by staff. Ms. Friedrichs - Move to have the Town Manager prioritize the budget items from a bottom-up approach. Ms. Harting-Barrat – second. UNANIMOUS VOTE.

Mr. Gowing noted that when the Board voted the waterfall assuming Chapter 70 coming in at 10% less, it came in at 3%. We are only talking about Chapter 70 monies in the waterfall. Other Board members agreed.

final

Ms. Rosenzweig Morton - Move to recommend the use of up to \$2 million in reserves for the budget. Ms. Harting-Barrat – second. 4-1, Ms. Friedrichs Nay – Motion Passes

Board members also agreed with the Finance Committee’s recommendation to maintain the split.

DISCUSSION OF DRAFT LETTER TO MASS HISTORIC COMMISSION AND FEDERAL TRANSPORTATION ADMINISTRATION REGARDING SOUTH ACTON TRAIN STATION

Ms. Rosenzweig Morton noted that there have been discussions and a meeting and there is a process that the MBTA must follow. The original proposal was a single ramp and the MBTA agreed to an elevator contingent on the Town’s being responsible for the elevator. The State should have contacted Mass Historical Commission. Jamie Eldridge wants to talk to people and see what he can do and recommends that we take no action until he gets back to us.. Mr. Gowing - Move we defer comment until we get information back from Senator Eldridge. Ms. Harting-Barrat –second. UNANIMOUS VOTE

99 PARKER STREET, MARK STARR REQUEST TO DEFER PAYMENT OF SEWER BETTERMENT FEES

Mr. Starr explained the need for deferral of the betterment payments, and why he proposed instead to pay as he got occupancy permits. Ms. Rosenzweig Morton said the Board/Sewer Commission needs to establish a policy providing that if we grant a deferral, we collect interest. Mr. Halley has suggested approximately \$15 per month from issuance of the building permit until issuance of the occupancy permit. Mr. Gowing – Moved that a Policy will be up for discussion at the December 6th meeting and will address this issue. Ms. Harting-Barrat – second. UNANIMOUS VOTE

Ms. Rosenzweig Morton said we need to develop a uniform policy and Doug Halley will be coming into update the Board.

BOY SCOUT COURT OF HONOR INVITATION – MATTHEW HOTALING

Ms. Adachi will attend

WATER INFRASTRUCTURE FINANCE COMMISSION

No one from the Town attended the hearings in our area but the Commission said we could provide written testimony. The letter from the Water District is a draft and has not been sent yet.

Ms. Adachi will seek feedback from two of her liaison boards, the Water Resources Advisory Committee and Wastewater Advisory Neighborhood Task Force. Ms. Friedrichs said the that language in Ms. Rosenzweig Morton’s outline/draft, “. . . concentrate infrastructure in areas that are appropriate . . . ,” suggested development. Mr. Gowing spoke to Senator Eldridge’s memo that we need some methodology and thinks that he is on the right track.

final

SELECTMEN'S REPORTS

Ms. Friedrichs reported that many towns don't charge for Veteran plaque installation in cemeteries or for perpetual care. She's been asked to look into potentially eliminating these fees in honor to our veterans. She's asked the Cemetery Commission for information. No response yet.

Mr. Gowing noted that the Senior Tax Aid Committee is looking to give some additional Tax Relief to our seniors in town.

Ms. Rosenzweig Morton spoke about the Conservation Restriction on the Simeone-Caouette property that needs to be drafted, and suggested forming a committee to develop this Conservation Restriction.

Ms. Adachi reported that the applications to the CPC include one open space, one community housing, and all the rest are for historic preservation. Presentations will begin next month and continue into January, after which the committee will deliberate about the requests.

Ms. Harting-Barrat spoke about the upcoming sex offender forum on December 9th, Room 204. The forum will feature a panel, including a representative of the Police Department.

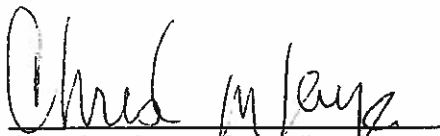
CONSENT

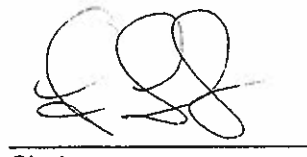
Ms. Rosenzweig Morton – Moved to accept the items listed under Consent. Ms. Harting-Barrat – second. UNANIMOUS VOTE

EXECUTIVE SESSION

There will be a need for an Executive Session at the conclusion of the Meeting.

Ms. Friedrichs - Moved to enter into Executive Session to discuss contract negotiations with a non-union employee. The Chair further notes that "an open meeting may have a detrimental effect on the negotiation position" of the Board. Mr. Gowing –Second. Ms. Friedrichs called Roll, All Ayes


Christine Joyce, Recording Secty


Clerk

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Hearing Room

November 22, 2010

7:00 PM

EXECUTIVE SESSION ROOM 126 @ 5:30 p.m.

EXECUTIVE SESSIONS – Joint session with Board of Appeals to discuss litigation strategy with regard to Walker Realty Trust.

There will be an executive session at the conclusion of the regular meeting to enter into non-union negotiations concerning the Town Manager's contract.

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. **7:05 CHAIRMAN'S UPDATE**
The Chair will briefly update the Board
2. **7:10 OPERATIONAL MINUTE**
The Town Manager will provide a brief report
3. **7:35 BOY SCOUT JOHN RUSSELL DONATION OF SURPLUS MONEY TO THE TOWN FROM HIS EAGLE SCOUT PROJECT**
Enclosed please find materials in the subject regard
4. **7:40 HARMONY'S CAFÉ – COMMON VICTUALLER LICENSE, 263 MAIN STREET**
Enclosed please find materials in the subject regard
5. **7:50 AMY BARNETT, OWNER OF HENRY, CONTINUED DOG HEARING**
Enclosed please find Materials in the subject regard

III. SELECTMEN'S BUSINESS

6. **ALG DISCUSSION**
Enclosed please find the Finance Committee's Point of View
7. **DISCUSSION OF A DRAFT LETTER TO THE MASS HISTORIC COMMISSION AND FEDERAL TRANSPORTATION ADMINISTRATION REGARDING THE SOUTH ACTON TRAIN STATION**
Enclosed please find materials in the subject regard

8. **99 PARKER STREET, MARK STARR REQUEST TO DEFER PAYMENT OF SEWER BETTERMENT FEES**
Enclosed please find materials in the subject regard
9. **BOY SCOUT COURT OF HONOR, MATTHEW HOATLING**
Enclosed please find an invitation in the subject regard for Selectman Assignment
10. **WATER INFRASTRUCTURE FINANCE COMMITTEE**
Enclosed please find materials in the subject regard. (Ms. Rosenzweig Morton will speak to this item)
11. **SELECTMEN'S REPORTS**

IV. CONSENT AGENDA

12. **ACCEPT MINUTES, BOARD OF SELECTMEN OCTOBER 4 AND 8, 2010**
Enclosed please find materials in the subject regard
13. **COMMITTEE APPOINTMENT, NANCY CORCORAN, ASSOCIATE MEMBER TO THE COUNCIL ON AGING**
Enclosed please find materials in the subject regard
14. **COMMITTEE APPOINTMENT, AMY GREEN, CONSERVATION COMMISSION**
Enclosed please find materials in the subject regard
15. **COMMITTEE APPOINTMENT, TERENCE LOGO, CABLE ADVISORY COMMITTEE**
Enclosed please find materials in the subject regard
16. **COMMITTEE APPOINTMENT, JAMES CHIARELLI, ASSOCIATE MEMBER, HISTORICAL COMMISSION**
Enclosed please find materials in the subject regard
17. **ACCEPT GIFT, HEALTH DEPARTMENT**
Enclosed please find donations to the Wellness University in the amounts of: \$100.00 Gift cards from Roche Brothers, Donelan's and Stop and Shop, 2 urns of coffee from Dunkin Donuts, 50 sandwich wraps from El Forno, 30 sandwiches from Subway and 5 pizzas from Sorrento's
18. **DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY**
Enclosed please find materials in the subject regard
19. **DECLARATION OF SURPLUS PROPERTY, NATURAL RESOURCES**
Enclosed please find materials in the subject regard
20. **DECLARATION OF SURPLUS PROPERTY, MUNICIPAL PROPERTIES**
Enclosed please find materials in the subject regard

21. **DECLARATION OF SURPLUS PROPERTY, HIGHWAY DEPARTMENT**
Enclosed please find materials in the subject regard
23. **CONFIDENTIAL REQUEST FOR FUNDS FROM THE BETSY BALL FUND**
Enclosed please find materials in the subject regard
24. **CONFIDENTIAL REQUEST FROM THE ELIZABETH WHITE FUND,
SEASONAL GIFTS**
Enclosed please find materials in the subject regard
25. **PRIVATE WAY PLOWING**
Enclosed please find materials in the subject regard
26. **SEX OFFENDER PUBLIC FORUM**
Enclosed please find materials in the subject regard. Please note that this was added to the Agenda after posting, as the Chairman did not anticipate this request at the time of the agenda preparation.

V. EXECUTIVE SESSION

5:30 p.m. in room 126 with Board of Appeals, Litigation Strategy, Walker Realty

There will also be a need for an Executive Session at the conclusion of the regular meeting for non-union negotiations concerning the Town Manager's contract.

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

DEC 6 _____ **DEC 20** _____ **JAN 10**
Classification Hearing

MINUTES PENDING VOTES

July 26, September 13 & 27 October 18 & 25, November 1 & 8

PENDING COMMITTEE APPOINTMENTS

David Keene – Green Advisory Committee – sent to VCC 9/28

Pam Lynn – Historic District Commission– sent to VCC 9/16

Michael A. Luongo - Board of Appeals, Board of Health, Application sent to VCC



Remo Politano – Several Committees will come back to VCC with decision 11/8/10

[Home](#) | [Content Map](#) | [What's New](#) | [Help](#)














































[manager](#) | [Logout](#) | [My DocuShare](#) | [My Tasks](#) In: [This Collection](#)

Location: [Home](#) » [Public Meetings](#) » [Board of Selectmen](#) » [2010](#) » [11-22](#) » [Agenda Listing](#)

 **Agenda**

-  Properties
-  Add to Favorites
-

Refresh

<input type="checkbox"/>	Type	Title	Owner	Edited	Size	Actions
<input type="checkbox"/>		010 Agenda, Board of Selectmen, November 22, 2010 Scanned with FlowPort '2010 Meeting Week Cover Sheet' Cover Sheet	admin	11/19/10	152 KB	    <input type="button" value="v"/>
<input type="checkbox"/>		020 (3) Eagle Scout Donation of Surplus Money from A Completed Project Scanned with FlowPort '2010 Meeting Week Cover Sheet' Cover Sheet	admin	11/19/10	76 KB	    <input type="button" value="v"/>
<input type="checkbox"/>		030 (4) Harmony's Cafe, Common Victualer License Application Scanned with FlowPort '2010 Meeting Week Cover Sheet' Cover Sheet	admin	11/19/10	383 KB	    <input type="button" value="v"/>
<input type="checkbox"/>		040 (5) Continuation of the Dog Hearing, Ms. Barnett and "Henry" Scanned with FlowPort '2010 Meeting Week Cover Sheet' Cover Sheet	admin	11/19/10	852 KB	    <input type="button" value="v"/>
<input type="checkbox"/>		050 (6) ALG Materials Scanned with FlowPort '2010 Meeting Week Cover Sheet' Cover Sheet	admin	11/19/10	735 KB	    <input type="button" value="v"/>
<input type="checkbox"/>		060 (7) Correspondence from the "T" regarding South Atcon Train Station Scanned with FlowPort '2010 Meeting Week Cover Sheet' Cover Sheet	admin	11/19/10	171 KB	    <input type="button" value="v"/>
<input type="checkbox"/>		070 (8) 99 Parker Street, Request to Defer Payment of Sewer Betterment Fees Scanned with FlowPort '2010 Meeting Week Cover Sheet' Cover Sheet	admin	11/19/10	150 KB	    <input type="button" value="v"/>
<input type="checkbox"/>		080 (9) Eagle Scout Court of Honor, Matthew Hoatling Scanned with FlowPort '2010 Meeting Week Cover Sheet' Cover Sheet	admin	11/19/10	70 KB	    <input type="button" value="v"/>
<input type="checkbox"/>		090 (10) Water Infrastructure Finance Committee Materails Scanned with FlowPort '2010 Meeting Week Cover Sheet' Cover Sheet	admin	11/19/10	103 KB	    <input type="button" value="v"/>

<input type="checkbox"/>		100 (12) Minutes, Board of Selectmen, October 4, 2010 Scanned with FlowPort '2010 Meeting Week Cover Sheet' Cover Sheet	admin	11/19/10	672 KB	    ▾
<input type="checkbox"/>		110 (12) Minutes, Board of Selectmen, October 8, 2010 Scanned with FlowPort '2010 Meeting Week Cover Sheet' Cover Sheet	admin	11/19/10	450 KB	    ▾
<input type="checkbox"/>		120 (13) Committee Appointment, Nancy Corcoran, COA Associate Member Scanned with FlowPort '2010 Meeting Week Cover Sheet' Cover Sheet	admin	11/19/10	196 KB	    ▾
<input type="checkbox"/>		130 (14) Committee Appointment, Amy Green, Conservation Commission Scanned with FlowPort '2010 Meeting Week Cover Sheet' Cover Sheet	admin	11/19/10	1 MB	    ▾
<input type="checkbox"/>		140 (15) Committee Appointment, Terence Lobo, Cable Advisory Committee Scanned with FlowPort '2010 Meeting Week Cover Sheet' Cover Sheet	admin	11/19/10	179 KB	    ▾
<input type="checkbox"/>		150 (16) Committee Appointment, James Chiarelli, Historical Commission, Associate Member Scanned with FlowPort '2010 Meeting Week Cover Sheet' Cover Sheet	admin	11/19/10	208 KB	    ▾
<input type="checkbox"/>		160 (17) Accept Gift, Health Department Scanned with FlowPort '2010 Meeting Week Cover Sheet' Cover Sheet	admin	11/19/10	27 KB	    ▾
<input type="checkbox"/>		170 (18) Disposal of Obsolete Materials, Memorial Library Scanned with FlowPort '2010 Meeting Week Cover Sheet' Cover Sheet	admin	11/19/10	39 KB	    ▾
<input type="checkbox"/>		180 (19) Declaration of Surplus Materials, Natural Resources Scanned with FlowPort '2010 Meeting Week Cover Sheet' Cover Sheet	admin	11/19/10	28 KB	    ▾
<input type="checkbox"/>		190 (20) Declaration of Surplus Materials, Municipal Properties Department Scanned with FlowPort '2010 Meeting Week Cover Sheet' Cover Sheet	admin	11/19/10	27 KB	    ▾
<input type="checkbox"/>		200 (21) Declaration of Surplus Materials, Highway Department Scanned with FlowPort '2010 Meeting Week Cover Sheet' Cover Sheet	admin	11/19/10	61 KB	    ▾
<input type="checkbox"/>		210 (25) Private Way Plowing Materials Scanned with FlowPort '2010 Meeting Week Cover Sheet' Cover Sheet	admin	11/19/10	649 KB	    ▾
<input type="checkbox"/>		220 (26) Sex Offender Public Forum Materials Scanned with FlowPort '2010 Meeting Week Cover Sheet' Cover Sheet	admin	11/19/10	105 KB	    ▾