

FEBRUARY 23, 2001

TO: Board of Selectmen

FROM: F. Dore' Hunter, Chairman

SUBJECT: Selectmen's Report

FEBRUARY 27, 2001

Room 204

February 27, 2001 at 6:30 A.M.

NOTE 6:30 MEETING TIME

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

None Scheduled

III. SELECTMEN'S BUSINESS

1. **Bond Authorization** - Staff will have the necessary documentation for Board signatures Tuesday Morning.

2. OTHER BUSINESS

IV. CONSENT AGENDA

No Items

V. TOWN MANAGER'S REPORT

V1 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.

March 6, 2001 – Street Acceptance Hearing, Site Plan – 55 Knox Trail, Superior Trading

SELECTMEN'S MEETING

**TUESDAY FEBRUARY 27, 2001
6:30 AM – ROOM 126**

Selectmen present: D. Hunter, P. Ashton, H. Kabakoff, W. Shupert

Staff present: John Murray and Steve Barrett

A. Chairman Hunter called the meeting to order.

B. Mr. Ashton moved and Mr. Kabakoff seconded to authorize the March 5, 2001 BAN transaction in amount of \$22,035,000.

- * Unanimous vote
- * BOS signed vote certification, notes, material events disclosure, and certificates
- * Discussion on MIG-1 rating – temporary
- * BOS requested official statement from staff

BAN currently due

\$22,350,000 principal due

\$21,350,000 Twin School BAN renewal
\$ 1,000,000 Sewer Market Rate BAN

New BAN due 3/5/2002

\$21,350,000 Twin School
\$ 685,000 Sewer Market Rate BAN

\$22,035,000 New

C. The Board of Selectmen directed staff to have the final draft of the Annual Town Meeting Warrant being ready for packet this Friday.

The Board confirmed that the Conservation articles were added at the BOS Meeting on February 20, 2001.

D. Discussion on Public Safety Building – The Board discussed the Finance Committee memo, which documented their support for a \$6 million structure rather than the \$8.6 million structure as proposed in the feasibility study. The Board asked staff if they knew the basis of the Fincom pronouncement and Staff stated that they were not provided with any supporting materials. The Board did not amend the article as previously approved.

E. Discussion on budget. Finance Committee correspondence on the deficit for FY '02, on Pentamation, and on Sewers, was discussed.

Selectmen Kabakoff asked whether there were monies set aside for union settlement in the FY '02 Budget? The Assistant Town Manager discussed budgeting and the probability that a settlement will be obtained in FY '02

F. Selectmen Hunter hand delivered a letter for Don P. Johnson, Town Manager requesting:

Town provide legal defense pursuant to recent litigation.
Selectmen Hunter also requested that the Town Manager prepare an affidavit setting forth the details of the conversation with Developer Ross Hamlin's attorney he reported to the Board, well before it consulted with Town Counsel in Executive Session, wherein it was stated that Mr. Hamlin's attorney had communicated a threat from the developer that the developer would sue both the Town and the individual Selectmen if the pending site plan decision was to limit the size of the proposed project in some manner.

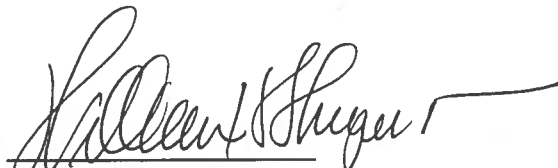
Selectmen Ashton moved and Selectmen Kabakoff and Selectmen Shupert seconded to provide a legal defense and indemnify individually the Board of Selectmen members pursuant to the issuance of the Brookside Site Plan Decision Litigation. The Litigation brought by the developer names the members of the Board of Selectmen as both the Board of Selectmen and individually.

Unanimous vote

G. Selectmen Kabakoff moved and Selectmen Ashton seconded to contact the Acton Water District and apply for a refund for recently approved \$25,000 disbursement. The disbursement was to pay for impact fees for the connection of sewer facilities to the water main. The Board of Selectmen feels that paying "out-of-pocket" costs is appropriate and that the taxpayer should not be charged for inter-governmental impact fees.

Unanimous vote

John Murray



William H. Shupert, Clerk

4/24/01

Date: