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TOWN CLERK
ACTON

SELECTMEN'S MEETING

SEPTEMBER 9, 1997

The Board of Selectmen held their regular meeting on Tuesday, September 9, 1997 at 7:00 P.M. Present were F. Dore' Hunter, Wayne Friedrichs, Herman Kabakoff, William Mullin, Nancy Tavernier, Town Manager Don Johnson and Assistant Town Manager John Murray.

{The meeting was televised by cable}.

Dore' stated that the warrant for the Special Town Meeting to be held on October 14, 1997 will be open until the end of tonight's meeting.

HERMAN KABAKOFF - Move to enter into Executive Session at 7:00 PM for the purpose of discussing contract negotiations. NANCY TAVERNIER - Second. All Ayes.

7:35 PM Start Regular Session.

CITIZENS CONCERNS

None Expressed.

PUBLIC HEARINGS AND APPOINTMENTS

NESWC

Mr. Rothstein was present to discuss the 2015 Amended Deal and hopes to have the Board vote to place a warrant article on the October 14, 1997 Special Town Meeting warrant. The basic problem the Town has with the North Andover facility is that our guaranteed annual tonnage is too high. Acton would like our GAT to be proportionate with the other NESWC communities and seeks to remain in the existing deal if our GAT cannot be lowered. Acton agrees that we should pay our equal share, however, this is not being done currently. The Board also stated that Mr. Rothstein is forced to go with the majority of communities, therefore it is not in Acton's best interest since Mr. Rothstein has a conflict of interest. MRI benefits substantially with the new amended deal.

Charlotte Sagoff, ACES, was present to state that they are opposed to the Town signing a new deal. Ms. Sagoff indicated that the existing deal is bad enough. Ms. Sagoff also thanked the Board for their time and effort.

Bill Mullin also thanked Steve Rothstein for his hard work. Mr. Mullin also presented the Board with the following chart:

PROJECTED SAVINGS

NESWC	125,000/yr	7%
MRI	71,000/yr	15%
WESTFORD	82,350/yr	12/14%
PFM (@ 10%)	42,857/yr	

Bill stated that this shows no benefit, no gain. Bill proposed a 10% reduction in new tip fee schedule, 50% sharing of revenues with a 5% annual growth, and a 50% reduction in GAT delta.

Nancy Tavernier thanked Steve Rothstein for decades of work and stated that she would recommend staying with the existing deal. Ms. Tavernier stated that the Board of Selectmen in 1997 are fully informed in respect to the NESWC facility and have seen 12 years of broken promises and that we should not repeat history by signing up for additional years. Mr. Friedrichs and Mr. Kabakoff also expressed their displeasure with the existing contract and stated that they would also vote not to enter into a new deal. Mr. Hunter stated that he was on the school committee in 1981 when the Town entered this deal and stated that if the contract had been looked at closely the Town would never have entered this deal.

WILLIAM MULLIN - Move to take no action with respect to placing on the Special Town Meeting warrant. WAYNE FRIEDRICHS - Second. UNANIMOUS VOTE.

NANCY TAVERNIER - Move the Board vote to stay with the existing NESWC Contract at this point in time. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

**ACTON BOXBOROUGH CELEBRATION
JASMINE BRANDEIS**

Ms. Jasmine Brandeis and Skip Kennedy, Co-Chairs of the AB Celebration Committee were present to seek Board endorsement for their planned activities on December 31, 1997. The committee was established in order to have an alternative to First Night activities in Boston. The committee is working hard at fundraising activities and plans entertainment for all ages. Buttons will be sold and the activities will take place between the Junior High and High School in a secured area. The committee has already received the endorsement from the Town of Boxborough Board of Selectmen, however, the School Committee would not endorse due to the fact that it is not an educational activity. The Board expressed their concern with parking and safety issues.

HERMAN KABAKOFF - Move to endorse AB Celebration Committee. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

RECREATION COMMISSION APPOINTMENT WILLIAM MULLIN AND MICHAEL MCQUEEN

Mr. Mullin stated that he is anxious to start up this committee due to the fact that enormous decisions will need to be made soon regarding the North Acton Recreation Area. NANCY TAVERNIER - Move to appoint William Mullin and Michael McQueen to the Recreation Commission with a term expiring June 30, 2000. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

DRAFT REGULATIONS FOR DETERMINING SCHOOL UNDER PERFORMANCE AND DRAFT REGULATIONS FOR CHARTER SCHOOLS

The Board reviewed the draft regulations provided by the Department of Education and voiced their concern with section 1.06: Charter School Funding (10) which states that Towns would be responsible for busing students to charter schools. The Board wondered who would pay for this service and questioned if the Town would want to provide this service. NANCY TAVERNIER - Move to submit comments to the DOE expressing the Acton Board of Selectmen's view in regards to section 1.06: Charter School Funding (10) stating that we feel this item should be state funded. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

WINDSOR AVENUE TRAFFIC STUDY

The Board discussed the results of the Windsor Avenue Traffic Study. The Board concurred with the study which eliminates one parking space in front of Century 21 and limits parking across the street. The Board asked staff to bring back their recommendation for the next Board meeting.

HAARTZ CONSERVATION RESTRICTION APPROVAL

As a result of Town Meeting the area around Haartz was rezoned from residential to industrial in order to mitigate concerns from abutters. Haartz agreed to a conservation restriction to appease the neighbors. This has been approved by Town Counsel.

WILLIAM MULLIN - Move to approve conservation restriction. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

**BOARD OF APPEALS
LIN VS JONES APPEAL**

Take no action.

CONSENT AGENDA

HERMAN KABAKOFF - Move to accept the consent calendar items 8,9 and 11-14 as printed holding item #10 for discussion. WILLIAM MULLIN - Second. UNANIMOUS VOTE. Item #10 - Mr. Kabakoff questioned the site plan amendment addition of an ATM machine. Mr. Kabakoff questioned why two floors were needed. WILLIAM MULLIN - Move to accept item #10 subject to review by the Town Manager of the ATM location. WAYNE FRIEDRICHS - Second. UNANIMOUS VOTE.

TOWN MANAGERS REPORT

MORRISON PROPERTY

The Board asked how the Morrison Land purchase would be financed. Staff recommends accessing the left over Boy Scout monies of approximately \$240,000 and make up the difference with the \$100,000 WR Grace money given to the Town for environmental protection services for a total of \$315,000. Four acres of the purchased land will be defined as environmental protection land. WILLIAM MULLIN - Move to take \$240,000 from the Boy Scout article and up to \$100,000 from the WR Grace environmental fund in order to fund the additional purchase price. NANCY TAVERNIER - Second. 4-1 (Herman voting no). Motion passes. Mr. Kabakoff stated that we should use all the \$100,000 from the WR Grace fund and use only \$215,000 from the Boy Scout fund since the Boy Scout article will not be turned to free cash and the WR Grace money will.

CENTRAL STREET CULVERT

The Board asked when the new culvert would be completed. Weather permitting Central Street will reopen in two weeks. The Board stated that the road closing has not been unpleasant.

SOUTH ACTON BRIDGE DEDICATION

The Board discussed plans for the South Acton Bridge dedication and also stated that Chuck Kostro should receive a special recognition from us for all his hard work and cooperation.

CROWN RESISTANCE DAY

Wayne Friedrichs to represent the Board.

**WARRANT ARTICLE CLOSURE
FOR SPECIAL TOWN MEETING
OCTOBER 14, 1997**

WILLIAM MULLIN - Move to direct staff to mail the Special Town Meeting warrant to Acton residents. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

The Board asked staff to provide a financial analysis of the retirees health insurance by the next meeting and also provide a selectmen's summary. The Board stated that they needed to see these figures prior to a vote.

WILLIAM MULLIN - Move to approve and recommend ARTICLE 1 - MORRISON LAND. NANCY TAVERNIER - Second. UNANIMOUS VOTE. The Board assigned Bill Mullin to this article.

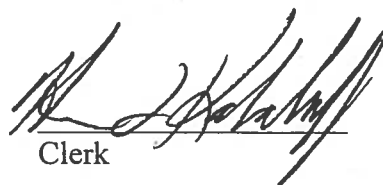
NANCY TAVERNIER - Move to place on consent and recommend ARTICLE 3 - RE-PURCHASE CEMETERY GRAVE LOT. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

WILLIAM MULLIN - Move to close warrant effective September 9, 1997 at 10:05 PM. NANCY TAVERNIER - Second. UNANIMOUS VOTE.


The Board stated that the Special Town Meeting on October 14, 1997 will begin at 7:00 PM

* **SPECIAL NOTE** - Becca Keneally, Editor for the Acton Beacon and reporter to Board of Selectmen meetings stated that she has taken a position with the Winchester Star and will be leaving this week. Becca thanked the Board. The Board wished Becca luck with her new endeavor.

The meeting adjourned at 10:05 PM.


Clerk

10/14/97
Date


Sheryl Ball
Recording Secretary
9_9_97.DOC

September 5, 1997

TO Board of Selectmen

FROM: F. Dore' Hunter, Chairman

SUBJECT: Selectmen's Report

AGENDA

Room 204

September 9, 1997

7:00 P.M.

EXECUTIVE SESSION

7:00 PM -7:30 PM

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. **7:30 NESWC - Open Session Discussion-**
2. **7:45 JASMINE BRANDEIS - FIRST NIGHT** - Ms. Brandeis will be in to update the Board on the activities of the First Night Organizers.

III. SELECTMEN'S BUSINESS

3. **RECREATION COMMISSION** - Enclosed please find information regarding appointments to the Recreation Commission for Dr. McQueen with a term to expire 6/30/2000, and Selectmen Mullin for Board action.
4. **DRAFT REGULATIONS FOR DETERMINING SCHOOL UNDER-PERFORMANCE AND DRAFT REGULATIONS FOR CHARTER SCHOOLS** - Enclosed please find materials in the subject regard for Board comment.
5. **WINDSOR AVE. NEIGHBORHOOD TRAFFIC CIRCULATION STUDY DISCUSSION**
6. **HAARTZ CONSERVATION RESTRICTION APPROVAL** - Enclosed please find documents for Board signature.
7. **BOARD OF APPEALS** - Enclosed please find correspondence from Town Counsel regarding an appeal from a decision of the Board of Appeals.

IV. CONSENT AGENDA

8. **ACCEPT MINUTES** - Enclosed please find minutes of June 24 and July 15, 1997.

- 9. **BOARD OF HEALTH RE-APPOINTMENT** - Enclosed please find a request for re-appointment of Cindy Patton to the Board of Health for Board action.
- 10. **SITE PLAN AMENDMENT** - Enclosed please find a request for amendment to Site Plan #3/19/97-358 with staff comment for Board action.
- 11. **BOSTON EDISON PETITION** - Enclosed please find a Boston Edison Petition for relocation of 2 poles on Martin Street for Board action.
- 12. **CONCERT REQUEST** - Enclosed please find a request for a concert in the parking lot at the Minor Cord, 77 Great Road along with staff comment for Board action.
- 13. **PROCLAMATION** - Enclosed please find a Proclamation submitted by Stop & Shop in conjunction with their Food for Friends Day, September 13, 1997 for Board signature.
- 14. **PROCLAMATION** - Enclosed please find an invitation to the Crown Resistance Day Celebration, September 28th. The proclamation will be in the signature file Tuesday evening.

V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

- 15. Enclosed please find materials prepared by John Murray.

MEETINGS

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.

Sept. 23 - Peg Erlanger - VCC committee interview (postponed from 8/12 at her request)
Pcc/Sept. 9, 1997