

APR 30 1996

T-Clark

**SELECTMEN'S MINUTES**

**March 26, 1996**



**Present:** William C. Mullin, Nancy C. Tavernier, F. Dore' Hunter, ~~Wayne L. Friedrichs~~, Herman Kabakoff, Town Manager Don Johnson and Assistant Mgr. Murray. (The meeting was televised)

**CITIZEN'S CONCERNS**

Mr. Kadlec was present to solicit the Boards support regarding Article 56, Transfer of Free Cash and propose a one million  $\pm$  return to the tax base with the purpose of reducing next years tax rate. He will propose this at the Town Meeting and would like the Board's support.

**PUBLIC HEARINGS AND APPOINTMENTS**

**Boston Edison  
High Street**

DORE' HUNTER - Moved to approve the petition with comments noted. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

**Boston Edison  
Lilac Court**

DORE' HUNTER - Moved to approve the petition with comments noted. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

**MAPC REPRESENTATIVE - MARY ELLEN SCHLOSS**

Ms. Schloss reviewed the MAPC review of Water protection study that was prepared with eight towns. The purpose of her visit was to encourage the formation of the Regional Water Supply Committee. All eight towns have done a wonderful job in protecting their water supplies, but she was concerned with supplies where town's overlap.

Wayne Friedrichs asked why Acton's protection overlay was not town-wide. She noted that the three towns with town wide overlays depended 100% on private wells therefore it was noted the recharge area could be anywhere in those communities.

DORE' HUNTER - Moved to endorse and accept the invitation to appoint two members to represent Acton on the Regional Committee and suggested that the Water District appoint one member and that one be appointed from the Planning Board. NANCY TAVERNIER- Second.

Dave Hill from the Planning Board noted that while he appreciated the chance to appoint from Planning, he felt that this issue would be better addressed by a member of

the Board of Health. Lisa Wolf of the Board of Health volunteered to be the second appointment. She and the other members of the Board of Health had reviewed this issue and have endorsed her as their appointee. MOTION WITHDRAWN.

NANCY TAVERNIER - Moved to endorse the Regional Committee and to appoint Lisa Wolfe of the Board of Health and Ron Parenti of the Water District to be Acton's Representatives. DORE' HUNTER - Second. UNANIMOUS VOTE.

### **MATT LIEBMAN CONSERVATION COMMISSION APPOINTMENT**

Matt Liebman was asked his opinion of Vernal Pools, he felt they are important and should be protected. His expertise and background was noted and his service on the Technical Review Sewage Taskforce as noted as being appreciated. He felt his background at EPA and his expertise in identifying Wetlands would be helpful to the Conservation Commission. He was not inclined at this time to become involved with Board of Health and Title 5 issues. Mr. Hunter noted his involvement with the Mass Bays Program. Mr. Liebman explained it was a joint EPA/State demonstration selected estuary which is a river that meets the sea, planning and management plan and the solving of problems from pollution where major thrust. It was a consensus based program with a lot of help towards helping communities manage their bays. He served on this project from 1990 to 1995.

HERMAN KABAKOFF - Moved to appoint Matt Liebman as a Associate Member of the Conservation Commission for a one year term. DORE' HUNTER - Second. UNANIMOUS VOTE.

### **SELECTMEN'S BUSINESS**

**UNIFORM FEE POLICY** - The Board discussed the Uniform Fee Policy that has been revised once again by the Health Director. Wayne Freidrichs asked about fee review and staff time which takes a lot of effort. The Board discussed the waiving of fees in the Class III classification. The definition of hardship was also discussed by the Board.

NANCY TAVERNIER - Moved to approve the Uniform Fee Policy. DORE' HUNTER - Second. UNANIMOUS VOTE.

**TRANSFER STATION FEES** - Mr. Hunter explained the procedure and flow of how the fees have been determined by the Board in past years. The construction of the budget with revenue assumptions were reviewed and they would not vote until the Budget was voted at Town Meeting. In the past several years they have moved the setting of the fee up to before Town Meeting. They have not increased the fee in the past several years.

He felt that to decrease the Fee now, and then increase it a few years down the road would not be a good idea. The last increase was in the range of \$10.00 and the residents reacted painfully, and since it has been at the \$100.00 he has not received any further complaints, even when he was at the Transfer Station these past several weekends.

John updated the Board as to the aid we are receiving from Pam Resor's Office and how they are setting up meetings to look into getting State and Federal help into solving the Scrubber problem. Dore asked if there was any way that MRI could be forced to Bid the Scrubber Project.

Herman made his presentation regarding using Fund Balance to reduce the cost of the Stickers by 50%. He felt the Town could use \$137,000 of the Fund balance by giving the users back half their sticker fee. The \$137,000 could come from the Fund Balance and he felt there was enough in Fund Balance to do that. He felt if the Board wanted to change their philosophy and recognize the benefit he would suggest implementing this use of Fund Balance.

HERMAN KABAKOFF - Moved to reduce all Dump Sticker Costs in FY97 by 50%.  
DORE' HUNTER - Second.

Dore's philosophy has been to build and hold substantial Fund Balance in NEWSW to protect against the hovering problems out there. Arbitration award and the Stabilization Fund payments are but two examples of the need to maintain the Fund Balance. He has resisted reducing the Fund Balance and feels that now he has even a better understanding of the issues and uncertainties after the NEWSW briefings as to the need to maintain the balance. He feels the "NEWSW Problem" is coming and to use the Fund Balance now is not the right timing.

Wayne agreed with Herman except that it would only affect 50% to those using the Transfer Station and would like the monies to come back to all taxpayers by returning it to the Tax Base.

Nancy asked how our exposure would be handled if this Fund Balance was used. Herman felt a debt exclusion Override Vote could be used. Nancy disagreed and said only a General Override could be used, through taxation.

Bill felt the money should be held not spent. He feels that we needed to get the right numbers for the Fund Balance. To look, at it one month from Town Meeting to determine what money is available and to return either by stickers reduction or back to the Tax Base. He felt the money should go to the tax base to benefit all taxpayers.

He also noted the concept of credit, we as a Board reduced the tax rate and did not get any positive reaction in that regard. If there is a problem down the road will be chastised. It is very clear that there is volatility in the area of NEWSW and he suggested we hold on and discuss this issue at the May 14 meeting.

Herman asked if the Board could support a reduction of 138,000 to taxpayers as part of Mr. Kadlec's efforts.

Dore' felt we needed to check with ALG before we do anything as the numbers are agreed to already in the Plan.

Bill was not comfortable making any side commitments. VOTE OF THE MOTION PROPOSED BY MR. KABAKOFF- 4-1 Mr. Kabakoff in Favor - Motion Lost.

DORE' HUNTER - Moved to maintain fees at the same level of \$100.00 as has been maintained over the past few years. NANCY TAVERNIER - Second. 4-1 Mr. Kabakoff NO. Motion Passed.

**ST. MATTHEWS CHURCH** - Dore' Hunter noted that he was a member of this church and therefore would not be participating in this portion of the Meeting.

Mr. Barnes on behalf of St. Matthews thanked the staff for their comments and helpfulness, it is greatly appreciated. He thinks a growing active church is good for the community and they provide a lot of services to the town residents. He felt that their request would fall under the newly adopted Uniform Fee Policy, Class III designation and he urged the Board of grant the waiver of the fee to improve the churches financial picture.

Mr. Mullin noted that the Board has not waived fees to other church's in the past for expansions. He doesn't think it is a very good idea to waive a fee of this size especially in light of the fees already paid by other religious organizations. The best he could support would be a payment plan. WILLIAM MULLIN - Moved to grant at the time the Certificate of Occupancy is issued to St. Matthew's a tally of the fees payable to the Town be put into a five year payment plan, to be paid in a semi-annual payment plan, or other plan as devised by the Town. WAYNE FRIEDRICHS. Second.

Nancy felt that cash flow programs which include inspector fees and accounting problems would arise and that it would not put everyone on fair and even ground by allowing them to enter into a payment plan.

Herman commented on reimbursable fees for tradesman such as the electrical and plumbing fees and felt we needed to collect up front for these services and felt that the Board needed to address this from a long range aspect.

Wayne felt that it was a good motion to establish a policy on churches. He felt it was a minor thing with regard to what we get back from the churches.

Nancy felt that five years was too long. She felt that stretching it out over five years was too long and could perhaps be convinced by 2 years if a taxation plan was in place and a plan for payments could be handled without additional staff burden.

Herman felt that a payment plan to churches and synagogues needed to be codified and put into a fee waiver policy. He noted he agreed with Nancy that perhaps a fiscal year payment plan should be considered.

Bill felt noted that the fee would not be waived, but we will consider a payment plan, he further felt that it would not open the flood gates for requests.

NANCY TAVERNIER - Moved to amend the motion to read: Fees shall be paid to the Town in a payment schedule over a two year period. HERMAN KABAKOFF - Second. 3-1 Mullin No. (Hunter Abstaining). Motion Passed.

FINAL MOTION: WILLIAM MULLIN - Moved to amend the motion to read: *moved to grant at the time of issuance of the Certificate of Occupancy Permit that the Fees be totaled and begin to be paid to the Town in a payment schedule over a two year period.* WAYNE FREIDRICHS - Second. 3-1 TAVERNIER, No. (Hunter Abstaining). Motion Passed.

**MILL CORNER** - Trey Shupert came before the Board to update them on his meetings with Mr. Sweeny and the residents of Mill Corner. It is Mr. Sweeny's intent to gift the \$300,000 to the Town to be used to build the Mill Corner Treatment Plant. They talked about the release document. It was never his intention to have the Mill Corner residents involved and part of the signing off of documents. Mr. Sweeney and Lou Levine have agreed to reword the release document. The Mill Corner residents all want to move forward but still have concern for Parcel 2C. They don't want to see a highway garage built on that site at some future date. Trey outlined the Town meeting articles and his uncomfortableness with the SA District Mandatory Hookups before design and felt more time should be given before moving forward.

Dore' outlined his memo and they were planning on just that, moving over articles 26 and 28 he doesn't feel the down hill people are all on board at this time and wanted to have the support of them before moving forward. Trey felt that the feed back he had received was that many people were not interested because of the cost.

The Board will continue to be hopeful that the problem can be worked out and the \$300,000 received from Mr. Sweeney.

**TOWN MEETING DISCUSSIONS:** Nancy asked the Board to take positions on the outstanding Town Meeting articles. The Board took the positions on the following remaining articles:

Article 8 - Hold

Article 14 - Hold

Article 16 - DORE' HUNTER - Moved to recommend. NANCY TAVERNIER \_ Second. UNANIMOUS VOTE.

Article 17 - NANCY TAVERNIER - Moved to recommend. WAYNE FREIDRICHS Second UNANIMOUS VOTE. Nancy noted that the cost should be shared with Boxboro in the future under the Budget.

Article 25 - DORE' HUNTER - Moved to recommend. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

Article 26 - DORE' HUNTER - Moved to Pass Over. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

Article 27 - DORE' HUNTER - Moved to recommend. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

Article 28 - DORE' HUNTER - Moved to Pass Over. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

Article 56 - Nancy felt we could take no action make a decision without AGL input. They will explore with the Finance Committee.

**POWER ARTICLE** - The Board discussed the conversations between Mr. Harrigan and the Moderator. It appears that Mr. Harrigan's new wording will substantially change the

intent of the article by asking for an appropriation. Chairman Mullin felt this issue could be better handled by formation of a Electric Use/Deregulation Issue Task Force of Town, School and Staff manpower, and to include Mr. Harrigan in the taskforce. He felt that this taskforce could follow the use of power in municipal buildings and effects of deregulation.

Wayne agreed town meeting said no to the Power Committee's requests, the timing is bad and we should wait and see what happens with deregulation, he could not support doing anything right now.

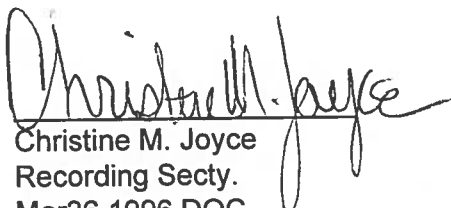
**CONSENT AGENDA**

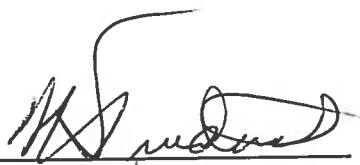
DORE' HUNTER - Moved to Approve as printed. NANCY TAVERNIER- Second.  
UNANIMOUS VOTE

**TOWN MANAGER'S REPORT**

EARTH DAY -DORE' HUNTER - Moved to approve the Earth Day Committees Requests as outlined their request letter. WAYNE FRIEDRICHS - Second. UNANIMOUS VOTE.

The Board adjourned at 12:05 P.M.

  
Christine M. Joyce  
Recording Secty.  
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Clerk \_\_\_\_\_  
Date 4/30/96

March 22, 1996

**TO:** Board of Selectmen

**FROM:** William C. Mullin, Chairman

**SUBJECT:** Selectmen's Report

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**AGENDA  
Room 204  
MARCH 26, 1996**

***Meeting begins at 8:00 due to Election***

**I. CITIZEN'S CONCERNS**

**II. PUBLIC HEARINGS & APPOINTMENTS**

1. 8:01 **BOSTON EDISON HEARING - HIGH STREET** - Enclosed please find a petition from Boston Edison and staff comment for Board review and action.
2. 8:02 **BOSTON EDISON HEARING - LILAC COURT** - Enclosed please find a petition from Boston Edison and staff comment for Board review and action.
3. 8:05 **MAPC** - Mary Ellen Schloss will be making a brief presentation to the Board regarding the SuAsCo Water Supply Protection Plan. Enclosed please find materials from MAPC regarding the recent committee findings and the request for two appointments to the Regional Advisory Committee for Board Discussion.
4. 8:15 **MATT LIEBMAN - CONSERVATION COMMISSION** - Enclosed please find Mr. Liebman's Citizen Resource Sheet and VCC recommendation for appointment as an Associate Member of the Conservation Commission for Board action.

**III. SELECTMEN'S BUSINESS**

5. **UNIFORM FEE POLICY** - Enclosed please find staff report and recommendations in the subject regard.
6. **TRANSFER STATION FEES** - Enclosed please find a request from Chairman Mullin in the subject regard.
7. **ST. MATTHEWS CHURCH** - Enclosed please find a request and staff comment for Board discussion.
8. **TOWN MEETING DISCUSSIONS**

**IV. CONSENT AGENDA**

- 9. ACCEPT MINUTES - Enclosed please find copies of the January 6, January 30, February 13 and February 24, 1996 minutes for Board signature.
- 10. CT. DOUGLAS SCHOOL - FEE WAIVER REQUEST - Enclosed please find a request from Douglas School related to fee waiver and parking restrictions, along with staff recommendations for Board action.

**V. TOWN MANAGER'S REPORT**

- 11. EARTH DAY - The Town Manager will discuss Earth Day organizers requests of March 11th and staff comment and recommendation with the Board.

**VI. EXECUTIVE SESSION'**

There will be a need for Executive Session

**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.

- April 1 - Town Meeting (Pre-Meeting @Guidance Rm off Commons)
- April 16 - Alby Corp. Transfer of Stock, New Manager
- April 30
- May 14 - Nagog Dev. Site Plan

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