

**SELECTMEN'S MINUTES
MARCH 30, 1999**

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MAY 12 1999

Present: Wayne L. Friedrichs, Herman Kabakoff, F. Dore' Hunter, Peter Ashton, Nancy Tavernier and the Town Manager. (The meeting was not televised)

CITIZEN'S CONCERNS

Wayne spoke about Nancy leaving the Board and his concern that she will have nothing to do. The Board presented her a gift in appreciation of her many years of service to the Town. It is hoped she will continue with her SAC activities and tasks at Town Hall. She was presented with a crystal mantle clock. The Board members spoke about the service she has given and they all wished her well. Nancy accepted the clock with sincere gratitude, she noted that it was the nicest gift she had received and will put it on her mantel to admire. She thanked the Board, staff and citizens for whom she has worked for and with for the opportunity to serve the community. She plans on continuing projects she has begun over the 12 years on the Board.

Don Johnson introduced his student intern Eli Forsythe to the Board. Don noted that he is a remarkable young man. Dealing with him will renew your faith in our youth.

PUBLIC HEARINGS AND APPOINTMENTS

POWDER MILL REALTY TRUST SITE PLAN #1/6/99-369

Ian Rubin spoke for Mr. Bertolami regarding the site plan. They propose a combination of the two parcels they are proposing to connect at this site. They have gotten the approvals from the Board of Appeals and Conservation Commission. They have moved forward with the plans to change it from the existing car rental and will again be a new car dealership. Dore ' asked about the back building and that the Building Commissioner recommends the project being phased in and the back building built last if they find they can do the engineering. Dore' spoke about the proposed canoe landing, the plans for the traffic light at the intersection has not come to maturity and he noted that we not make the landing part of the site plan. Dore' noted that the plan has been cleaned up and they have addressed all comments from town staff. Peter asked about the Planning Board's questions, the Engineer said that they have worked out the engineering issues with regard to truck delivery area.

DORE' HUNTER - Moved to take under advisement. NANCY TAVERNIER - Second.
UNANIMOUS VOTE.

JACK DAWLEY – COMMITTEE INTERVIEW-PLANNING BOARD

Nancy asked what it was that drew him to volunteer. Nancy asked if he had a chance to review or bylaws and how it might stack up against other towns that he appears before. His observation is that Acton has a reasonable bylaw. Herman asked him about the Master Plan and his opinions. He has not had a chance to review it but has followed it

in the Beacon. Dore' asked about sidewalks and the towns issues and asked that if appointed he encourage the building of sidewalks. Peter asked his views of the role of the Planning Board in the performance of their duties. When asked his philosophy, should they be pro active. He said he would take a proactive approach. He felt he could bring a balanced approach to the table. The Board will take this up at the next meeting after Mr. Dawley makes his decision.

SELECTMEN'S BUSINESS

1999 ANNUAL TOWN MEETING

ARTICLE 10 – DORE' HUNTER - Move we Recommend - HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

ARTICLE 22 -HERMAN KABAKOFF - Moved to Not Recommend. DORE' HUNTER - Second. UNANIMOUS VOTE. It was discussed and Nancy reminded the Board that we gave up 2.1 million including the \$100,000 legal service fees for the center. Dore' said if a clean deal could be presented. Peter was concerned about damages. Nancy asked about when the damage to the buildings exterior and when it is to be fixed. Nancy said we need to address this soon.

ARTICLE - 23 - Don spoke about the articles and partial contingency override vote. Herman asked for clarification on the need for two override votes. Mr. Liberty said that they will present their budget at Town Meeting if accepted they would go for an override election. If the vote fails at the box then they would reduce their budget to reflect the million 3-override loss.

Herman noted he is uncomfortable with any use of Free Cash and would not support the use of free cash. He suggested a debt exclusion be put on the ballot with the exception of the Conant School Septage system repair. He said the budgets before us have increased services of \$500,000. The increased services are inflationary affects plus reflect increased enrollment which requires the incremental increase.

Wayne would be more comfortable with bonding the \$550,000. He does not doubt we need an override, but do we need it this year. Free Cash is for One-time items and not operating budgets and in this particular case he could not support raiding free cash. He is against breaking our capital items out. He said we need to work towards an override next year after the thorough review. Jesse Liberty was against using free cash.

DORE' HUNTER - Moved to recommend ARTICLE 23 if set forth in manner presented in the green motion sheets presented tonight. - PETER ASHTON SECOND- UNANIMOUS VOTE.

ARTICLE 24 - DORE' HUNTER - Moved to approve as set forth in the motion sheets. PETER ASHTON Second. UNANIMOUS VOTE.

ARTICLE 25-HERMAN KABAKOFF - Moved not recommend motion as stated and read. .WAYNE FRIEDRICHS – Second. 2-3 motion lost. Herman stated that he wants to

preserve Free Cash. After discussion, Mr. Hunter made the following Motion.

DORE' HUNTER - Move we approve Article 25 as presented in the green sheets \$550,000 for Health Safety at the elementary schools with, \$500,000 from free cash - **PETER ASHTON** - Second. 4-1 Herman No.

ARTICLE 26 - **DORE' HUNTER** - Move to approve article as outlined in the green handout of motions presented this evening. **PETER ASHTON** - Second. **UNANIMOUS VOTE**

ARTICLE 27 – **DORE' HUNTER**- Moved to recommend as outlined in the Green handout of motions presented this evening. **PETER ASHTON** - Second. Peter has concerns with this article, however Dore's comments made him more comfortable. He wanted a committee formed to look at this in the future. **UNANIMOUS VOTE.**

ARTICLE 28 – **DORE' HUNTER**- Moved to take no action - **PETER ASHTON** - Second. **UNANIMOUS VOTE**

ARTICLE 29 – **DORE' HUNTER** - Moved to take no action - **PETER ASHTON** - Second. **UNANIMOUS VOTE.**

ARTICLE 42 – **DORE' HUNTER** - Moved to Defer – **PETER ASHTON** – Second. **UNANIMOUS VOTE.**

JENKS FUND AWARD - **HERMAN KABAKOFF** - Moved to approve the grants as presented – **WAYNE FRIEDRICHS** – Second. **UNANIMOUS VOTE.**

SEWER ACTION COMMITTEE - Nancy reviewed the Committee's work and suggest the Board make the appointments to the Committee as outlined in her latest memo. The Board agreed with the suggestions in her memo.

MEDICARE CHARGES **PETER ASHTON** – Moved to Approve – **DORE' HUNTER** – Second. **UNANIMOUS VOTE.**

ACHC- **NANCY TAVERNIER** - Move to approve- **PETER ASHTON** - Second. **UNANIMOUS VOTE.**

CONSENT AGENDA

PETER ASHTON - Moved to approve. -**DORE' HUNTER** - Second -**UNANIMOUS VOTE.**

TOWN MANAGER'S REPORT

Don announced that the Beacon correspondent Dan Schol is leaving to take a job reporting in Arlington. It was noted that town government would miss him.

TOWN MEETING – The Pre-Town Meeting is scheduled for 6:15 and has been posted

Nancy asked about the location of the Town Meeting. Moderator MacKenzie has asked that we move it to the field house. Nancy asked about cost for this move and equipment. John Murray noted that it is estimated to be as high as \$12,000 to \$14,000 or double because of the number of days the equipment will be set up.

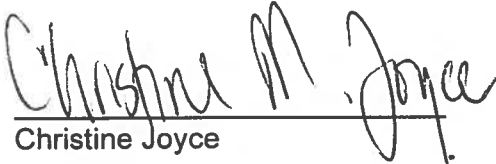
Don noted that the Fire Chief has withdrawn the request for the Micro Vax for the current year.

Fire Department Pumper - They will be bringing a final package that reflects the combining of the two pieces in a trade in situation.

Steve Arronson – The Board received and accepted Steve's resignation from the Economic Development Committee. The Board wished him well in his new home in Florida.

Acting Clerk

Date


Christine Joyce

March 26, 1999

TO: Board of Selectmen

FROM: Wayne Friedrichs, Chairman

SUBJECT: Selectmen's Report

AGENDA
MARCH 30, 1999

Please note this meeting begins at 8:00 P.M.

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. **8:05 POWDER MILL REALTY TRUST SITE PLAN #1/6/99-369** – Enclosed please find staff comment.
2. **8:30 JACK DAWLEY – COMMITTEE INTERVIEW – PLANNING BOARD**
Enclosed please find Mr. Dawley's Volunteer Application and VCC recommendation. **(Please note: Mr. Dawley may elect not to continue the process, he will let me know on Tuesday morning if he is still interested.)**

III. SELECTMEN'S BUSINESS

3. **1999 ANNUAL TOWN MEETING WARRANT** – Enclosed please find a listing of articles which still require Board recommendations.
4. **JENKS FUND AWARDS** – Selectman Ashton will make his recommendations for awarding this year's allocation.
5. **SEWER ACTION COMMITTEE** – Enclosed please find a memo from Selectman Tavernier for Board review.
6. **MEDICARE CHARGES** – Enclosed please find the revised new Medicare Maximum Allowable Rates for Board acceptance.
7. **ACHC** – Enclosed please find documents for signature in conjunction with the third home purchase under the Bellow's Farms Outreach Program.
8. **OTHER BUSINESS**

IV. CONSENT AGENDA

9. **ACCEPT MINUTES** – Enclosed please find minutes of the March 2, 1999, meeting for acceptance.

10. **ONE DAY LIQUOR LICENSE** – Enclosed please find a request from the LeLyonnais Restaurant to serve liquor on Easter Sunday.
11. **ACCEPT GIFT** – Enclosed please find request to accept \$1,660 to fund Tot Time and purchase books from the Citizen's Library Auxiliary.
12. **ACCEPT GIFT** – Enclosed please find a request to accept a gift of a Medical Dictionary for the Nursing Service.
13. **GARDEN CLUB PLANT SALE** – Enclosed please find the request to use the Town Common for the Annual Plant Sale with staff comment attached.

V. TOWN MANAGER'S REPORT

VI. 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.

April 5, 1999 @6:30 Pre-Town Meeting

May 11, 1999

April 27, 1999

May 25, 1999

June 8 & 22, 1999

**Board of Selectmen
Special Meeting
April 7, 1999**

Present: Wayne Friedrichs, Herman Kabakoff, Nancy Tavernier, Dore' Hunter, Peter Ashton, Town Manager and Assistant Town Manager. Trey Shupert Selectman Elect

CITIZEN'S CONCERNS

None Expressed

APPOINTMENTS/PUBLIC HEARINGS

None

OVERRIDE QUESTION

The Board discussed the placement of an Override Question and date for Special Election.

DORE' HUNTER - Moved to call a Special Election for May 18 for the purpose of conducting an Override Election NANCY TAVERNIER – Second. UNANIMOUS VOTE.

NANCY TAVERNIER – Moved and to place a single General Operating Override Question on the Election Ballot to read as follows:

Shall the Town of Acton be allowed to assess an additional \$1,184,920 in real estate and personal property taxes for the purpose of meeting the educational expenses of the Acton Public Schools and the Acton-Boxborough Regional School District for fiscal year beginning July first, nineteen hundred and ninety nine?

PETER ASHTON – SECOND. 3-2 Friedrichs and Kabakoff – No. Motion Passes

The Board discussed its previously deferred position on Article 32, Free Cash. DORE' HUNTER Moved to take no action. HERMAN KABAKOFF – Second. UNANIMOUS VOTE.

Board remained in session throughout the remainder of Town Meeting and adjourned at the close of Town Meeting.


Christine Joyce for Don Johnson

Acting 
Clerk, Board of Selectmen