

# SELECTMEN'S MINUTES

## February 1, 2000



**Present:** Herman Kabakoff, F. Dore' Hunter, Wayne Friedrichs, William Shupert, Peter Ashton the Town Manager and Asst. Town Manager.  
(The meeting was televised)

### CITIZEN'S CONCERNS

Roger Myer, Boxborough resident, but former Acton resident is before the Board to discuss naming the Elm Street Field after the late Teddy Christian. The Board has asked staff to develop a procedure in which town owned facilities are named. Staff is hopeful that they will have it for the Friday packet.

### PUBLIC HEARINGS AND APPOINTMENTS

#### ACTON GARAGE STORAGE, INC. 12/16/99-370 – 3 EASTERN ROAD

DORE' HUNTER – Move to take under advisement – PETER ASHTON – Second.  
UNANIMOUS VOTE

#### NEWPORT CREAMERY- COMMON VICTULLER'S LICENSE

Mary Stowe and the present manager of the Bergson's were available to answer questions. The flavor of the restaurant will remain basically the same. Same food items and additional items that they are famous for. DORE' HUNTER - Moved to approve.  
TREY SHUPERT - SECOND. UNANIMOUS VOTE

### SELECTMEN'S BUSINESS

#### HDC

Dore' gave an overview of the situation which dates back to 1994. He was on the committee for the creation of the bylaw and worked at getting town support for this bylaw. He said he obviously felt that the HDC doesn't want the parking lot at Gardner Field. He said they have a precedent but he has not seen it yet. He feels we should take it back to town meeting to see what the people want. Dore' proposed to amend the purpose statement Article P.1 and he would add at the end of statement "it is the intent of this By-Law to provide no powers or authority to the Historic District Commission which duplicate powers or authority vested in any other Town of Acton Board or Commission by statute, regulation or Town By-Laws."

Amend P.2 Definitions "Structures" to read "A combination of materials other than a BUILDING, including a SIGN, fence, wall, terrace or walk." In effect deleting "driveway" from that definition.

Amend P, 9 Exclusions –by rewriting subsection 9.2.1 to read “Terraces, walks, driveways, sidewalks, parking lots or other paved surfaces which cover less than 30% of a lot area; other STRUCTURES substantially at grade level; and all STRUCTURES of any description at or below original grade level. “, and ...by adding after “...Paint” in subsection 9.1.4” or other surface treatments.”, and ...by adding a new subsection “9.1.8 Matters relating to traffic or pedestrian regulation on public ways and sidewalks. Dore’ asked that these changes be accepted as a draft article and be submitted to Town Counsel for review.

Herman noted that we have two legal opinions that state that HDC does not have jurisdiction with regard to parking lots.

Trey said he was concerned about town boards and did not want this to escalate. He would put in an amendment and also make it either or, but that driveways are either in or out.

Peter feels this dispute is going on too long and we should try to take this to Town Meeting to make the decision.

Wayne – felt we needed to verify the by-laws and felt that there were other areas which also needed to be addressed. But he also feels we need to let Town Meeting make the decision.

Ms. Moran thanked them for inviting HDC tonight. She noted Dore’s February 1<sup>st</sup> memo was received too late and they did not have enough time to give it a through review. She referred to the Hamilton parking lot situation and decision. They look to the State and they provided them with this case law. She said they have been consistent with their decisions on the matter. Tom Peterman said they have voted these for the last 7 years and feels they have case law to support them. He spoke about the difference between a parking lot and driveways. He felt if the Town meeting were presented with these changes they would not vote to amend it.

Dore’ said that he didn’t think this was what Town Meeting thought they were getting into.

Anne Forbes – spoke about Council’s opinions. She said there is a gray area in the bylaw and does present problems with clarification. She urged them to make sure they are not wasting money or time with a misinterpretation with the wording we do have.

The Board encouraged HDC to submit their views about possible changes.

## **ECONOMIC TARGET AREA**

Donna Jacobs explained how we could participate in this opportunity. At the time 37 areas were noted. They have now have come up with this amended Chapter Paragraph J which allows for a regional technology area, as to whether it is a center or scattered center it is not clear. In order for us to participate we need to do it with other municipalities. A vote is needed by the Board for designation as a Target Area. It

requires a letter of why we want to participate and its importance to the Town. A list of potential parcels with area and build outs should be developed. There are a number of questions raised by staff and the Board. Boxborough wanted to move fairly quickly, but they were not moving as quickly as wished.

Dore' asked about our applying and then no one wants to build. Herman said the down side might be that would allow Cisco systems under the umbrella of ETA and that we have regional impacts and what's in it for Acton. He feels we need to address that, if we get a benefit or build a case for benefit than definitely we should go with it. But if we get more traffic more build outs you have to ask why do it.

Peter wanted to see the questions answered and wanted to get EDC'S opinion.

Dore' asked if we should talk to Boxboro to see what the impact would be on Acton.

### **BUDGET DISCUSSION**

Operating Budget; Peter spoke about the Sunday library hours being brought back in to the budget. PETER ASHTON – Move to fund the Sunday Library hours and to add \$23,000 to the Operating Budget. TREY SHUPERT – Second. UNANIMOUS VOTE .

Health Insurance Trust – Peter has been convinced not to push for further cuts.

Dore' had nothing on the operating budget. Wayne and Trey also had no comment on the operating budget at this time.

Herman highlighted his items for discussion. He feels Engineering Dept. items 52030 and 52190.were two areas to cut. Don urged them not to take the funds out of the budget. HERMAN KABAKOFF - Moved to reduce Engineering budget by \$6,000. PETER ASHTON - Second 1-4 Herman's motion fails.

Fin Com – DORE' HUNTER - Moved to reduce the reserve fund to \$25,000. WAYNE FRIEDRICHS - Second, 3-2 passes; Dore' and Peter no. Don urged them not to reduce or take out all together.

Highway Projects – Herman wanted to cover half of our loss in state funding. Don said we did not want to let it go and get behind. HERMAN KABAKOFF - Moved to cut paving account 58601 by 85,000. DORE' HUNTER - Second 1-4 Herman yes, others no, motion fails.

Manager's Budget – Professional Development account 52180 – HERMAN KABAKOFF - Moved to adjust account 52180 from \$20,000 to \$10,000 – PETER ASHTON - Second. 1-4 Herman, yes, Motion fails.

WARRANT - Capital Articles

Trey had none to add to Herman's list.

Wayne said Pamet is too premature with all that is going on. Herman would like to

see us doing this next year. Trey expressed his concerns about the project.

WAYNE FRIEDRICHS - Moved to remove the \$60,000 for computer replacement.  
HERMAN KABAKOFF - SECOND- UNANIMOUS VOTE.

DORE' HUNTER – Move to melt the guns and add the 6,000 that we won't be receiving from trade in. TREY SHUPERT - Second. 4-0 Wayne abstaining. Motion Passes

Peter spoke about the parking lot lights – He was not convinced we should be spending \$33,000. He could live with the \$10,000.

Fire Chief's car – Herman said that the car has more life in it. The records show only routine service. HERMAN KABAKOFF – Moved to remove the Chief's car from Capital budget. DORE' HUNTER – Second. 3-1 and Ashton Abstaining

MUNICIPAL PROPERTIES Phones and Fire Doors: HERMAN KABAKOFF Moved to drop the \$ 25,000 overhead Doors – Drop the doors for a year or so and to fund \$15,000 for Phone System. DORE' HUNTER - Second. UNANIMOUS VOTE

Dore' wanted a thought-out vehicle replacement plan developed by the Fire Department for future replacements.

#### **MEMORANDUM OF AGREEMENT GRACE PROPERTY**

Wayne outlined the process, which has come forward. The contract between Mass Development and Grace asks for Town signature. They are anxious to move forward. Dore' was not sure what they wanted from the Town. It looks like we should not make promise and obligate the Town to do something they have no control over. They will still have to go through the regular regulatory process. Wayne said the memorandum commits us to nothing. Grace feels more comfortable with the Town involved.

It was decided that we need to have this agreement run by Town Counsel.

#### **OTHER BUSINESS**

Herman noted the pay roll with the school has come on line and they are very happy: It was noted that the problem was at the schools with their equipment connections.

Town Manager's Review. Job knowledge, 5 Personal work habits – 4.9. Managerial skills 4.7 Utilization of resources 5, Communication skills 5, dependability and accountability 5 Professional development 4.8 Overall 5 thinks it is really where were at.

Wayne felt that his Increase in total base salary should be 6% up to \$115,000. This puts him in line with the Supt. of Schools and other communities. Wayne wanted to discuss a bonus, and to extend his contract

DORE' HUNTER - moved to extend the contract to three years. HERMAN KABAKOFF- Second. UNANIMOUS VOTE.

Trey thanked him for keeping him up to speed as a new Board member. He thought base salary should be \$115,000.

WAYNE FRIEDRICHS - moved to bring up to base salary to \$115,000– DORE' HUNTER - Second. UNANIMOUS VOTE.

Bonus discussion – Dore' felt we should discuss this in the late spring to adequately address this to develop goals for him and also at the time the Board reviews its own objectives.

Dore' reminded the Board of the ALG meeting on Thursday 10 of Feb.

Trey wanted to get more information on the tax bill to bring in additional revenues and to put on Warrant.

Peter wanted us to include the senior tax rate information on warrant.

#### CONSENT AGENDA

WAYNE FRIEDRICHS - Moved to approve with the exception of item 10– DORE' HUNTER - Second –UNANIMOUS VOTE.

Wayne was recommending a cap for family of \$5.00

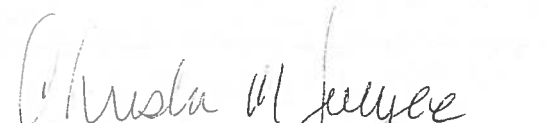
WAYNE FRIEDRICHS – Moved to cap the fee at \$5.00 per family for the NARA Winterfest– HERMAN KABAKOFF - Second. 4-1 Dore' voted no motion passes.

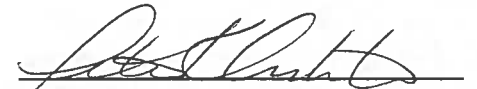
#### TOWN MANAGER'S REPORT

Don announced the Town's recent award at MMA for the Streetlight purchase program. Lexington and Acton worked together on this and John Murray's participation enabled us to be presented this award for innovation.

#### EXECUTIVE SESSION

PETER ASHTON - Moved to go into executive session to discuss Legal strategy DORE' HUNTER - Second. All AYES

  
Christine Joyce

  
Clerk  
2/29/00  
Date

January 28, 2000

**TO:** Board of Selectmen

**FROM:** Herman Kabakoff, Chairman

**SUBJECT:** Selectmen's Report

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**AGENDA**  
**February 1, 2000**  
**7:30 P.M. - Room 204**

**I. CITIZEN'S CONCERNS**

**II. PUBLIC HEARINGS & APPOINTMENTS**

1. **7:33 Acton Garage Storage, Inc. 12/16/99-370 Site Plan, 3 Eastern Road.**  
Enclosed please find staff comment and plan submittals for Board review.
2. **7:35 Newport Creamery – Common Victualler License at 246 Great Road.**  
Enclosed please find application and staff comment for your review.

**III. SELECTMEN'S BUSINESS**

3. **HDC – Potential Warrant Article regarding Clarification Amendment to Historic District Commission Bylaws.**
4. **ECONOMIC TARGET AREA – Enclosed please find materials in the subject regard, for Board consideration.**
5. **BUDGET DISCUSSION**
6. **MEMORANDUM OF AGREEMENT – Enclosed please find a proposed draft Memorandum of Agreement between Mass Development, W.R. Grace and the Town for Board consideration**
7. **OTHER BUSINESS**

**IV. CONSENT AGENDA**

8. **ACCEPT MINUTES – Enclosed please find the Minutes of January 4 and 8 for Board acceptance.**
9. **ONE DAY LIQUOR – Enclosed please find a request for LeLyonnais for February 13, 2000 for Board action.**
10. **WINTERFEST 2000 ENTRANCE FEE – Enclosed please find a recommendation/request from the Recreation Dept. for Board consideration.**

11. **WINTERFEST 2000 DONATIONS** – Enclosed please find a list of donations to Winterfest 2000 for Board acceptance.

## V. TOWN MANAGER'S REPORT

## VI. EXECUTIVE SESSION

12. **An Executive Session will be required**

### 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.

**February 15, 2000**

**February 29, 2000**

**March 14, 2000**

**March 28, 2000 (8:00 p.m. Start time)**

### FY 2000 GOALS

1. Resolve the Audubon Hill problem/issues (Shupert)
2. Establish or reconstitute a Computer Advisory Committee for Municipal issues (Hunter)
3. Review the structure and organization of the ALG and establish a definite, periodic meeting schedule (Kabakoff)
4. Develop a comprehensive Beaver Nuisance policy (Friedrichs)
5. Improve communication among the various boards, particularly Fincom, SC and BOS. This seems to have been lacking to some extent during the last year (especially ALG process) (Kabakoff)
6. Continue to search all alternatives for a viable sewer solution that is timely and fiscally workable (Hunter/Shupert)
7. Form a task force to investigate ways of achieving greater coordination, efficiency and utilization of resources between the schools and the town (Ashton)
8. Continue the work of the Senior Tax Relief task force and also investigate ways of assisting others who may need tax relief (Ashton/Hunter)
9. Develop early on an ALG plan and budget; i.e. have general agreement on budgetary parameters by October/November before formal budgets are developed. Continue to update, refine and modify as needed the five year budgetary plans which we initiated this year (Kabakoff)
10. Work with the Planning Board to implement the goals, objectives and strategies of the Master Plan update (Ashton/Shupert)
11. Conclude the work of the Kelley's Corner working group and bring to the Planning Board a final set of recommendations (Ashton)