

Final

## **BOARD OF SELECTMEN & SEWER COMMISSIONERS' MEETING**

**June 18, 2012**

**Acton Town Hall**

**Francis Faulkner Hearing Room 7:00 PM**

Present: Ms. Pam Harting-Barrat, Ms. Janet Adachi, Mr. Michael Gowing, Mr. John Sonner, Mr. David Clough, Town Manager Steve Ledoux and Lili Early, Recording Secretary. The meeting was televised.

Meeting came to order at 7:00 p.m.

### **CITIZENS' CONCERNS**

None

### **PUBLIC HEARINGS AND APPOINTMENTS**

### **CHAIRMAN'S UPDATE/OPERATIONAL MINUTE**

Mr. Ledoux introduced the new Acton Fire Chief, Mr. Pat Futterer and summarized the rigorous selection process through which the large number of candidates had been reduced to three finalists. The new Chief, from Joliet, Illinois was then sworn in by the Town Clerk, in the presence of his son, his team, and the Fire Chiefs of Boxborough, Carlisle, Concord, Westford and the Assistant Fire Chief of Maynard. He was also welcomed by the Chairman of the Board, Mrs. Harting-Barrat.

Mr. Ledoux and Mrs. Harting-Barrat expressed thanks to the former Fire Chief, Mr. Bob Craig for his 42 years of excellent service to the Town.

Mrs. Harting-Barrat reviewed a recent case of possible rabies from a skunk and lack of specific public information as to whom to call in the future in such instances. The Police Department is the department to call; they investigate and remove or destroy the suspected animal. In no case should citizens touch or approach a suspected animal for any reason.

Mrs. Harting-Barrat encouraged everyone to take advantage of the upcoming summer concerts at NARA Park, which are free to the public.

Mr. Ledoux reported that the Town of Acton has received the second mitigation payment from Concord Mews of \$300,000, as part of the agreed settlement of \$900,000 for giving access to the Concord development project, since access to the project can only be gained through Acton. The total funds will be divided between the Acton Community Housing Corporation \$500,000, sidewalks on High Street \$250,000, and \$150,000 at the discretion of the Board of Selectmen.

Mr. Ledoux reported that Mr. Paul Hadley from the MBTA has agreed with certain restrictions we proposed on the work at the South Acton Railroad Station, in particular that during weekdays, when construction work will take place between 7:00 a.m. and 8:00 p.m., and 9:00 a.m. and 5:00 p.m. on Saturdays, with no construction work on Sundays, and that lighting glare will be cut off toward nearby homes in the evenings. Work is scheduled to start sometime in October.

Mr. Ledoux reported on traffic control measures during filming of the Jason Reitman movie in Acton. Piper Road will remain open starting June 22, but there will be delays. A police detail will expedite the

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traffic flow. Shooting starts on June 25, then continues with interior shots of the house on Piper Road and inside the COA for about 4 hours, wrapping up about August 1.

Mr. Ledoux noted that the information packet for this meeting includes material for the FY 2013 departmental goals study process. Any missing data will be distributed in the coming days.

Mrs. Harting-Barrat mentioned for residents interested in the Asa Parlin House in Acton Center, and its future, that a meeting on this subject has recently taken place. Additional meetings to elicit community input will be held for residents soon.

She alerted residents that the Town Manager's blog is up and running and is of interest and available to all residents.

### **PROPOSAL TO RENAME NARA PARK**

Mr. John Murray made a presentation in favor of a proposed change in the name, to Nathaniel Allen Recreational Area, in honor of this Acton resident who was the recipient of the Congressional Medal of Honor (CMH) for heroic services rendered during the Civil War. The presentation covered Mr. Allen's background in Acton, and his participation in the Battle of Gettysburg as a member of the Color Guard for his regiment (First Massachusetts) in 1863 and several other campaigns, as well as background on the CMH itself.

Mr. Murray recommended to agree and to hold the re-dedication ceremony on Veterans Day, 2012.

Mrs. Harting-Barrat asked for a general discussion by members, and all Board members participated. It was generally concluded that the presentation answered most questions raised by residents as well, about the why, where, when, and the appropriateness of the naming.

Five residents next spoke in favor of the proposal: Mr. Tom Rogers, Mr. Dennis Thompson, Mr. Jim Metline and Mr. Mike Farquar, who also presented a supporting letter to the Board. Mr. Dennis Ahern discussed with Cathy Fochtman, our Recreation Director, to hold an encampment at NARA.

Ms. Harting-Barrat asked the Board to vote tonight.

Ms. Adachi suggested informing the public and putting it on the website.

Mr. Gowing next offered a motion to change the name from NARA Park to Nathaniel Allen Recreational Area, and that the dedication date should be held on July 4, 2013, which is the official sesquicentennial date for the Battle of Gettysburg and would give us more time to plan. The Motion was seconded by Mr. David Clough. UNANIMOUS VOTE IN FAVOR.

### **REGIONAL SCHOOL COMMITTEE STUDY COMMITTEE**

Mr. Peter Ashton, co-Chair of the RSCSC, identified two reasons for addressing the Board:

1. To ask the Board to appoint an additional member to serve on the RSCSC by June, 2012, and
2. To review the RSCSC's current thinking on major issues

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He advised that another addition to the RSCSC, Mr. Bob Evans, a representative from the Acton Finance Committee, had already been made. The RSCSC will then consist of 12 members if the Board agrees.

After presenting the RSCSC's written descriptions of 18 of these major issues and soliciting questions from the Board, the important issues raised by the Board members were:

- Provisions for terminating/seceding from adding to or modifying any future agreement
- Cost/budget allocation methodology among participating Towns
- Degree of control of assessments by each Town Meeting and or Town Government body
- Motivation for the regional authority to control costs.

It was agreed that the Board would appoint a member to the RSCSC. Mrs. Pam Harting-Barrat volunteered, and consequently a motion to approve was made.

Motion to approve Mr. Evans joining the RSCSC was made by Ms. Janet Adachi and seconded by Mr. Sonner. UNANIMOUS VOTE IN FAVOR.

Motion to appoint Mrs. Harting-Barrat as a member of the RSCSC was made by Mr. Gowing and seconded by Ms. Adachi. UNANIMOUS VOTE IN FAVOR.

## **SELECTMEN'S BUSINESS**

### **AUTHORIZE BORROWING**

Mr. Ledoux reported that it is now time for the Board to authorize the Treasurer to borrow the amount of \$789,446 as previously approved by the Annual Meeting in April, in order to purchase several items of capital equipment having extended lifetime.

Mr. Gowing moved to authorize the Treasurer to negotiate with lenders to borrow the amount of \$789,446 as approved at the Annual Town Meeting for purchase of capital equipment, having maximum useful lifetime as stated in the Clerk's certification therefore. The motion was seconded by Mr. Clough. UNANIMOUS VOTE IN FAVOR.

The Clerk's certification is to be appended to these Minutes.

### **LIAISON DISCUSSION**

Mrs. Harting-Barrat led the discussion on the proper liaison functions appropriate for BOS members assigned to statutory boards as well as to other types of boards. That is, whether it is to gain knowledge and information, to be purely advisory, or sometimes leading, or intended to be as a "watchdog" to avoid committee mistakes, or where voting is required (statutory). Everyone agreed that it would be advantageous to be assigned to committees whose functions are similar or closely correlated, as HDC and HC are, for example. Any changes will be effective July 1.

Several members expressed interest in swapping assignments, due to scheduling conflicts and this will all be finalized prior to July 1.

Mr. Sonner mentioned that the Cemetery committee meets at 2:00 p.m. and he cannot attend. Mr. Gowing would be happy to take that one over. He also said that the Transportation committee overlaps with a lot of other committees he is responsible for. Mr. Gowing will take over this one too.

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Mr. Clough is OK with the boards he is responsible for. He is also interested in the CPC and will take it.

Ms. Adachi wants to give up CPC but hold on to her other committees. She will take the Acton Housing Authority.

Ms. Harting-Barrat will keep her committees.

Mr. Gowing will keep his committees too and will take over the Cemetery and Transportation committees from Mr. Sonner.

## **MANAGER'S REVIEW**

Mr. Gowing showed the latest version of the Town Manager's composite performance review. He handed out hard copies to the Board members for comments and any changes at the meeting, and not beforehand, per guidance from Town Counsel. Numbers were averaged per factor. This becomes public information once the discussion is complete and will be posted on the Town's website.

Mr. Ledoux was given the opportunity to add any comments to the form at this time. He indicated that no comments were necessary.

Mr. Gowing moved that the Board accept the 2012 Performance Review for the Town Manager, as edited. Seconded by Mr. Sonner. UNANIMOUS VOTE IN FAVOR.

## **SELECTMEN'S REPORTS**

Mr. Gowing reported that we now have an additional camera, three in total, to better cover the area of the Board Meeting Room. The old ones will be moved to the Junior High. The Town is considering replacement of the microphones also. We have a new ACAT Executive Director, Mr. Simon Bunyard. He will be introduced to the Board very soon.

Mr. Gowing attended a very useful seminar by AIM (Associated Industries of Massachusetts) on medical cost controls. 100 people attended.

The Miracle League held a benefit festivity at NARA and he participated (in the dunk tank.).

The Historic District Commission discussed the Asa Parlin house project and some violations of building restrictions in town.

The WAVE project is projected for the next meeting.

In Boston, RTAC (Regional Transportation Advisory Committee) discussed the extension of the Green Line. The LRTP is open for comments until June 22, so comments can still be made. The Bruce Freeman Rail Trail (Acton to Concord portion) was moved into the 2012-2015 time frame and the remainder into the 2021-2025 time frame, so that by 2016 we may see this Acton-Concord portion accomplished. Schedule for the Assabet River Rail Trail has, however, slipped.

MAGIC – (Minuteman Area Group for Interlocal Cooperation), 13 communities, has new officers for the coming year and has several priority projects. He noted that Sudbury just purchased an old farm for \$7,500,000, using CPA funds.

COA – Attended the final meeting of the year, emphasizing how the agency will adapt to the failure to pass the article to build a new COA building.

Green Advisory Council – Senator Jamie Eldridge sponsored and held a local meeting with speakers to discuss our influences on hazardous chemicals, so far uncontrolled, and MASS Solarize on energy conservation in the homes.

Ms. Adachi reported that the Acton Boxborough Cultural Council is going to follow up on the possibility of programs involving the Town's Sister-City in Niger and is searching for ways to increase attendance at a film series they have prepared. She suggested they cooperate with Acton TV to do some advertising and promotion.

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The ZBA(Zoning Board of Appeals), held a hearing on the Acton Meadows 40B proposal. The hearing has been continued to allow time for drafting of a decision, which will be discussed by the ZBA at the next meeting. Regarding the Bruce Freeman Rail Trail – Acton and Concord have sent similar letters to MassDOT about the Route 2 crossing.

The CPC met on Thursday to review their plans for the coming fiscal year.

Mrs. Harting-Barrat reported that the VCC is working on committee assignments and is waiting for the final tally. He is looking for volunteers for Phase 3 of Acton 2020.

The Planning Board had a meeting concerning a two-house subdivision (sometimes called a compound) off of Pope Road near Camp Acton. The only issue is sidewalks; whether the developer can/should construct the sidewalks or make a cash donation (about \$20,000) to the Town's sidewalk fund for this purpose.

Mr. Clough reported that the Design Review Board met during his absence and he has been informed of their proceedings.

The FINCOM met last Tuesday and discussed end-of-year turn backs of unspent funds by the schools. OPEB was considered by the schools, but rejected at this time, until a plan has been made.

The HDC met and is all for the plan for restoring the Asa Parlin House. One possibility is to restore the house, but without mechanicals. It is planned to offer historical data signs to residents on the cultural research list.

Attended a meeting sponsored by NSTAR and National Grid at a Boston hotel about energy conservation for businesses and residential areas.

Cemetery Committee missed the deadline for CPC funds.

Mr. Sonner reported that the Sidewalk Committee would find it advantageous to have a fund established to hold money approved at Town Meeting for sidewalks, to be spent within 13 months, to account for scheduling conflicts within the Town's operating departments. They need to know if this is within their committee's charter authority. They will contact the Town Manager to see if this might be a suitable subject for next year's Town Meeting.

The Transportation Survey forms can still be filled out until the end of June.

Mr. Sonner asked if the new microphones can be integrated with the audio conferencing system he believes a list should be made up of appropriate names and possible locations for dedication purposes, like NARA, or that a committee should be established to do this. After discussion, it was agreed that this would be useful to have available and that it will be further developed at a subsequent Board meeting.

## **CONSENT AGENDA**

Mrs. Harting-Barrat read the list of items 8 through 23 on the Agenda. Items 16, 17 and 21 were put on hold pending further discussion.

Mr. Gowing moved to approve items 8 through 15, 18 through 20, and 22 through 23. Mr. Sonner seconded the motion. UNANIMOUS VOTE IN FAVOR.

Mr. Gowing moved to approve item 16. Mr. Sonner seconded the motion. Four Board members accepted with one recusal, Mrs. Harting-Barrat. MOTION CARRIED.

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Mr. Gowing moved to approve Item 17. Mr. Sonner seconded the motion. Four Board members accepted with one recusal, Mr. Clough. MOTION CARRIED.

The Town Manager will talk to Ms. Marcia Rich, Memorial Library Director, to insure proper attention is given to the value of the property in item 21, and check if the materials can be donated or should be sold as surplus.

Ms. Pamela Harting-Barrat asked for a voice vote to approve the Consent Calendar. The motion was made by Mr. Gowing and seconded by Mr. Sonner. The vote was announced UNANIMOUS.

## EXECUTIVE SESSION

Members Present: Pam Harting-Barrat, Ms., Ms. Janet Adachi, Mr. Michael Gowing, Mr. David Clough, Mr. John Sonner, Town Manager Steve Ledoux and Lili Early, Recording Secretary.

Ms. Pamela Harting-Barrat moved to go into Executive Session. Ms. Janet Adachi seconded. Roll Call Taken by the Clerk, all Ayes

Ms. Harting-Barrat stated before the roll call vote to enter Executive Session that:

- a. In the executive session, the Selectmen will discuss Strategy with regard to the purchase, exchange, lease or value of Real Property
- a. An open meeting may have a detrimental effect on the negotiation position of the Town or the Board.

Chair: Would the clerk please call the Role - All ayes

Chair: At the conclusion of the Executive Session, the Board will reconvene in open session to adjourn

Ms. Pamela Harting-Barrat. asked for a voice vote to adjourn the meeting. The motion was made by Mr. Mike Gowing, and seconded by Mr. John Sonner. The vote was announced UNANIMOUS.

The meeting adjourned at 10:30 p.m.

  
Lili Early, Recording Secretary

  
Michael Gowing, Clerk

  
Date