

Final

## BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

December 17, 2012

Francis Faulkner Hearing Room 7:00 p.m.

### *Executive Session*

*6:30 – 7:00 p.m. in the*

Francis Faulkner Hearing Room 6:30 p.m.

Present: Ms. Barrat, Ms. Adachi, Mr. Gowing, Mr. Clough, Mr. Sonner and Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised

### CITIZENS' CONCERNS

Herman Kabakoff asked about the schedule and deadline for submitting an article. Town Manager said we will close the warrant on the close of business on the 31<sup>st</sup> of December.

### CHAIRMAN'S UPDATE & OPERATIONAL MINUTE

Ms. Harting-Barrat – asked for a moment of silence to remember those who were affected in the Newtown, CT school shooting incident. Chris Herron, a professional in this area will be at the schools to discuss the recent violence and the deaths that occurred in Newtown, CT incident.

Regionalization Committee will be before the Board on January 14<sup>th</sup>, and urged people to attend forums or look on the internet for additional information.

Mr. Ledoux announced we received inquiries about the towns preparedness about what is in place to protect against the recent school shooting. We have two police officers at the school and they have a lock down system. They have many trained police officers and have been trained in various scenarios regarding incidents of this nature.

Ground Breaking at South Acton Train station on Thursday.

Mr. Gowing – Moved to close the Annual Town Meeting Warrant at the closing of Business on December 31, 2012. Ms. Adachi – second. UNANIMOUS VOTE

Deputy Police Chief Richard Borrows will be starting January 6. Fire Department employees, Scott Morse and Jack White have been promoted to Captain.

AMERESCO will start some time later in February and hope to be up by June.

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JAN 15 2013  
TOWN CLERK, ACTON

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## **PUBLIC HEARINGS & APPOINTMENTS**

### **WINE CASK CELLARS D/B/A ACTON LIQUORS, 100 POWDER MILL ROAD, PROPOSED CHANGE OF MANAGER, OFFICERS, DIRECTORS AND TRANSFER OF STOCK BETWEEN RALPH ROTOLANTE AND REGINA ROTOLANTE**

The applicants Attorney Karen Sameo, was present to represent the Rotolante's. They have assisted the Rotolanti's with their legal needs over the years. The transaction changes will be administrative, a part of estate planning on behalf of Mr. Rotolanti. Mr. Gowing – Moved to approve – Mr. Sonner – second UNANIMOUS VOTE

### **ANNUAL CLASSIFICATION HEARING -- BOARD OF ASSESSORS**

Carol Leipner Srebnic, Chairman of the BOA outlined the choices the Board of Selectmen could make tonight with regard to Tax Classification. She made a power point presentation to the Board, assisted by the Assistant Assessor. She outlined the decision the Board needs to make regarding the four votes tonight as listed below.

Ms. Adachi – Moved to Adopt the Residential Factor and not support the other three items. Mr. Sonner – second. UNANIMOUS VOTE

Residential Factor

Residential Exemption

Open Space

Small Commercial Exemption

### **THE TOWN MANAGER WILL PRESENT HIS BUDGET FOR FY14**

Mr. Ledoux presented a slide show presentation of his proposed budget for FY14. Total FY14 Budget is \$30,172,180. He spoke about the new positions in the Police Dept. and Town Clerk's Department.

He spoke about Subsidies, Equipment and Projects as listed on the slide, and a 2.2 increase over FY13. A total of \$86,300.00.

Mr. Ledoux discussed the Budget Drivers and Major Revenue Categories of FY13.

### **EXCHANGE HALL DISCUSSION OF AGREEMENT AND CONDITIONS FOR RELEASING OF CPA FUNDS**

Mr. Graham and Mr. Berger of Exchange Hall came before the Board asking that the board consider signing a document that outlines what is needed to award the money from CPC funds granted in 2008. They realize that the exterior has been done and the elevator is pending. They have completed the restriction and sent to Mass Historical and need to see copies and have negotiation with town counsel and to wrap it up in the next couple of months. They will have funds in escrow until the elevator is installed late winter/early spring.

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Ms. Harting-Barrat asked about what changed from last meeting regarding the elevator. Steve Graham said it was for the banks to make them more comfortable.

Ms. Adachi asked about the LULA and how it differs from full service elevator. It is a smaller elevator and cannot accommodate a lot of people, but will hold a wheel chair and a couple of people and limited to a 1,400 pound capacity. She asked about the Architectural Access Board issues. Mr. Berger noted that the route to the ballroom from the parking lot needs to have signage and have Handicapped Restrooms. They currently have two handicapped restrooms on lower floors available until one can be made on the hall floor.

Mr. Gowing noted the LULA is an issue of concern in a power failure. They have back up generation and the lift has a battery pack in case the power goes out and someone is in the LULA.

Mr. Clough – Moved to accept the agreement for CPA funds. Mr. Gowing -second  
UNANIMOUS VOTE

## **SELECTMEN'S BUSINESS**

### **REQUEST FOR SUPPORT OF DELAY OF MEDICAL MARIJUANA LAW**

Mr. Halley spoke about the request for delay of the implementation of Medical Marijuana. It will be very hard to implement this in time. Mr. Clough said we should delay it now until we can review it more. Mr. Gowing said it needs more study on how it should play out. It concerns him that this came to us and that this passed, and now MMA said we need time to craft it, he thinks we need something with thought put into it. Ms. Harting-Barrat asked about HIPPA concerns and does the employee need to tell the employer he/she is using medical Marijuana. Ms. Harting-Barrat noted it will be implemented by the Health Department. We can recommend that they delay the deadline for implementation. Mr. Halley has spoken with Town Counsel and the need to keep it away from schools and other sensitive areas. Mr. Gowing noted the issue of growing and distribution and how does this get addressed, where do they fall into our zoning. We should have a good idea where those areas are that will allow this.

Mr. Sonner asked about placing it on the warrant for zoning changes. The Planning Board does not feel any action will need to be taken or addressed. It was decided to have a place holder on the upcoming Warrant.

Mr. Halley said we need to send a notice to the Recreation Commission about this to address issues at the Community Gardens. Mr. Sonner – Moved to approve the support to delay the implementation of Medical Marijuana law Mr. Clough – second. UNANIMOUS VOTE.

Mr. Halley will prepare a letter for the Town Manager's signature.

### **ASSIGNMENT OF BOS MEMBER TO ATTEND EAGLE SCOUT COURT OF HONOR CEREMONY FOR KENNETH DAVIDSON ON JANUARY 6, 2013**

Mr. Clough will represent the Board

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## **SELECTMEN'S REPORTS**

Mr. Sonner – Green Advisory has hired a part time person to research the Energy issue. 2020 presented Kelly's corner proposal to EDC. The discussion centered around a State grant and will have 2020 come to us mid January they are also looking into regional participation. He attended lunch at Senior Center; spoke about people taking things on such as picking up trash and Civic Pride. He wanted to see what this board could do.

Mr. Clough – Spoke about Kelly's Corner issues at EDC and perhaps obtaining a grant to get a large amount of money for infrastructure.

The Historical Commission discussed the Morrison Farm Plan and will support.

Ms. Harting-Barrat spoke about the school Holiday calendar issue about retaining those holidays. She further spoke about Regionalization. Continuing to work with the Board of Health and Nursing Service to maintain the services we have provided to Acton for the last 100 years.

Ms. Adachi – ACHC as requested an extension of Audit. ACHC discussed their budget. Ms. Adachi noted that the COD meeting changes in meetings times. They attended the Shriver Center emergency preparedness program for people with disabilities.

Storm Water Committee will be collecting support for the bylaws.

Attended the Eagle Scout Court of Honor for three scouts.

Mr. Gowing – Announced the ACTON TV Call in program tomorrow night to speak to Santa. COA holding a holiday luncheon.

CPA Loan Program for HDC would work. HDC closed WAVE Project public hearings. He attended the Regional Transportation meeting of the LRTA as Acton's New Representative. CIC Grant - we submitted and got \$185,000 and how are we are going to implement the plan, and we have also applied for new grants for this year. Mr. Gowing noted the need for updated Conflict of Interest Recertification.

## **CONSENT**

ACHC Mr. Gowing would like to hold ACHC

Ms. Harting-Barrat wanted to hold Committee appointment of Barbara Tallone because they we have been made aware that they cannot have associates by Charter. It will have to go on the warrant and then to the Ballot, and is a two year process. Mr. Clough asked if they have a full board. Mr. Gowing said yes they are at full staffing. Ms. Adachi asked Mr. Gowing will get feedback from COA to see if they want an Associate. Mr. Gowing will review with them. Mr. Sonner - Moved to remove associate members of the HC, Conservation, ACHC –Ms. Adachi – second. UNANIMOUS VOTE.

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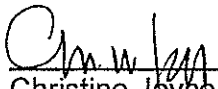
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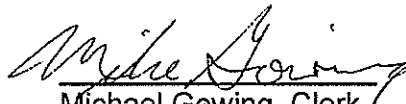
Mr. Gowing asked why we have not had the audit before for ACHC. Ms. Adachi said she noted that the Asst. Town Manager and Finance Director were handling the issue in the past.

Mr. Gowing - Moved to approve the Consent Agenda. - Mr. Sonner - second. UNANIMOUS VOTE

**EXECUTIVE SESSION**

Adjourned 9:45 p.m.

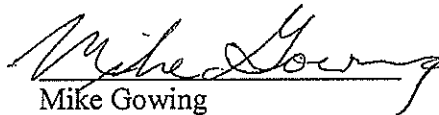
  
Christine Joyce  
Recording Secty

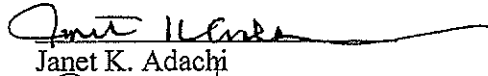
  
Michael Gowing, Clerk  
1/14/13  
Date

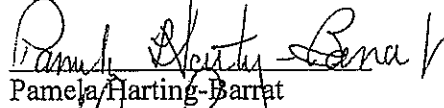
**RECORD OF VOTE OF THE ACTON BOARD OF SELECTMEN**  
**December 17, 2012**

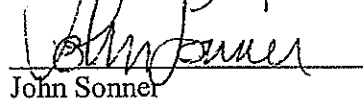
At a duly called public meeting of the Acton Board of Selectmen on December 17, 2012, the Board voted unanimously to enter into an Agreement Relative to the Release of Community Preservation Act (CPA) Funds between the Town of Acton and Exchange Hall, LLC ("Exchange Hall") with respect to the conditions precedent to be satisfied by Exchange Hall prior to the release of Community Preservation Act funds to Exchange Hall in connection with the Town's appropriation of a grant to Blue Bird Realty Trust, predecessor-in-interest to Exchange Hall, under the Community Preservation Act for the restoration of historic elements within and related to the building located at 2 School Street in Acton and commonly referred to as "Exchange Hall."

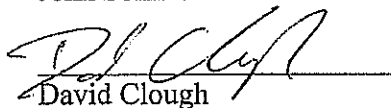
TOWN OF ACTON  
By its Board of Selectmen

  
Mike Gowing

  
Janet K. Adachi

  
Pamela Harting-Barrat

  
John Sonnet

  
David Clough

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

*Francis Faulkner Hearing Room*  
*December 17, 2012*  
*7:00 PM*

**EXECUTIVE SESSION**  
**6:30 P.M. TO 7:00 P.M.**  
**FRANCIS FAULKNER HEARING ROOM**

**I. CITIZENS' CONCERNS**

**II. PUBLIC HEARINGS AND APPOINTMENTS**

1. **7:05 CHAIRMAN'S UPDATE/OPERATIONAL MINUTE**  
The Chair will briefly update the Board -The Town Manager will provide a brief report
2. **7:10 WINE CASK CELLARS D/B/A ACTON LIQUORS, 100 POWDER MILL ROAD – PROPOSED CHANGE OF MANAGER, OFFICERS, DIRECTORS AND TRANSFER OF STOCK BETWEEN RALPH ROTOLANTE AND REGINA ROTOLANTE**  
Enclosed please find materials in the subject regard
3. **7:20 ANNUAL CLASSIFICATION HEARING – BOARD OF ASSESSORS**  
Enclosed please find materials in the subject regard
4. **8:00 TOWN MANAGER WILL PRESENT HIS BUDGET FOR FY 14**
5. **9:00 EXCHANGE HALL DISCUSSION OF AGREEMENT AND CONDITIONS FOR RELEASING OF CPA FUNDS**  
Enclosed please find materials in the subject regard
6. **SELECTMEN'S BUSINESS**
7. **REQUEST FOR SUPPORT OF DELAY OF MEDICAL MARIJUANA LAW**  
Enclosed please find materials in the subject regard Link Below:  
[http://www.sec.state.ma.us/ele/ele12/ballot questions 12/full text.htm#three](http://www.sec.state.ma.us/ele/ele12/ballot%20questions%20full%20text.htm#three)
8. **ASSIGNMENT OF BOS MEMBER TO ATTEND EAGLE SCOUT COURT OF HONOR CEREMONY FOR KENNETH DAVIDSON ON JANUARY 6, 2013**  
Enclosed please find materials in the subject regard

## 9. SELECTMEN'S REPORTS

### IV CONSENT AGENDA

10. **AUDIT, EXTENSION AND FUNDING REQUEST – ACTON COMMUNITY HOUSING CORP (ACHC)**  
Enclosed please find materials in the subject regard
11. **COMMITTEE APPOINTMENT, PAUL WEXELBLAT, BOARD OF ASSESSORS**  
Enclosed please find materials in the subject regard
12. **COMMITTEE APPOINTMENT, BARBARA TALLONE, ASSOCIATE MEMBER OF COUNCIL ON AGING (COA)**  
Enclosed please find materials in the subject regard
13. **ACCEPT GIFT, RECREATION DEPT.**  
Enclosed please find a gift of \$496.80 from Friends of The Playground to be used for the Goward Field Playground Project
14. **ACCEPT GIFT, RECREATION DEPT.**  
Enclosed please find a gift of \$100.00 from Joseph Perry Plumbing and Heating, to support the 2013 Summer Concert Series at Nara Park
15. **ACCEPT GIFT, RECREATION DEPARTMENT**  
Enclosed please find a gift of \$910.00 from various donors to be used for Goward Field Playground project
16. **ACCEPT GIFT, RECREATION DEPARTMENT**  
Enclosed please find a gift of \$100.00 from Acton Medical to be used to support the 2013 Summer Concert Series
17. **ACCEPT GIFT, RECREATION DEPARTMENT**  
Enclosed please find a gift of \$26,000 from the Steinberg Lalli Charitable Foundation to fund purchase of portable stage riser equipment at NARA
18. **ACCEPT GIFT, RECREATION DEPARTMENT**  
Enclosed please find a gift of \$200.00 from Adesa Concord to help fund the 2013 concert series at NARA
19. **ACCEPT GIFT, PLANNING DEPT.**  
Enclosed please find a gift valued at \$2,000.00 from Robbins Brook Housing Element Site Plan to be used for Community Housing
20. **DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY**  
Enclosed please find materials in the subject regard



## V EXECUTIVE SESSION

There will be a need for Executive Session re: Conducting Strategy Sessions in Preparation of Negotiations with Non-union Personnel and to Consider the Purchase, Exchange, Lease and Value of Real Property

### 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

<u>JANUARY 14</u>	<u>JANUARY 28</u>	<u>FEBRUARY 11</u>
A/B Regionalization Committee	Board Vote Budget	OPEB Presentation
2020 Kelley's Corner & Potential Regionalization with other communities		
Special Permit – Sundberg Trust 255 Main Street		
Storm Water Draft Bylaw Presentation		

### PENDING MINUTES

May 21  
July 9, 23, 25  
Sept. 24  
November 5, November 19  
December 3

### PENDING COM. APPOINTMENTS

NONE

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<input type="checkbox"/>	Type	Title	Owner	Edited	Size	Actions
<input type="checkbox"/>		010 Agenda, Board of Selectmen, December 17, 2012 Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	12/13/12	151 KB	
<input type="checkbox"/>		020 (2) Wine Cask Cellars Various Changes to Liquor License as Full Package Store, 100 Powder Mill Road Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	12/13/12	778 KB	
<input type="checkbox"/>		* <u>025 (3)</u> 030 (5A -5C) Exchange Hall <i>Assessors Classification Hearing</i> Discussion of Agreement and Conditions for Releasing CPA Funds Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	12/13/12	920 KB	
<input type="checkbox"/>		040 (7) Request for Support of Delay of Medical Marijuana Law Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	12/13/12	562 KB	
<input type="checkbox"/>		050 (8) Assignment of Eagle Scout Court of Honor Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	12/13/12	60 KB	
<input type="checkbox"/>		060 (10) Audit, Extension and Funding Request, Acton Community Housing Corporation Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	12/13/12	73 KB	
<input type="checkbox"/>		070 (11) Committee Appointment, Paul Wexelblat, Board of Assessors Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	12/13/12	95 KB	
<input type="checkbox"/>		080 (12) Committee Appointment, Barbara Tallone, Associate Member Council on Aging Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	12/13/12	139 KB	
<input type="checkbox"/>		090 (13) Accept Gift, Recreation Department	admin	12/13/12	85 KB	

	Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet						
<input type="checkbox"/>	<b>100 (14) Accept Gift, Recreation Department</b> Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	12/13/12	116 KB			
<input type="checkbox"/>	<b>110 (15) Accept Gift, Recreation Department</b> Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	12/13/12	56 KB			
<input type="checkbox"/>	<b>120 (16) Accept Gift, Recreation Department</b> Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	12/13/12	62 KB			
<input type="checkbox"/>	<b>130 (17) Accept Gift, Recreation Department</b> Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	12/13/12	57 KB			
<input type="checkbox"/>	<b>140 (18) Accept Gift, Recreation Department</b> Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	12/13/12	83 KB			
<input type="checkbox"/>	<b>150 (19) Accept Gift, Planning Department</b> Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	12/13/12	46 KB			
<input type="checkbox"/>	<b>160 (20) Disposal of Obsolete Materials, Memorial Library</b> Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	12/13/12	47 KB			

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Agenda Listing