

Final

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

January 27, 2014
Francis Faulkner Hearing Room

Executive Session 6:30 p.m.

Regular Meeting 7:00 p.m.

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CITIZENS' CONCERNS

CHAIRMAN'S UPDATE & OPERATIONAL MINUTE

Mr. Ledoux – Steve reported on Concord's plan to purchase the parcel Knox Trail and said that he has heard rumors that the town has not yet signed and there may be additional bankruptcy issues holding up the sale. He has been told that if the issues are not resolved prior to April 1st, then Concord will not go forward with the purchase. ALG met last Thursday and tried to come to a consensus on the tax levy and the planned use of free cash. The group did come to a consensus on the revenue projections for FY'15. It was tough to come to agreements on other issues without having the school budget numbers. The group is also hung up on OPEB issues but the subcommittee will meet on this issue soon. Steve noted that we need to get this done as Bart Wendell will not be available to moderate meetings in March.

Janet Adachi - At its meeting on Saturday, the School Committee selected Glenn Brand, currently in the Sharon public school system, as the new Superintendent of the unified AB regional school district, effective July 1st, contingent on successful contract negotiations. The Acton Chinese Language School will be hosting the annual Chinese New Year celebration on Saturday, 2/1, 2:00-8:30 pm, at the Junior High. The annual MA Municipal Association conference was on Friday and Saturday at the Hynes Auditorium. Mr. Gowing, Ms. Adachi, Town Manager Steve Ledoux, Assistant Town Manager Mark Hald, and Fire Chief Pat Futterer attended portions or all of the conference. Mr. Ledoux again did a workshop on Civility at City Hall. Ms. Adachi will report on the workshops she attended during the Selectmen's Reports. MAGIC/MAPC will be hosting a legislative breakfast on Thursday, 2/6, at 9:00-10:45 a.m. in Room 204 of Acton's Town Hall. Representative Atkins will hold a district officials meeting on Friday, 2/7, 10:00 a.m. at Carlisle Town Hall. Minuteman Vocational Technical High School will host an elected officials breakfast on Thursday, 2/13, 8:00 a.m. to provide an update on their revised regional contract, building project, etc. Janet also provided updates on the planned agendas for the next Selectmen's meetings:

2/3: Update by Nancy Banks about Minuteman Tech; Selectmen to vote on the municipal budget (as required by Town Charter 6-3, which provides that the Selectmen must transmit budget recommendations to the Finance Committee at least 60 days before Town Meeting); possible discussion of the P.O. Crossing project and Board comments to the Zoning Board of Appeals, the Knox Trail issue and space-needs study.

2/10: Extra meeting for the limited purpose of hearing a presentation by the Urban Land Institute-Technical Assistance Panel about Kelley's Corner.

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2/24 Discussion of Town Manager's performance evaluation (postponed from today)

PUBLIC HEARINGS & APPOINTMENTS

NOT YOUR AVERAGE JOE'S ALLEGED LIQUOR OVER SERVICE

Chief Widmayer and Officer Fred Rentschler reported on a recent over service issue at Not Your Average Joe's (NYAJ). Officer Rentschler laid out the facts of the night, saying that Officer Krug located a staggering male in the street after receiving reports from a number of citizens. Officer Krug determined the man was intoxicated and the man was put under Protective Custody and held overnight. The police spoke to the man the next day and then followed up on his story, speaking with employees at both Benjarong and NYAJ. There were some inconsistencies with the statements from NYAJ regarding how much the gentleman had been served. He noted that NYAJ was very cooperative throughout this whole process, but the chief said that they need to tighten up their serving policies.

Joe Gartlin and Meredith Chilies of NYAJ were present for the hearing. They said they take the issue very seriously and understand that a mistake was made. Mr. Gartlin said they put a lot of emphasis on training the staff. They require that all employees are Serve Safe certified. Ms. Chilies acknowledged the situation and said that she had tried to talk to the customer to have someone pick him up and tried to feed him bread and shakes. They also offered to pay for a cab home for him. Ms. Chilies took full responsibility and said that it was not their intention to over serve the gentleman. She said that he was not showing any signs of stumbling or slurring speech when she walked out of the restaurant with him. She said that she walked with him for a while to make sure that he was not getting into a car.

Mr. Sonner said that to him the math seems a bit off. He was not clear how five drinks over a number of hours could have led to the man blowing a .23. Ms. Chilies said that it was not clear how much he had consumed before coming to NYAJ. Mr. Sonner asked what they would do if they could do it over. Ms. Chilies said that she would call the Police to assist them.

Mr. Clough asked if the gentleman was in the bar section and if he had multiple staff serve him. Ms. Chilies said that he was at the end of the bar and that all their servers have lines of communication going so that they can keep track of how much someone has been served.

Ms. Green said that it seems the policy was not being adhered to and that they should retrain their staff. She noted she was not carded when she was there last week and that the policies they presented to the Board say that anyone looking younger than 35 should be carded.

Ms. Adachi asked if they have called the police for any instances in the past. They said not at the Acton store. Ms. Adachi asked if Ms. Chilies knew if the gentleman lived close by, and she said that he indicated that he lived up the street.

Mr. Clough asked about their policy of people coming and going in the bar area. They said that it is normal for patrons to go outside to smoke and come back in and that they just ask the patron to leave something of value.

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The Chief was asked for his recommendation and he felt that we should give them a warning. It was noted that in the condition the man was in, if the police had not found him, he may have frozen to death as it was very cold that evening.

Mr. Gowing – Moved to issue a warning to Not Your Average Joe's for this incident which will remain in their file. Mr. Clough – second. UNANIMOUS VOTE

UNIFORM FEE POLICY DISCUSSION

Doug Halley presented the revised Uniform Fee Policy. This policy has been used since 1996. This will provide a framework for setting any fees and for dealing with waivers. The policy is broken into four classes. He outlined the changes to the Uniform Fee Policy. Doug asked the board to adopt the changes.

Ms. Green said they look like improvements, and asked about the class 2 fees the current relationship between the town and schools. Doug said they are usually complicated issues so there haven't been any agreements made under the class 2 fees. Ms. Green also asked about the class 3 classifications and Doug said its mostly non-profit organizations. She also asked how frequently department calculate the hours required related to each fee. Doug said that they are required to revisit this issue every three years.

Mr. Gowing asked if the new policy would begin in July, and Doug said it will. Mr. Gowing also asked about calculating in the costs and saved time of switching to computer automated software. Doug said that the capital costs are factored into the fees and that they don't expect the time requirements to change drastically as most of the time is for enforcement, etc.

Mr. Clough asked how this document is used. Doug said it will be distributed to all department heads once approved by the Board of Selectmen.

Mr. Sonner thanked Doug and asked in the end what this will do will make the assessment of fees more accurate. Doug said that it will fine tune how the fees are calculated and, in making the fees more accurate, there may be some changes in the fee structures in certain departments.

Mr. Sonner – Move to approve the Uniform Fee Policy (with tweaks). Ms. Green – second. UNANIMOUS VOTE

A/B STUDENT PRESENTATIONS, SIEMENS CHALLENGE FROM THE A/B REGIONAL HIGH SCHOOL STUDENTS

Two teams from the High School presented on the projects they did for the Siemens Challenge. The first team looked at the impact of our food choices on climate change and the environment. They urged people to reduce their consumption of meat because of the costs to the climate. They discussed livestock farming and its effects on climate change as well as on our health.

Ms. Green thanked them for their presentation. She said that she was very impressed by their presentation skills and that it was very professional. She suggested that they look into large scale versus small farms and to perhaps promote the eat local movement.

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Mr. Gowing noted that they produced a fine presentation. He suggested that they use the term "climate change" instead of "global warming."

Mr. Sonner, Mr. Clough, and Ms. Adachi added their thanks and echoed the praise for the students' presentation.

The second presenters spoke about long haul truck mirrors, and their proposal to reduce drag in order to reduce consumption of fuel.

Mr. Sonner asked if the students had calculated out the expected fuel savings versus the cost of their proposed mirror. The students said they expect a return on investment within the first year.

Mr. Clough asked if they were required to create a new product for this challenge. The students said they were not required to do so but that is where their research led them.

Mr. Gowing offered his thanks and spoke about factoring in fuel consumption of trains. He also noted that the cabs of long-haul trucks are often owned by a different company than the trailer.

Ms. Green thanked them for their presentation. She suggested they start advocating for this change at the state and then take it to the trucking industry.

SITE PLAN #11/12/13-445 - JACOB ABRAHAM – 848 MAIN STREET

Mr. Gowing - Moved to continue to March 24, 2014 at 7:45 p.m. Mr. Sonner - second.
UNANIMOUS VOTE

SELECTMEN'S BUSINESS

DRAFT OPEN SPACE COMMENTS

Ms. Adachi explained that she and the Town Manager will draft a consensus letter once they have heard the opinion of the Board on the draft Open Space Plan.

Mr. Sonner said that the plan was excellent but that he'd like to see it aligned with our capital spending plans. He said that if you just read the plan you do not get an accurate sense of the town's commitment to protecting open space.

Mr. Clough asked who the audience is for the plan. Ms. Abe said it is mainly for the State. He noted that it was a very high quality draft.

Mr. Gowing commented on the quality of the draft and he thinks it will assist in obtaining state grants.

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Ms. Green had not had a chance to see the changes and she will direct questions to the OPS Committee once she has had a chance to review.

Mr. Sonner – Moved to authorize the Town Manager and Chairman to draft a letter to go in to the booklet which will go to the State. Mr. Gowing – second. **UNANIMOUS VOTE**

FY15 BUDGET DISCUSSION

Under the Town Charter, the Board must send a proposed budget to the Finance Committee by February 6th. Ms. Adachi said that the Board will take a vote on the budget at our February 3rd meeting.

Mr. Ledoux offered an introduction and overview of the budget.

Mr. Sonner clarified that this proposal is a 2.25% increase over FY'14 if we don't include the costs we will assume from APS. He asked if, from the ALG standpoint, there is recognition and agreement on how to account for the \$588k in APS costs that the town will take on. Mr. Ledoux said that there is no consensus yet and he noted that we have realized savings in Property Liability and Casualty and Workman's Comp insurances due to regionalization.

Mr. Clough said that taking the savings the town will see from regionalization into account with the costs we will assume from APS, then the net effect is \$388k in additional costs for the town. He noted that, adding this in, our proposed budget will be over 2.5% and that makes it more difficult, particularly if the school budget will come in above 2.5%.

Mr. Gowing said the schools have not factored in Workmen' Compensation and Administration costs and have set what they would pay for OPEB. He said that there are still a lot of moving parts to sort out at ALG.

Ms. Green asked if we factor in the \$388k, then our increase is close to 2.8 percent. Steve Barrett said the \$588k is already in the budget. She also asked what numbers ALG is using for expected revenue. Mr. Barrett said that they used the Governor's numbers for local aid.

Herman Kabakoff said that regionalization was sold in part by saying there would be savings and he would expect to see some of those savings going to the whole community.

Mr. Sonner supported regionalization last year based on savings going toward improving education, catching up on OPEB, and relief to current taxpayers.

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The Town Manager noted that in meeting with the school finance officer, they have not had their E&D certified yet.

Ms. Adachi said there are a lot of concerns about these issues.

SELECTMEN'S REPORTS

Mr. Sonner – The commuter rail station reconstruction project is about 6 months behind schedule. Estimated completion is now 2015. Acton 2020 sponsored a public forum on Transfer of Development Rights (TDR's) with a speaker from MAPC. There are a lot of options in how to implement this program.

Mr. Clough – CPC has heard all of the presentations and he noted that all of the requests add up to more than what is available so they will have to determine which projects to put forward this year.

Ms. Adachi –The Governor signed the special legislation amendment authorizing the ACHC to have associate members. The Regionalization Finance Oversight Subcommittee will meet and hear from Schools Finance Director Don Aicardi on questions about the FY15 budget. WRAC – Might be meeting on 2/5. The stormwater bylaw obviously won't be ready for April Town Meeting. The MMA annual conference was Fri-Sat, 1/24-1/25. The Governor appeared at a workshop on state/municipal budgets, urging MMA support for the pending OPEB legislation, which MMA opposes because of provisions that would take control out of local hands, requiring retiree health insurance coverage in towns that don't provide, require 50% surviving spouse coverage in towns that don't provide, prevent local governments from being able to change contribution rates for retirees. MMA says the MMA isn't the obstacle: public unions are. The MA Selectmen's Association - Michael Widmer was the featured speaker, with a special unscheduled appearance by Sen. Markey who perhaps had heard that Sen. Warren would be speaking later at the MMA annual meeting. Widmer said the short-term view was good, with a projected 4.9% growth in revenues for FY15. But in the long term, this is the dawn of a new era with more modest annual growth, a higher proportion of aging residents in MA and less population growth in MA than elsewhere in US, a lower percentage of job creation and less state leeway to provide local aid. Towns that face challenges earlier will do better than those that ignore them. Widmer on OPEB: most MA municipalities can't afford their OPEB obligations, though many are starting to tackle. MA Taxpayers Foundation agrees with the MMA that the Governor's proposed reform is inadequate: it doesn't address part-timers and takes away local authority to change premiums post-retirement, plus it's a weak reform package to start with. Even so, public unions oppose. Unions and other will need to grasp what is permanent change in reality. Municipal health reform has had significant impact on costs but took time and so will the OPEB resolution. Senators Markey and Warren: The FEMA floodplain remapping changes could drive up flood insurance costs for MA residents, so there is an effort in Congress to delay the effective date. And municipal bonds need to remain tax-free; a proposal to cap the tax-free portion was omitted from the latest budget, but it remains a contentious issue. Workshop on fiscal stewardship and sustainability: Mostly about OPEB but also touching on unfunded liabilities. Panelists from Pew Research, MA Taxpayers Foundation (not Widmer), Town of Brookline administration. Workshop on capital planning: panelists were members of Arlington FinCom, focused on Arlington's successful use for nearly 30 years of Capital Planning Committee whose members include Town staff and residents. Ms. Adachi will share slides

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Selectmen. Take-aways about OPEB from the fiscal stewardship workshop OPEB: 1) OPEB is problem that can't be solved through funding, need to makes changes in benefits; 2) need state legislation that changes OPEB eligibility standards; 3) in 2018, Affordable Care Act "Cadillac" tax on generous municipal coverage could become issue for some towns; 4) some municipalities and states are looking at insurance exchanges as option for pre-Medicare coverage—subsidy available. 5) rating agencies looking for municipalities to do something about OPEB, not to solve but to address. 6) in general, not just as to OPEB, develop long-term financial planning, with strong financial policies—a municipal task, not a FinCom task. Acton appears to be in much better shape than other towns represented at meeting.

Mr. Gowing – ALG – additions to the spreadsheet were questioned on both sides (school and town). We're trying to come up with easier ways to introduce new expenses and/or savings. Reported on by Janet. Cemetery commission – Cemetery commission met to discuss the repurpose thing of 2 old warrant articles to offset the cost of acquiring 66 Harris St. They requested additional time to consider it and will decide at their next meeting as they didn't have their full contingent of members. MPO – the discussion of what will appear on this year's TIP and LRTP were discussed. The decision to finalize the projects to be recommended going forward will be discussed in the February through May timeline. I'll notify people when there is an opportunity for public input. MMA – Robert DeLeo, speaker the house, spoke to the governor's house one budget and said – the cities and towns would get a better deal from the legislature. I attended a seminar on hoarding that was very informative.

Mr. Green – The School Committee discussed changes to Danny's Place. They will no longer have a permanent location and will focus more on special one-off programs. The School Committee selected Glenn Bard as the new Superintendent. She attended the MLK No Place for Hate breakfast which featured a guest speaker from Palestine.

CONSENT

Mr. Sonner - Moved to approve the Consent Items except 14 – Mr. Gowing - second.
UNANIMOUS VOTE

Mr. Clough held item #14. He had questions on what the town would use the paint donation for if CPC does not approve the request for funding to repaint Town Hall. Mr. Ledoux said they would find other uses for the paint within Town Hall.

Mr. Gowing - Moved to approve #14 as amended-Mr. Sonner- second. UNANIMOUS VOTE.

Christine Joyce
Recording Secty

K-25.92
Clerk
10 March 2014
Date

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BOARD OF SELECTMEN & SEWER COMMISSIONERS'

MEETING AGENDA

January 27, 2014

Executive Session

6:30 p.m.

Regular Session at 7:00 P.M.

Francis Faulkner Hearing Room

6:30 There will be a need for an Executive Session to discuss Strategy with respect to Litigation, TRB Development- 400 Mass Ave. CVS Site Plan #444 (Adachi)

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

- 1. 7:05 CHAIRMAN'S UPDATE/OPERATIONAL MINUTE**
The Chairman will briefly update the Board. The Town Manager will provide a brief report.
- 2. 7:20 NOT YOUR AVERAGE JOE'S, ALLEGED LIQUOR OVER SERVICE**
See enclosed materials
- 3. 7:35 UNIFORM FEE POLICY DISCUSSION**
See enclosed materials
- 4. 7:50 TWO SIEMENS CHALLENGE PRESENTATIONS FROM THE A/B REGIONAL SCHOOL STUDENTS**
- 5. 8:20 SITE PLAN #10/11/13-445 – 848 MAIN STREET, JACOB ABRAHAM, WOOD MANUFACTURE**
Continuation from January 6, 2014

Applicant wishes to continue to March 24, 2014 at 7:45 p.m.

SELECTMEN'S BUSINESS

6. DRAFT OPEN SPACE PLAN COMMENTS

7. FY 15 BUDGET DISCUSSION

See enclosed materials

SELECTMEN'S REPORTS

III. CONSENT AGENDA

8. ACCEPT BOARD OF SELECTMEN MINUTES, DECEMBER 16, 2013

See enclosed materials

9. WEST CONCORD DEVELOPMENT LLC. RELEASE/CONFIRMATION THAT ALL DEVELOPER'S OBLIGATIONS HAVE BEEN CONFIRMED

See enclosed materials

10. ONE DAY LIQUOR LICENSE, ST. ELIZABETH'S CHURCH FUND RAISER

See enclosed materials

11. EAGLE SCOUT COURT OF HONOR, PAUL LAPINSKI, FEBRUARY 9, 2014 FOR SELECTMAN ASSIGNMENT

See enclosed materials

12. BILL ROGERS VALENTINE RACE 5K RUN AND WALK THROUGH ACTON

See enclosed materials

13. ACCEPT GIFT, NATURAL RESOURCES DEPARTMENT

See enclosed a gift of \$170.00 from Addison Reed to be used for future conservation land trail projects

14. ACCEPT GIFT, BENJAMIN MOORE PAINT COMPANY

Gift of \$1,802.00 from Benjamin Moore Paint to be used for historic paint restoration of the Town Hall

15. ACCEPT GIFT, RECREATION DEPT.

See enclosed gift of \$240.00 from Kaminski family for funding the new playground at Goward Field

16. ACCEPT GIFT, PLANNING DEPT.

See enclosed a gift of \$2,000.00 from Robbins Brook affordable housing

17. DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY

See enclosed materials

18. SENIOR CENTER - DECLARE SURPLUS, POOL AND PING PONG TABLES

See enclosed materials

EXECUTIVE SESSION

ADDITIONAL INFORMATION

See enclosed 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 3

FEBRUARY 24

Minuteman Voc Update

Panera Bread Site Plan #3/5/13-441 252 Main St.
(Request for withdrawal)

PENDING MINUTES

PENDING COMMITTEE APPOINTMENTS

January 6, & 11, 2014

Sherman Smith – Land Stewardship - Sent to VCC 1/22
Brad Graham – sent to VCC – Historical Commission
Hongyu Lio sent to VCC – Economic Development
Connie Ingram – Sent To VCC – Cemetery Commissioner
Vandana Sharma – interested in sustainable housing – applicant will sit in on committee's to see what she feels would be appropriate for her interests

INTERVIEWED BY VCC

Robert Skilling - Senior Center Study Committee
Chris Hamilton – Senior Center Study Committee
Margaret Finary— Senior Center Study Com.
Warren Richmond — Various Interests will let us know

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<input type="checkbox"/>		020 (2) Not Your Average Joe's Alleged Over Serving Patron	manager	01/24/14	376 KB	
<input type="checkbox"/>		030 (3) Uniform Fee Policy Revisions	manager	01/24/14	124 KB	
<input type="checkbox"/>		031 (3) Uniform Fee Policy	manager	01/24/14	47 KB	
<input type="checkbox"/>		032 (3) Uniform Fee Policy Slide Presentation Materials	manager	01/24/14	225 KB	
<input type="checkbox"/>		040 (4) Siemens Challenge Presentation	manager	01/24/14	1 MB	
<input type="checkbox"/>		050 (7) FY15 Budget % Changes from FY14	manager	01/24/14	31 KB	
<input type="checkbox"/>		060 (8) Selectmen's Minutes, December 16, 2013	manager	01/24/14	86 KB	
<input type="checkbox"/>		070 (9) West Concord Development Release/Confirmation	manager	01/24/14	368 KB	
<input type="checkbox"/>		080 (10) One Day Liquor License, St. Elizabeth's	manager	01/24/14	77 KB	
<input type="checkbox"/>		090 (11) Boy Scout of Honor Eagle Scout, Paul Lapinaski	manager	01/24/14	30 KB	
<input type="checkbox"/>		110 (12) Road Race Permit, Marx Racing	manager	01/24/14	92 KB	
<input type="checkbox"/>		129 (13) Accept Gift, Natural Resources Department	manager	01/24/14	11 KB	
<input type="checkbox"/>		130 (15) Accept Gift, Recreation Department	manager	01/24/14	99 KB	
<input type="checkbox"/>		130 (16) Accept Gift, Planning Dept.	manager	01/24/14	27 KB	
<input type="checkbox"/>		140 (17) Disposal of Obsolete Materials - Memorial Library	manager	01/24/14	15 KB	
<input type="checkbox"/>			manager	01/24/14	58 KB	

150 (18) Declare Surplus, Council on Aging Pool Table and Ping Pong Table 

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