

Final

**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING
March 21, 2011**

**Acton Town Hall
Francis Faulkner Hearing Room
Meeting begins at 7:00 P.M.**

Executive Session 6:00 Room 126

Members Present: Lauren Rosenzweig, Michael Gowing, Terra Friedrichs, Pamela Harting-Barrat, Janet Adachi. Town Manager Steven Ledoux and Recording Secretary Christine Joyce. The public session was televised

Ms. Rosenzweig Morton announced the opening of this meeting of the Board of Selectmen in open session at 6:00 p.m. and said she will entertain a motion to enter into Executive Session to discuss strategy with respect to the Town landfill and Quail Ridge Country Club. Mr. Gowing – Moved to go into Executive Session. Ms. Adachi – second. Roll Call Taken by the Clerk, all Ayes

Ms. Rosenzweig Morton stated before the roll call vote to enter Executive Session:

- a. In the Executive session, the Selectmen will discuss Litigation and Real Estate Strategy with regard to the Landfill and Quail Ridge Country Club
- b. In each case, an open meeting may have a detrimental effect on the litigation 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

CITIZENS' CONCERNS

Franny Osmond asked the Board to approve her application for funding from the United Way. TAC approved the proposed application. The application for \$11,500 would enable the expansion of service. TAC needs the Board's approval in order to submit the application to the United Way for consideration.

Ms Friedrichs suggested that the application speak to an approach which channels the benefit to folks that are struggling with extraordinary income and/or physical challenges.

The Board voted unanimously to approve submitting the application to the United Way.

CHAIRPERSON'S UPDATE

Ms. Rosenzweig Morton spoke about what is happening in Japan and expressed wishes on behalf of the Town that they are able to bounce back from the devastation.

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Ms. Rosenzweig Morton thanked the public and voters for giving her their support to serve the Town, said she is honored to have served and said she has accomplished her two goals: no override and Exchange Hall Building improvements

OPERATIONAL MINUTE

Mr. Ledoux reported that three weeks ago, he and Franny Osman appeared before the MPO about grant funding for the commuter shuttle and Dial-a-Ride. The MPO supports funding for the shuttle because it does more to support the clean-air purpose of the grant. But Dial-a-Ride will not get funding for the second year because the first year started late and the MPO felt that it had not achieved enough ridership, although Mr. Ledoux noted that on some days the system is over-subscribed. Ms. Rosenzweig Morton is working on the issue. The warrant article includes general language to authorize funding from other sources, but the MPO option does not look promising.

PUBLIC HEARINGS & APPOINTMENTS

SENATOR ELDRIDGE AND REPRESENTATIVE CORY ATKINS

Senator Eldridge and Representative Atkins appeared to provide their annual update and answer questions.

Senator Eldridge will make calls to MPO regarding the funding for Dial-a-Ride.

Senator Eldridge said that the Senate budget will be out 5/1 with the vote mid-May. He and Representative Atkins are working on the budget, local aid, regional transportation, health and other services. He will be working on housing this session. The Governor's budget had deep cuts in human services; he hopes the Senate budget will restore funding. He expects 5% Cuts in Chapter 70 aid, in part because the Senate is unlikely to cut human services as the Governor has proposed. He is cautiously optimistic that SB90, the proposed amendment of the Community Preservation Act, will pass. He also is working on Chapter 90 bonding. He listed the committees he is on, including Environmental, Natural Resources and Agriculture; Global Warming; Mental Health.

Representative Atkins discussed her priorities: stabilize Chapter 70 funding and the local circuit breaker; early Intervention services for children who need help; and veterans' services. She requested 10 dogs to assist soldiers coming back from war. There are adult basic services which need to be funded.

Representative Atkins addressed the issue of re-districting: the state will lose a Congressional seat. There will be 12 hearings statewide, with a vote in the fall. The process will be very transparent and include groups representing different segments of the public, including Common Cause, different ethnic groups, etc. For more information, go to mass.gov/redistricting. She listed the committees she is on, including Rules Committee; Higher Education.

Mr. Gowing asked that the legislature give the Town a state aid number shortly. Senator Eldridge and Representative Atkins said they will get it as soon as possible to get it to the Town.

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**SPECIAL USE PERMIT – DANCE STUDIO, 930 MAIN STREET
WITH DRAWN BY APPLICANT**

Ms. Rosenzweig Morton opened the Public Hearing and noted the applicant had asked for a continuance. Mr. Gowing – Moved to continue the hearing to April 25th at 7:25 p.m. Ms. Harting-Barrat – second. UNANIMOUS VOTE

**CLASS II USED CAR LICENSE – 140 GREAT ROAD, WAY AUTO SALES, D/B/A SMART
DEAL**

Ms. Rosenzweig said that the applicant is related to her son's girlfriend, but she felt that she could be objective. The applicant said that he would be leasing the space at 140 Great Road and would comply with the parking plan for vehicles for sale as attached to the license.

Ms. Friedrichs – Moved to Approve. Mr. Gowing – second. UNANIMOUS VOTE

SPECIAL BOARD OF SELECTMEN

The Board will have a Special Meeting on Monday, March 28th at 7:00 p.m. in Room 204

ALG DISCUSSION/WARRANT DISCUSSION

Ms. Rosenzweig Morton spoke about the last ALG Meeting. She is confident in the assumption of funding at 2% below HB1. If the numbers come in low, adjustments can be made. The School Committee felt that a 3.5% increase in FY13 and FY14 will be necessary due to the pent-up need. Mr. Gowing noted that the Town is aggregating capital projects that it keeps putting off, and at some point there will be spike in the budget to address the accumulated need.

The Board continued taking positions on the warrant articles, first discussing Article 21, the petition respecting the duties of the Finance Committee. Ms. Rosenzweig reported that the FinCom did not recommend the article. Ms. Adachi noted that she had watched some of the FinCom discussion on television and the vote reflected divergent opinions about the need for FinCom to do more planning. She liked the idea of presenting financial information to Town Meeting in a more digestible form, though she was not sure whether the petition proposal was the answer.

Ms. Harting-Barrat said that years ago the FinCom presented the budget at Town Meeting, the FinCom members did not always agree, and there was much discussion before the shift from FinCom to the Board. She wished FinCom had supported the proposal.

Mr. Gowing said that one of the problems is that there should be language about reserves in the future, but without a crystal ball no one can be sure what they will be and the proposal might mean they would have to be locked in.

Charlie Kadlec, one of the petition proponents, explained that the petition merely seeks to clarify what the bylaw already provides. He said the long-range fiscal plan that the FinCom is supposed to prepare under the bylaw is different from the annual budget that the Acton Leadership Group prepares, and which focuses on the next fiscal year rather than the long-range. and said that the finance committee needs to make a three year fiscal plan.

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Ms. Friedrichs – Moved to recommend. Ms. Adachi – second for discussion. Motion fails 3-2
Ms. Friedrichs and Ms. Adachi Yea. The board will not recommend.

Ms. Rosenzweig Morton said that any board needing a room prior to Town Meeting should contact the Town Clerk.

OLD HIGH SCHOOL COMMONS LEASE

Mr. Ledoux updated the Board on the status of the project. Article 29 is on the warrant because the project may need Town Meeting action with regard to the length of the deed restriction. The lease language says 50 years but DHCD is insisting that the restriction be "in perpetuity." Town Counsel has been working with DHCD to find some middle ground. DHCD's attorneys have said that the "50 years" language would be acceptable as long as the 50 years start when the certificate of occupancy issues. The hope is that a compromise can be worked out before Town Meeting.

Ms. Rosenzweig Morton read the Agreement for Certified Vote to authorize the Town Manager to sign the Grant Agreement, the Lease and Regulatory Agreement.

Ms. Harting-Barrat – Moved to approve the Town Manager's signing on behalf of the Board of Selectmen. Mr. Gowing – second UNANIMOUS VOTE

CAOQUETTE CONSERVATION RESTRICTION COMMITTEE

Ms. Rosenzweig Morton proposed Gerry Palano as the Agricultural member on the Conservation Restriction Committee.

Ms. Adachi - Moved to approve the appointment before the board. Ms. Friedrichs.
UNANIMOUS VOTE

EAGLE SCOUT COURT OF HONOR – ERIC LEMAIRE

Ms. Harting-Barrat will attend

SELECTMEN' S REPORTS

Ms. Adachi reported on her committees and the meetings she attended.

Ms. Harting-Barrat spoke about the committees she oversees.

Ms. Rosenzweig Morton spoke about SATSAC and its progress.

Mr. Gowing provided an update on his committees. He mentioned the need for new parking meters at the train station. He discussed a Home Rule Petition to use funds from the train station to fund the shuttle and elevator at the station. Ms. Friedrichs reported on her committees and meetings she has attended; EDC met with Acton 2020 workshop and got a lot of feedback.

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CONSENT

Ms. Adachi called a hold on #12; pass over until we get more information from the Lions club

Ms. Harting-Barrat Moved to approve the Consent Agenda minus #12. Mr. Gowing - second.
UNANIMOUS VOTE

EXECUTIVE SESSION

Ms. Rosenzweig said she would entertain a motion to enter into Executive Session to discuss the Town Manager's Performance Review. Mr. Gowing – Moved to go into Executive Session. Ms. Adachi – second. Roll Call Taken by the Clerk, all Ayes

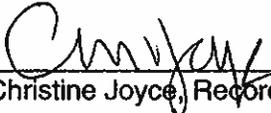
Ms. Rosenzweig Morton stated that before the roll call vote to enter Executive Session:

- a. In the Executive Session, the Selectmen will discuss the Town Manager's Performance Review
- b. And an open meeting may have a detrimental effect on the position of the Town or the Board.

Chair: would the clerk please call the Roll All ayes

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

The Board moved to adjourn, Roll Call taken by the Clerk. All Ayes. Meeting Adjourned



Christine Joyce, Recording Secretary



Clerk
Date: 26 April 2011

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Hearing Room

March 21, 2011

7:00 PM

Executive Session, 6:00 p.m. – 7:00 p.m. Room 126, Town Hall to discuss the purchase, exchange, lease, or value of real property with regard to:

- A. The landfill
- B. Quail Ridge Country Club

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:05 **CHAIRMAN'S UPDATE**
The Chair will briefly update the Board
2. 7:10 **OPERATIONAL MINUTE**
The Town Manager will provide a brief report
3. 7:20 **SENATOR ELDRIDGE AND REPRESENTATIVE ATKINS- BOARD UPDATE AND QUESTIONS FROM THE BOARD**
4. 7:40 **SPECIAL USE PERMIT, #2/10/11-432, DANCE STUDIO, 930 MAIN STREET**
[The applicant did not make the required notice to all persons and therefore, the hearing will have to be opened and continued to a date and time certain]
5. 7:55 **CLASS II USED AUTO DEALERS LICENSE, WAY AUTO SALES, D/B/A SMART DEAL, 140 GREAT ROAD**
Enclosed please find materials in the subject regard

III. SELECTMEN'S BUSINESS

6. **ALG DISCUSSION AND TOWN MEETING UPDATE**
Selectmen to continue taking position on warrant articles
7. **OLD HIGH SCHOOL COMMONS LEASE**
Enclosed please find materials in the subject regard

8. **CAOQUETTE-SIMEONE CONSERVATION RESTRICTION COMMITTEE**
Enclosed please find materials in the subject regard
9. **EAGLE SCOUT COURT OF HONOR, ERIC LEMAIRE, (MAY 30TH) NEED
SELECTMAN REPRESENTATIVE**
Enclosed please find materials in the subject regard
10. **SELECTMEN'S REPORTS**

IV. CONSENT AGENDA

11. **FEE WAIVER REQUEST, NARA PARK AMPHITHEATER, RELAY FOR
LIFE**
Enclosed please find materials in the subject regard
12. **FEE WAIVER REQUEST, LIONS CLUB TOWN FAIR, SCHOOL STREET
FIELD USE – [Passover, materials have not been submitted]**
Enclosed please find materials in the subject regard
13. **NATIONAL BRAIN TUMOR SOCIETY BIKE RIDE FUNDRAISER**
Enclosed please find materials in the subject regard
14. **ACCEPT GIFT, COMMUNITY SERVICES DEPARTMENT**
Enclosed please find a gift of \$740.51 from St. Matthews United Methodist
Church, 435 Central Street to be used to help fund the Serve Fuel
Assistance account
15. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$25.00 from Onyx Transportation, to be used
to support general Recreation costs
16. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$200.00 from Scheier & Katin, P.C., to be
used to help fund Big Rhythm and Beach Party events at NARA Park
17. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$100.00 from Ruth Lull, to help cover costs for
the Big Rhythm Wine event at NARA Park
18. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$6000.00 from Gould's Clothing to be used to
help cover costs for the Fireworks at the Town July 2, 2011 Fourth of July
Celebration

19. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$1500.00 from Enterprise Band, to be used to help cover costs of Acton Independence Day event scheduled for July 2, 2011.

20. ONE DAY LIQUOR LICENSE, FAMILY REUNION, NARA PARK

Enclosed please find materials in the subject regard

21. ONE DAY LIQUOR LICENSE, WEDDING REHEARSAL DINNER AT NARA PARK

Enclosed please find materials in the subject regard

22. APPROVAL OF DISCLOSURE BY SPECIAL MUNICIPAL EMPLOYEE

Enclosed please find materials in the subject regard

23. DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY

Enclosed please find materials in the subject regard

24. CONFIDENTIAL ONE DAY LIQUOR LICENSE, SURPRISE, EXCHANGE HALL

Enclosed please find materials in the subject regard

V. EXECUTIVE SESSION

There will be a need for an Executive Session at the conclusion of the Regular Session concerning the written performance evaluation of the Town Manager.

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 4, PRE-TOWN MEETING

Nothing scheduled at this time

MINUTES PENDING VOTES

January 8, 24, & 31 – February 14, 15 & 28

PENDING COMMITTEE APPOINTMENTS

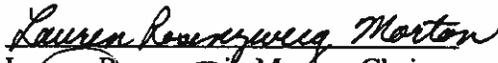
Remo Politano – Several committee's VCC waiting for him to choose one
Michael A. Luongo - Board of Appeals, Board of Health, Application sent to VCC
Steven Leo - Recreation Commission sent to VCC 11/19/10

RECORD OF VOTE OF THE ACTON BOARD OF SELECTMEN
March 21, 2011

At a duly called public meeting of the Acton Board of Selectmen on March 21, 2011, the Board voted as follows with respect to the Towne School property located at 3 Charter Road, Acton, Massachusetts (the "Property"):

To authorize the Town Manager, in consultation with Town Counsel, to finalize terms and conditions of (i) a Regulatory and Use Agreement/Acknowledgement, (ii) a Tri-Party Agreement, (iii) a Grant Agreement, and (iv) an Assignment, Assumption, and Third Amendment of Lessee's Interest in Old High School Commons Lease as well as any related documents concerning the Property (collectively, the "Transaction Documents"), to adjust the Term of the Lease that exists for the Property, to allow for an assignment of the Tenant's interests under the Lease and to address financing and transaction matters, all of which shall be, in the judgment of the Town Manager and Town Counsel, reasonable and acceptable for the Town of Acton and to present final drafts of all or any portion of the Transaction Documents to the Board at a future meeting for the Board's consideration and execution.

ACTON BOARD OF SELECTMEN



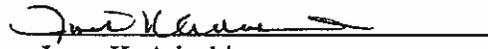
Lauren Rosenzweig Morton, Chair



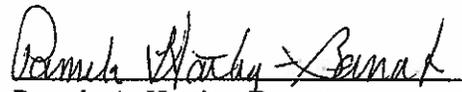
Terra Friedrichs



Michael Gowing



Janet K. Adachi



Pamela A. Harting-Barrat

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Agenda

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Edit Selected... Add... Refresh   

| <input type="checkbox"/> | Type | Title | Owner | Edited | Size | Actions |
|--------------------------|---|---|-------|----------|--------|---|
| <input type="checkbox"/> |  | 010 Agenda, Board of Selectmen, March 21, 2011 Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet | admin | 03/18/11 | 140 KB |     ▼ |
| <input type="checkbox"/> |  | 020 (2) Senator Eldridge's Subjects for Discussion Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet | admin | 03/18/11 | 48 KB |     ▼ |
| <input type="checkbox"/> |  | 030 (4) Special Use Permit, Dance Studio, 930 Main Street (postponed to April 21, at 7:25 p.m. at the Request of the Applicant) Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet | admin | 03/18/11 | 52 KB |     ▼ |
| <input type="checkbox"/> |  | 040 (5) Class II Used Car Dealer License, 140 Great Road, Way Auto Sales, d/b/a Smart Deal Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet | admin | 03/18/11 | 375 KB |     ▼ |
| <input type="checkbox"/> |  | 050 (7) Town School Lease Amendment Materials Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet | admin | 03/18/11 | 171 KB |     ▼ |
| <input type="checkbox"/> |  | 060 (7) Town School Lease Assignment Materials Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet | admin | 03/18/11 | 305 KB |     ▼ |
| <input type="checkbox"/> |  | 070 (7) Town School Lease Old High School Commons, Red Line Document Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet | admin | 03/18/11 | 2 MB |     ▼ |
| <input type="checkbox"/> |  | 080 (8) Caouette/Simeone Farm Conservation Restriction Committee Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet | admin | 03/18/11 | 36 KB |     ▼ |
| <input type="checkbox"/> |  | 090 (9) Invitation to a Boy Scout Eagle Scout Court of Honor for Erick | admin | 03/18/11 | 53 KB |     ▼ |

Lemaire

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|--------------------------|---|---|-------|----------|--------|---|---|---|---|---|
| | | Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet | | | | | | | | |
| <input type="checkbox"/> |  | 100 (11) Fee Waiver Request to Benefit the Relay for Life Concert, NARA Park | admin | 03/18/11 | 437 KB |  |  |  |  |  |
| | | Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet | | | | | | | | |
| <input type="checkbox"/> |  | 110 (13) Fund Raiser Bike Ride, Passing Through Acton for the National Brain Tumor Society | admin | 03/18/11 | 109 KB |  |  |  |  |  |
| | | Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet | | | | | | | | |
| <input type="checkbox"/> |  | 120 (14) Accept Gift, Serve Fund | admin | 03/18/11 | 27 KB |  |  |  |  |  |
| | | Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet | | | | | | | | |
| <input type="checkbox"/> |  | 130 (15) Accept Gift, Recreation Department | admin | 03/18/11 | 30 KB |  |  |  |  |  |
| | | Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet | | | | | | | | |
| <input type="checkbox"/> |  | 140 (16) Accept Gift, Recreation Department | admin | 03/18/11 | 33 KB |  |  |  |  |  |
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| <input type="checkbox"/> |  | 150 (17) Accept Gift, Recreation Department | admin | 03/18/11 | 31 KB |  |  |  |  |  |
| | | Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet | | | | | | | | |
| <input type="checkbox"/> |  | 160 (18) Accept Gift, Recreation Department | admin | 03/18/11 | 35 KB |  |  |  |  |  |
| | | Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet | | | | | | | | |
| <input type="checkbox"/> |  | 170 (19) Accept Gift, Recreation Department | admin | 03/18/11 | 32 KB |  |  |  |  |  |
| | | Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet | | | | | | | | |
| <input type="checkbox"/> |  | 180 (20) One Day Liquor License, NARA Park | admin | 03/18/11 | 99 KB |  |  |  |  |  |
| | | Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet | | | | | | | | |
| <input type="checkbox"/> |  | 190 (21) One Day Liquor License, NARA Park | admin | 03/18/11 | 121 KB |  |  |  |  |  |
| | | Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet | | | | | | | | |
| <input type="checkbox"/> |  | 200 (22) Disclosure of Financial Interest by Special Employee, Dennis Loria | admin | 03/18/11 | 73 KB |  |  |  |  |  |
| | | Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet | | | | | | | | |
| <input type="checkbox"/> |  | 210 (23) Disposal of Obsolete Materials, Memorial Library | admin | 03/18/11 | 39 KB |  |  |  |  |  |
| | | Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet | | | | | | | | |