

Final

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING
February 6, 2012

Acton Town Hall
Francis Faulkner Hearing Room
7:00 P.M.



Present: Mr. Gowing, Ms. Harting-Barrat, Ms. Adachi, Mr. Clough, Mr. Sonner calling in remotely and Town Manager Steven Ledoux, Recording Secretary Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

None.

CHAIRMAN'S UPDATE AND TOWN MANAGER'S OPERATIONAL MINUTE

Mr. Gowing noted the upcoming Winter Carnival at NARA Park. "Today in America" has approached Acton about doing a piece about the Town as a hidden jewel. Three Acton candidates are running for two openings on the School Committees; there is one candidate each for the Selectmen, Memorial Library Trustee, Acton Housing Authority, Acton Water District and Town Moderator.

Mr. Ledoux reported that four of eight unions have ratified the proposed health insurance plan changes, including the patrol superior officers, school office workers. Highway workers will vote next will vote by Tuesday. The school employees are voting on Tuesday as well. The agreed upon deadline is 2/10. The Board will have a joint meeting with the Finance Committee on 3/6 about Minuteman Technical Institute, including the school's proposal to amend the FY12 assessments of member schools to cover repairs over the summer. The first recognition ceremony for long-time Town employees will be on 3/8.

PUBLIC HEARINGS & APPOINTMENTS

MIRACLE FIELD PRESENTATION

Mr. Gowing introduced the proponents, Acton residents Lauren and Andy Richardt, speaking on behalf of Miracle Field of Massachusetts, a non-profit organization. Miracle Field provides playing fields for children, ages 5-18, with physical and other disabilities, and the Massachusetts organization hopes to create the first New England Miracle Field in Acton. They started in 2008 with 42 participants and currently are up to 105 on six teams. Junior high and high school students volunteer to work as "buddies" with the children. The group is currently using the Blanchard Memorial field but the field is not safe, even for able-bodied children, is surrounded by a marsh and there are no fences to protect children from the marsh or traffic. They approached the Acton Recreation Commission and Mr. Gowing about building a field at NARA that would be safe and inclusive. The idea would be to start with children and expand to include adults; in other parts of the country, veterans and other adults have discovered Miracle Fields

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and started using them. The Massachusetts organization currently is fundraising and would like to start construction this summer.

Mr. Sonner, as Board liaison to the Recreation Commission, asked if the field would be for the exclusive use of Miracle Field users. Ms. Richardt said the use would be prioritized, with Miracle Field users on Saturday, and others welcome to use the field during the week.

Mr. Gowing noted that Miracle Field is hoping the Town will donate the land for the field. Others are prepared to donate the engineering and other services. The organization has raised \$210,000 thus far and is hoping to raise \$425,000 or the equivalent in in-kind services. The field is durable, low-maintenance, and has a life of 15-20 years.

Mr. Clough asked whether the field was comparable to the size of Little League field: yes. Ms. Harting-Barrat asked about the availability of shade other than trees; Ms. Richardt said the dugouts will be covered, the teams play in the morning when it is cooler, do not play in the summer, and are provided with water. Ms. Adachi asked whether the plan was to use the field more of the day and who would coordinate use of the field by others in the community; the Richardts confirmed that the field would be used more of the day, and the Recreation Department would coordinate the use of the field by other groups.

Ms. Richardt noted that the surface can be used for basketball and soccer, and organizations in other parts of the country are developing multi-purpose fields.

Franny Osman asked whether there would be running water and toilets on-site. Mr. Gowing said that there is water on-site but there has been discussion of providing facilities other than the current portable ones, especially for people who need assistance in the facilities.

NURSING SERVICE CONSULTANT, ADVOCARE, Inc.

Mr. Ledoux summarized the events leading to the hiring of consultant Advocare. The Town Manager's budget for FY13 has recommended \$400K for the Acton Nursing Service. Mr. Clough suggested that some operational metrics would be helpful to the Selectmen and other boards in deciding what the support for the Nursing Service should be. Mr. Ledoux put out a request for proposals and hired Advocare, whose principal, Sandra Klapprodt, has had to do an analysis and report in a very short time.

Ms. Klapprodt provided a slide presentation on the findings, based on information she collected with help from the Nursing Service "Tiger Team," to whom she presented the findings earlier. Among the findings: the number of referral sources has increased but the number of referrals has declined; the utilization data were unavailable; no strategic marketing plan is in place and there is market competition; the net loss per visit has been increasing since FY09, which does not reflect on the quality of care, which is commendably above average, but means the internal mechanisms of the Nursing Service have not been adapting to the changing climate; revenue numbers based on past revenues do not account for the payor-mix changes; salary cost per visit exceeds the revenue generated per visit; to break even for FY12, the salary cost would have to drop 40% but even then the Nursing Service would not be viable due to the insufficiency of billable visits; the Nursing Service needs to increase revenue in order to be viable.

John Petersen asked whether all of the slides reflected fiscal years or calendar years: fiscal.

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Ms. Harting-Barrat asked whether Acton could incorporate other services, such as palliative care, and whether other towns provide these services. Ms. Klapprodt discussed hospice care with the Tiger Team but it has not been pursued. Ms. Harting-Barrat asked about marketing and said now was the time to get professional marketing help.

Mr. Sonner asked whether referrals drive visits that generate fees. Ms. Klapprodt confirmed that more referrals would help with visits, but you also need to consider the payor mix. Mr. Sonner also asked how increasing marketing and increasing the number of visits will help if the Town is losing money with each visit. Ms. Klapprodt said that increased volume can increase the payor mix, which in turn can help you get more of the payors you want.

Mr. Gowing asked why there is only one doctor among the top six referral sources. Ms. Klapprodt said there are many referring doctors but only one among the top six referral sources.

Mr. Clough asked whether the Town has to provide all of the services for an "episode" or can omit the unprofitable part. Ms. Klapprodt said the Town must provide all of the services that the referring physician requires. Mr. Clough asked whether if marketing increases and the Town uses per-diem staff to provide services, that will help to get the Nursing Service to profitability. Ms. Klapprodt said that requires more analysis that was not possible due to the unavailability of certain data.

Ms. Adachi asked whether the Medicare "above average" classification of the Nursing Service and other services in the Appendix A list of services available in the area and in the Town, means that the competing services are comparable. Ms. Klapprodt said yes, based on the Medicare standards for that classification. Health Director Doug Halley noted that only the Nursing Service and Parmenter had received Home Care Elite Awards.

Mr. Halley also noted that the Nursing Service is seeing an increase in people receiving free care, currently 12% of the caseload; Heather Hurley of the Nursing Service explained that the free-care patients are only in Acton and include people who choose not to have insurance or who have MassHealth coverage that does not include home care, and the Nursing Service limits the care it provides in such cases.

Charlie Kadlec noted that the total cost per visit has not changed much in several years, and asked about the reasons for the decreased revenues resulting in the increased deficit. He also echoed Mr. Sonner's question about whether increasing referrals will just increase losses.

Elaine Gardner, a nurse with the Nursing Service for four years, asked about net loss per visit. She said the Nursing Service provides a reliable, quality service and she believes that it can be profitable again. Marketing is paramount.

ALL ALCOHOL LICENSE AS A COMMON VICTUALLER, BEYOND BORDERS TEX-MEX RESTAURANT, 103 NAGOG PARK

Mr. Nogueira appeared with his attorney. He is aiming to have a family restaurant with more seating and less standing at the bar. He has completed TIPS training and will be sure that all staff members are certified. Ms. Harting-Barrat – Move to approve the Full Liquor License as a Common Victualler. Mr. Clough – Second. Clerk roll call: Ayes, 5, Nays, 0. UNANIMOUS VOTE.

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**APPLICATION FOR A CLASS I CAR DEALERS LICENSE SANTILLI ENTERPRISES, INC.,
D/B/A VILLAGE SUBARU, 50 POWDER MILL ROAD**

Leo Bertolami introduced Ron Santilli and provided background on the license application. The facility will be an extension of the facility across the street. The Conservation Commission has reviewed the proposal. Mr. Gowing – Move to approve the Class I Car Dealer's License at 50 Powder Mill Road. Ms. Harting-Barrat – Second. Clerk roll call: Ayes, 5, Nays, 0.
UNANIMOUS VOTE

SELECTMEN'S BUSINESS

**BOY SCOUT COURTS OF HONOR FOR WILLIAM CHRISTOPHER FULBROOK HANNA,
COLIN ANDREW MCKINLEY, MICHAEL ALEXANDER SZEWDZYK, MARCH 7, 2012**

Ms. Adachi will attend on behalf of the Board.

SELECTMEN'S REPORTS

Mr. Sonner – Acton 2020 will do a presentation of the master plan at its 3/6 meeting. The Recreation Department and Recreation Commission had a successful Winter Carnival. The MBTA is a month or so behind in getting the bids out for the South Acton train project; the original plan was to break ground in June. The Transportation Advisory Committee is pursuing a number of grants as well as new member for the committee. The Sidewalk Committee has postponed until March the vote on sidewalk rankings, and is moving ahead with plans for High Street and Martin Street. Where the Town budget is concerned, he is more concerned about the Town's long-term financial position, and would like the Board and the rest of the Town to be more aware.

Mr. Clough – Agrees with Mr. Sonner regarding the budget and need for the Board to be prepared at Town Meeting. The Design Review Board cancelled its latest meeting. Jeff Hall of the Economic Development Committee is looking to get Jessica Robertson of the MAPC to do a presentation; EDC also is trying to stay informed about the K-Mart and McDonald's site, hoping to learn why temporary signs are on hold and whether they can be enforced, planning to put out a document on how to get a sign permit in Acton, and working with the Assistant Town Manager on setting up an electronic directory for businesses.

Ms. Harting-Barrat – The Planning Board hearing on zoning bylaw articles will be on 2/21, including a proposal to allow pharmacy drive-throughs; the articles will require a 2/3rd vote at Town Meeting. The Schools, like the Town, are in the midst of budget review.

Ms. Adachi – Nancy Tavernier of Acton Community Housing Corporation reports that that the Old High School Lottery received 125 applications for 15 apartments. The proposed Bruce Freeman Trail crossing of Route 2 has Concord representatives strongly supporting the diagonal configuration, following the tracks, and Acton Planning Director Roland Bartl and Ms. Adachi, plus MA-DOT, preferring the shorter perpendicular configuration. MA-DOT wants Acton-Concord consensus before moving forward, so Mr. Bartl will be conferring with the Concord Town Planner. Since the Community Preservation Committee heard the Lower Fields project on 1/26, and several members expressed concerns based on Town Counsel's advice, the proponents have changed the funding proposal to provide for Regional District bonding and

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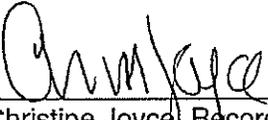
a cash contribution, with the skate park perhaps being the only component still before the CPC. Mr. Ledoux already has reported on the ongoing ratification by unions of the health insurance changes; Mr. Ledoux added late-breaking news that the Dispatch workers also have ratified.

Mr. Gowing – Senior Center Building Committee met this morning regarding two discussion groups about proposed community uses. At the MAGIC meeting, Franny Osman was appointed to RTAC. Maynard has purchased the Maynard Country Club and is looking for a manager. Littleton is in discussion with a developer about the Cisco land off Route 119 and a possible retail complex; the development probably would involve improvements to Route 119. He will be reviewing and making assignments of Selectmen to warrant articles in the near future.

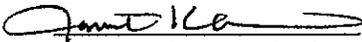
CONSENT

Items 14, 21 – held by Mr. Clough for further explanation/clarification. Ms. Adachi – Move to approve. Ms. Harting-Barrat – Second. Clerk roll call: Ayes, 5, Nays, 0. UNANIMOUS VOTE

Move to adjourn at 9:30 p.m. Clerk roll call: Ayes, 5, Nays, 0. UNANIMOUS VOTE.



Christine Joyce, Recording Secretary



Janet K. Adachi, Clerk

Date: 7 May 2012

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Hearing Room
February 6, 2012
7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:05 **CHAIRMAN'S UPDATE AND TOWN MANAGER'S OPERATIONAL MINUTE**
The Chair and Town Manager will briefly update the Board
2. 7:15 **MIRACLE FIELD PRESENTATION.**
Enclosed please find materials in the subject regard
3. 7:30 **NURSING SERVICE CONSULTANT, ADVOCARE, INC.**
Enclosed please find materials in the subject regard
4. 8:05 **ALL ALCOHOL LICENSE AS A COMMON VICTUALLER, BEYOND BORDER TEX- MEX RESTAURANT, 103 NAGOG PARK**
Enclosed please find materials in the subject regard
5. 8:25 **CLASS I CAR DEALERS LICENSE, 50 POWDER MILL ROAD(FORMER PRESCOTT BUILDING), SANTILLI ENTERPRISES, INC. DBA VILLAGE SUBARU**
Enclosed please find materials in the subject regard

III. SELECTMEN'S BUSINESS

6. **BOY SCOUT COURTS OF HONOR, WILLIAM CHRISTOPHER FULBROOK HANNA, COLIN ANDREW MCKINLEY AND MICHAEL ALEXANDER SZEWCZYK, BOARD ASSIGNMENT FOR MARCH 7, 2012**
Enclosed please find materials in the subject regard
7. **SELECTMEN'S REPORTS**

18. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift bag valued at \$132.00 from AAA of Acton, to be used as a prize to be used for funding the Goward Field Playground Project

19. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$605.90 from various contributors to be used for funding the Goward Field Playground Project

20. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find \$375.00 from various contributors to be used for funding the Goward Field Playground Project

21. ACTON GARDEN CLUB ANNUAL PLANT SALE, REQUEST THE USE OF TOWN COMMON AND "RED HOUSE" LAWN, AND PERMISSION FOR THE PLACEMENT OF TWO SANDWICH BOARDS 14 DAYS PRIOR TO THE SALE

Enclosed please find materials in the subject regard

22. DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY

Enclosed please find materials in the subject regard

V. EXECUTIVE SESSION

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>FEBRUARY 27</u>	<u>MARCH 12</u>	<u>MARCH 26</u>
Siemens Challenges	Site Plan continued. #7/6/11-433 Powder Mill	
Parking Fees, train station meters and stickers Amend Traffic Rules and Orders, West Acton		

PENDING MINUTES

January 8, October 17, December 5, 19, 2011

January 7, 9, 23, 30, 2012

PENDING COMMITTEE APPOINTMENTS

None

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<input type="checkbox"/>	Type	Title	Owner	Edited	Size	Actions
<input type="checkbox"/>		010 Agenda, Board of Selectmen, February 6, 2012 Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	02/03/12	138 KB	     ▼
<input type="checkbox"/>		020 (2) Miracle Field Presentation Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	02/03/12	78 KB	     ▼
<input type="checkbox"/>		025 (3) DRAFT Operational Analysis, Acton Public Nursing Service Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	02/03/12	772 KB	     ▼
<input type="checkbox"/>		030 (4) All Alcohol License, Beyond Border Tex-Mex Restaurant, 103 Nagog Park Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	02/03/12	2 MB	     ▼
<input type="checkbox"/>		040 (5) Class I Car Dealer's Application, Santilli Enterprises, Inc, 50 Powder Mill Road Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	02/03/12	1 MB	     ▼
<input type="checkbox"/>		050 (6) Invitation to Boy Scout Eagle Court's of Honor Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	02/03/12	90 KB	     ▼
<input type="checkbox"/>		060 (10) One Day Liquor License, St. Elizabeth's Fund Raising. Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	02/03/12	188 KB	     ▼
<input type="checkbox"/>		070 (11) Support for the Boston Brain Tumor Fund Riding through parts of Acton Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	02/03/12	110 KB	     ▼
<input type="checkbox"/>		080 (12) Library Volunter Appreciation Week Proclamation Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	02/03/12	46 KB	     ▼

<input type="checkbox"/>		090 (13) Accept Gift, HDC Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	02/03/12	17 KB	
<input type="checkbox"/>		100 (14) Accept Gift, Planning Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	02/03/12	112 KB	
<input type="checkbox"/>		110 (15) Accept Gift, Recreation Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	02/03/12	116 KB	
<input type="checkbox"/>		120 (16) Accept Gift, Recreation Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	02/03/12	200 KB	
<input type="checkbox"/>		130 (17) Accept Gift, Recreation Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	02/03/12	37 KB	
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<input type="checkbox"/>		150 (19) Accept Gift, Recreation Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	02/03/12	93 KB	
<input type="checkbox"/>		160 (20) Accept Gift, Recreation Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	02/03/12	114 KB	
<input type="checkbox"/>		170 (21) Acton Garden Club Request the Use of the Town Common and Placement of two signs Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	02/03/12	95 KB	
<input type="checkbox"/>		180 (22) Disposal of Obsolete Materials, Acton Memorial Library Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	02/03/12	40 KB	

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Whereas two Board members (Mr. Gowing and Ms. Adachi) currently have no health or dental insurance benefits through the Town; however one Board member (Ms. Harting-Barrat) currently has dental insurance coverage through the Town; a second Board member (Mr. Sonner) has a spouse who is employed by the Town as a teacher in the Acton public schools and who is a member of the teachers' union; and a third member of the Board (Mr. Clough) currently has health insurance coverage through the District through his District-employed spouse, and the Town and the District are participating governmental units on health insurance matters under the Health Insurance Trust Agreement.

Whereas, three of the Board's members therefore have actual or potential conflicts and are disqualified from participation in the Chapter 69 Evaluation and/or the Chapter 69 Process conducted by the Board on behalf of the Town; the Board lacks a quorum to act in a timely manner on the Chapter 69 Evaluation and the Chapter 69 Process; and the lack of a quorum is solely due to members being disqualified by conflicts as set forth above.

Whereas, in these circumstances, Town Counsel has advised that the Board invoke the Rule of Necessity relative to the Town's Chapter 69 Evaluation and Chapter 69 Process, and such advice is consistent with the advice provided by the General Counsel of the State Ethics Commission to the General Counsel of the Executive Office for Administration and Finance dated September 2, 2011 on the same subject.

NOW THEREFORE, Pamela Harting-Barrat moves that the Acton Board of Selectmen invoke the Rule of Necessity to allow Board members, who would otherwise be disqualified, to participate in and deliberate at a meeting of the Board held concurrently with meetings of the Acton Public School Committee and the District's School Committee relative to the Health Insurance Trust's Chapter 69 Evaluation and other issues related to Municipal Health Insurance Reform as they may pertain to the Town of Acton; and further moves that the Board's minutes shall reflect that the Board would otherwise lack a quorum to participate in such a meeting or conduct such deliberations because of such disqualifications, and that the Rule of Necessity is being used to allow the Board to validly participate in and deliberate with respect to these matters.

So Moved by Selectman Harting-Barrat
 Seconded by Selectman Clough
 Record of Vote:

Selectman	Yes	No	Abstaining	Taking No Part
Mike Gowing	✓			
Janet K. Adachi	✓			
Pamela A. Harting-Barrat	✓			
John Sonner				✓
David Clough	✓			

The foregoing is an accurate record of the proceedings of the Acton Board of Selectmen on November 3, 2011.

Janet K. Adachi
 Janet Adachi, Clerk