

April 27, 2001

TO: Board of Selectmen

FROM: F. Dore' Hunter, Chairman

SUBJECT: Selectmen's Report

**May 8, 2001
in Room 204**

I. CITIZEN'S CONCERNS

Senator Pam Resor will be attending to present the Town with a check

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:33 **COMMITTEE APPOINTMENT – SCOTT TOUSLEY** – Enclosed please find Mr. Tousley's volunteer application and VCC recommendation for appointment as an Associate Member of the Planning Board for a term to expire 6/30/02.
2. 7:35 **CONTINUED HEARING FROM APRIL 24, 2001 – SITE PLAN SPECIAL PERMIT #02/23/01-375 – 182 Great Road** – Enclosed please find materials and Staff comment.
3. 8:00 **TOWN COMMON MEMORIAL PARK** – Members of the Committee will be available to present their ideas for Board consideration.
4. 8:15 **SENATOR DURAND'S OFFICE WILL MAKE AN OFFICIAL PRESENTATION ON COMMUNITY PRESERVATION FUNDING.**
5. 8:45 **RE-PRECINCTING** – The Acting Town Clerk will make presentation in the subject regard. Enclosed please find materials

III. SELECTMEN'S BUSINESS

- 6 **GOALS AND OBJECTIVES** - Please review a memo from the Chairman concerning this subject matter.
7. **SELECTMEN'S SCHEDULE** – Please review a memo from the Chairman concerning this subject matter.
8. **INTERIM SEWER BONDS** – To determine if the Board wishes to issue \$12,711,730 of interim bonds to the Water Pollution Abatement Trust.
9. **EAGLE SCOUT COURT OF HONOR** – The Board may wish to send a representative to the Court of Honor being held for Andrew T. Brommelhoff on June 3, 2001
10. - **OTHER BUSINESS**

IV CONSENT AGENDA

- 11. ACCEPT GIFT** – Enclosed please find two requests from the Citizens Library for acceptance of contributions and "In memory of Phyllis Span" for Board action.
- 12. ACCEPT GIFT** – Mr. John Feely and Ms. Doris Ricci have sent a check for \$100.00 in appreciation of the work the Emergency Management staff does for the community for acceptance by the Board.

V. TOWN MANAGER'S REPORT

- 13. CURRENT FISCAL YEAR BUDGET STATUS REPORT** – The Manager will report on the status of this year's budget.

V1 EXECUTIVE SESSION

- 14. AN EXECUTIVE SESSION WILL BE REQUIRED FOR A STATUS REPORT ON LABOR NEGOTIATIONS**

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.

May 22 –Com. Vic. – Julie's Place - EDC- Hanscom Field update - Planning Board - Fiscal Impact Study Group Presentation

June 5

June 19

GOALS 2000-2001

1. To obtain facilities plan and bring to Fall Town Meeting. (Dore')
2. Determine future of Vallencourt House - 17 Woodbury Lane. (Herman)
3. Revisit the 2020 process and review make-up and consider expand or reduce the membership. (Peter)
4. Provide looking at salary levels in the organization, include liaison with Personnel Board (Trey /Peter)
5. Review Board of Health duties to expand its role so it becomes a more visible department. (Pam)
6. Formulate charge and suggested membership list for a "Long Range Planning Committee" (Ashton):

FY 2000 GOALS carried forward

7. Develop a comprehensive Beaver Nuisance policy (Pam)
8. Work with the Planning Board to implement the goals, objectives and strategies of the Master Plan update (Peter/Trey)

revised 9/26/00

SELECTMEN'S MINUTES

May 8, 2001

Present: Peter Ashton, Trey Shupert, F. Dore' Hunter, Walter Foster, Town Manager and Assistant were present. Ms. Harting-Barrat was absent. The Meeting was televised.

CITIZEN'S CONCERNS

None Noted

PUBLIC HEARINGS & APPOINTMENTS

Committee Appointment – Scott Tousley as Associate Member of the Planning Board. The Board interviewed Mr. Tousley. TREY SHUPERT – Moved to appoint Mr. Tousley as an Associate Member of the Planning Board with a term to expire 6/30/02. No second. Motion fails – It was noted that we had several candidates to interview before they can make their appointment as they have others in the pipeline for this position.

Site Plan Special Permit – 02/23/01-375 – 182 GREAT ROAD – Auto car care center and 10 seat Restaurant. Robert Moran is planning on changes to the Files Equipment site. It was in the past a heavy duty equipment sales and service business. They will remove the existing building and replace it with a new building. They will be installing devices and equipment that deal with storm water. He will let the Board determine whether they will be required to build a side walk or donate \$2,500 to the Rail Trails or sidewalks in other parts of Town. The applicant is willing to discuss a traffic study or in lieu of the study he has offered \$2,500 if they want the study or donate the amount to Rail to Trail project will be the Board's choice. Dore' wanted to have the car storage area noted on the plan. Walter asked if engineering comments 12 and 13 noting that the applicant notes that it is not in a critical area. He also questioned the berm. They noted that it will not be useful here due to the elevations and they do not feel it is needed so they did not include. They have done drainage calculations that the catch basin can take the proposed flow with out it going off the pavement. TREY SHUPERT – Moved to take under advisement – WALTER FOSTER – Second. UNANIMOUS VOTE

Town Common Memorial Park – The committee made a presentation to the board. They are asking for the Board's support in developing the park. They want a preliminary approval so that they can move forward. Peter asked whether they had contact with HDC regarding this. Oscar Kress said they have met with them and will work it out with HDC. Peter asked that the town staff be involved in this process. Trey cautioned that they include HDC and get necessary approvals and come back to the Board.

Secty Duran's Office – Presentation on Community Preservation - Jamie Hellen outlined Build out and Analysis, the Guide Book of Executive 413 Community Development Planning and Community Preservation Act.

He noted we should be thinking out of our immediate area with regard to growth. They have done 20 summits and outreaches and Super Summits to discuss growth. They have been presenting these build outs to all communities. They have asked what

do we want to preserve and what do we want to change. He said the real reason they are here tonight is to talk about development and Executive Order 413, which will allow access to \$30,000 to Community planning services. These monies could go toward planning efforts already done in the past. The Act requires local adoption and establishes up to 3% surcharge and requires 10% of the monies to be spent on each of the three categories. The annual State match available this year will be \$26,000,000.

Lori Connors – Discussed the MAPC Build out analysis process- They only take into account vacant land build-outs. They do not take into account a time frame because of changes in commercial and housing. It is a snap shot if every thing remains the same. They have updated maps with Planning to be sure they address them correctly and to discuss mix uses.

She explained the Maps. Map 1 shows vacant land as white which are vacant lands and are considered developable. The colored shows developed. It shows sub-division and town owned lands and permanently un-developable. Map 2 is a mirror of 1 and shows different development uses. Map 3 is a simplified version of Maps 1 & 2. showing developing land and permanently protected and already developed land. The brochures list the bottom line. They have concluded that there are 996 new dwelling units that could be developed. They further developed data which said 2,528 people would live here and an additional 542 students could live in those units. Commercial square footage of space was assumed approx. 92800 sq. could be developed. She noted the information and how it could be used.

Chairman Ashton asked for clarification on how the \$30,000 could be used. He responded that they could use it for GIS services and they are mentioned they will be in the guidebook. Acton is ahead of the game in our planning. Peter noted some of the major discrepancies in their figures. He noted the student population figures as one figure that is not correct. He was concerned that in fill had not been addressed.

Matt Liebman asked about the \$30,000 being used to develop maps. They noted that they could use it for map development. Matt suggested that they apply for the \$30,000 to assist the open space land project which needs this type of maps. He also spoke about in-fill. He asked about the amount of monies. They replied \$26,000,000 this year, but cannot guarantee the amounts.

Re-Precincting – The Acting Town Clerk asked that the Board adopt the Redistricting Plan. This plan adds one more precinct that is required because of the Town's new census numbers. DORE' HUNTER – Moved to approve the plan as presented. TREY SHUPERT – Second. UNANIMOUS VOTE

SELECTMEN'S BUSINESS

Goals and Objectives – All agreed with the Goals and Objectives as developed by Peter.

Selectmen's Schedule – Approved by the Board

Interim Sewer Bonds – John noted the vote that must be taken in the subject regard. DORE' HUNTER – Moved to adopt the Motion as written [*this vote is attached to the end of these minutes*] TREY SHUPERT - Second. UNANIMOUS VOTE. DORE' HUNTER - Moved that Walter is nominated to sign in the Clerk's absence. TREY SHUPERT – Second. UNANIMOUS VOTE.

Eagle Scout Court of Honor – Peter to attend.

Other Business: Peter will attend a meeting tomorrow regarding EDIC Home Rule Petition hearing.

Route 27 Corridor Study – Board comments are due before the end of May. They may want to have the consultant come in and answer questions. It was noted that the comments should come from the Board, not individual members. It was noted that the Board may want to have Garry and Roland attend this meeting as well as HDC.

Peter has been asked by school committee to send a letter about Ed reform need. Peter will draft a letter.

Peter noted that the Fire Chief's car is now not running well. Don explained they are trying to repair it first.

Trey spoke about a letter from Mill Corner to extend the pipe up to a point that would make it easier to connect into. He is in favor of getting 34 houses on line, however, he thinks it should be deferred to Don Ouelette.

Dore' asked to speak about the Public Safety Facilities Steering Committee – DORE' HUNTER – Moved to appoint the list of 5 additional residents. This will bring it up to a group of 13 TREY SHUPERT – Second. UNANIMOUS VOTE.

Jon Chinitz asked that he be appointed to the committee as a second FinCom member. This request was added to the original motion.

Dore' asked that task force for renovation and the 2A/27 group be combined and ratified and to establish a financial taskforce, DORE' moved to authorize a financial task forces to be co-chaired by John Murray and Charlie Kadlec, and to set up a separate dispatch task force. Co-chaired by the two Chief's. And to rename the Fire response committee to Fire/EMS response taskforce. TREY SHUPERT – Second. UNANIMOUS VOTE.

Dore' appointed himself to the committee MBTA and would nominate himself to continue now that he is not the Chair. Trey Shupert Seconded this position.

Trey offered his recommendations on the Jenks Fund awards for this year. TREY SHUPERT – Moved to make the awards as listed. WALTER FOSTER – Second. 4-0 Dore' Hunter abstaining. Motion passes.

CONSENT AGENDA

TREY SHUPERT – MOVED to approve . DORE' HUNTER - Second. UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

Current Fiscal Year Budget Status Report – Don updated the Board on several issues in regard to the Town's Budget Status. Snow and Ice are over by \$250,000 and utilities \$60-70,000 at the end of the year. They also ran across a blip in NEWSC that will be handled in the budget which was an approximately \$350,000 issue. Police and Fire will be overdrawn in the 10s of thousands of dollars if they fill shifts. Health had a very good hazardous waste day and expect to be over budget by \$25,000. They are looking at resources to cover the shortages and we need to shut down Highway and Municipal spending in order to handle the shortages. He thinks we can get by without having a deficit.

They will need funding for the PSFC and offered several items to resolve it. It was noted we could have a special town meeting to cover this before July 1. Use rollover funds from Highway of \$250,000. It was noted that we could be receiving some money from FEMA and we hope to get \$60,000. The additional lottery funds would flow to free cash or spent before July 1.

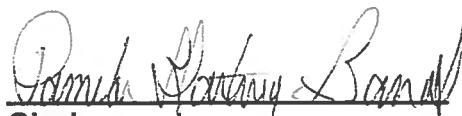
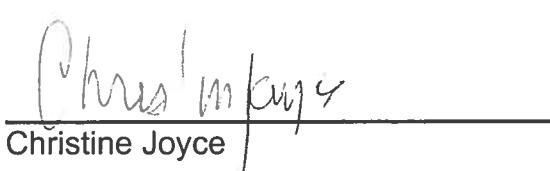
Dore' felt we should have a Special Town meeting in June to get the money needed for the PSF.

The Board discussed the options available. Peter wanted to get a better idea from Dean on what a better number would be for conceptional and full design. He felt we could talk about potential town meeting dates. June 18th would appear to be on one date available and have the manager to reserve the auditorium for that date.

DORE' HUNTER – Moved that we endorse the Manager's suggestions to avoid spending and make every attempt to come out even at the end of the year. TREY SHUPERT – Second. UNANIMOUS VOTE.

EXECUTIVE SESSION

WALTER FOSTER - Moved to go into executive session to discuss litigation strategy and labor negotiations to adjourn into the regular session to adjourn. TREY SHUPERT – Second. – Roll call taken all Ayes.


Clerk
7-30-01

Christine Joyce

I, the Clerk of the Board of Selectmen of the Town of Acton, Massachusetts, certify that at a meeting of the board held May 8, 2001, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was passed, all of which appears upon the official record of the board in my custody:

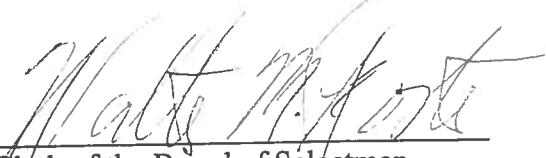
VOTED:

- (1) That the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$12,795,804 (the "Bonds") pursuant to Chapters 29C and 44 of the General Laws and votes of the Town passed April 9, 1997 (Article 18), October 5, 1998 (Article 3) and November 15, 1999 (Article 3), for construction of sewers and other water pollution control facilities (the "Project");
- (2) That in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the "Notes") from time to time in an aggregate principal amount not to exceed \$12,711,730;
- (3) that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Water Pollution Abatement Trust (the "Trust") at a price determined pursuant to the Loan Agreement;
- (4) that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Loan Agreement or Agreements with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds or Notes;
- (5) that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan commitment or agreement by the Treasurer, are hereby ratified, approved and confirmed; and
- (6) that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary and convenient to carry out the provisions of this vote, including execution and delivery of the Loan Agreements and the Project Regulatory Agreements relating to the Project.

I further certify that the vote was adopted at a meeting open to the public, that no vote was taken by secret ballot, that notice stating the place, date and time of the meeting was filed with the Town Clerk and a copy thereof posted in the office of the Town Clerk or on the principal official bulletin board of the town at least 48 hours, including Saturdays but not Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds or Notes were taken in executive session, and that the official record of the meeting was made

available to the public promptly and remains available to the public, all in accordance with G.L. c.39, s.23B as amended. I further certify that the vote has not been amended, supplemented or revoked and remains in effect on this date.

Dated: May 8, 2001



Clerk of the Board of Selectmen