

# Selectmen's Minutes

## March 25, 2002

### 7:00 P.M.



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

## CITIZEN'S CONCERNS

Michael Eder – Farmstead Way – Questions regarding the Chapter 61 Status of Palmer Property. Peter said his understanding that the land is still in 61B and we have not received a letter with any offer. They can pay the roll back taxes and take it out. Don said he has informed them that we have no formal notice from them and they agreed they have not formally offered the land to the Town.

## PUBLIC HEARINGS & APPOINTMENTS

**INTERIM BORROWING** – Stephen Barrett, Director of Finance was present to have the Board sign interim notes. PAMELA HARTING-BARRAT - Moved to sign interim Notes as described and read by the Clerk (Copy attached). TREY SHUPERT – Second. UNANIMOUS VOTE.

**NEIL RICH – BOARD OF ASSESSORS BOARD INTERVIEW** – PAMELA HARTING-BARRAT – Moved to Appoint Mr. Rich as an alternate member of the Board of Assessors. TREY SHUPERT – Second. UNANIMOUS VOTE.

**ACTON JAZZ CAFÉ - CHANGE OF MANAGER'S** -Dore' asked about supervision of employees serving alcoholic beverages. Ms. Vivian described the revised policy and that they are adhering to it strictly. DORE' HUNTER – Moved to approve change of Managers. WALTER FOSTER – Second. UNANIMOUS VOTE

**PIZZA HUT – CHANGE OF MANAGER'S** –TREY SHUPERT – Moved to approve the change of Manager's. DORE' HUNTER – Second. UNANIMOUS VOTE

**MAKAHA RESTAURANT DISPLINARY HEARING** – The Board discussed the Chief of Police's memo regarding placing a Police Detail at the Restaurant on Friday, Sat. nights to deter the violations. This should be in place over the course of the next several weeks while the Board determines whether or not to suspend or revoke the license completely. Walter wanted this type of incidents is to type of incidents to stop and cited the Li family incident. Trey spoke about an officer for Thursday, Friday and Saturday evenings 5-close. Trey Shupert said he was willing to suspend the license for 14 days and then discuss the police detail. Dore' reminded the Board about the two woman observed leaving the restaurant appearing intoxicated by a couple who stopped to report it to the Police. Dore' felt that on due process he felt we needed to have the officers and Mr. Tan before the Board to hear the evidence as to why we should not take disciplinary action, up to suspension of Makaha's Liquor license. Further, to require police detail until we can have all these people back and hear from them directly, and based on the report review to see if there are grounds for suspension.

Peter felt that this was a good way to approach it. DORE' HUNTER – Moved to require a police detail at the restaurant according to the Police Chief's recommendation and to continue this detail until the Chief of Police advises otherwise. No liquor is served if no Detail officer is available for this detail. And that the owner of the Makaha as well as its involved employees come back on the April 22 to discuss this further and to offer evidence. Don Johnson was advised to write Mr. Cheng a letter regarding this motion. TREY SHUPERT – Second. UNANIMOUS VOTE.

**ACES** – Members of ACES made a presentation on W. R. Grace property and the current situation with regard to the chemicals and compounds in the ground water. They will need to do additional samplings as the Scribner well goes on line this Spring. ACES want the Town could advocate for full usable and private wells and if the town could prohibit new installations of wells in the area. The Board of Health could also look at Health regulations and advise private well owners to test for VOC's in the meantime. They want the Town to raise and maintain awareness, and to consider the plumes when reviewing plans in that area.

Peter asked about the authority, she replied DEP and EPA has authority. He asked if BOH knows about the private wells. She intends to give the Board of Health the same presentation. She feels it would help protect people who do not know of the possible contaminants.

Dore' suggested space in the Quarterly notice advising how people should test their wells and information on how to do it. Dore' asked for suggested changes to the BOH regulations. Everyone felt that we should get behind the Water District and support their stricter requirements. Jane was asked to draft a letter for Board signature. Trey asked if there were anyway to hook these people up to the town water.

## **SELECTMEN'S BUSINESS**

**AB REGIONAL BUDGET** – DORE' HUNTER - Moved to recommend. PAM HARTING –BARRAT Second, UNANIMOUS VOTE.

**ATTb ISSUES** – We have to give 30 days for breach of contract and then the transfer on the 25<sup>th</sup> a stand alone meeting will be required. Don was asked to see if AT&T would allow it on the 29<sup>th</sup>. Dore' asked for the list of drops for the I -net and Peter wants to ask about Rate Filing. Dore' suggest we inform the public about this upcoming meeting. Staff was asked to prepare a Hand out or Flyer for Town Meeting.

**MILL CORNER SEWER CONNECTION** – Don discussed the issue and its background surrounding this request. There is no funding for this request. Board of Health says that additions now are very expensive. They also need to hook through their individual tanks. The expense would be put on capital and betterment's. If we spend out of the Sewer District for capital we would increase O&M costs to the district users. Don said he does not recommend going forward with this request. Don was instructed to write an appropriate letter back to Mill Corner with our decision.

**ACTON COMMUNITY HOUSING CORPORATION** - The Board discussed the affordable units offered at Robbins Brook Assisted Living facility. DORE' HUNTER – Moved we approve. WALTER FOSTER – Second. UNANIMOUS VOTE

**ACTON COMMUNITY HOUSING CORPORATION**- ACHC asked the Board to allow use of New View funds for the processing of the First Time homeowners Handicapped unit that is being resold at Harris Street. DORE' HUNTER – Moved to approve. PAM HARTING-BARRAT – Second. UNANIMOUS VOTE

**JOINT TEAMING AGREEMENT**- The Board discussed Ratifying the Agreement. DORE' HUNTER – Moved to Sign the Document. PAM HARTING-BARRAT – Second. UNANIMOUS VOTE.

#### **OTHER BUSINESS-**

CAC – Dore' reported on the meeting last week. His objective was to say we wanted to "blow away" their plans but be nice about it.

Walter spoke about the Parker Damon School that was opened last week and the transition went well. He urged every one to take the tour.

A letter will be sent to Mr. Ryder to let him know the situation.

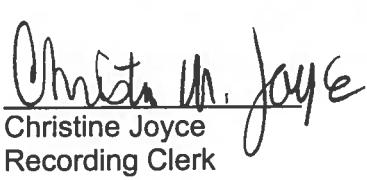
## **CONSENT AGENDA**

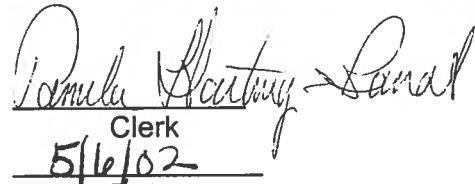
DORE' HUNTER – Moved to approve. TREY SHUPERT – Second. UNANIMOUS VOTE. Trey wanted the NARA item discussed. He appealed to the Community to please donate to camp scholarships for those not able to afford it. TREY SHUPERT - Moved to approve the Campership Grant. DORE' HUNTER – Second. UNANIMOUS VOTE. Town Manager is to write a policy to streamline the process.

## **TOWN MANAGER'S REPORT**

### **EXECUTIVE SESSION**

PAM HARTING-BARRAT – Moved to go into Executive Session to discuss deployment and Litigation. - PETER ASHTON - SECOND. The Board will only return to open session to adjourn. Roll Call taken by the Clerk, All Ayes.

  
Christine Joyce  
Recording Clerk

  
Pam H. Harting, Clerk  
5/16/02  
Date



March 22, 2002

**TO:** Board of Selectmen  
**FROM:** Peter Ashton, Chairman  
**SUBJECT:** Selectmen's Report

**MARCH 25, 2002**  
**PLEASE NOTE THAT THE MEETING BEGINS AT 7:00 P.M.**

**I. CITIZEN'S CONCERNS**

**II. PUBLIC HEARINGS & APPOINTMENTS**

1. 7:03 **INTERIM BORROWING** – Staff will have interim loan notes for Board approval.
2. 7:05 **NEIL RICH – COMMITTEE INTERVIEW BOARD OF ASSESSORS** – Enclosed please find Mr. Rich's application and VCC comment for Board consideration.
3. 7:10 **ACTON JAZZ CAFÉ- CHANGE OF MANAGER** - Enclosed please find the required paperwork and staff comment for Board consideration.
4. 7:15 **PIZZA HUT – CHANGE OF MANAGER** -Enclosed please find the required paperwork, including Liquor Service policy, for Board consideration.
5. 7:30 **MAKAHA DISCIPLINARY HEARING** – Representatives of the Makaha Restaurant will appear before the Board regarding the enclosed Materials from the Chief of Police indicating two additional alcohol related incidents at the Makaha, for Board consideration.
6. 8:00 **ACES** – Members of ACES will be in to make a presentation on W.R. Grace.

**III. SELECTMEN'S BUSINESS**

7. **AB REGIONAL SCHOOL BUDGET** – The Board needs to vote its recommendation with respect to the Regional Schools FY03 Budget.
8. **ATTb ISSUES** – Enclosed please find staff recommendations for Board consideration
9. **MILL CORNER SEWER CONNECTION** – Enclosed please find materials in the subject regard, for Board consideration.
10. **ACTON COMMUNITY HOUSING CORP.** – Enclosed please find materials for LIP Application for Robbins Brook Village Assisted Living.
11. **ACTON COMMUNITY HOUSING CORP.** – Enclosed please find a request for funding a consultant to process the Harris Street Village Handicapped Unit which is being sold.

12. **TEAMING AGREEMENT** – Enclosed please find the revised Teaming Agreement for Board consideration.

**13. OTHER BUSINESS**

**IV CONSENT AGENDA**

14. **ACCEPT MINUTES** – Enclosed please find February 11th and 25<sup>th</sup> minutes for approval.

15. **CAMP SCHOLARSHIP** – Enclosed please find confidential materials for Board consideration.

**V. TOWN MANAGER'S REPORT**

**VI 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.

APRIL 1, 2002 at H.S. Pre-Town Meeting- Facility Dining Room

APRIL 22, 2002

Liquor License – Daniel'a Tocorito

Cable TV Hearing – (Tentative)

**GOALS 2001-2002**

1. Resolution of on-going Labor Negotiations (Peter/Trey)
2. Improve Communication with Town Boards (Peter)
3. Towne Building Reuse (Walter/Dore')
4. ALG process be used for purpose of Budget Planning for FY '02 (Peter/Trey)
5. Residential and Commercial Growth (Walter/Trey/Pam)
6. Open Space and Recreation Plan (Peter/Walter)
7. Health Insurance Trust Agreement (Peter)
8. HDC Bylaw Review (Dore'/Peter)
9. Decision on Pentamation Accounting System (Dore'/Pam)
10. Process Planning for "Life after NESWC" (Pam)

**FY 2000 GOALS carried forward**

11. Public Safety Facility (Dore'/Trey)
12. Determine future of Vallencourt House - 17 Woodbury Lane.
13. Provide looking at salary levels in the organization, include liaison with Personnel Board (Trey /Peter)

I, the Clerk of the Board of Selectmen of the Town of Acton, Massachusetts, certify that at a meeting of the board held March 25, 2002, 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 \$500,000 (the "Bonds") pursuant to Chapters 29C and 44 of the General Laws and a vote of the Town passed April 4, 2000 (Article 20), for the planning 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 \$500,000;
- (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 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 Agreement and the Project Regulatory Agreement 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: March 25, 2002

Debra Flautie-Lynch  
Clerk of the Board of Selectmen