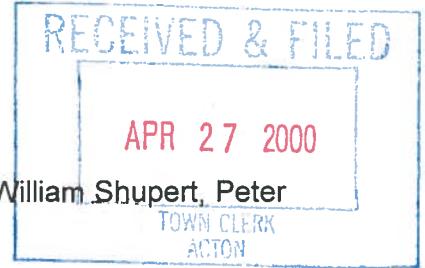


SELECTMEN'S MINUTES  
March 14, 2000

Present: Herman Kabakoff, F. Dore' Hunter, Wayne Friedrichs, William Shupert, Peter Ashton the Town Manager and Asst. Town Manager.  
(The meeting was televised)



**CITIZEN'S CONCERNS**

Charlie Kadlec asked what counsel charges per hour, Don answered approximately \$230/hour.

Forry Buckingham was present to talk about the Federal train whistle issue. He wants to keep Acton a quiet zone. He wants the Board and citizens support for the meeting in Salem.

**PUBLIC HEARINGS AND APPOINTMENTS**

**CAPIZZI UNDERGROUND STORAGE**—DORE' HUNTER — Moved we approve. PETER ASHTON — Second. UNANIMOUS VOTE.

**CONTINUATION OF GUSWOOD STREET ACCEPTANCE**— DORE' HUNTER- Moved we approve the Road for public acceptance for April Town Meeting, PETER ASHTON — Second. UNANIMOUS VOTE

**TRUST FOR PUBLIC LANDS** - Karen O'Neil spoke about the Robbins Mill Pond parcel and asked the Board to recommend this article and also allow town staff to be freed up to help them. Karen gave a presentation about the history of the parcel. The landowner has a signed agreement with the Trust. It is one of the largest parcels in town. It currently abuts hundreds of acres of conservation land. The conceptual plan shows 6-8 soccer fields. These parcels have been identified as key properties. The town has a 10-month window to do this. They are hoping to get funds to offset the cost. The Conservation Trust is planning on raising 1 million. In addition to the other pluses, the water quality will be protected if left vacant.

Dore' thanked them for the clarification of recreation areas/uses, and he also thought that the Recreation Commission should participate. He said he also wants the playing fields (active Recreation) identified. He felt that we needed to review this very carefully, and felt we need to count our pennies before we proceed. Herman said that he attended the presentation made by David Hardt. He feels obligated to share the Fin Coms concerns. They are concerned that the appraisal that established the 9 million-dollar price was a singular appraisal with the cost of that appraisal paid for by the seller. Karen explained that they are trying to rest their concerns. One appraisal was done because the landowner was putting the deal together. Each group paid a 1/3 of the cost of the appraisal. Only one was sought partly because of the cost of appraisals.

Peter noted that he too is troubled with all the things we have in the pipeline. He noted that land was very nice.

Wayne spoke about Avery's professional approach and the 9 million figure and

had a lot of faith in the appraisal.

Dore' said he was comfortable with one appraisal as we were not paying the full 9 million. He felt we could commission an appraisal to compare.

Charlie Kadlec asked the Board to look at this as a business deal and felt it was a lot of money and it would not be that simple to develop. He felt a good portion would remain green any way.

Dore' said that the appraiser has to appraise in the best highest use.

Bill Mullin as a member of the Acton Conservation Trust noted he has been involved with two other large land purchases while he served on the Board of Selectmen. He asked about money and one thing he said you can't argue, once it is developed its gone.

Trey noted that the Board is in receipt of fiscal materials before them. He is going to support the purchase of this property, he feels we, as a Board will have to support the police and high school construction and improvements also.

Dore' wanted to discuss these issues at the next meeting with regard to the financial impact and shifting of development to North Acton.

The Town Manager was asked to involve the Finance and School Committee's and put on the next agenda and invite them to attend.

#### **SELECTMEN'S BUSINESS**

**SPECIAL TOWN MEETING WARRANT- DORE' HUNTER** – Moved' to Void the protracted actions at the March 9, 2000, 7:25 a.m. meeting when he left the meeting. WAYNE FRIEDRICH – Second. UNANIMOUS VOTE

DORE' HUNTER -Moved that the draft minutes of the 0700 Hours, 9, March 2000 Special Selectmen's meeting be amended as follows (Copy attached). HERMAN KABAKOFF – Second. Motion withdrawn by Dore'.

HERMAN KABAKOFF - Moved to close the warrant for the Special Town Meeting. – DORE' HUNTER – Second. UNANIMOUS VOTE.

Wayne said that they had received a lot of information in the extra information tonight and he was not ready to recommend any article at this time.

DORE' HUNTER - Moved not to recommend the first Article TREY SHUPERT – Second. UNANIMOUS VOTE

Peter said he has spoken with Chris Tolley and they have discussed the articles and didn't feel that they would support in this form.

Don noted that the petitioner asked that the Board vote to defer at this time. Peter

suggested that the petitioner withdraw. However the written release would have to be obtained from each signatory.

Charlie Kadlec asked how it would work to take no action at the Special Town Meeting on the articles. It was noted that it could be done. He said that we should review it before Town Meeting.

Peter asked in the event they went before the meeting, and it was voted down would we then have to wait 2 years before it could be deliberated or brought back. Don Johnson said that the article could not come back for 2 years unless it contains a favorable comment from the Planning.

Wayne said we should put a defer recommendation. Peter said he feels that he could not support any of the articles. Trey also said that he would not vote for the articles as outlined in his E-mail last week. Zoning by citizen petition is dangerous for this community. It is wrong, we should oppose and go to the EDC and Planning to work with the citizens and come back to the next Annual meeting to do it right.

Wayne agreed and said we are taking it very seriously and he could not vote to recommend in the package they are in.

Dore' noted that every citizen article brought forward should come to Town Hall and we will help to put it in the form required.

Wayne said he is favor of every thing but he is scared to death to make zoning changes that are not reviewed for unintentional consequences. He wants it done right.

Counsel felt that the petition received did not contain language that could be contained in the motion. However, the Board could take this article forward as a stand-alone if they so desired.

DORE' HUNTER - Moved to Not Recommend Article 4 – PETER ASHTON – Second. UNANIMOUS VOTE.

DORE' HUNTER – Moved to defer on Articles 2 and 3. HERMAN KABAKOFF – Second. UNANIMOUS VOTE.

Peter said that these are two of the articles that he questioned Chris Tolley on. At least one of the major landowners in town might move forward with plans and he cautioned the Board about this.

Dore' apologized for the uncivilized manner in which he left the meeting on the 9th, but he felt he had no other way to end the meeting.

Charlotte Sagoff asked why the meeting was a 7:00 a.m. Herman said that the Board had a discussion at their February Board meeting discussed the statutory timing so that it could be scheduled within the Annual. The 9<sup>th</sup> provided the 48-hour notice requirement for posting at 7:00 a.m. and at that time, the warrant would be closed and the warrant put together.

Charlie Kadlec wanted to speak about the accusation that the open meeting law had been violated. This was based on the name of the League of Women Voters, which flatly accused the chair of violating the law.

Dore' said that he came back to Town hall to pick up HDC information, and found that the article regarding drive-through had been added even though the members not present, and the board as a whole had previously disapproved of the addition, and that is why he left the meeting. Herman said he was the person that brought the ill-advised article. Herman said he made a mistake in retrospect and he felt it was politically ill advised and he recognized that he had tried before and this was a mistake of judgement with good intention and apologized. He said he has gotten the message and he has apologized. However, he did not do any thing illegal. Dore' said his apology was honorable and wanted to put the issue to rest and move on.

Wayne said that he was the other Selectman involved and he said he knew it would be overturned tonight. He was concerned that the Board was not supportive the Chairman. Wayne too apologized.

Peter asked if the apology was just for the Board. Herman said no; it was for the entire town. Peter said the real concern he has is that when he has served on boards, he relied on being approached fairly. Peter felt that there was an attempt to bring forward an Article that they as a board had voted not to.

Ann Chang described that a Call to Action is the language of the LWV, and it is also only sent to members with e-mail addresses those were the only league members that received it. They made a mistake in the statement saying that the meeting was invalid. They were only interested in the democratic process.

Jim Walsh said he got a copy of the E-mail from his wife. He said that he didn't like the fact that these actions were done by Selectmen with long terms on the Board and was disappointed.

Herman asked that the discussion of the meeting end and that be assured he has received the opinions of the citizens. He would like to declare this over and put to bed.

**DORE' HUNTER** - Moved to rescind the original vote to have the Special Town Meeting in the auditorium on the 10<sup>th</sup> and call the Special for the 11<sup>th</sup> in the auditorium. **PETER ASHTON** – Second. UNANIMOUS VOTE.

Herman asked about putting it on the third night since it may be a five-minute meeting. He suggested it be placed before the Planning Articles. Dore' said that we could not say it would be five minutes.

**DORE' HUNTER** - Moved to re-close the warrant – **TREY SHUPERT** – Second. UNANIMOUS VOTE.

**EAGLE SCOUT** – Peter will represent the Board.

**PLANNING BOARD REPRESENTATIVE CAC-** The Board reviewed the memo from planning regarding representatives to CAC.

PETER ASHTON – Moved to appoint Pat Halm and Greg. Nieymski as Planning Board Reps. and moved to appoint Pam Harting-Barrat as the Selectmen's representative. DORE' HUNTER – Second. UNANIMOUS VOTE.

**PETITION TO RE-NAME ELM STREET** – Herman spoke about the request to have the Elm Street field renamed to honor Ted Christian the founder and supporter of now dissolved Men's Base Ball League.

Dore' noted that the manager has given a negative recommendation. He does not think that this rises to a permanent naming. Dore' didn't feel that it quite qualified.

Peter said after reading the materials it didn't sit well and agreed with Dore' at this point. It doesn't fit into the policy as written.

Herman said that he too felt it didn't qualify. He noted the legal battles as a result of use of the field.

Trey said if he looks at the policy it doesn't qualify, but he doesn't want to diminish his memory and suggests that perhaps a more meaningful action would be the naming the league in his memory. He suggested that Mr. Meyer get more people involved get a larger group to come back in to speak with the Board.

#### **OTHER BUSINESS**

Peter said that he had reviewed the minutes of the October meeting which HDC requested be amended. He has reviewed the tapes. He has transcribed what Mr. Anderson said. HERMAN KABAKOFF – Moved to make the changes WAYNE FRIEDRICHES – Second. UNANIMOUS VOTE.

Dore' would like to suggest that the Article 25 be put on the timed agenda for the next meeting and to invite HDC.

#### **CONSENT**

PETER ASHTON - Moved to approve with change to minutes adding "Peter" at the bottom of the first page. DORE' HUNTER- Second. UNANIMOUS VOTE.

#### **TOWN MANAGER'S REPORT**

#### **EXECUTIVE SESSION**

*Kellieann H. Flueger*  
Clerk  
4/25/00  
Date

*Christine Joyce*  
Christine Joyce

March 10, 2000

**TO:** Board of Selectmen  
**FROM:** Herman Kabakoff, Chairman  
**SUBJECT:** Selectmen's Report

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## **AGENDA**

**March 14, 2000**  
**7:30 P.M. - Room 204**

### **I. CITIZEN'S CONCERNS**

### **II. PUBLIC HEARINGS & APPOINTMENTS**

- 1. 7:31 ABOVE GROUND STORAGE LICENSE – CAPIZZI LANDSCAPING**  
- 820 Main Street – **CONTINUED FROM FEBRUARY 29, 2000** -Enclosed please find staff comments that reflect comments to the issues raised at the public hearing for Board review.
- 2. 7:35 Continuation of Street Acceptance Hearing – Guswood in Lupine Path –**  
Enclosed please find a memorandum from the Director of Municipal Properties and the builder, Bentley Builders, for Board action
- 3. 8:30 TRUST FOR PUBLIC LANDS**

### **III. SELECTMEN'S BUSINESS**

- 4. SPECIAL TOWN MEETING WARRANT** – Enclosed please find various materials in the subject regard.
- 5. EAGLE SCOUT COURT OF HONOR** – Selectman needs to be assigned for the April 29<sup>th</sup> Court of Honor for Nathan G. Barr.
- 6. PLANNING BOARD REPRESENTATIVES TO CAC** – Enclosed please find a memorandum from the Town Planner regarding the appointment of two new Planning Board Representatives to the Route 2 CAC, for Board action.
- 7. PETITION TO NAME ELM STREET FIELD** – Enclosed please find the materials associated with this request, along with materials requested by the Board.
- 8. OTHER BUSINESS**

### **IV. CONSENT AGENDA**

- 9. ACCEPT MINUTES** – Enclosed please find the minutes for February 15, 2000 for Board approval.

10. **ONE DAY LIQUOR LICENSE** – Enclosed please find request for a One-Day Liquor License from Blanchard PTF for April 28, 2000 at St. Elizabeth's parish hall for Board action.

11. **GARDEN CLUB ANNUAL SALE** – Enclosed please find the request to hold their sale on the Town Common on May 13, 2000.

## **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.

#### **March 28, 2000 (8:00 p.m. Start time)**

Stream Team presentation

Christopher Starr – Associate Member Cons Com Interview

**Please note: No meetings have been scheduled for April at this time**

### **FY 2000 GOALS**

1. Resolve the Audubon Hill problem/issues (Shupert)
2. Establish or reconstitute a Computer Advisory Committee for Municipal issues (Hunter)
3. Review the structure and organization of the ALG and establish a definite, periodic meeting schedule (Kabakoff)
4. Develop a comprehensive Beaver Nuisance policy (Friedrichs)
5. Improve communication among the various boards, particularly Fincom, SC and BOS. This seems to have been lacking to some extent during the last year (especially ALG process) (Kabakoff)
6. Continue to search all alternatives for a viable sewer solution that is timely and fiscally workable (Hunter/Shupert)
7. Form a task force to investigate ways of achieving greater coordination, efficiency and utilization of resources between the schools and the town (Ashton)
8. Continue the work of the Senior Tax Relief task force and also investigate ways of assisting others who may need tax relief (Ashton/Hunter)
9. Develop early on an ALG plan and budget; i.e. have general agreement on budgetary parameters by October/November before formal budgets are developed. Continue to update, refine and modify as needed the five year budgetary plans which we initiated this year (Kabakoff)
10. Work with the Planning Board to implement the goals, objectives and strategies of the Master Plan update (Ashton/Shupert)
11. Conclude the work of the Kelley's Corner working group and bring to the Planning Board a final set of recommendations (Ashton)