

# Selectmen's Minutes

## January 13, 2003

### 6:30 P.M.

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

## CITIZEN'S CONCERNS

## PUBLIC HEARINGS & APPOINTMENTS

### SEWER COMMISSIONER'S REPORT

DORE' HUNTER – Moved to set the January 2003 Rate at .01560 cents per gallon. PETER ASHTON – Second. UNANIMOUS VOTE

**MIDDLESEX COUNTY RETIREMENT DISCUSSION** – Trey opened the meeting and made several points about the condition of the Retirement Fund and the 61% increase to Acton. He spoke about the investments that were made and the poor returns on them. They have not complied with our or any of the other communities document requests or questions. He noted that MCR has hired a convicted felon as their new lobbyist.

Don Johnson spoke about the need for legislation to protect us. Don had several questions. They have gone to Perac and found them helpful. They have had trouble getting documents. MCR believes they are immune to oversight. After considering forming a new group, the towns affected have decided to not do that at this time at Perac's recommendation. We want Middlesex to operate differently. We need a better balance between employees and a professional management team. Also an advisory counsel that would change the representatives balance. They have been able to skirt any oversight.

Dore' is concerned that the Retirement Board feels they don't have to be accountable. He feels they have a terrible attitude. They have no oversight. Trey said that when pressed they just replied "Sue us". He wants to see meaningful change, and their attitude that they report to no one.

Walter reiterated the views of the other Selectmen. He was concerned with their attitude and said the taxpayers are outraged. They have no idea what they are doing. He too was concerned with Flaherty being employed by them.

Pam asked how the other communities are reacting. Pam Resor replied that Worcester had seen these increases over a two-year period. She felt that there was not a lot of sympathy as such for those who did not see it coming.

Peter wanted to make two points. He said that when the Middlesex Retirement Board told us they lost money in 1999 he was concerned and was further unhappy with their attitude. We requested documents on where they are placing their funds and they said that we were not entitled to them.

Pam Resor said that she will support us and that it is important that the Board members come in and work with them. Cory Atkins noted that she was the Co-sponsor with Mr. Green and has been working toward gathering information recently.

Jamie fully supports our position and will talk to the other legislators.

Cory asked how we felt about Concord's having their own system? Trey said that he did not want to pull out because he felt that the costs would increase, but that the MCR said if we tried to leave they would sue us. If we cannot reform the management of this group he wanted to pull out. Peter said if we pulled out that we would band with other communities. Dore' said that they have no oversight, and they have responded with "If you don't like it we will Sue you". Cory asked if they are an agency of the State Pam Resor replied no they are not, they were set up somewhat like the Port Authority and are quasi governmental.

Trey wanted to talk about the budgets with the legislators. Don was asked to speak to the issue. He noted that we are not terribly dependent on State Aid.

### **CITIZENS CONCERN**

The Castline's of 11 Sylvia Street were in to ask for help getting a street light at the end of the Street they do not feel safe in their own homes. Trey asked that Don and Dean get together and look into their request.

Silver Hill Road resident asked about the "non-removal" of snow on their street and asked what he plan they have to address the issue. Don replied that we are in a deficit right now, but they where working on a plan to address this. We have not been able to get salt at this time. We will prioritize the street plowing.

## **PUBLIC HEARINGS & APPOINTMENTS CONTINUED**

**STARBUCKS COFFEE - CONTINUED SITE PLAN SPECIAL PERMIT AND COMMON VICTUALER'S LICENSE** - Dore' noted that it is his site plan and he feels that they have presented a much improved revised plan. He is satisfied that this is the best of a semi-awkward plan and hopes it works. The Board reserves its right to require additional signage if the entrance off of "No Name street" begins to be used as a cut through we will place signage to address this.

Dore' also recognized that the cross walk shown to go to the right of "No Name street" from the exit won't be a cut down curb until all tenants have agreed, and that the plan be annotated with that note so that disabled individuals will be able to gain entrance.

Pam spoke about signage that said stay to the left. Peter asked about the removal of the parking spaces to address the concern of cars backing up near the Bank drive through.

**DORE' HUNTER -Moved** Special parking spots 13 and 14 be placed in reserve and the board will have the right to require additional signage if and when they feel it is

required, and to make best efforts to obtain a handicapped sidewalk. PETER ASHTON – Second. UNANIMOUS VOTE

**COMMON VICTUALER – STARBUCKS COFFEE – 411 MASS AVE.** Hours to be 6:00 am to 11 pm, seven days a week. DORE' HUNTER -- Move we approve. PETER ASHTON – Second. UNANIMOUS VOTE. The Board noted that they had received a complaint letter from the owners of Café Zeiba asking the Board not to approve another coffee shop in Acton. The Board noted their receipt of this complaint.

**BEER AND WINE PACKAGE STORE LICENSE – 48 POWDER MILL ROAD**  
(Applicant has asked for a continuance to February 10<sup>th</sup>) DORE' HUNTER – Moved to approve the applicants request to be rescheduled to February 10<sup>th</sup>. PETER ASHTON- Second. UNANIMOUS VOTE

**SITE PLAN SPECIAL PERMIT – 11/18/98-366 AMENDMENT, ASSISTED LIVING, DEVON DRIVE** - The Engineer asked that they have a continuance of the public hearing. Peter wanted to discuss several issues regarding the number of affordable housing units and other site issues and concerns while representatives of the ACHC and AHA were present. Pam felt that it would be helpful to see a traffic study and other issues brought up by Garry Rhodes to be addressed.

Walter asked about \$50,000 for rail trail or sidewalks along Main Street and he also wanted to hear from ACHC on the issue of the number of units available.

Trey had suggested we not hear this tonight, as there are several outstanding issues that need addressing.

Betty McManus – Acton Housing Authority/ACHC thanked the developers for the excellent working relationship with Melissa. She did point out that each time we increase one more unit we loose one.

Richard King, 21 Devon Drive lives in a town house unit on Devon Place. He wanted to give the Board of Selectmen a list of issues that they feel are outstanding to resolve before granting them permission to expand. He noted that he had to spend time in a hotel because the town held the Occupancy Permit from the builder until they complied with outstanding issues.

Resident of 17 Devon Drive agreed with Mr. King's statements – She was concerned that the smell from the sewer system is continuing

PETER ASHTON - Moved to continue to February 10 at 8:00. DORE' HUNTER – SECOND. UNANIMOUS VOTE.

#### **EDIC**

Members of the EDC were present to ask the Board to place an article on the Warrant for this Spring. They need to have the legislation accepted by Town Meeting for an EDIC. They wish the full article be printed in the warrant. They anticipated the article to be at least 12 pages.

Josh Chernin said we need to appoint a Board of Directors for the EDIC and the plan needs to be approved at town meeting with a 2/3 vote.

Walter spoke about the goals of the EDIC. DORE' HUNTER -Moved we place an Article for acceptance of the legislature on the 2003 ATM Warrant. WALTER FOSTER – Second. UNANIMOUS VOTE

Peter wanted to begin the interview process of potential candidates for EDIC as soon as possible. Walter noted the need for bonding of the new members and the costs associated with that, and who would pay for it.

#### **AT&T BROADBAND PERFORMANCE HEARING CONTINUED**

John Convert brought a citizen's concern to the Board. The citizen was concerned about the paperwork required to get the senior Citizen status again. He said that there is still an issue about the discount for seniors combined with other discounts. He also was concerned about the lack of a local phone number.

Trey spoke about the senior discount and wanted to be sure senior's are receiving the discount.

Rob Burnham of CTAC Committee – Spoke about Access Coordinators 6.2. Section B, which requires that they notify the public of the days and hours that they are available by appointment.

Section E-11 Outreach hours requires 80 hours and they are short on those hours. E-3 assisting PEG and requires 15 hours, the actual were 20 hours per quarter. Well below the 175 per quarter.

E-4 requires six sets of training classes

F Requires 40 hours per month from a producer technician  
Copy of time sheets also needs to be addressed.

Peter said that under the contract they are required to be open some evenings and weekends. He too was concerned with the lack of hours for public access activities.

Liz Graham spoke about the need for the quarterly reports to track the items in the contract. She feels they have tried outreach and have provided time. She will provide detailed hours for the Board if needed on a monthly basis.

Mark M. the Cable Area Supervisor – Tech hours were not reportable currently but they would provide the time sheets. They said they provide the weekend studio time by appointment.

Wendy Sweet, Central Street, resident has been asking for a hook-up for over a year now. Liz Graham noted it looked like construction issue but will get in touch with her by the end of the week.

Trey spoke about where we go now. Bill said he would work with Liz to resolve any outstanding issues

Bill Solomon went on to discuss Trey's questions.

DORE' HUNTER – Moved to close hearing and direct Atty. Solomon and the Town Manager to sum up issues and including production Technicians. WALTER FOSTER – Second. UNANIMOUS VOTE.

## **BOSTON GLOBE RACIAL PROFILING ARTICLE**

The information that the Globe provided was inaccurate and did not follow-up with us to verify any of the issues highlighted with regard to Acton.

Chief Widmayer had a chronicled document, which he used to outline the issues. He and Lt. Palmer have already had training.

It was felt that an adequate response to this article was presented.

## **SELECTMEN'S BUSINESS**

**BANNER REQUEST - DORE' HUNTER** - Moved we approve. PETER ASHTON – Second. UNANIMOUS VOTE.

**STREET ACCEPTANCE DOCUMENTS – DORE' HUNTER** – Moved to approve and sign the documents as submitted. PAM HARTING-BARRAT – Second. UNANIMOUS VOTE.

### **RECREATION COMMISSION APPOINTMENT OF TWO ASSOCIATES-**

DORE' HUNTER - Move to appoint Michele M. Zaremba and Ronald Schiegel as Recreation Commission Associates with the condition that both candidates be interviewed before being automatically elevated to full position on the Recreation commission. PAM HARTING-BARRAT – Second. UNANIMOUS VOTE.

## **OTHER BUSINESS**

ALG – Trey outlined the recent ALG meeting. They discussed the possibility of cutting both A and B budgets equally. The split was discussed and it was noted that they have not reached a conclusion at this time.

Peter thinks it is imperative to reach a decision on these matters by the end of the week. We need the splits and A and B budget decisions. Scenario A was discussed as well as scenario C.

Peter's proposal is one in which we use an additional \$750,000 would put us in a position of no incremental increases. Proposal two recommends use of free cash to bridge the gap. This still leaves us in trouble for 2005. This recognizes the use of Free cash in the A budget.

DORE' HUNTER - Move the sense of the Board we adopt Peter's proposal #1 and that if it cannot be carried into action we revert to proposal #2 and as far as this Board is concerned the plan be struck this week and once struck we don't change it. WALTER FOSTER. Second. UNANIMOUS VOTE

## CONSENT AGENDA

DORE' HUNTER – Moved to approve. PAM HARTING-BARRAT – Second.  
UNANIMOUS VOTE.

### TOWN MANAGER'S REPORT

Don reported of his meeting with Moody's. It was noted that the presentation prepared be placed on an upcoming meeting as well as being used for the Mock Town Meeting exercise.

### EXECUTIVE SESSION

Christine Joyce  
Christine Joyce  
Recording Clerk

Pam H. Harting-Barrat  
Clerk  
02/16/03  
Date

January 10, 2003

**TO:** Board of Selectmen, Sewer Commissioners  
**FROM:** Trey Shupert, Chairman  
**SUBJECT:** Selectmen and Sewer Commissioners Report

**JANUARY 13, 2003**  
**MEETING BEGINS AT 6:30 P.M.**

**\*\*\*Note this meeting begins at 6:30\*\*\***

**I. CITIZEN'S CONCERNs**

**II. SEWER COMMISSIONER'S BUSINESS**

1. 7:05 **SEWER RATE SETTING** – Enclosed please find recommendations and staff comments for Board consideration.

**III. PUBLIC HEARINGS & APPOINTMENTS**

2. 6:30 **MIDDLESEX COUNTY RETIREMENT** – The Board will make a presentation to our legislators in the subject regard.
3. 7:10 **STARBUCKS SITE PLAN SPECIAL PERMIT AND COMMON VICTUALER CONTINUATION**
4. 7:15 **BEER AND WINE PACKAGE STORE APPLICATION – WAYSIDE MANAGEMENT CORP. 48 POWDER MILL ROAD** – Enclosed please find application and staff comments for your review.
5. 7:30 **SITE PLAN SPECIAL PERMIT 11/18/98-366 AMENDMENT– ACTON ASSISTED LIVING – DEVON DRIVE** – Enclosed please find materials in the subject regard for Board review.
6. 7:45 **EDIC** – Members of the EDIC will be in to discuss outstanding issues.
7. 8:00 **AT & T BROADBAND PERFORMANCE HEARING CONTINUED FROM DECEMBER 16, 2002**
8. 9:00 **BOSTON GLOBE'S RECENT RACIAL PROFILING ARTICLE** – Chief Widmayer will be in to discuss this with the Board.

**IV. SELECTMEN'S BUSINESS**

9. **BANNER REQUEST** – Enclosed please find a memo from staff regarding the placement of a Banner and A-frame signs to advertise performances by the Commonwealth Ballet, who are located in South Acton at the Littleton High School for Board action.
10. **STREET ACCEPTANCE** – Enclosed please find the initial Street Acceptance Documents prepared by the Town Engineer for Board signature .

**11. COMMITTEE APPOINTMENT – ASSOCIATE MEMBERS TO THE RECREATION COMMISSION** – Enclosed please find applications from Michele M. Zaremba and Ronald Schlegel and VCC's recommendation for appointment with an expiration date of June 30, 2004, for Board action.

**12. OTHER BUSINESS**

**V CONSENT AGENDA**

**13. ACCEPT MINUTES** – Enclosed please find the Minutes of December 2, 2002 for Board acceptance.

**14. ONE DAY LIQUOR LICENSE** – Enclosed please find a request for a One Day Liquor License in conjunction with the Acton Barn Preschool's Annual Auction for Board action.

**15. ACCEPT GIFT** – Enclosed please find a request for Board acceptance of a gift of \$500 from Alison Gallagher to be used to produce a video on NARA Park for Board acceptance.

**16. ACCEPT GIFT** – Enclosed please find a request from the West Acton Citizens' Library to accept two money gifts for Library use for Board acceptance.

**17. ACCEPT GIFT** – Enclosed please find a request from the West Acton Citizens' Library to accept a gift of \$800.00 from the Friends of the Acton Libraries for Library use for Board acceptance.

**18. ACCEPT GIFT** – Enclosed please find a request from the Land Stewardship Committee for acceptance of a gift of money to produce the Conservation Trail Guide for Board action.

**19. ACCEPT GIFT** – Enclosed please find a request from the Acton Commission on Disability for acceptance of a gift of \$600.00 from the West Acton Business and Professional Association to be used to purchase a voice activated box at the orientation station at the Acton Arboretum for Board action.

**VI. TOWN MANAGER'S REPORT**

**VII 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.

Jan. 27 – Bond Sale, Class I Enterprise Rent a Car

Feb 10 – Palmer Kennels Site Plan, Concord Connection Site plan Special Permit 136 Main Street

Feb 24

March 3 – Street Acceptance  
March 10 – Mock Town Meeting

### GOALS 2002-2003

1. Labor Negotiations & Improve Labor Relations environment (Peter/Trey)
2. Improve Communication with Town Boards (Peter/Trey)  
Implement Chairman Round Table - (Trey) (*for Dec/Jan*)  
Revisit 2020 Planning Process for direction to make this process more beneficial towards implementation of long-term vision (Trey).
3. Towne Building Reuse (Walter/Dore'/Peter)
4. ALG process be used for purpose of Budget Planning for FY04 (Walter/Trey)
5. Residential and Commercial Growth (Walter/Pam) (PCRC EDC – *Continuing to meet*)
6. Open Space and Recreation Plan (Peter/Walter) Completed
7. Health Insurance Trust Agreement (Peter) (*Peter still working on getting comments from Water District.*)
8. Decision on Pentamation Accounting System (Dore'/Peter) (*Proposals are being looked at by staff*)
9. Process Planning for "Life after NESWC" (Pam/Peter) (*John Murray is looking at this*)
10. Joint IT process-organizational change (Walter/Dore') (
11. Implement an on-going Public Relations campaign regarding budgetary situation (Trey/Walter) (*ALG put plan in place A/B*)
12. Provide looking at salary levels in the organization, include liaison with Personnel Board (Trey /Peter) (*Need to look at budget*)  
Based upon results of Salary Survey, conduct a through review of current salary levels (Trey/Peter) (*Need to look at budget override for Operating budget*)
13. Broader community interface with Emerson Hosp.- Board of Health to take elder issues on (Pam)
14. Recreational field lack of space, prison land etc. (Walter)
15. Middlesex Pension alternatives (Walter)

**GOALS carried forward**

16. Public Safety Facility (Dore'/Trey)
17. Determine future of Vaillancourt House - 17 Woodbury Lane. (Pam) (*No dialogue thus far as budgets have had the bottom fallout, Historical Commission issue and seek suggestions*)

Goals 2003-Selectmen folder