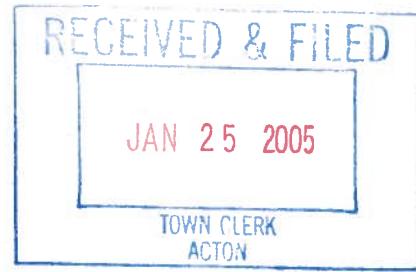


Selectmen's Minutes  
January 3, 2005  
6:30 P.M.



Present: F. Dore' Hunter, Peter Ashton, Robert Johnson (late), Walter Foster, (left at 8:30), Trey Shupert, Absent, Town Manager and Assistant Town Manager. Meeting was televised.

**CITIZEN'S CONCERNS**

Ann Chang asked that the Ballot for the Override be processed at the same time as the Town Election. She felt it would not be orderly with at least 9 budgets presented to the Meeting. She felt that Board of Selectmen would have to get the education started and said she thought they would have many volunteers to assist them in this process.

**SEWER COMMISSIONER'S REPORT**

No Sewer Issues

**PUBLIC HEARINGS & APPOINTMENTS**

**OPERATIONAL MINUTE** - Don spoke about the budget presentation that will be presented later on tonight. He further spoke about the snow storm on the 6<sup>th</sup> and the accidents that took place. The Police Chief has notified them of an attack upon a woman outside her home on Newtown Road and asked the citizens to keep watch of their surroundings.

**SEPTIC MANAGEMENT LOAN PROGRAM** – (Dore' read the words of motions in the subject regard). (Official motion attached to minutes) DORE' HUNTER – Moved to approve. PETER ASHTON – Second. UNANIMOUS VOTE.

DORE' HUNTER - Moved to issue Bonds \$232,394 (copies attached to Minutes). BOB JOHNSON - Moved in the words of the Motion. – PETER ASHTON, Second. UNANIMOUS VOTE.

**BOSTON EDISON – POLE LOCATION, MAIN STREET AT THE PUBLIC SAFETY FACILITY.** PETER ASHTON - Moved to Approve. BOB JOHNSON – Second. UNANIMOUS VOTE.

**MARTIN STREET SIDEWALK ISSUE** – Claire Siska, 14 Stow Street, read a priority list that the group has developed. They want sidewalks and pedestrian signage. They do not want the train whistle sounding returned, maintenance of sufficient parking for the train as well as further recreation resources at Jones Field. They want to discuss their concerns. They are asking that the neighborhood's needs be moved up on the sidewalk priority list to protect pedestrians.

Bruce Stamski outlined his meeting with the neighborhood, and that it went very well. They looked at the remains of the old sidewalk and the affected properties owners.

Dore' asked the Police Chief how he felt about the placement on the sidewalk plan. He would like to have sidewalks, but felt we need to keep in mind other streets and other neighborhood needs. He also spoke about the need in other locations and the placement higher on the Sidewalk list. He would not object to the moving up of this area if that is what the Board wanted.

Bob Johnson said safety in that area is critical. He suggested that we get the right of way permission and easement issues under way. Bruce said that he felt that that would not be a problem.

Peter spoke about the two inter-related subjects and we cannot solve both. He asked about cost and trade off's. Bruce Stamski noted that he has been counting cars in South Acton and at the Fire station and has counted up to 90 cars. If the parking lot was expanded by those 90 cars he feels that due to economic concerns they would still park in the free areas. He spoke about the wetlands and expansion. They need to explore this with Conservation Commission and to make a case that this would be a better situation. He feels we have the capability to make that change. It is doable but we need to present environmental impacts. Peter asked about the cost for the parking lot. For the sidewalks on Martin Street, drainage and if we do the work in house around \$33,000 and if we bid it out double that. He has not yet come up with a figure for the parking expansion. Peter asked Chief Widmayer about the ranking of the sidewalk plan and if he would support the moving up on the list. He replied he would, however he is really concerned about High Street, Main Street and other dangerous locations. He noted the two fatalities had taken place on Willow Street.

Walter supported the moving up of Martin Street on the sidewalk priority list. He suggested they look in to the CPC for funding. He felt that funds for Recreational needs would be appropriate for funding under the CPC. He also spoke about HDC and Historical needs that would also be appropriate for CPC Funding.

Dore' felt it would be unfair to vote to change and approve the list tonight as others may also have concerns.

Martin Gratz asked that the parking lot not be expanded.

Pam Fleetman noted close calls on Martin Street. She asked about police presence to deter speeders.

Christine Hanley had questions about the Assabet Rail trail, and parking concerns.

Anne Forbes wanted clarification that that the meeting with Bruce Stamski was not a Neighborhood Meeting. They still have many questions as a group.

BOB JOHNSON - Moved we move the Martin Street Sidewalk up on the Sidewalk list on the first year draft priority list. WALTER FOSTER - Second. UNANIMOUS VOTE.

**FY06 BUDGET** – Peter outlined the different budget scenarios. He spoke about the latest ALG update and uses for the \$350,000. Peter prepared different B budget scenarios. He has tried to find a balance between personnel and other items in the budgets. He has tried to take the suggested methods of cuts from the Big Four. He felt

we need to increase fees up to 25% where they are not statutorily controlled. He said we need to continue to look at efficiencies such as the back office Finance, Recreation and Community Education, and Highway with the Water District.

Dore' noted he would take the money from the Library. He felt we needed to hold the Town Engineer on board. He also suggested we take money from Finance Committee. He looked at Highway not paving, they will rely on Chapter 90 for pot holes. Recreation needs to support its self and has to pay for itself. Dore' said there is no way we can protect Police and Fire.

Don confirmed that the Board want the major cuts to come from the Big Four.

Bob Johnson looked at the dismantling of Town Hall Departments. He felt it was not acceptable. Once you take out a department it is very hard to rebuild. He said that the major amounts need to come from the Big Four (Fire, Police, Highway and Acton Memorial Library).

Peter said staff has been very busy developing these cuts. He assured everyone that they have looked carefully at these issues.

Dore' felt we needed to support the Senior Center and that is one service we need to preserve.

**HABITAT FOR HUMANITY** – Representatives of Habitat for Humanity asked the Town to donate the land at 74 River Street to them for construction of an affordable home. They would be fully responsible to meet all regulations both Town and State. They would have a deed restriction to assure that it remains affordable and it would add to our housing stock. They want the Board of Selectmen to support the CPC funding at Spring Town Meeting in the amount of \$35,000.

Don said that it would need to be put out to bid and then to grant the approvals and restrictions to Habitat for Humanity.

Peter spoke about some concerns he has. He supports the project. He asked how other towns handle the donation of property. She said that Ashburnham, Groton, Ayer and Maynard have worked with them successfully. Peter and Dore' support placing the question on the warrant, but could not recommend the Article in the Warrant due to the fiscal situation.

Don asked Habitat for Humanity to submit an article to the Town Meeting. The Board suggested they increase their CPC request for funding. PETER ASHTON - Moved to place this on the warrant. BOB JOHNSON – UNANIMOUS VOTE.,

Anne Forbes asked that the group contact the HDC to go over regulations regarding building in the District.

**ACTON HOUSING AUTHORITY** – Don gave an overview of the ACHC taking over the administrative support of their committee. Betty is retiring and they don't feel they can continue to support an outside board. It is an issue that the AHA is not going to be able to support the ACHC activities. Betty's concerns are about the chaos of having a new job and ACHC duties, she noted it would be very difficult to someone having manage

both. ACHC will need office space, and it is something that we may be able to work out. PETER ASHTON – Moved to support ACHC's funding request to CPC. BOB JOHNSON – Second. UNANIMOUS VOTE.

**FAULKNER MILL SITE PLAN SPECIAL PERMIT #09/24/04-399, 4 HIGH STREET – CONTINUED FROM 12/13/04 –** The petitioner's engineer asked that the plan be continued to January 24, 2005 at 8:00.

## **SELECTMEN'S BUSINESS**

### **OTHER BUSINESS**

Peter is representing the Walter. They are meeting with the Democratic Town Committee at 6:00 at the Continental Café on Spruce Street on the 9<sup>th</sup>, to continue the State of the State discussions. All are welcome.

## **CONSENT AGENDA**

BOB JOHNSON – Moved to approve. – PETER ASHTON - Second. UNANIMOUS VOTE

## **TOWN MANAGER'S REPORT**

## **EXECUTIVE SESSION**

PETER ASHTON –Move to go into Executive Session for the purpose of discussing Contract Negotiations, to return to regular meeting. – Second. Roll Call was taken, Hunter, Ashton, Foster ( Shupert and Johnson absent) All AYES,

  
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Christine Joyce  
Recording Clerk

  
\_\_\_\_\_  
Clerk  
1-24-05  
Date

December 30, 2004

TO: Board of Selectmen, Sewer Commissioners

FROM: F. Dore' Hunter, Chairman

**REVISED AGENDA**

SUBJECT: Selectmen and Sewer Commissioners' Report

**JANUARY 3, 2005**  
**6:30 P.M.**

**I CITIZENS' CONCERNS**

**II SEWER COMMISSIONERS' BUSINESS**

**III PUBLIC HEARINGS & APPOINTMENTS**

6:30 EXECUTIVE SESSION

1. 7:02 – **OPERATIONAL MINUTE** – The Town Manager will give the Board a brief update on various topics.
2. 7:05 **SEPTIC LOAN PROGRAM AUTHORIZATION** – The Finance Director will be in requesting Board approval for the Septic Program Loan.
3. 7:10 **BOSTON EDISON POLE LOCATION HEARING, MAIN STREET AT PUBLIC SAFETY FACILITY** – Enclosed please find materials in the subject regard, for Board consideration.
4. 7:15 **MARTIN STREET SIDEWALK DISCUSSION**, (continued from Citizens Concerns of December 13.) Enclosed please find materials in the subject regard, for Board consideration.
5. 7:45 **FY06 BUDGET DISCUSSION** – Enclosed please find materials in the subject regard, for Board consideration.
6. 8:15 **HABITAT FOR HUMANITY** - Enclosed please find materials in the subject regard, for Board consideration.
- 6A 8:30 **ACTON HOUSING AUTHORITY** – Mrs. McManus will be in to discuss future staffing of the Acton Community Housing Corporation.
7. 8:45 **FAULKNER MILL SITE PLAN SPECIAL PERMIT / SPECIAL PERMIT, #09/24/04-399, 4 HIGH STREET** – (continued from December 13 meeting) Enclosed please find materials in the subject regard, for Board consideration.

**IV SELECTMEN'S BUSINESS**

**8. OTHER BUSINESS**

**V CONSENT AGENDA**

9. **ACCEPT MINUTES** – Enclosed please find Minutes of the December 13, 2004 Selectmen's meeting, for Board consideration.

10. **ACCEPT GIFT** – Enclosed please find a request for acceptance of the following gifts for Winterfest 2005 at NARA Park:  
Life Care Centers of America, \$50.00  
Gallant Insurance Agency, \$200.00  
Butter Brook Farm, \$25.00.

11. **ACCEPT GIFT** – Enclosed please find a request for acceptance of the gift of mileage from Dean Charter, for Board consideration.

12. **ACCEPT GIFT** – Enclosed please find a request for acceptance of a donation of \$130.00 from the Juniper Ridge Book Club to the West Acton Citizens' Library, for Board consideration.

13. **BETSY BALL, GEORGIA WHITNEY FUND** – Enclosed please find a confidential request for funds from the Director of the Council on Aging, for Board consideration.

14. **COMMITTEE APPOINTMENT, TRANSPORTATION ADVISORY COMMITTEE** – Enclosed please find a Volunteer Application from Antonio Santoro for appointment to the TAC as an Associate Member with a term ending 6/31/05, for Board consideration.

15. **SITE PLAN SPECIAL PERMIT #01/03/01-365 AMENDED, 55 KNOX TRAIL** – Enclosed please find materials in the subject regard, for Board consideration.

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

## **VII EXECUTIVE SESSION**

16. There will be a need for Executive Session (6:30 P.M.)

### **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. 24 –O'Natural's Liquor License Change, Class II Used Car Non-Display License

Feb 7

Feb 28

March 14/28

April 4

### **GOALS 2004-2005**

1. Produce Morrison Farm Development Master Plan (Bob/Walter)
2. Improving Inter Board Communication (Dore')

### **GOALS carried forward**

3. Monitor Labor Negotiations (Peter/Trey)
4. Improve Communication with Town Boards (ALL)
5. Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision, and to get a first rough cut of what happens next year before school is out for the summer (Trey/Peter)

6. ALG process be used for purpose of Budget Planning for FY05 (Dore'/Peter)
7. Process Planning for "Life after NESWC" (Bob)
8. Joint IT process-organizational change (Walter/Dore')
9. Middlesex Pension Alternatives (Walter/Trey)

COPY OF BOARD VOTE - Christine

I, the Clerk of the Board of Selectmen of the Town of Acton, Massachusetts, certify that at a meeting of the board held January 3, 2005, 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 vote of the board taken May 9, 2000 relating to the community septic management loan program (the "Project") is hereby rescinded;
- (2) That the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$200,000 (the "Bonds") pursuant to Chapters 29C and 111 of the General Laws and a vote of the Town passed April 9, 1997 (Article 21), for the Project;
- (3) 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 \$200,000;
- (4) 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;
- (5) 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;
- (6) 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 agreement by the Treasurer, are hereby ratified, approved and confirmed; and
- (7) 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 or Agreements and the Project Approval Certificate and Regulatory Agreement or 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: January 3, 2005

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Clerk of the Board of Selectmen

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COPY OF BOS VOTE FOR CHRISTINE

I, the Clerk of the Board of Selectmen of the Town of Acton, Massachusetts, certify that at a meeting of the board held January 3, 2005, 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 \$232,394 (the "Bonds") pursuant to Chapters 29C and 44 of the General Laws and a vote of the Town passed April 4, 2000 (Article 20) to replace the prepaid portion of the Town's \$480,114 Water Pollution Abatement Bond dated November 15, 2002 and issued to the Massachusetts Water Pollution Abatement Trust (the "Trust") for the water pollution control facility project identified in such vote (the "Project");
- (2) that each Bond 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;
- (3) that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond, and to execute a Loan Agreement (or Agreements) with the Trust with respect to the sale of the Bonds, such date, form and maturities and the specific interest rate or rates of the Bonds to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds;
- (4) 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
- (5) 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(s) and the Project Regulatory Agreement(s) 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 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: January \_\_\_, 2005

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Clerk of the Board of Selectmen