

Final



**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**  
**February 29, 2012**

**Acton Town Hall**  
**Francis Faulkner Hearing Room**  
**7:00 P.M.**

Present: Mr. Gowing, Ms. Harting-Barrat, Ms. Adachi, Mr. Clough, Mr. Sonner, and Town Manager Steven Ledoux, Recording Secretary Christine Joyce. The meeting was televised.

**CITIZENS' CONCERNS**

None.

**CHAIRMAN'S UPDATE AND TOWN MANAGER'S OPERATIONAL MINUTE**

None.

**SELECTMEN'S BUSINESS**

**TOWN BUDGET DISCUSSION**

**TRANSPORTATION**

Health Director Doug Halley gave a slide presentation on the transportation items in the budget. He did a three-year projection, based on a range of assumptions including increases in expenses and fares, and passage of House Bill 901, which would allow the Town to use parking meter proceeds for the shuttle.

Mr. Sonner asked what the plans were for consolidation with other existing services to reduce the overlap. Mr. Halley noted that a reduction in services will not provide proportional savings. The Town is looking at taking over the LRTA and at regionalization; applying for a grant to get GPS/GIS capability and also provide more efficiency in the dispatch of transportation vehicles, for example, in Maynard. Mr. Gowing added that there also is the possibility of developing a fixed route and picking up passengers along the way so they do not have to drive to the shuttle lots at Mt. Calvary. The Town also could start its own service, given that it is on the fringe of several service-providers' territories, such as LRTA. LRTA and the Council on Aging are willing to have TransAction handle dispatch.

Ms. Harting-Barrat asked if there had been any consideration of having the shuttle go from Acton to Littleton, which might get the only express train, at 7:08 a.m.

Mr. Clough asked if there was any talk of having the Schools share the cost of the MinuteVan from the Regional District to students homes, given the District decision to omit late buses. Franny Osman, Chairman of the Transportation Advisory Committee, reported on her discussions with the District in an effort to get them to share the cost of the MinuteVan. She also has been hearing from people that the availability of the van helps kids who would have to go straight home and not be able to participate in after-school activities. She said the Town

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needs to consider expanding service in Boxborough. Mr. Halley said the Town is not relying on District assistance with funding and there are a lot of grant opportunities that the Town is looking at.

Bengt Muten said there's another big demand during the summer school session.

#### **NURSING SERVICE**

Ms. Harting-Barrat said that Mr. Halley and Heather Hurley of the Nursing Service would be meeting with a marketing consultant. She noted that the Advocare consultant had mentioned marketing but had made no suggestions; Ms. Adachi and Mr. Clough said that Advocare's charge was only to identify the problem. Mr. Clough asked whether the Nursing Service's electronic medical records system is able to push back the records to the referring physician. Mr. Halley will follow up.

#### **CITIZENS' PETITIONS ABOUT OTHER POST-EMPLOYMENT RETIREMENT BENEFITS**

Allen Nitschelm and Charlie Kadlec presented their petitions. Mr. Nitschelm explained that due to the deadline for warrant placeholders, their petition to set up a trust for OPEB is essentially the same as the Town's proposal. They would like to focus on the second petition about the proposed funding amount. The Town's proposed level is \$500K, while the petition proposes a higher level, capped at \$2 million. The Town can address the OPEB liability by increasing revenues or decreasing expenses. The Finance Committee has come up with \$500K as a placeholder. As a long-term solution, the OPEB funding should not come from reserves, but the petitioners' proposal to take \$2M from reserves will send a much stronger message to taxpayers. The Segal report suggested \$5 million is necessary, while the FinComm subcommittee said \$2 million.

Mr. Clough recalls that one FinComm member recommended \$2 million, and another \$500K. He does not think that the subcommittee recommended \$2 million. Mr. Nitschelm said he would check but believes subcommittee documents said \$2 million to about \$2.2 million.

Mr. Sonner asked about potential impact on the Town's bond rating, whether dropping reserves lower or being more responsible in setting aside more funds.

Mr. Kadlec said the public knows nothing about the OPEB issue and asked whether the Town plans to educate residents. Mr. Gowing said the plan is for forums and handouts at Town Meeting.

Dick Calandrella said that three years ago, a Segal report put the OPEB obligation at \$83 million; now it is \$100 million. The Town needs to point out that the obligation is growing exponentially. Mr. Nitschelm noted that the \$100 million was for FY10, so the current obligation presumably would be higher.

Jeff Clymer, who is an actuary in the private sector, said that the private-sector solution is to reduce benefits. The growth of the obligation in the public sector is due to a level of employee benefits that have not existed in the private sector for a while. Mr. Clough noted that the Town just made changes in health insurance plan design.

Mr. Nitschelm said the Town is paying \$2.1 million annually for the current OPEB obligation, and could pay in that amount next year; it is not as if the Town will lose access to the funds. The idea is to leave the funds alone so that they will be available down the road, as opposed to in the near future.

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The Board discussed the FinComm consensus with respect to \$500K for FY13. At the Acton Leadership Group meeting, Mr. Gowing proposed an increase to \$750K for FY14 and \$1.125 million for FY15. Mr. Sonner would like a more aggressive schedule. Ms. Harting-Barrat is fine with Mr. Gowing's proposal. Ms. Adachi would like to know what FinComm thinks.

#### **ACTON 2020**

Jim Snyder-Grant said that Acton 2020 would like the article to be early in Town Meeting, perhaps right after the Consent Agenda. Or perhaps it could be tabled until the second night to allow more time for discussion.

Planning Director Roland Bartl said that the tradition is to have the master plan presentation up front. Mr. Nitschelm objected, saying that residents show up ready to work and to stick in a master plan with long, boring discussion will make people wonder why they came to the meeting. Mr. Sonner would like the article on the first night of Town Meeting. Ms. Harting-Barrat said that given the years of work on the project, the article should be on early. Mr. Ledoux said that earlier would be better for senior citizens; he added that the tradition is the Town budget items on Night 1.

Mr. Gowing suggested having the Town budget items on Night 1, and Acton 2020 and the Schools budget items on Night 2, with a mix of items on both nights that will attract more attendance each night. Some prefer having all budget items on the same night, but that makes for a marathon night and reduces attendance on other nights. Mr. Bartl noted that Town Meeting approval is not required but is traditional. The article is to adopt only the goals and objectives. The Planning Board must approve the full plan. Mr. Sonner noted that there will be a full presentation of the plan on 3/6.

Mr. Sonner – moved to recommend the article, which is the plan goals and objectives. Ms. Harting-Barrat – second. Mr. Sonner will be the Board contact.

#### **81 WOOD LANE**

Mr. Snyder-Grant, on behalf of the Acton Conservation Trust, explained that the conveyance of the parcel has not yet occurred, so the Board should defer any recommendation until Town Meeting. The Board voted to defer its recommendation until Town Meeting. Mr. Clough will be the Board contact.

#### **LAND SWAP, TOWN FOREST**

Mr. Snyder-Grant, speaking as Chairman of the Land Stewardship Committee, asked what this article involved. Mr. Gowing explained. Mr. Gowing – moved to recommend, Ms. Harting-Barrat – second. The Board voted to hold until a later meeting. Mr. Gowing will be the Board contact.

#### **LAND LEASE/EASEMENT, NARA MIRACLE FIELD**

Mr. Gowing provided background on the article. The Board voted to hold until a later meeting. Mr. Gowing will be the Board contact.

#### **COMMUNITY PRESERVATION PROGRAM**

Planning Director Roland Bartl reviewed the projects that the Community Preservation Committee has recommended. The CPC has postponed its recommendation on the Open Space proposal, and is divided on the Windsor Building proposal, which has changed from a much larger project to a modest proposal. During discussion of the Skate Park proposal, which is what remains of the larger Lower Fields proposal, Mr. Gowing noted the need for a better

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method for addressing Town projects for Community Preservation Act funding that change after the Board hears the initial presentations before they move to the CPC. Mr. Bartl noted that the CPC was looking for guidance from the Board. Ms. Adachi explained that at Monday's meeting, Ms. Harting-Barrat had moved to approve proposed funding of \$50,000 and no one seconded, so the CPC believed that if a majority of the Board did not support the proposal, the Board should pull it so the CPC did not have to address it.

Mr. Clough – move to withdraw Windsor Building from the list of Town proposals for CPA funding, Ms. Adachi –second. All Ayes. Unanimous vote.

The Board voted to postpone voting on the article in its entirety until after the CPC has voted its recommendation on the Open-Space proposal.

### **ZONING BYLAW AMENDMENTS**

Jeff Clymer and Mr. Bartl explained the array of amendments that Mr. Clymer will be presenting at Town Meeting. Mr. Bartl said that the sign bylaw changes are almost entirely the recommendations of the Economic Development Committee. There was some discussion of the proliferation of illegal signs. Illegal signs in the public way are under the control of the Board, as opposed to the Zoning Enforcement Officer. The Board voted to recommend most.

### **HOME RULE PETITION, DEPUTY POLICE CHIEF**

Mr. Ledoux explained that police and fire department employees must retire by law at age 65. Deputy Chief Parisi, who became Deputy Chief less than a year ago, would like to work past 65 for the sake of continuity, which would require a special legislative act. Mr. Sonner – moved, Ms. Harting-Barrat – second. The Board postponed voting until it knows what the language and effect of the petition will be.

### **HOME RULE PETITION, GREEN ENERGY FUND**

The Department of Revenue ruled that the proposed funding arrangement was ineligible for an enterprise fund. There was a discussion among Mr. Kadlec, Mr. Nitschelm and Board members about whether energy savings would go into the energy fund automatically or require an appropriation. Mr. Ledoux confirmed that adding to the fund will require an appropriation and will not be automatic. Mr. Sonner acknowledged that there was some ambiguity but said the intent was to take funds equal to calculated savings and put them into the fund. Ms. Harting-Barrat – moved to recommend, Mr. Clough – second. Ayes, 4, Nay, 1. Mr. Gowing thinks the wording needs clarification before it goes to the state.

### **RESOLUTION FOR CONSTITUTIONAL AMENDMENT**

Ms. Harting-Barrat – moved to recommend, Mr. Gowing – second. Ms. Adachi said she understands the issue involving the Citizens United case but disagrees with the approach. Ms. Harting-Barrat and Mr. Gowing noted the many problems that the decision has created. Mr. Nitschelm opposed the resolution but recommended that an amendment to add a reference to unions. Mr. Kadlec urged the Board to think carefully about the resolution. The Board discussed who would present the article: Cory Atkins. The Board postponed voting until a later meeting.

### **CONSENT AGENDA ARTICLES**

The Board voted on Consent Agenda articles and Mr. Gowing assigned Selectmen-contacts.

### **SELECTMEN'S REPORTS**

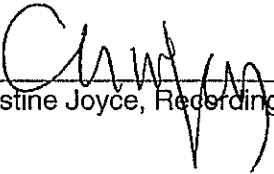
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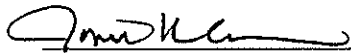
None.

**CONSENT AGENDA**

None.

Move to adjourn at \_\_\_\_\_

  
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Christine Joyce, Recording Secretary

  
\_\_\_\_\_  
Janet K. Adachi, Clerk

Date: 21 May 2012

**Town of Acton  
BOARD of SELECTMEN**

February 29, 2012  
Room 204, Town Hall  
7:00 p.m.



**MEETING AGENDA**

**Discussion and recommendations:**

**Annual Town Meeting Warrant**

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<input type="checkbox"/>		020 Tuesday Draft Warrant 02-28	admin	02/29/12	873 KB	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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