

Final

**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**

**R E C E I V E D**  
SEP 10 2013

**July 22, 2013**  
**Executive Session, 6:00 p.m.**  
**Francis Faulkner Hearing Room 7:00 p.m.**

**TOWN CLERK, ACTON**

Present: Ms. Adachi, Mr. Gowing, Ms. Green, Mr. Clough, Mr. Sonner, Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

**EXECUTIVE SESSION – 6:00 p.m.**

Ms. Adachi explained that the Executive Session was for the purpose of discussing the Town Manager's contract, and would be in two parts, with the Board first having a discussion and the Town Manager then joining the discussion. Human Resources Director Marianne Fleckner will be present throughout the Executive Session.

Chair: "I'll entertain a motion to enter executive session in accordance with the Open Meeting Law to: conduct strategy sessions in preparation with nonunion personnel and conduct negotiations with nonunion personnel.

- a. Mr. Clough "So moved."
- b. Mr. Gowing "Second."

Chair: The Board will return to open session for balance of meeting. Would the Clerk call the roll call. Roll call taken, all AYES.

**CITIZENS' CONCERNS**

**None**

**CHAIRMAN'S UPDATE & OPERATIONAL MINUTE**

Ms. Adachi – Attended the public meeting about construction on Route 2 at Crosby Corner hosted by Jamie Eldridge, which outlined the project and its ramifications. The websites for the towns of Concord and Lincoln have updates on construction and its expected impact on traffic. She read a letter congratulating Corey York on achieving the rank of Road Scholar with the Bay State Road Scholar program Ms. Adachi announced that the August 5<sup>th</sup> Selectmen's meeting will include an Executive Session to discuss Walker Realty, and Panera is expected to be back before the Board. The Board should also be prepared to have a further discussion on the Audubon Hill septic issue, to deal with dog kennel fees, and to discuss the make-up and goals of the senior center building committee.

Mr. Ledoux – Awarded contract for advanced life support program study to the MMA Consulting Group. The bid for the study was less than what was appropriated for the study at Town Meeting. The Governor has vetoed portions of the budget, including a cut to local aid; however the MMA and others are working to override his veto. He spoke about the Audubon

July 22, 2013

Board of Selectmen's Minutes

Final

Hill sewer system situation and is waiting to hear from staff to finalize his recommendation on this issue. He recently attended the MMA- Suffolk Law School graduation to support the five members of town staff who completed the program this year.

## **PUBLIC HEARINGS & APPOINTMENTS**

### **DOUG HALLEY, CROSS CONNECT (CIC GRANT)**

Mr. Halley gave a power point presentation on the status of the Cross Town Connect program and where the group is looking to go in the next year. Mr. Gowing asked about the Mobility Manager that the group hopes to hire and if this person's job would seeking out additional grants. Mr. Halley said that this would be one of the duties and that the while the project has already received some grant funding, they hope to continue that support in future years. Mr. Gowing also asked about how, as the cross connect brand evolves, all the vehicles belonging to the area COA's and towns will be branded. Mr. Halley said that they hope that as the group gains confidence with the towns, they will put the logo on the vans and that ultimately, over the years, the vans will be completely transferred to the organization.

Mr. Sonner said that this has come a long way and asked about the impact on COA and Minute vans, in particular, will be a part of this organization and lower our dispatch costs? Mr. Halley said that it will save money as we regionalize dispatch with the other communities, we will receive more services than for what we pay now. Mr. Sonner asked about what would happen if a town withdrew and what would be the impact on Acton as the lead town. Mr. Halley said that there is some risk to the town if other towns chose to leave the intermunicipal agreement in the future but that the organization plans to structure the IMA such that towns have to agree to stay a part of it annually, which will help reduce the risk of a town suddenly deciding to leave. Mr. Sonner asked if the group plans to look at implementing some fixed routes. Mr. Halley said that there are already some fixed routes offered and that they are looking at including more in the future as the need arises.

Mr. Clough asked about the level of support of this program in other communities. Mr. Halley said that they have supported the grant proposals and have generally seemed supportive of the program. Mr. Clough asked about Acton being the hub and if this position puts pressure on us to approve the funding, etc. at Town Meeting. Mr. Halley said that he's seen the pressure to have this program coming from the citizens in Acton and doesn't anticipate our central role being a problem. Mr. Clough asked who currently absorbs the legal fees and Mr. Halley said that right now it has been Acton but in the future, it will be the organization as a whole. Mr. Clough asked why they are considering having the offices for the organization at Clock Tower Place in Maynard if Acton has been the hub of the organization thus far. Mr. Halley said that initially they will be working with the businesses in Clock Tower Place a fair deal so it will be convenient, plus Maynard is centrally located in the current service area. Mr. Clough also asked if the votes for members will be weighted by the number of shares they hold (the number of shares is calculated on the population expected to use the service from each town or business and reflects how much each town or business pays per year). Mr. Halley said that this is the case.

Ms. Green asked about Acton being the hub and what this translates into for staff hour dedication. She also asked if we receive any benefit for offering the staff time, legal fees, etc.

July 22, 2013

Board of Selectmen's Minutes

Final

Mr. Halley said that he is currently committing 5-6 hours a week between split management toward the town vans and this project., but he sees it dropping down to an hour as other towns become more involved and when a full time staff person is hired for the organization.

Ms. Adachi asked about the proposed office space at Maynard's Clock Tower Place, and if their contribution, and thus lowered financial contribution, has been accounted for in the cost expectations that were presented tonight. Mr. Halley said that this was the case.

Herman Kabakoff asked about a typical scenario – for example, an Acton resident lives here and wants to go grocery shopping and have the van pick him up take me back home. What is the expected wait time at the grocery store after being dropped off? He asked this in particular because of instances he has heard of with residents having to wait 2 hours to be picked up from shopping and brought home. Mr. Halley said that trying to maximize service means that the passenger will have to sometimes be flexible. As the program continues and grows, they expect to see lowered wait times and having certain fixed routes will also help with this scenario.

Mr. Clough asked that if Mr. Halley comes back before the Board to ask us to join an inter municipal agreement, that he provide the Board with expected cash flow statements for the next few years so that we can better understand the commitment we are being asked to make. Mr. Halley said that he will provide that information.

#### **PANERA SITE PLAN #3/5/13-441, CONTINUANCE FROM JUNE 10, 2013 252 MAIN STREET**

Continued to August 5 at 8:10 p.m.

#### **TRANSFER OF FULL LIQUOR LICENSE, FROM NAGOG RESTAURANT CORP. TO RED RAVEN, INC., NAGOG PARK**

The proponents were before the board outlining their plans for their new business and requesting a full liquor license. There was general consensus that the information provided was extraordinarily well prepared and detailed. As the owners had come before the Board at the last meeting for other licenses, there were no questions from Board members. Mr. Sonner – Moved to approve. Mr. Gowing – second. Roll call vote all Ayes.

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

#### **DECLARATION OF UNIQUENESS, 81 WOOD LANE**

The Town Manager explained that this Declaration relates to the small parcel of land that abuts the arboretum and which was voted and approved at this year's Town meeting. The Town needs the Declaration in order to avoid going through the public bidding process otherwise required by Ch. 30B.

Mr. Gowing – Moved to approve. Mr. Sonner – second. UNANIMOUS VOTE

Final

## **DISCUSSION AND VOTE ON THE TOWN MANAGER'S CONTRACT**

Ms. Adachi introduced the agreement explaining that it included a 2% raise over the previous base salary and a shift of funding from the car allowance to the deferred compensation program. The contract will also be extended by one year.

Mr. Clough - Moved to amended contract to increase base by 2 % and eliminate the car allowance, moving that money in to Deferred Compensation, and to extend the contract to 2016.  
Mr. Sonner – second. UNANIMOUS VOTE

After the vote, Mr. Sonner noted that the salary increase will make the manager's salary average with comparable towns and noted his "very good" performance evaluation.

## **SELECTMEN TO SIGN HISTORIC PRESERVATION RESTRICTION ON EXCHANGE HALL**

The Town Manager explained that as one of the conditions of Exchange Hall receiving CPA funding, they need to place a preservation restriction on the building.

Mr. Clough asked about the status of the elevator and if the stage had received exemption from ADA requirements. Mr. Berger said that the elevator is operational and that he is still working on the stage issue. Mr. Sonner – Moved to sign the Restriction. Mr. Gowing – second.  
UNANIMOUS VOTE

## **SELECTMEN'S REPORTS**

Mr. Sonner –2020 applied for and was accepted into a program for expert design help for Kelley's corner but it won't begin until the first quarter. The Acton Memorial Library is still working on refining their Long Term Plan.

Mr. Clough – Finance Committee has discussed new Segal Study and they feel that the economy is getting better. He also shared the Selectmen's long and short term goals with the Committee and they noted that our goals did not mention financial issues or ways to save money. Planning Board meeting included a discussion about 56 Windsor Ave. they chose to take no action with the knowledge that now the issue goes to HDC.

Ms. Adachi – AHC asked that we check on the status of a home rule bill that was approved at Town Meeting – Mr. Manager noted that there was no word from the legislature on that yet. The committee also discussed the process for setting a number for payments in lieu of affordable units for 40B developments. They received information on how other towns handle this issue and will work on coming up with a better formula to use in the future. The Water District met and is interested in getting more information from the Town Manager about the town's experience with the solar farm at the transfer station. Ms. Adachi plans on meeting with the Town Manager and the Town Clerk to discuss the polling place issue in light of the LWV study. The Board will need to talk about this and finally resolve the issue of going from two polling places to one.

Mr. Gowing – Attended the MAGIC meeting where they elected new officers – the officers will be the same as last year. They heard from Concord that they are looking at a mixed use development on Burrell Street that will bring the town up to 10.6% for affordable units. Cemetery

July 22, 2013

Board of Selectmen's Minutes

Final

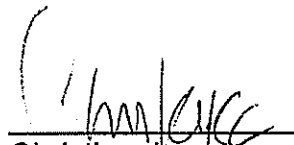
Commissioners looked at a request to tap into a well for Morrison Farm. A film company asked permission to film in the Cemetery and the commissioners are looking at this request. The Historic District Commission held a celebration to thank Michaela Moran for her 24 years of service to the town. They also had a discussion of 101/102 Main Street. Acton TV is looking to get more people for their Board of Directors and would like to someone from the school community. They also want to see about altering their MOU to allow for additional revenue streams.

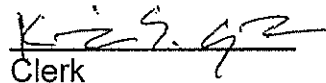
Ms. Green –Attended School Committee workshop where they discussed repairing the Leary Track at the Junior High. The discussion was prompted by a generous donation from a resident and a commitment to additional fundraising; however the committee would need to find room in the budget for the remaining costs. The committee also discussed their policies and approved their liaison assignments – Paul Murphy will remain as the liaison to the BOS. They also discussed next steps for regionalization and will ask the Board to appoint someone in the future for a financial oversight subcommittee. The Historical Commission approved work at a house on the cultural resources list on Robbins Street, continued to work on sending out postcards regarding their historical plaque program, and they voted to recommend against a proposed cell tower at 5 Craig Road. The Commission on Disabilities has a few applicants interested in joining the board. They also began working on their self education program to learn more about the Olmstead Act and its impact on independent living.

## CONSENT

Mr. Sonner - Moved to approve the Consent Items - Mr. Gowing - second. UNANIMOUS VOTE

Mr. Sonner - Moved to adjourn. Mr. Clough – second. UNANIMOUS VOTE.

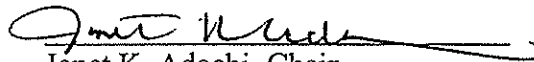
  
Christine Joyce  
Recording Secty

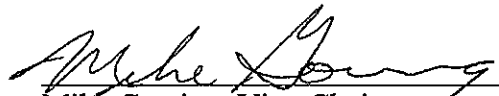
  
Clerk  
9 September 2014  
Date

**RECORD OF VOTE OF THE ACTON BOARD OF SELECTMEN  
JULY 22, 2013**

At a duly called public meeting of the Acton Board of Selectmen on July 22, 2013, the Board voted unanimously to accept the grant of a preservation restriction (the "Preservation Restriction") from Exchange Hall, LLC ("Exchange Hall") with respect to the premises at 2 School Street, Acton, Massachusetts, in connection with the Town's appropriation of a grant to Exchange Hall under the Community Preservation Act for the restoration of historic elements within the building located on said premises, to execute the Preservation Restriction for such purpose that it was delivered to the Board in conjunction with the Board's public meeting for approval and to authorize the Town Manager to take any actions and to execute and deliver any documents that are necessary, in the Town Manager's and Town Counsel's discretion, to complete the acceptance of the Preservation Restriction with whatever modifications, deletions or changes to the Preservation Restriction or any other documents executed in connection therewith that Town Manager and Town Counsel deem necessary or advisable.

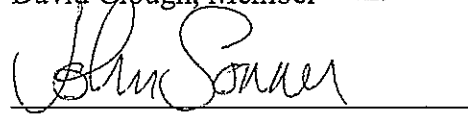
TOWN OF ACTON,  
by its Board of Selectmen

  
Janet K. Adachi, Chair

  
Mike Gowing, Vice-Chair

  
Katie Green, Clerk

  
David Clough, Member

  
John Sonner, Member

July 22, 2013

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# Agenda

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	<a href="#">010 Agenda, Board of Selectmen, July 22, 2013</a>	manager	07/19/13	45 KB	▼
	<a href="#">020 (2) Cross Town Connect/Community Innovation Challenge Grant</a>	manager	07/19/13	6	▼
	<a href="#">030 (3) Panera Site Plan # 3-5-13-441 - 252 Main Street, Continuance from June 10, 2013</a>	manager	07/19/13	22 KB	▼
	<a href="#">040 (4) The Red Raven Inc., 3 Nagog Park - Full Liquor License Transfer</a>	manager	07/19/13	646 KB	▼
	<a href="#">050 (5) Declaration of Uniqueness, 81 Wood Lane</a>	manager	07/19/13	20 KB	▼
	<a href="#">060 (7) Selectmen to Sign Historic Preservation Restriction on Exchange Hall</a>	manager	07/19/13	5	▼
	<a href="#">070 (8) Accept Minutes, Board of Selectmen, June 24, 2012</a>	manager	07/19/13	105 KB	▼
	<a href="#">080 (9) Committee Appointment, Cemetery Commissioner, Joe Will</a>	manager	07/19/13	98 KB	▼
	<a href="#">090 (10) Accept Gift, Recreation</a>	manager	07/19/13	57 KB	▼
	<a href="#">100 (11) Disposal of Obsolete Materials, Memorial Library</a>	manager	07/19/13	18 KB	▼
	<a href="#">110 (12) Removal of Obsolete Equipment, T.J. O'Grady Skate Park, Recreation Department</a>	manager	07/19/13	22 KB	▼

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