

**BOARD OF SELECTMEN MEETING  
MONDAY, APRIL 28, 2008  
TOWN OFFICES (RM 103), SHATTUCK ST.  
LITTLETON, MA 01460**

**7:00 PM OPEN SESSION**

PRESENT: Kenneth Eldridge, Chairman, Joseph Knox and Alex McCurdy. ABSENT: Reed Augliere and Ivan Pagacik..

ALSO PRESENT: Keith Bergman, Town Administrator, Bonnie-Mae Holston, AAFB and Jennifer Gibbons, Administrative Assistant

**READ MAIL/SIGN WARRANT**

**Free Cash Certification – DOR**

Massachusetts Department of Revenue certified that the amount of available funds or free cash as of July 1, 2007 for the Town of Littleton as follows:

General Fund - \$1,061,237.

Water Enterprise Fund - \$223,104.

EMS Enterprise Fund - \$245,174.

**Resignation – Town Treasurer Donald Armstrong**

The Board accepted the resignation of Donald Armstrong and expressed their deep appreciation for years of service to the Town of Littleton.

**Road Sweeping Complaint** – The Board requested Jim Clyde to provide cost estimates for the Highway Dept's annual road sweeping program to include both sides of roadway v.s. the sidewalk side only.

**215 Harwood Ave** – The Board reviewed complaint by the Littleton Conservation Commission against property owner for violation of wetlands Protection Act.

No Action Taken

**PUBLIC INPUT**

Gino Frattallone thanked the Board of Selectmen for their recent letter of support on behalf of the Littleton Housing Authority

**ROAD LAYOUT HEARINGS**

7:30p.m. Chairman Eldridge convened the public hearing for the proposed road layout and betterment hearing(s) for the following right of ways located within the Town of Littleton, MA.

**Manchester & Norfolk Drive**

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Selectman Knox motioned that the Board of Selectmen vote, pursuant to MGL C 82, to approve the layout of the private ways, which have been constructed to the satisfaction of the Planning Board:

- (1) Manchester Drive, forty feet in width, from the southerly side line of Norfolk Drive, a distance of 1,250 feet, more or less in a southerly and easterly direction to the easterly sideline of Tulip Road, this being a portion of the road as shown on a plan entitled "Map B of Long Lack, Town of Littleton," recorded with the Middlesex South District Registry of Deeds as plan number 27;
- (2) Norfolk Drive, Forty feet in width, from the southerly side of shake Lane, a distance of 320 feet, more or less, in a southeasterly and easterly direction to the westerly sideline of lot 3967, this being a portion of the road, all as shown on a plan entitled "Map B of Long Lake, Town of Littleton," recorded with the Middlesex South District Registry of Deeds in Plan Book 362 as plan number 27.

Motion was seconded by Alex McCurdy. VOTE: 3:0

### **Grist Mill Road, Surrey Road**

Selectman Knox motioned that the Board of Selectmen vote, pursuant to MGL C. 82 to approve the layout of the private ways, which have been constructed to the satisfaction of the Planning Board:

- (1) Grist Mill Road, 50 feet in width, from the northerly sideline of Great Road (Route 2A/110), a distance of approximately 3,793 feet to the portion of Grist Mill Road previously accepted; as shown on a plan entitled: "As-Built Plan of Apple DøOr Subdivision ó Littleton, Mass," dated April 12, 2004, as last revised February 14, 2007
- (2) Surrey Road, 50 feet in width, from the westerly sideline of Grist Mill Road, a distance of approximately 2,150 feet; as shown on a plan entitled: "As-Built Plan of Apple DøOr Subdivision ó Littleton, Mass," dated April 12, 2004, as last revised February 14, 2007

Motion was seconded by Alex McCurdy. VOTE: 3:0

### **Whitetail Way**

Selectman McCurdy motioned that the Board of Selectmen vote, pursuant to MGL C. 82 to approve the layout of the private ways known as "Whitetail Way" as shown on a plan entitled, "Whitetail Way-Definitive Subdivision of land in Littleton, Mass. Prepared for Tidan Corporation" dated July 1994 by David E. Ross Associate, Inc. and recorded at the Middlesex South District Registry of Deeds as Plan No. 314 of 1995, said street having been constructed to the satisfaction of the Planning Board.

Motion was seconded by Joseph Knox. VOTE: 3:0

## **ANNUAL & SPECIAL TOWN MEETING**

Annual & Special Town Meetings begin on Monday, May 5, 2008 at 7 p.m. in the Middle School Gymnasium, 55 Russell Street, Littleton. The town meeting warrants and recommendations are available on-line at <http://www.littletonma.org>

### **Special Town Meeting**

1. Bills of Prior Years
2. FY 2008 Line Item Transfer
3. Roadway Improvements - \$1,000,000
4. Subsurface Disposal for Town-owned Properties at 20 Foster Street, 4 Rogers Street - \$300,000

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- 5. New Police Station Design - \$300,000
- 6 Russell Street School Repairs . Feasibility/Design - \$500,000

**Annual Town Meeting Articles**

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| 1. Town Officers   | 17. Chapter 90 Road Improvements                                       |
| 2. Annual Report   | 18. Compensating Balance Agreement                                     |
| 3. Borrowing Authorization                               | 19. Senior Work Program  |
| 4. FY 2009 Operating Budget                              | 20. By-law Amendment: 2/3rds Votes of Town Meeting                     |
| 5. Electric Light Operating Budget                       | 21. By-law Amendment: Town Meeting Posting Requirements                |
| 6. Water Enterprise Fund Operating Budget                | 22 By-law Amendment: Self-Service Stations                             |
| 7. Emergency Medical Services (EMS) Enterprise Fund      | 23 Agricultural Commission Membership                                  |
| 8. Capital Exclusion Items                               | 24 Accept MGL C. 39,§23D . Town Board Quorums at Adjudicatory Hearings |
| 9. Capital Items from Available Funds:                   | 25 Trench Permits  |
| 10 Zoning Amendment: Aquifer and Water Resource District | 26 Road Acceptance: Whitetail Way                                      |
| 11 Zoning Amendment: Rezoning to Business                | 27 Road Acceptance: Manchester Drive and Norfolk Drive                 |
| 12 Zoning Amendment: Rezoning to Business                | 28 Road Acceptance: Grist Mill Road                                    |
| 13 By-law Amendment: Junk & Debris                       | 29 Road Acceptance: Surrey Road  |
| 14 Community Preservation Act                            |  |
| 15. Personnel By-law Amendments                          |  |
| 16. Revolving Funds                                      |  |

**New Police Facility Discussion/Powerpoint Presentation**

Chairman Eldridge and Police Chief Kelly reviewed the Powerpoint presentation for May 5<sup>th</sup> Town Meeting

Article 5 of the Special Town Warrant would authorize borrowing of \$300,000 to complete design of a new police facility, subject to voter approval of a debt exclusion ballot question at the May 10, 2008 Annual Town Election. The project is to construct a new Police Station at the 500 Great Road site purchased for the purpose, and for which 90% design plans have already been developed. The \$6,540,000 construction cost would need to be met by a debt exclusion ballot question proposed for the November 2008 ballot, following an early October 2008 construction bid opening and borrowing authorized by a Special Town Meeting by late that month. Construction of the facility could be completed by Spring 2010. This supplemental \$300,000 (\$115,000 to complete design, \$162,000 to produce construction documents, and \$23,000 to bid out the project) would bring the total design cost to 9% of the construction total.

**Roadway Improvements Plan**

There will be a Powerpoint presentation prepared for Town Meeting.

Road Improvements Plan: To address the condition of local roads in Littleton, the Board of Selectmen voted on March 10, 2008 to support an \$8-million roadway improvement plan, which would be funded inside the property tax levy limit, without any overrides of Proposition 2 1/2. Information posted at the BOSMIN4-28-08

Town's website is attached. The funding plan includes use of some \$500,000 per year in operating budget monies, and an estimated \$260,000 in Chapter 90 highway funds from the State. May 5, 2008 Special Town Meeting voters will also be asked to approve initial borrowing of \$1-million for this project in STM Article 3. Another \$1-million in borrowing will be requested in 2013, and a final \$800,000 in FY 2018. The Town will also continue to pursue additional state funding to help offset the local cost of this project. This plan does **not** involve any use of cell tower revenues, which prior town meetings have designated for conservation land purposes. See the detailed spreadsheet with financing assumptions

## **TOWN ADMINISTRATOR**

### **Tax Collector - Appointment**

Appointed Tax Collector Rebecca Jean Quinn requested by: Town Administrator and Bonnie Holston, AAFB

Selectmen McCurdy motioned that the Board of Selectmen vote, pursuant to Section 3A of the Department of Finance and Budget By-law, to approve the appointment by the Town Administrator and Assistant Town Administrator for Finance and Budget of Rebecca Jean Quinn as Tax Collector for the Town of Littleton, effective following the May 10, 2008 Annual Town Election.

The motion was seconded by Joseph Knox. VOTE: 3:0

(Article 10 of the May 5, 2007 Annual Town Meeting voted Question 12 of the May 12, 2007 Annual Town Meeting made the Tax Collector an appointed position as of the expiration of the term of the elected Collector (at the May 2008 election). Subsequently, the Department of Finance and Budget By-law was approved by the June 12, 2008 Special Town Meeting, and provides in Section 3A that "The [finance] department heads shall be appointed by, and can be removed by, the Assistant Town Administrator for Finance and Budget and the Town Administrator subject to the approval of the Board of Selectmen (1) Town Accountant; (2) Town Treasurer if appointed; (3) Town Tax Collector if appointed.")

### **Permanent Municipal Building Committee - Appointment**

Selectman McCurdy motioned that the Board of Selectmen vote to pursuant to §13-16 and 13-17 of the Town Code to appoint Ronald Catella, 480 Netown Road, as a member of the Permanent Municipal Building Committee, for a term expiring June 30, 2010.

The motion was seconded by Joseph Knox. VOTE: 3:0

*Town Code § 13-16 establishes a seven-member Permanent Municipal Building Committee, on which there are currently five members. After this appointment, one vacancy still remains. Town Code §13-17 establishes the Board of Selectmen as the appointing authority for the PMBC.*

## **OTHER BUSINESS**

### **APR-Muni Application –**

New England Forestry Foundation (NEFF) APR Grant application requested by the Town Administrator and the Agricultural Commission.

Agricultural Commission reviewed the application at its meeting on April 22, 2008. Town representatives have met Department of Agriculture staff member Christine Chisholm to review the APR-Muni Application Form and are told that Littleton's application will be very competitive.

Selectman McCurdy motioned that the Board of Selectmen vote to authorize the chairman to execute and submit to the Massachusetts Department of Agriculture an application under its Agricultural Preservation Restriction (APR) Municipal Grants program for property owned by the New England Forestry Foundation off Wilderness Road.

The motion was seconded by Joseph Knox. VOTE: 3:0

#### **Eagle Scout Project Approval - Bridge, Wooden Walkway**

The Board met with Evan Burnett and Joh Toohill of Troop 20 Littleton who provided a brief overview of the proposed wood constructed pedestrian bridge over a creek that currently separates existing conservation land along the Two Brothers Trail and replace a series of boards spanning across a wet area of the Two Brothers Trail with a wooden walkway.

Selectman McCurdy motioned that the Board of Selectmen vote to grant permission for the following Eagle Scout projects: (1) for Evan Burnett to build a 12-foot long by 10-foot wide bridge across a brook on the Morgan property conservation land, Assessors Map U-18, Parcel 108; and (2) for Jon Toohill to replace a series of boards spanning across a wet area of the Two Brothers Trail with a wooden walkway, in both cases subject to the approval of the Conservation Commission.

The motion was seconded by Joseph Knox. VOTE: 30

#### **Approve Amended Regulatory Agreement of Littleton Ridge Estates (a/k/a Charles Ridge)**

Requested by: Town Counsel, ZBA, 4/24/08

ZBA has voted to approve this as the amended the comprehensive permit to reflect the new ownership. The final action necessary is for the Board of Selectmen to amend to the regulatory agreement.

Selectman McCurdy motioned that the Board of Selectmen vote to execute a First Amendment to the Regulatory Agreement for Charles Ridge by and among the Commonwealth of Massachusetts, acting by and through the Department of Housing and Community Development (DHCD), the Town of Littleton (the Municipality), and Littleton Ridge Estates, LLC (Littleton Ridge), a Massachusetts limited liability company having its address at 17 Progress Avenue, Chelmsford, MA, and its successors and assigns (Project Sponsor).

The motion was seconded by Joseph Knox. VOTE: 3:0

#### **MIIA Health Benefits Trust Agreement**

The agreement has been approved by Town Counsel.

The provider of group health services continues to be Blue Cross/Blue Shield, through MIIA, and at a substantial savings to subscribers and the Town.

Selectman McCurdy motioned to approve that the Board of Selectmen vote, pursuant to MGL C.32B, §3, to adopt the unanimous recommendation of Insurance Advisory Committee that the Town consider the Massachusetts Interlocal Insurance Association (MIIA) Health Benefits Trust as the health

insurance provider for the period of June 1, 2008 to May 31, 2010; and to adopt a resolution authorizing and empowering the Town of Littleton to participate in the MIIA Health Benefits Trust and authorizing execution of the MIIA Health Benefits Trust Agreement.

The motion was seconded by Joseph Knox. VOTE: 3:0

### **Community Preservation Committee -**

The Board of Selectmen requested Statement of Qualifications for citizen at-large appointments at their last meeting held on 4/14/08

Under the Community Preservation Committee by-law passed by the November 5, 2007 Special Town Meeting and approved by the Attorney General, the Board of Selectmen have four at-large appointments to be made. The five members designated by their respective boards are:

Dan Lord - Conservation Commission  
John Bowers - Historical Commission  
Geraldyn Miller - Park & Recreation Commission  
Gregg Champney - Planning Board  
Michael Morey - Housing Authority

Selectmen Knox motioned that the Board of Selectmen vote to adopt a statement of qualifications for appointments to the Community Preservation Committee, as follows: "By statute, the Community Preservation Committee contains representation from five town boards whose jurisdictions include open space, historic resources, community housing, and recreation. To these valuable skill sets the Board of Selectmen wishes to add, by its four at-large appointments to the CPC, a broad knowledge of the community's overall needs and the financial management challenges the Town faces in meeting those needs within the limits of Proposition 2½."

The motion was seconded by Alex McCurdy. VOTE: 3:0

### **EXECUTIVE SESSION**

9:20p.m. Selectman Knox motioned that the Board of Selectmen vote, pursuant to MGL C.39, §23B clause 3 to go into executive session for the purpose of conducting strategy for contract negotiations with non-union personnel, and not to convene in open session thereafter

The motion was seconded by Alex McCurdy.  
(K.Eldridge-Aye, A. McCurdy-Aye and J. Knox-Aye ) VOTE: 3:0

Chairman Eldridge reconvened the meeting in open session at 9:30p.m.

Selectman Knox motioned to ratify a tentative agreement reached with Chief of Police John Kelly for a new three-year contract commencing July 1, 2008 and ending June 30, 2011.

The motion was seconded by Alex McCurdy. VOTE: 3:0

Selectman Knox motioned to adjourn. The motion was seconded by Mr. McCurdy.  
VOTE: 3:0

**9:40p.m. MEETING ADJOURN**

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