

**BOARD OF SELECTMEN
APPROVED MINUTE DISTRIBUTION
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TOWN CLERK

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BOARD OF HEALTH

HISTORIC DISTRICT

CULTURAL COUNCIL

SUPT. OF SCHOOLS

VCC

TAC

PLANNING BOARD

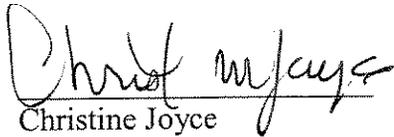
High-Way

**SELECTMENS MEETING
OCTOBER 11, 2005
7:00 P.M.**

Acton Memorial Library, Ashton, Foster, Rosenzweig, Foster and the Town Manager

Massachusetts Water Pollution Abatement Trust Refinancing of the Comprehensive
Water Resources Management Plan - DORE' HUNTER - Moved to execute the Bond-
WALTER FOSTER – second. UNANIMOUS VOTE

ADJOURNED at 7:10 p.m


Christine Joyce


Clerk, Board of Selectmen
11/14/05
Date

October 11, 2005

TO: Board of Selectmen

FROM: Peter Ashton, Chairman

SUBJECT: SPECIAL SELECTMEN'S MEETING

ACTON MEMORIAL LIBRARY
(ROOM LOCATED TO THE LEFT WHEN ENTERING THE BUILDING)
7:00 P.M.

I CITIZENS' CONCERNS

II PUBLIC HEARINGS & APPOINTMENTS

III SELECTMEN'S BUSINESS

**1. 7:00 – MASSACHUSETTS WATER POLLUTION ABATEMENT TRUST
REFINANCING** – Enclosed please find materials related to refinancing of the
Comprehensive Water Resources Management Plan (CWRMP), for Board
consideration and signature.

2. OTHER BUSINESS

IV EXECUTIVE SESSION

SEWER COMMISSIONER'S ABATEMENT HEARINGS

October 11, 2005

7:05 P.M.

Acton Memorial Library Conference Room

Doug Halley spoke about the abatements that they have to act upon. They have received 11 applications. 9 of the homes were misidentified as not being bettered. After review by Town Counsel they were issued a betterment. The petitioners feel the cost of the hooking into sewers were too costly. Doug said septic systems are running \$25,000. The life span of the sewer is 50 years vs. 25 years of a home septic system. The benefits of sewers are environmental improvements and a benefit that they don't have to worry about breakouts. Title 5 will be issuing new regulations shortly. It was noted that Merriam Lane and Drummer Farms joined together to make it less expensive for hook ups.

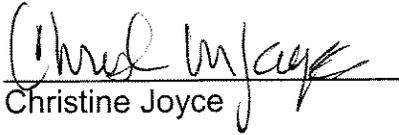
1. **16 Silver Hill, Amit Bahn** - Mr. Bahn could not attend this evening and has asked for a continuation to October 17, 2005
2. **1 Assabet Crossing – Paul Haverstock** Mr. Haverstock outlined the reasons he did not want to connect as the fee is three times the cost of \$12,000. Excessive costs now and in the future, they have the best case scenario because of the soil conditions. Dore' asked if they would be precluded for asking to hookup. Don felt that they would have to pay the betterment. Walter asked if he had a proposal in case we denied his abatement. Lauren asked Doug about the financing of the Betterment. Doug noted that all have chosen the 30 year option. She asked about the issues with resale. Doug noted that with new regulations, if it fails under Title 5 they must hook up if sewer line is available to hook up to. Peter asked how often they pumped, they replied once per year.
3. **2 Assabet Crossing, Michael and Carolyn Saviello** – Mr. Saviello was asked to recap his argument because of his frontage on Independence and he felt that there was no stub and hook up for them. It would be costly for him and the Town. He noted that they have two leaching fields incase they needed to rest one and that there would be little reason for them to hook up to the Town sewer system. Dore' noted that they have frontage in the district. Peter asked about the Town's expense to hook up, Doug said we have had to put new connections as an oversight, and it is our obligation.
4. **2 Maillet Drive – Yin Yin & Chiu-Shia** – Greta Shia daughter spoke on behalf of her parents. They have lived there for 15 years. They feel it is an undue financial burden placed upon them. In 1998 they opted out of the district and signed the petition as asked by the Town. The Town

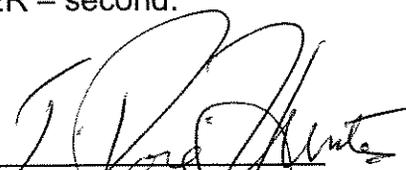
Manager and Health Director said that they would put a stub on their property edge on Adams Street, but they will need to continue to their house. They asked the town to build out on Maillet Drive and rebate monies put into their private septic tank. Or they would undertake the connection to Adams Street and the Town to rebate the fees to install an additional 130 feet to Adams Street and rebate of septic expenses since 1998. Dore' was concerned about the possibility of lot 1 then getting a free connection. Walter noted that he was concerned with the legal requirements placed on the Commissioners. Peter said he is bound by tight restrictions on what we can or cannot do. Peter asked about the application and the reason the \$3,000 figure was determined...

5. **12 Assabet Crossing – Paul Gaboury** presented an overview of Assabet Crossing situation. He outlined the reasons they want to be excluded. He noted that they have ideal soil conditions and felt that the time line was the same on as outlined by the Shia's. He spoke about the pumps needed to get to Independence. The cost to connect would be very high. The cost to the neighborhood would be much higher than another location. Paul noted that the betterment must be paid at closing. He also said that he would not sign up for the installation unless the Town under Title 5 would force a hook up and that would be even higher because of the piece meal hook ups as individuals systems fail. Dore' noted Grace's situation and that it could bankrupted the Sewer District if abatements were granted. Lauren said that it would be an investment in the property. Dore' asked about the hammer head lots. Peter asked that with the information now that Title 5 requires hookup at failure would the neighborhood approach be looked at.
6. **12 Assabet Crossing – Paul Gaboury** gave an overview of his argument for not hooking up. He spoke about the location for piping and the variances involved in hooking up to Parker Street. He went over his spread sheet for costs or \$40,000 dollars for his hookup. He could re-mortgage it or take a line of credit. He will be getting more information from Doug about the requirements of Title 5 to hookup.
7. **4 Assabet Crossing – James and Roberta King** – It's expensive, it's a burden for them financially and they don't feel they should be required to hookup.
8. **6 Assabet Crossing – Michael and Elizabeth Perry** – Thanked her neighborhood for their presentations. She has a system that is working she takes care of it and it should last for a long time. Because the lot is problem some for connecting, long driveway and lot elevation. She requests an abatement for her property.

9. **8 Assabet Crossing – Feng Zhang and Lena Li** – Mr. Zhang spoke about his current private system and the reasons he would not want to be required to hookup. He asked for an exemption to the Betterments.
10. **10 Assabet Crossing – Jeremy and Maria Greene** spoke about the reasons for an abatement of the betterment. The cost of \$42,000 for individual hook up is too high. He feels that \$42,000 vs. \$4,000 installation costs are too high. He also noted the soil conditions and number of pumps needed to install. The costs will have a significant impact on his family. He asked for abatement of the Betterments. Peter asked Doug about any monies for loaning for sewer connections. The money they currently have is \$200,000. They would require a lower interest rate.
11. **14 Assabet Crossing – Ian Hirst** –Mr. Hirst outlined his reasons for asking for an abatement of the betterment. His situation is not as bad, put he would not want the pump to fail and he noted his landscaping is now mature.
12. **26 School Street – Antonio DaCosta**- This is a different situation of an assessment for 2 instead 1 betterments. The Assessor's did an inspection and they assumed it was a 2 Family. Doug has verified it is a single family home.

WALTER FOSTER – Moved to adjourn DORE' HUNTER – second.
UNANIMOUS VOTE – Meeting adjourned at 9:20.


Christine Joyce


Clerk, Board of Selectmen

14 November 2005
Date

October 11, 2005

TO: Sewer Commissioners

FROM: Peter Ashton, Chairman

**SUBJECT: SPECIAL SEWER COMMISSIONER'S MEETING,
(BETTERMENT ABATEMENT HEARINGS)**

**ACTON MEMORIAL LIBRARY
(ROOM LOCATED TO THE LEFT WHEN ENTERING THE BUILDING)
7:05 P.M.**

I CITIZENS' CONCERNS

II PUBLIC HEARINGS & APPOINTMENTS

1. 7:05 16 Silver Hill Road – Amit Bahn
2. 7:15 1 Assabet Crossing – Paul and Susan Haverstock
3. 7:30 2 Assabet Crossing – Michael and Carolyn Saviello
4. 7:45 2 Maillet Drive - Yih-Yih & Chiu-Shia
5. 8:00 Assabet Crossing Overview – Paul Gaboury
6. 8:10 12 Assabet Crossing – Paul and Michele Gaboury
7. 8:20 4 Assabet Crossing – James and Roberta King
8. 8:30 6 Assabet Crossing – Michael and Elizabeth Perry
9. 8:40 8 Assabet Crossing – Feng Zhang and Lena Li
10. 8:50 10 Assabet Crossing – Jeremy and Maria Greene
11. 9:00 14 Assabet Crossing – Ian Hirst, Trustee Hirst Nominee Trust
12. 9:10 26 School Street - Antonio DaCosta

13. OTHER BUSINESS

III CONSENT AGENDA

IV TOWN MANAGER'S REPORT

V EXECUTIVE SESSION

SELECTMENS MINUTES
October 17, 2005
7:00 P.M.

PRESENT: Peter Ashton, Walter Foster, Dore' Hunter, Lauren Rosenzweig, Town Manager and Asst. Manager. The meeting was televised

CITIZENS' CONCERNS

Mr. Clemtz – Thanked the Board for removing illegal signs on 2A. He further asked that Cavalier be spoken to about the having big trucks out on Wetherbee Street and asked the Board to help stop the trucks and fork lifts from blocking the street. He asked about Parking at the Library, he said it is a good library but the problem is parking. He would hope to have the town trucks park at the bottom of the hill. He asked that this be resolved.

Stephanie Cahoon of Willow Street was concerned about building on Sundays and they worked until 6:30 at night. She asked that there be a restriction on Sundays. Peter noted that it is increasingly happening in Town. The Planning Board puts conditions on permits that restrict the hours of operation. He thinks that a petition of a bylaw may not be the best idea. We have many bylaws and do try to look at the issues to keep the conditions enforced.

SEWER COMMISSIONERS' BUSINESS

Paul Gaboury was before the Board asking to withdraw their application for abatement request with out prejudice excluding the Perry's. John Murray outlined the options and things that could happen with regard to appeals. Paul said that if they withdrawal and then it would give the Commissioner's 4 months to review the new application. Paul noted what if the Commissioner's abate the entire amount, and would this remove them from the district. He presented the seven letters from the residents asking to be withdrawn. Don Johnson updated the Board on the City of Worchester's case history. DORE HUNTER - Moved to take no action on 6 Assabet Crossing, WALTER FOSTER – second. UNANIMIOUS VOTE. Peter Ashton abstained

DORE' HUNTER - Moved to reopen the public hearing on the requests for withdrawal without prejudice. WALTER FOSTER – second. UNANINMIOUS VOTE

DORE' HUNTER – Moved to accept the requests to withdraw their petitions, without prejudice to the Owners right to re-file a new petition for an abatement of the sewer betterment assessment within six months after notice of such assessment was originally sent out by the Town's Collector of Taxes (see G.L. c.80, section 5), contingent upon the execution and delivery of the foregoing requests to withdraw by the Owner's duly authorized representative(s) on or before the expiration of the four month abatement decision period. By accepting the owners written request to withdraw without prejudice, the petition for an abatement of the sewer betterment assessment shall be neither granted nor denied, but shall be withdrawn and may be presented again; provided, however, that failure to timely file a new petition for abatement shall waive the Owner's

right to request an abatement. Further, in the event the owner fails to execute and deliver the foregoing request to withdraw on or before the expiration of the four month abatement decision period, the petition shall remain pending and shall be subject to further action by the Board or to being deemed denied by operation of G.L. c. 80, Section 10A., WALTER FOSTER – second. UNANIMOUS VOTE.

So moved, seconded and approved this 17th day of October, 2005.

DORE' HUNTER – Moved to deny 2 Maillet Drive's request for abatement. WALTER FOSTER- second. UNANIMOUS VOTE.

DORE' HUNTER – Moved to Grant Antonio DaCosta, 26 School Streets petition to be assessed one betterment WALTER FOSTER – second. UNANIMOUS VOTE.

PUBLIC HEARINGS & APPOINTMENTS

OPERATIONAL MINUTE – Don updated the Board on the stream monitoring and basement pumping. The Assabet Dam was ok, and down wires from the wind. We are not experiencing the conditions like New Hampshire.

FAULKNER PLAQUE PRESENTATION – Dore' gave a presentation about the background of the Plaque and Mr. Faulkner. Mr. Faulkner was the longest serving Selectmen and was also the Town Clerk. The Plaque was unveiled and after be referred to as the Francis Faulkner Room– WALTER FOSTER, second. UNANIMOUS VOTE

HISTORIC DISTRICT COMMISSION OVERSIGHT MEETING – Ann Forbes and Brian Bendig as well as Bonnie Guiether were present for this meeting. Peter thanked them for their work throughout Town. They are having a very busy year. Brian had three things he wished for. They need members and alternates and especially someone from West Acton. He also spoke of handling violations. He said it would be nice to have the bylaws reviewed. He would like regulation efforts expansion and temporary violations, satellite dishes. Peter asked about violations. Their most time consuming is the plastic fence on 481 Main Street. They have agreed to remove the fence and replace it with a wooden fence. They like to try to catch these while they are installing. Dore' asked about the CPA granted signs for the District. They are working with Dean Charter to make sure all rules are obeyed. They hope to have them up this calendar year, but it is a time consuming project handled by their sub-committee. Dore' asked about the Town Clerk being involved and if it was helpful. He said it has helped quite a bit. Walter spoke about outreach for the HDC volunteers. Lauren asked what they find their communications with other town boards are. Ann said that a septic vent issue with the Board of Health and noted the Building Dept. is very vigilant in notifying people when they are in their office for information and permits. Lauren noted the buildings that we have lost and if they had an idea for trying to save them. Ann said that raising awareness and educating the citizens about this situation may help. Ann did note that they have had two successes one in the center and one on Windsor Ave. They have removed vinyl siding and placed real wood claps on them. Peter was happy that they are stepping up enforcement and in the way they are handling this enforcement. Peter asked them to speak at the State of the Town and ask for volunteers.

BOARD OF HEALTH COMMITTEE INTERVIEW – PHILIP ALVAREZ – Lauren asked about his volunteer work with CAFY and asked him questions about his work. He noted that they work to minimize drug use, suicides and other things children may need guidance in. He wants to serve as he wants to work toward promoting public health. Walter said that he would round out the Board of Health. He asked about any protects he would like to continue working on CAFY. He said that he wants to work in public health. Dore' noted that he is very qualified. **DORE' HUNTER** – Moved to appoint Mr. Alvarez as an associate member with voting rights with a term to expire 6/30/06. **WALTER FOSTER** – second – **UNANIMOUS VOTE.**

KEY SPAN ENERGY DELIVERY GAS LINE INSTALLATION – BRABROOK ROAD AND ELLSWORTH VILLAGE ROAD – Dore' asked that the project can proceed in this weather. **DORE' HUNTER** – Moved to approves with staff comments. **WALTER FOSTER** – Second. **UNANIMOUS VOTE.**

HISTORICAL COIMMISSION OVERSIGHT MEETING – Peter Grover, Chair and Tory Beyer, Anita Dodson and Bill Klauer. They need members and associates. He outlined the issues that they have been addressing. They have had several demolitions this year and suggested we put in some incentives in the bylaw. He noted the Town School and Valincourt Building for possible use of CPA for funding. He also noted Lowell's demolition by neglect. They did get CPC funds last year. They are working with Dean Charter and the State to update their inventory. Peter thanked them as volunteers. Peter said that Valincourt would be ripe for CPC funds. The cost to make it ADA accessible was too high. Peter spoke about the Town School and the affordable housing with HRI and it was not hopeful that it will go forward but they are negotiating. Walter urged them to use the CPA funds before they expire as they do expire in three years if not used. Peter asked about the demolition by neglect bylaw. Mr. Grover said it is a hard bylaw to write and he will be thinking about this project.

SITE PLAN SPECIAL PERMIT 403-411 MASSACHUSETTS AVE, SF PROPERTIES, INC. – Lauren outlined the site plan location. They have met with Town Staff and the Planner was out and made comments when he returned. It is located in the Kelly's Corner area. The Town Planner noted a problem in the location of the buildings on the site and they where given Roland's comments. The owner and applicant were present and they had their engineer as well as the Sovereign Bank representatives. Steve Graham spoke about the comments made by Planning. The engineer from SMMA outlined the project design. The bank will be built after the buildings are removed. Architect presented a rendering of the proposed building project. The building is less than 3,200 sq. feet. They will have an ATM and drive thru window. Lauren spoke about the density and pedestrian traffic in the area. She would like to have seen more of the frontage of the building running by the sidewalk and also suggested adding a second floor for leasing. Steve Graham said they have looked at the placement on the site. They did misunderstand what the objective she was looking at. Steve said that it would not be ADA compliant. They wanted to improve the pedestrian flow. Lauren said that they need to have this site look as much like what the citizens wanted for Kelly's Corner. They presented a plan showing the building relocated. They could not meet ADA rules as the slope was non-compliant. They are slightly under the 78 parking spaces which they can work with. Dore' was concerned about the traffic conflicts. He felt it was a very crowded site. He asked about the slope. He did say that he was concerned about Starbucks and it did work, so maybe this would. He noted pedestrian traffic and the lack of upkeep of the clear markings at the No Name Street. He wanted to have this resolved

in the Site Plan. Walter had several items for discussion. The trees that are there are mature and they wanted to add one more. But the sidewalk would require removal and plantings that would not be mature. Walter noted that we are trying to move the buildings to the front of the street in the Kelly's Corner area. He asked about possibly moving the sidewalks behind the trees. Glen Graubart- wanted to now more specifics and how and when they will be doing this work and how they will deal with parking during the construction and he would like to have that information. Resident of 6 Nadine Road has a few concerns about lighting and noise and wanted to be sure the new lighting regulations apply to it or the Star Bucks Building. He also spoke about the noise from air conditioning and heating and asked about the effect on the new building. Peter noted we have only State Regulation and no Town Bylaws regarding noise. LAUREN ROSENZWEIG Moved to continue the hearing to November 1 at 8:45. WALTER FOSTER – second, UNANIMOUS VOTE.

DESIGN GUIDELINES PROPOSAL - Ann Sussman gave a presentation about Designing guidelines. It gives the developer the standards we have and what we want from them. They feel that DRGs are a logical next step in town planning efforts and will enhance the economic value and livability. Ann Forbes thought this would back up the site plans decisions. They asked if they wanted to do more work and form a committee. Dore' was interested in this subject and noted the Site Plan just heard would have had a review guideline, it would have helped. Dore' said that he supported of moving this forward. Walter too agreed that this will help with positioning buildings on sites. Peter spoke about the make up of the committee, Historic Districts, Affordable Housing Selectmen, and one at large developer, small developer and a person At large.

MUSKET DRIVE TRAFFIC CONCERNS – Bruce Stamski spoke about the delay of paving and they will try to get it done as quickly as possible. Musket Drive Residents asked us to look in to volume and speed on Musket Drive. In the vicinity of Jefferson exceeded the speed limit of 30 miles per hour. Police are enforcing the speed limit. Bruce outlined the neighborhood meetings he has had. They want to make it more pedestrian safe. He spoke about installation of signs at a lower then 30 mile per hour. The Board was asked to approve the signage as presented. Dore' noted that neighborhood speeds come from the neighborhood residents. Peter said that state law requires us to meet a State Warrant. These signs are advisory as we do not meet the warrant. 16 Musket Drive spoke about the width of the street and pedestrian use. He suggested that white lines put on the sides and it may give the drivers pause. He also wanted sidewalks on Jefferson and a line painted down the middle. Bruce was asked to speak to the white line installation it was felt it would make it look more like a race track. He felt that the lines might give people a false sense of safety. Walter wanted feed back on appropriating monies for the building of sidewalks and asked that they contact the Board about their willingness to participate. Dore' said that developers should be required to install sidewalks in their new subdivisions. Walter asked about staffing that would be able to do more sidewalks. Resident of 3 Jefferson Drive wanted rumble strips. 15 Musket Drive thanked the neighborhood and Bruce Stamski. They don't think the advisory signs will help. They also wanted sidewalks and to make it safer.

12 Coolidge Drive resident spoke about the use of Musket Drive to exit the neighborhood. He also complained about the long time to get the road paved.

DORE' HUNTER -Moved to approve the Advisory signs as presented by the DPW Director – WALTER FOSTER – second. UNANIMOUS VOTE.

BOARD OF HEALTH COMMITTEE INTERVIEW, WILLIAM R. TAYLOR

Mr. Taylor will be rescheduled.

CONSERVATION COMMISSION INTERVIEW, WILLIAM FROBERG

Lauren asked what he would bring to the Board from Tyngsboro where he served on the Conservation Commission. He noted he has not served for 7 years. He understands reading of plans and other issues. He enjoyed the role as Chairman. He felt at this time he had time to serve.

Walter thanked him and asked about any challenges he may have noticed with regard to Conservation. DORE' HUNTER -Moved to appoint Mr. Froberg as full member to fill the unexpired term left by Jeff Rogers to June 30, 2006. LAUREN ROSENZWEIG– second UNANIMOUS VOTE

DANIELA'S TACORITO LIQUOR LICENSE PUBLIC HEARING

Peter gave an overview of the reasons they were here tonight. He also noted the over serving issue as well as changes in Directors without notifying the Town.

Chief Widmayer gave an overview of the issues for discussion

Fred Rentchler gave an overview of the several incidents that happened at Daniela's.

Geraldo Miranda, Michael Lauramo Daniela's Corporate attorney for Daniela's introduced himself and Mr. Miranda to the Board.

The Attorney asked questions about the two accidents. Ken Bender read a prepared statement from Mr. Miranda. The Board stressed that this is a hearing for possible revocation of the license. Walter asked questions about the over service to the person who did not have an accident. Tracy was in charge that evening.

The second incident concerned him very much and asked why Tracy was not removed from the bar service totally. Mr. Bender said that he would remove Tracy or any other employee if that is what the Board wants. The problem occurred when Tracy served her friend and she drank too much.

Dore' noted the seriousness of this situation. Dore' said people have been picked up drunk after the prior problems and was concerned that you have violated again. The second issue is very serious and he will vote for some sanctions. Lauren spoke about the service policy and noted that she felt the Police Chief could help. She also asked about any prior suspensions. They were suspended in December of 04 for three days.

Peter said that he was concerned about the second incident. Peter suggested the bringing in a consulting company to review the situation as the Makaha did. The penalty will be revocation if they come before the Board again.

DORE' HUNTER - Moved to suspend the liquor license for 7 days immediately and present proof of hiring a consultant to review their operation, to report back to the Board in for 4 weeks. WALTER FOSTER – second UNANIMOUS

SELECTMEN'S BUSINESS

ACTON LEADERSHIP GROUP (ALG) UPDATE

Peter spoke about ALG revenue projections. Their assumptions 10% decline in new growth, 2 ½% State Aid, decline in E&D from the Region and Free Cash. Peter suggested we build the budgets first then discuss Free Cash usage. Dore' felt we needed to build the budgets and noted energy increases and agreed to discuss Free Cash. Lauren said she agreed to wait before discussing Free Cash. She also asked about the split, Don said that we are carrying the same amount. They need to look at insurance, utilities etc.

COMMUNITY PRESERVATION ACT (CPA) APPLICATIONS

Walter outlined the projects that were submitted. He wanted to garner support or wait for next year. Walter outlined the proposals for CPA funds. No deliberation needed to be done until the next meeting. He wanted a place holder for the Slate Roof for Town Hall. BFRT appropriations presented by Tom Michaelman asked for design and possibility get State help. We want to put in a first step of appropriation in and go forward slowly so that we don't push the funding away from others. Tom said that they are on the TIP for \$4.4 million in 08 including local and State matches. To be ready they need 25% DESIGN first according the Mass Highway. They have to have a 10% matching funds.

OTHER BUSINESS

No Selectmen Other Business was discussed.

CONSENT AGENDA

WALTER FOSTER - Moved to approve with the additional Extra Information. DORE' HUNTER -second. UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

Don spoke about Laurel Hill response to their comments regarding Mutual Aid, and it is drafted and ready to go. We need to let the Board of Appeals and developers as well as the Town of Westford know how we feel about the Mutual Aid aspect noted in their emails. Walter said we need to write this letter as soon as possible.

Don outlined the budget issues. We have a Veteran's Agent in the budget and Don suggested the Concord and Acton may be able to combine and he is pursuing this further. The Legal Budget will have a 10% increase because of Grace, 40B's.

EXECUTIVE SESSION

None Required



Christine Joyce, Clerk



Clerk, Board of Selectmen

Date: 11/14/05

BOARD OF SELECTMEN AGENDA

October 17, 2005

7:00 P.M.

I CITIZENS' CONCERNS

II PUBLIC HEARINGS & APPOINTMENTS

1. **7:01 OPERATIONAL MINUTE** – The Town Manager will give the Board a brief update on various topics.
2. **7:03 FAULKNER PLAQUE** – The Faulkner Plaque has been installed and will be presented to the Town by Selectman Hunter.
3. **7:05 HISTORIC DISTRICT COMMISSION OVERSIGHT MEETING** - Members of the Historic District Commission will be in for their annual oversight meeting with the Board.
4. **7:15 BOARD OF HEALTH COMMITTEE INTERVIEW, PHILIP ALVAREZ** – Enclosed please find Mr. Alvarez' Volunteer Application and comments from the Volunteer Coordinating Committee, for Board consideration.
5. **7:25 KEYSpan ENERGY DELIVERY GAS LINE INSTALLATION, BRABROOK ROAD AND ELLSWORTH VILLAGE ROAD**- Enclosed please find a Petition for installation of a 2 inch gas line in Brabrook Road and Ellsworth Village Road, along with staff comment, for Board consideration.
6. **7:30 HISTORICAL COMMISSION OVERSIGHT MEETING** – Members of the Historical Commission will be in for their annual oversight meeting with the Board.
7. **7:45 SITE PLAN SPECIAL PERMIT, 403-411 MASSACHUSETTS AVE, SF PROPERTIES, INC.** – Enclosed please find materials in the subject regard, for Board consideration.
8. **8:15 DESIGN GUIDELINES PROPOSAL** – Ms. Friedrichs will be in to discuss a proposal for Design Guidelines with the Board.
9. **8:30 MUSKET DRIVE TRAFFIC CONCERNS** – Enclosed please find materials in the subject regard, for Board consideration.
10. **9:00 BOARD OF HEALTH COMMITTEE INTERVIEW, WILLIAM R. TAYLOR** – Enclosed please find Mr. Taylor's Volunteer Application and comments from the Volunteer Coordinating Committee, for Board consideration.
11. **9:15 CONSERVATION COMMISSION INTERVIEW, WILLIAM FROBERG** – Enclosed please find Mr. Froberg's Volunteer Application and comments from the Volunteer Coordinating Committee, for Board consideration.
12. **9:30 DANIELA'S TACORITO LIQUOR LICENSE PUBLIC HEARING** – Enclosed please find materials in the subject regard, for Board consideration.

III SELECTMEN'S BUSINESS

13. **ACTON LEADERSHIP GROUP (ALG) UPDATE** – Enclosed please find materials in the subject regard for Board consideration
14. **COMMUNITY PRESERVATION ACT (CPA) APPLICATIONS** – Enclosed please find materials related to potential CPA projects for Board consideration.
15. **OTHER BUSINESS**

IV SEWER COMMISSIONER'S BUSINESS

16. **PAUL AND SUSAN HAVERSTOCK, 1 ASSABET CROSSING**– Enclosed please find a draft decision for Board consideration.
17. **MICHAEL AND CAROLYN SAVELLO, 2 ASSABET CROSSING**– Enclosed please find a draft decision for Board consideration.
18. **YIH-YIH LIN & CHIU-SHIA LIN, 2 MAILLET DRIVE**– Enclosed please find a draft decision for Board consideration.
19. **PAUL AND MICHELE GABOURY, 12 ASSABET CROSSING**– Enclosed please find a draft decision for Board consideration.
20. **JAMES AND ROBERTA KING, 4 ASSABET CROSSING**– Enclosed please find a draft decision for Board consideration.
21. **MICHAEL AND ELIZABETH PERRY, 6 ASSABET CROSSING**– Enclosed please find a draft decision for Board consideration.
22. **FENG ZHANG AND LENA LI, 8 ASSABET CROSSING**– Enclosed please find a draft decision for Board consideration.
23. **JEREMY AND MARIA GREEN, 10 ASSABET CROSSING**– Enclosed please find a draft decision for Board consideration.
24. **IAN HIRST, TRUSTEE, HIRST NOMINEE TRUST, 14 ASSABET CROSSING**– Enclosed please find a draft decision for Board consideration.
25. **ANTONIO DACOSTA, 26 SCHOOL STREET**– Enclosed please find a draft decision for Board consideration.

V CONSENT AGENDA

26. **ACCEPT SELECTMEN'S MINUTES** – Enclosed please find Minutes of September 26, 2005, for Board consideration.
27. **SITE PLAN SPECIAL PERMIT #11/18/98-366, PHASE II, ACTON ASSISTED LIVING, LLC.** – Enclosed please find a request for approval of a revision to the subject site plan, for Board consideration.

28. **ADVISORY TRAFFIC SIGNAGE, POPE ROAD NEAR BRABROOK** – Enclosed please find a recommendation from the DPW Director in the subject regard, for Board consideration.
29. **ACTON COMMUNITY HOUSING CORPORATION** – Enclosed please find a request for Selectmen's support of the American Dream Downpayment Initiative, for Board consideration.
30. **NO PLACE FOR HATE RE-CERTIFICATION** – Enclosed please find an Acceptance of No Place for Hate Re-Certification, for Board consideration.
31. **BOSTON EDISON POLE RELOCATION**– Enclosed please find a request to relocate one pole numbered 23/30, on Hayward Road approximately 365 feet from Charter Road, for Board consideration, including staff comments as conditions of approval.
32. **COMMITTEE APPOINTMENT, COUNCIL ON AGING, EDWIN A. CARELL**- Enclosed please find Mr. Carell's Volunteer Application and comments from the Volunteer Coordinating Committee, for Board consideration.
33. **ACCEPT GIFT** – Enclosed please find a request from the Council on Aging for Board acceptance of free video "rentals" from Video Signals valued at \$200, for Board consideration.
34. **ACCEPT GIFT** – Enclosed please find a request from the Recreation Department for acceptance of two gifts for the TJ O'Grady Skate Park from (1) Lazaro Paving for labor and equipment valued at \$15,000 and (2) E.H. Perkins Construction, Inc. for materials valued at \$5,000, for Board consideration.
35. **ACCEPT GIFT** – Enclosed please find a request from the Police Chief, for acceptance of a gift of \$100.00 from the Park family, along with a matching donation from NMS Communications, for Board consideration.
36. **ACCEPT GIFT** – Enclosed please find a request from the West Acton Citizens' Library for acceptance of a gift of renewed membership at Acton's Discovery Museums from the Citizens' Library Auxiliary, valued at \$600.00, for Board consideration.
37. **ACCEPT GIFT** – Enclosed please find a request from the Director of Municipal Properties for acceptance of a gift of a new heating system for the Windsor Building from Metrowest Mechanical valued at \$5,000, for Board consideration.

VI TOWN MANAGER'S REPORT

38. The Town Manager will give the Board a brief overview of the preliminary Municipal Budget picture for FY07.

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.

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|------------------------------|------------------|
| November 1, 14 & 28 | |
| December 12 & 19 | January 23 & 30 |
| January. 7 (Budget Workshop) | February 13 & 27 |
| | March 13 & 27 |

GOALS 2004-2005

1. Produce Morrison Farm Development Master Plan (/Walter)
2. NARA PARK
3. Pursue Commercial Tax Base
4. Master Plan review meeting once per year

GOALS carried forward

5. Monitor Labor Negotiations (Peter)
6. Improve Communication with Town Boards (ALL), Improving Inter Board Communication (Dore')
7. 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 (Peter)
8. ALG process be used for purpose of Budget Planning for FY05 (Dore'/Peter)
9. Process Planning for "Life after NESWC"
10. Middlesex Pension Alternatives (Walter)

SELECTMEN'S MINUTES

NOVEMBER 1, 2005

7:00 P.M.

Francis Faulkner Hearing Room

Present: Peter Ashton, Walter Foster, F. Dore' Hunter, Lauren Rosenzweig, Town Manager and Assistant Town Manager. The Meeting was televised

CITIZENS' CONCERNS

Tom Michaelman commented on the lack of Selectmen's Agendas on web site.

SEWER COMMISSIONERS' BUSINESS

PUBLIC HEARINGS & APPOINTMENTS

OPERATIONAL MINUTE – The Town Manager informed the Selectmen about the uneventful Halloween in town this year.

COMMUNITY PRESERVATION ACT PROJECT PROPOSAL, MARY ANN ASHTON – Mary Ann outlined her proposed CPA project to restore the Fitzgerald Piano and have it placed in the Library. She asked that the Board consider this and offered to help in any way to bring this forward. Dore' noted that this is another case of things disappearing from the Old High School. He felt that this was a good use for CPA Funds. Walter agreed with the Project. It connects us to a different era. He liked the idea of having concerts and supported moving forward. Lauren agreed and thanked Mary Ann Ashton for rediscovering this treasure. She supports the restoration and it being placed in a location where it can be enjoyed. Peter noted the passage from Mr. Fitzgerald's interview about Acton and felt we should place a plaque with his words about Acton on it.

COMMUNITY PRESERVATION COMMITTEE (CPC) OVERSIGHT MEETING – Catherine Coleman standing in for Mr. Lundberg introduced the committee. She made a presentation about the CPC. Peter thanked them for their work. Walter thanked his fellow committee members for their support. Dore' agreed with Walter about the Committee. He asked why the State number was lower. Staff said it was a lag in receiving the funds. Dore' asked about the Morrison Committee, there may not be a need for a Master Plan if they get the support they need. If they don't have to pay for the Master Plan they will turn the money back to the Fund. Lauren thanked the citizen's for supporting the Act. There are tangible items, such as the Faulkner Plaque and the restoration of the Davis Monument. Peter noted that while we were getting 100% reimbursement, perhaps we should increase the percentage. They have been looking at it and they don't know if this is the right time and the possibility of getting the increase voted by the Citizens. Peter spoke about the issues with raising the percentage. He thinks we should be putting money in the Open Space Fund. He would be fully

interested in exploring the increase. Peter asked about other communities that have adopted this and what percentage they were at now. Andy McGee spoke about questions with regard to funding Open Space and acquire lands in the future, They currently have \$500,000 in that fund, and that we may not be able to afford a land purchase without consideration of a percentage increase.

CONSERVATION COMMISSION INTERVIEW, LINDA SERAFINI – The Board reviewed her background and thanked her for her interest. She is interested personally. Lauren asked if she used the conservation lands. She walks and bike rides in the Conservation lands through out town. Walter thanked her for offering her time, and asked about whether she had attended any Cons Com meetings. She has and the Board felt that her legal background with regulatory issues. **DORE' HUNTER** - Moved to appoint Ms. Serafini as an Associate Member for one year term. **WALTER FOSTER** – second. **UNANIMOUS VOTE**

COMCAST PERFORMANCE REVIEW (Continued) - Peter gave an outline on some of the outstanding issues from the last meeting. Rob Travers agreed that they owe a summary report for 2004 but will not be able to provide because the data was lost. Walter asked about the reports and would like to review the telephone logs he did not think the data on customer service was accurate. He asked about the reports and asked where they were in handling the customer Service calls. Rob noted that they have had a slower response at times but most were handled in under a minute. Walter noted the largest complaint was being sold items they did not use. Rob said that in 2003 they had a contractor was not following their instructions. They provide scripts to inform the customers of all the items. They don't have that contractor any more and have rewritten their plans. Lauren asked if they had a done any market research. Peter asked again about the 2004 access report. Peter discussed the lack of timesheets that under the contract are required. Peter said it was hard to determine the use of the Access Coord without those reports and hard to determine if they have lived up to the terms of the contract. He cannot make comparison of the last three years. Rob said he will talk off line about the issue. Rob said they are above the contact on programming. Peter urged them to submit the reports to the Cable Committee. Rob feels they are in compliance with all categories. Peter asked about the procedures put in place to correct this. They have implementing a tickler file for reports due, and will remind them of dates they need address. He says many reports are sent automatically. Peter asked about the potential rate increase. They file with the Telecommunication Commission. They can comment during that time and this is done at the State level. Walter asked about the time sheets and why they would say we can't give you the time sheets. If you were not going to give them to us, why would you put them in the contract? He was concerned about the lack of reports and the loss of reports. Peter noted that there is no question they are in violation and noted Section 12 liquated damages is very difficult to file. He still would like to get information for 2004 and asked him to work with the Cable Committee. Fritz Reip will work through Peter's numbers. Terra spoke about the lack of trust and wanted to see if a refund could be issued to those who were pressured during the time of the high pressure tactics.

WASTEWATER CITIZENS' ADVISORY COMMITTEE – Lauren gave an overview of the activities of the Advisory Committee. They have completed Phase I and will be holding a public meeting on December 8 at the Senior Center. These Phases will go forward to the Spring Town Meeting.

SITE PLAN SPECIAL PERMIT #8/26/05-404, 403-411 MASSACHUSETTS AVE, SF PROPERTIES, INC. – The developer outlined the changes to the Plan. They have moved the building to front on No Name Street. They have reduced the curb cut and have located the drive thru to the back. It was noted that the existing trees will be left in place along No Name. Lauren thanked them for their compromise. Dore' asked if the Building will be on slab, it will be on Slab. He also asked for clarification on the plans, it was noted they were pedestrian crossings. Walter thanked them for the Quill and Press connection. Peter said it was an improvement, and asked about the number of parking spaces. They said that the parking spaces from plan to plan have not changed. Terra Friedrichs asked about the drive in line. Ms. Attlemen a tenant spoke about the fact that tenants have not been notified of this plan. DORE' HUNTER Moved to continue the hearing to 8:30 November 14th WALTER FOSTER – second. UNANIMOUS VOTE

HERITAGE LANDSCAPE INVENTORY PROGRAM – Anne Forbes spoke about this program. This is a very new program. It is entirely State funded, there are no costs to the Town. This will help communities plan for their future. Anne thinks that Acton will be eligible for a more extensive review. The application is easy and they will need letters of support from relative boards. A Program Coordinator will need to be appointed. Lauren asked about volunteers to be a project coordinator. Anne said that coordinators range from Selectmen, Conservation Commission and Planning Board representatives to a citizen volunteer. Mary Ann Ashton has volunteered to be the Project Coordinator. Walter feels we should take advantage of this great program. Dore' and Peter think this is a great idea. Peter asked about the letter of support from the Project Coordinator with him preparing the letter as Selectman. The application needs to be pulled together and be only 3 pages. They have until the 23rd of November to file the application and Anne offered to help draft the support letter. Ann Chang spoke about the possible restrictions that might be assigned to the accepted landscape inventory lands. Anne Forbes said that it is more an identification tool and does not place any restrictions on the land.

SEWER BETTERMENT ABATEMENT HEARING, AMIT BAHN, 16 SILVER HILL ROAD - Mr. Bahn was not present and did not call to cancel. He will be given an opportunity to attend the 14th meeting.

SELECTMEN'S BUSINESS

COMMUNITY PRESERVATION ACT PROJECT PROPOSALS – Don reported on the projects. The Bruce Freeman Rail Trail has suggested that the Board consider \$125,000 appropriation which will bring total funding to \$200,000. The time is now to lobby the legislature to pass these bills.

Potato Cave Restoration, Universal Access Entry ways at the Arboretum, a holding article for additional costs on the Slate Roof, and the CPC 5% of revenue for administration. Extra Info item that has come to us after a staff meeting, this is a project for improvements on the School Street Baseball Playing fields, and the proposal for the Fitzgerald Piano Restoration. Mike Coppolino spoke about the needs for additional fields. They have had a 9% increase in activity. Veteran's Field is a very popular field. They need a large diamond to accommodate the older players, as Jones Field is the only one in Acton. Walter asked if it could be built in stages. They have portable fencing which would be used to control foul balls. Privately raised funds for Youth Base Ball should be funded when you go to Town Meeting. He further asked about the lighting of the field. They don't have a problem with not lighting the fields. Lauren was interested

in phasing in their requests for fields and Conservation projects. Dore' felt an incremental approach would be favorable, it would show we are using it and putting funds into it. Peter suggested to go forward but to scale back the fencing costs and to continue their work on private fund raising. PETER ASHTON – Moved to endorse these items LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

NUISANCE DOG COMPLAINT, 62 MAPLE STREET - Peter spoke about the ongoing problem with the dogs at this location. The Police Chief has asked that we have them in for a hearing. The Town Manager was asked to develop a primer for those Board Members who may not be aware of the regulations. Walter asked about any civil law suits, and asked that a notice to the residents of the neighborhood of the time and date of the hearing when it is scheduled.

SPECIAL USE PERMIT #06/14/05-403, 525 MAIN STREET, CBC PERSONAL TRAINING ACADEMY – The Board reviewed the two drafts with regard the installation of side walks. Peter wanted the second Draft, Walter and Dore' agreed. DORE' HUNTER -Moved to approve Draft II. WALTER FOSTER – second. UNANIMOUS VOTE. Dore' noted that he was concerned about the Postal vehicles mounting the berm and onto the sidewalks on Main Street. Dore' asked that the Town Manager discuss this with the Police Chief for resolution.

BOY SCOUT COURT OF HONOR, MARK ROBERT TRAVERS – Dore' will attend.

HOME RULE PETITION, SENIOR TAX RELIEF –Peter reported on his visit to the State House to support the Senior Tax Relief. They were not interested in hearing our local ideas. He argued that our Home Rule Petition is more comprehensive.

OTHER BUSINESS

Lauren reported that the EDC be allowed to review site plan, somewhat similar to how TAC is allowed to review.

Lauren reported on meetings she has attended. The Commuter Taskforce Committee will be bringing forward a program for car pooling. Outdoor Lighting Advisory Committee (OLAC) will be sponsoring a “Star Party” at NARA.

Dore' reported on his attendance at a MBTA meeting.

Walter spoke about the Morrison walk thru as well as the Public hearing and upcoming meeting of the Morrison Farm Committee.

Brookside Mall need for traffic light installation needs attention.

Design Guidelines Committee was discussed.

CONSENT AGENDA

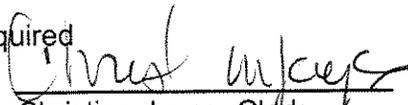
DORE' HUNTER – Moved to accept the Consent Agenda with the exception of #16 The Perry's Sewer Abatement. Peter rescued himself for this vote. WALTER FOSTER – second. 3-1 Approved.

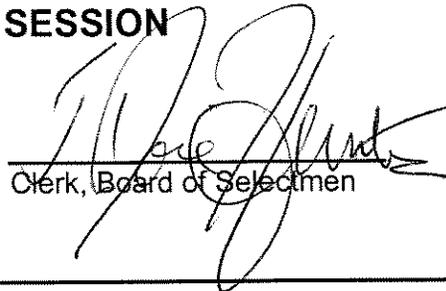
TOWN MANAGER'S REPORT

No report

EXECUTIVE SESSION

None required


Christine Joyce, Clerk


Clerk, Board of Selectmen

BOARD OF SELECTMEN AGENDA

NOVEMBER 1, 2005

7:00 P.M.

I CITIZENS' CONCERNS

II SEWER COMMISSIONERS' BUSINESS

III PUBLIC HEARINGS & APPOINTMENTS

1. **7:01 OPERATIONAL MINUTE** – The Town Manager will give the Board a brief update on various topics.
2. **7:03 COMMUNITY PRESERVATION ACT PROJECT PROPOSAL, MARY ANN ASHTON** – Mrs. Ashton will be in to address the Board in the subject regard.
3. **7:10 COMMUNITY PRESERVATION COMMITTEE (CPC) OVERSIGHT MEETING** – Members of the CPC will be in for their annual oversight meeting with the Board.
4. **7:35 CONSERVATION COMMISSION INTERVIEW, LINDA SERAFINI** – Enclosed please find Ms. Serafini's Volunteer Application and comments from the Volunteer Coordinating Committee, for Board consideration.
5. **7:45 COMCAST PERFORMANCE REVIEW (Continued)** – Enclosed please find materials in the subject regard, for Board consideration.
6. **8:15 WASTEWATER CITIZENS' ADVISORY COMMITTEE** – Enclosed please find materials in the subject regard, for Board consideration.
7. **8:45 SITE PLAN SPECIAL PERMIT #8/26/05-404, 403-411 MASSACHUSETTS AVE, SF PROPERTIES, INC.** – Enclosed please find materials in the subject regard, for Board consideration.
8. **9:05 HERITAGE LANDSCAPE INVENTORY PROGRAM** – Enclosed please find materials in the subject regard, for Board consideration.
9. **9:20 SEWER BETTERMENT ABATEMENT HEARING, AMIT BAHN, 16 SILVER HILL ROAD** – Enclosed please find materials in the subject regard, for Board consideration.

IV SELECTMEN'S BUSINESS

10. **COMMUNITY PRESERVATION ACT PROJECT PROPOSALS** – Enclosed please find proposals for Capital, Selectmen-sponsored Community Preservation Act Projects for 2006, for Board consideration.
11. **NUISANCE DOG COMPLAINT, 62 MAPLE STREET** – Enclosed please find materials in the subject regard, for Board consideration.

- 12. **SPECIAL USE PERMIT #06/14/05-403, 525 MAIN STREET, CBC PERSONAL TRAINING ACADEMY** – Enclosed please find two draft decisions prepared by the Building Commissioner, for Board consideration.
- 13. **BOY SCOUT COURT OF HONOR, MARK ROBERT TRAVERS** –Enclosed please find materials in the subject regard, for Board assignment.
- 14. **HOME RULE PETITION, SENIOR TAX RELIEF** – Chairman Ashton will report to the Board concerning his testimony in the subject regard.
- 15. **OTHER BUSINESS**

VI CONSENT AGENDA

- 16. **MICHAEL AND ELIZABETH PERRY, 6 ASSABET CROSSING**– Enclosed please find materials requesting a withdrawal of the Perry’s Sewer Betterment Abatement Request without prejudice, for Board consideration.
- 17. **AFFORDABLE HOUSING PLAN FOR THE TOWN OF ACTON** – Enclosed please find a Revised Plan with explanatory correspondence, for Board consideration.
- 18. **PARADE PERMIT, ACTON HISTORICAL SOCIETY AND IRON WORKS FARM** - Enclosed please find a request and comments from staff regarding their Parade Permit requested for April 17, 2006 at 3:00 p.m., for Board consideration.
- 19. **MASSACHUSTEES WATER POLLUTION ABATEMENT TRUST (MWPAT), REFINACING REQUEST** – Enclosed please find materials in the subject regard, for Board consideration.
- 20. **COMMITTEE APPPOINTMENT, ENVIRONMENTAL STANDARDS FOR FILL MATERIAL COMMITTEE, MARY BASSETT-STANFORD** – Enclosed please find materials in the subject regard, for Board consideration.
- 21. **ACCEPT GIFT** – Enclosed please find a request from the Natural Resources Dept. for Board acceptance of a gift of \$250.00 From Eastern Mountain Sports, for trail maintenance on Conservation Land, for Board consideration.

VII TOWN MANAGER’S REPORT

22.

VIII EXECUTIVE SESSION

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

FUTURE AGENDAS

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4. Master Plan review meeting once per year

GOALS carried forward

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