

Minutes

Board of Selectmen and Sewer Commissioner's Meeting

August 8, 2005

Frances Faulkner Hearing Room
Acton Town Hall

Special Start Time 6:15 P.M.

EXECUTIVE SESSION

There will be a need for executive session.

CITIZENS' CONCERNS

There were none.

SEWER COMMISSIONERS' BUSINESS

Yankee Village Wastewater Advisory Committee and Trustees of Yankee Village met regarding interest in connecting to the sewer system. The Board recommends allowing Yankee Village to connect. The Board cannot contribute to the financing of the connection. It was stated that they would have to pay privilege fee upfront.

Selectman Hunter moves to allow connection, Selectman Rosenzweig seconds. The vote was unanimous.

PUBLIC HEARINGS & APPOINTMENTS

OPERATIONAL MINUTE — Town Manager Don Johnson briefed the Board on changes at the Transfer station regarding no longer accepting commercial trash.

WEST ACTON CITIZENS' LIBRARY VACANCY - The Library Trustees recommended Nancy Lienicheck to Library Trustee to fill vacancy of Virginia Rhude.

Selectman Hunter moved Nancy's appointment. Selectman Rosenzweig seconded the nomination. Unanimous vote of the two remaining West Acton trustees and the Board of Selectmen.

CBC PERSONAL TRAINING ACEDEMY 525 MAIN STREET #6-14-05-403 — **"Commercial Recreation" zoning bylaws require special permit.** The Chairman read notice of Public Hearing will be continued to Aug. 29th at 7:30pm.

Selectman Hunter moves to continue the hearing Selectman Rosenzweig seconds. The vote was unanimous.

NARA PARK ONE DAY LIQUOR LICENSE — An applicant came before the Board to request a one day liquor license at NARA Park for a Graduation Party on August 27,2005. The Board stressed the applicant's responsibility for monitoring the service and consumption of alcohol. The Applicant stated that he understands his responsibility.

Selectman Hunter moves to allow the request for a one day liquor license, Selectman Rosenzweig seconds. The vote was unanimous.

CABLE ADVISORY OVERSIGHT HEARING - The annual Cable Advisory Oversight hearing was attended by members Frits Riep, John Covert, Terry Landers and Mark Eisenberg. The Board inquired as to manning of the Committee. The Cable Committee responded it is in much better shape than in previous years when it was fully manned. Selectman Rosenzweig inquired about the poor sound, which the Committee responded they have been told by Comcast that the sound problem is a Town Problem. Cable Advisory believes there is a need to solve the audio problem as it happens, as some people appear to have sound while other customers do not. Room 204 should have monitor and phone. Other problems that the Cable Advisory Committee also noted were, hours of studio operations, need for more town volunteers, classes to be offered by Comcast and taught to others by trained personnel (possibly a trained volunteer) to increase the volunteer base. Selectman Rosenzweig asked about local programming on the available 3 channels. Comcast does not provide the necessary reports on a timely basis which restricts the ability of Cable Advisory to perform its' duties. Comcast vs. Verizon sets up potential problem. Regulatory setup may change soon. Comcast defaulting on reports is not a basis for terminating the contract. A citizen requested a copy of expenditure history from the technology fund and the amount in it at this time. Ms Friedrichs spoke in favor of the access Corp. and asked that if the contract contained a penalty clause?

COMCAST LICENSE REVIEW HEARING - The Board opened the Hearing with Comcast Rob Travers, Rick Degon and Jason Walker. Mr. Travers made an opening statement about the technical improvements made over the last year, including upgraded digital system, High Definition Signal, On Demand access, increased speed for internet access and improved customer service. Mr. Travers stated Comcast had opened a New England answering center, which has raised the level of satisfaction for the customer base. He spoke regarding Comcast's community involvement in such programs as Comcast Cares Day, a program for Comcast employees to work in the Community a day each year. Comcast also has a Leaders and Achievers Scholarship Fund and donates to community programs such as Acton Day. \$928,000 was the cost of the Town's I-net (dedicated fiber network for the town) and other monies that they have placed into the system over the last 5 years. Selectman Ashton asked about the recurring report problem that was last discussed in December 2002 and at that time an e-mail from Mr. Travers stated he would cure the problem. Selectman Hunter inquired about reports which have not been conveyed and were to be delivered this evening. Mr. Travers has said that Community quarterly reports will be provided on time in the future. Bonds and insurance reports are good for the life of the franchise and do not need to be resubmitted each year. Financial reports are sent yearly. Telephone reports continue to be late. Complaint reports (form 500) are reported annually in January. The line extension reports are reports of plant or line extensions. Selectman Hunter asked that the access report entries be expanded to allow the reader to understand the entry fully. The Selectmen are interested in community programming with the availability of 3 channels being fully used. Additionally noted were the minimum time requirements that the studio be opened had not been met and that no operational reports on studio time have been filed. Jason Walker is the new production technician. No technician reports have been generated. Rob Travers sees a lessening of complaints. Selectman Rosenzweig asked if Comcast tracks viewer habits. Comcast replied they do not. Mr. Travers reviewed in general the contract terms for contractual default. In January the rate increase of 6% -12 %, resulted from system improvements. The cost of buying programs has increased. Programming costs have increased about 9% over three years and program revenues have increased 18%. Operating expenses increased less than 3%. Franchise fee increased greater than other communities. Mr. Travers stated that towns are given the opportunity to participate in the rate setting process. Mr. Travers stated the I-net was the cause of the increase. Cable Advisory Committee showed willingness to take on public access. (Does Comcast use for

producing shows)? What advice do you have on the sharing of the three channels? Selectman Ashton recommended that Comcast meet with Acton's IT people and organize how and when reports are received and how to evaluate the content of the reports. Selectman Ashton noted that Comcast was to advertise hearing for 7 consecutive days. Rob Travers responded that the Town and Bill Solomon along with the Cable Advisory Committee is to advise Comcast on provisions of the existing contract.

Selectman Hunter moves to continue the hearing, Selectman Rosenzweig seconds that the hearing is continued until September 26 at 7:25 PM, the decision was unanimous.

TRANSPORTATION ADVISORY COMMITTEE OVERSIGHT HEARING- The annual Transportation Advisory Oversight Hearing was attended by Ann Sussman, Arthur Wu and Antonio Santoro. The TAC is down one full member and 2 associates. The committee has lost all the professionally trained traffic engineers. The Board stated it would like to fill this expertise as it appoints new members. The Board thanked the committee for all its prior efforts and reminded TAC about the South Acton commuter lot study committee. Selectman Rosenzweig also reminded the public that TAC is a transportation committee not just a vehicle/traffic committee. TAC has a draft report on pedestrian improvements, which should be released in the near future. Selectman Ashton briefed the committee about the State of the Town Meeting. Would the TAC have any thoughts or ideas to contribute to the meeting? Terra Friedrichs questioned the lack of commonality in design of sidewalks and the developer contribution rate. Ann Sussman suggested pervious paving not allowed in Acton.

SELECTMEN'S BUSINESS

139 PROSPECT STREET LIP APPLICATION — The 139 Prospect Street Lip Application was continued from The Board Meeting on July 18th. After review, waiving the sewer privilege fee could not be supported by Selectman Ashton and Selectman Hunter. Steve Marsh agreed to eliminate the betterment waiver request.

Selectman Hunter moved approval of the LIP support letter, Selectman Rosenzweig seconds, and unanimous vote.

PUBLIC HEARING RE: W.R. GRACE - Selectman Rosenzweig briefed the Board on the EPA hearings of the last two weeks. Including that the Public Comment Period had been moved up to September 8, 2005. Selectman Rosenzweig spoke to the cooperation of both the Federal and Massachusetts Legislators in support of the need for active remediation of the contaminated water table. She noted EPA's relationship with Grace and the lack of providing the Town of Acton with all the data that was in the record. (EPA's apparent rush to judgment without giving the Town sufficient time to review the documents that had been generated by the Town's Freedom of Information Request). A great number of documents were delivered to the Town the day prior to the public hearings. Selectman Rosenzweig thanked all those that participated and asked for thank you letters to be sent to all State Senators and Representatives who helped at the last minute.

FORMAL DEDICATION OF THE PUBLIC SAFETY BUILDING - Selectman Hunter is inclined to move the dedication one week further out than was originally planned. The Board would make the dedication Oct. 8. Additionally, Selectman Hunter would like to dedicate Room 204 as the Faulkner Room during the Selectmen's meeting on September 26. The Town Manager will contact the Historical Commission for dedication names on other rooms in Town Hall that are used as public meeting rooms.

OTHER BUSINESS – Selectman Ashton briefed the Board on Acton Leadership Group. Lt. Governor Healy is to have a session briefing on Health Care and School Funding on August 8, 2005. Selectman Ashton would like to attend if his schedule allows. The Board would like to be sure that the Schools know about the briefing.

Not Your Average Joe's was approved, it had been continued with conditions the previous meeting.

CONSENT AGENDA

Selectman Hunter Moves to Approve and Selectman Rosenzweig seconds with the exception of #13. Unanimous Vote

13. RECREATION COMMISSION APPOINTMENT — The Recreation Commission and VCC request Sasha O'Connell be moved to full member. Selectman Ashton requested that the Board would wish to interview Ms O'Connell. **The Board will interview Ms O'Connell on the 29th of August at 7:45 pm.**

14. CONSERVATION COMMISSION APPOINTMENT TO FULL MEMBER — The Conservation Commission & the VCC request that Janet Adachi be appointed to full membership.

15. METROPOLITAN AREA PLANNING COUNCIL — The MACP requested the appointment of Selectman Lauren Rosenzweig as Acton's representative for a 3 year term.

16. STREET LIGHT REQUEST MUNICIPAL PROPERTIES — Requested Street Lights, Massachusetts Avenue near Charter Road and School Street near Sandy Drive.

17. ACCEPT DONATION, Recreation Department - Donation of 1 Moon Bounce, 1 Generator and 1 Attendant, for Community Event known as Acton Day. Estimated cost \$500.00 includes delivery.

18. ACCEPT DONATION , Recreation Department - Four round trip tickets to Iceland and a \$250 gift card from Kiss 108 FM to be used as raffle prizes.

TOWN MANAGER'S REPORT

There was none.

EXECUTIVE SESSION

There will be a need for Executive Session. Selectman Rosenzweig move to go into Executive Session to discuss future executive session meetings. Roll was taken, all Ayes. The Board adjourned into regular session only to adjourn the meeting.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is NOT a complete Agenda.

August 29	January 7 (Budget Saturday), 16 & 30
September 12&26	February 13&27
October 17	March 13 & 27
December 12 & 19	

GOALS 2004-2005

1. Produce Morrison Farm Development Master Plan (Selectman Foster)
2. NARA Park
3. Pursue Commercial Tax Base
4. Master Plan review meeting once per year

GOALS carried forward

5. Monitor Labor Negotiations (Selectman Ashton)
6. Improve Communication with Town Boards (ALL), Improving inter Board Communication (Selectman Hunter)
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 (Trey/Selectman Ashton)
8. ALG process be used for purpose of Budget Planning for FY05 (Selectmen Hunter and Ashton)
9. Process Planning for "Life after NESWC" (xxx)
10. Middlesex Pension Alternatives (Selectman Foster)

Recording Secretary

Lauren Rosenzweig, Clerk

Date

August 03, 2005

TO: Board of Selectmen, Sewer Commissioners

FROM: Peter Ashton, Chairman

SUBJECT: Selectmen and Sewer Commissioners' Report

August 08, 2005

Special Start Time 6:15 P.M.

I EXECUTIVE SESSION

1. **LEGAL STRATEGY DISCUSSION**
 - a. EPA re: W.R. GRACE POLLUTION ABATEMENT MEASURES
 - b. MIDDLESEX RETIREMENT BOARD
 - c. PERSONNEL MATTERS

Enclosed please find materials in the subject regard, for Board consideration.

II CITIZENS' CONCERNS

III PUBLIC HEARINGS & APPOINTMENTS

2. 7:02 **WEST ACTON CITIZENS' LIBRARY VACANCY** - Enclosed please find materials in the subject regard, for Board consideration
3. 7:05 **OPERATIONAL MINUTE** – The Town Manager will give the Board a brief update on various topics.
4. 7:15 **CBC PERSONAL TRAINING ACEDEMY 525 MAIN STREET #6-14-05-403** – “Commercial Recreation” zoning bylaws require special permit. Additionally, a special permit to extend sidewalks for pedestrian safety would be required. Enclosed please find materials in the subject regard, for Board consideration.
5. 7:18 **NARA PARK ONE DAY LIQUOR LICENSE** – Request for Permit for a one day liquor license at NARA Park for a Graduation Party, August 27, 2005
6. 7:30 **CABLE ADVISORY OVERSIGHT HEARING** - Enclosed please find materials in the subject regard, for Board consideration.
7. 8:00 **COMCAST LICENSE REVIEW HEARING** - Enclosed please find materials in the subject regard, for Board consideration.

8. **8:30 TRANSPORTATION ADVISORY COMMITTEE OVERSIGHT HEARING-**
Enclosed please find materials in the subject regard, for Board consideration.

IV SELECTMEN'S BUSINESS

9. **139 PROSPECT STREET LIP APPLICATION** - Enclosed please find materials regarding the 139 Prospect Street LIP project.
10. **PUBLIC HEARING RE: W.R. GRACE** - Selectwoman Rosenzweig will update the Board on the August 4, 2005 Public Hearing.
11. **FORMAL DEDICATION OF THE PUBLIC SAFETY BUILDING** - Enclosed please find materials in the subject regard, for Board consideration.
12. **OTHER BUSINESS**

V CONSENT AGENDA

13. **RECREATION COMMISSION APPOINTMENT** – The Recreation Commission & the VCC request Sasha O'Connell be moved to full member. Enclosed please find materials in the subject regard, for Board consideration.
14. **CONSERVATION COMMISSION APPOINTMENT TO FULL MEMBER** – The Conservation Commission & the VCC request that Janet Adachi be appointed to full membership. Enclosed please find materials in the subject regard, for Board consideration.
15. **METROPOLITAN AREA PLANNING COUNCIL** – Request the appointment of Selectwoman Lauren Rosenzweig as Acton's representative for a 3 year term. Enclosed please find materials in the subject regard, for Board consideration.
16. **STREET LIGHT REQUEST MUNICIPAL PROPERTIES** – Massachusetts Avenue near Charter Road and School Street near Sandy Drive. Enclosed please find materials in the subject regard, for Board consideration.
17. **ACCEPT DONATION** – Enclosed please find a request from the Recreation Department for acceptance of a donation of 1 Moon Bounce, 1 Generator and 1 Attendant for Community Event known as Acton Day. Estimated cost \$500.00 includes delivery. Enclosed please find materials in the subject regard, for Board consideration.

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VI SEWER COMMISSIONERS' BUSINESS

19. **YANKEE VILLAGE** - Wastewater Advisory Committee and Trustees of Yankee Village met regarding interest in connecting to the sewer system. Enclosed please find materials in the subject regard, for Board consideration

VII TOWN MANAGER'S REPORT

VIII EXECUTIVE SESSION

20. There may be a need for an Executive Session.

ADDITIONAL INFORMATION

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

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