

4/9/07
(3)

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

October 16, 2006

Acton Memorial Library
7:00 P.M.

Present: Chairman Foster, Andrew Magee, Lauren Rosenzweig, Peter Ashton, Dore' Hunter. The Town Manager and Assistant Town Manager were present. The meeting was televised.

CITIZENS' CONCERNS

Tom Michelman was present to thank the Board and update them about the clearing by the Friends of the Bruce Freeman Rail Trail. They cleaned a mile of rail. Mr. Michelman gave thanks to the many sponsors and the staff at town hall. Don gave an update on the RFP for the Bruce Freeman project and the recommendation will be coming forward soon. There were some questions when the RFP's were opened and there was such a discrepancy between the prices quoted. Council is reviewing and they hope by the end of the week to be able to make the award.

Chairman Foster spoke about Don Wheeler and his illness. The Board observed a moment of silence, and well wishes were expressed.

SEWER COMMISSIONERS' BUSINESS

None

PUBLIC HEARINGS & APPOINTMENTS

OPERATIONAL MINUTE – Don notified the Board about an emergency response exercise today by some of the Acton Departments. It was very successful and they learned a lot. Don noted that even he did not know of this planned exercise, and was relieved that the things that got reported to him were only part of the exercise.

NEW LONDON STYLE PIZZA, 555 MASSACHUSETTS AVE. – REQUEST FOR APPROVAL OF A CHANGE OF MANAGER

Dino Bottos and Cassiani Bottos were before the Board to request Board approval to change the Manager of record, Nicholas Bottos, to Cassiani, as Nickolas had passed away last year. The Board offered their condolences to the family and further noted that their restaurant and especially Nick were very involved in the community and youth sports activities. PETER ASHTON – Moved to approve the Change of Manager to Cassiani Bottos. LAUREN ROSENZWEIG, second. Mrs. Bottos was cautioned about the service of alcohol. She replied she serves no one unless they have a meal and that they have a two drink limit.

SITE DEVELOPMENT PLAN 7/11/06-409, 288 MAIN STREET, EDWARD BRAVO (CONTINUED FROM SEPTEMBER 25)

Applicant has asked for more time to review questions. WALTER FOSTER - Moved to continued to October 30th 7:15 – ANDREW MAGEE –second. UNANIMOUS VOTE

ACTON BOXBOROUGH ARTS COUNCIL (ABBC)

Rachel Lucas, Ann Budner and Elaine Sisler were present to thank the Board for enabling them to bring the Arts to Acton and Boxboro and to ask for support of their new web site. They currently have the site hosted on the designer's equipment and they need to find a permanent home for it. Rachel asked if they can be hosted on the Town server. Their site is 4Mgs and the web designer will work with IT. Rachel said that this will require no work from Town Departments once it is on the Town's Web Site.

SELECTMEN'S BUSINESS

DAVIS PLACE LOCAL INITIATIVE PROJECT (LIP)

Don updated the Board on the request from Davis Place developers for a waiver from some of the fees for project. The language between the State and Acton resulted in a misunderstanding of costs. Mr. Flannery said that they are looking for a deferral of the sewer betterments. Lou Levine representing Mr. Flannery, said that the Town would end up ahead if the board agreed with his analysis.

Walter explained the issue and noted that we would have more questions. The Board was concerned that this waiver might jeopardize the other users of the system.

John Murray said that under 40B the fees can be waived. Lou is looking for a waiver and said he will not go to the Board of Appeals. John agreed we are getting more money in the end.

Dore' agreed with Walter and was concerned that this would be set a precedent. Lou said he could not say whether it would be a precedent setting decision.

Andy asked if it was a Sewer Commissioner issue. John said that this was a request to waive fees, and the Selectmen are the only ones allowed to waive fees.

Walter suggested that we ask for \$50,000 up front and the balance going forward. He wanted to minimize the risk. Lou said they would be willing to put the \$50,000 up front and the balance in a 23 year payment.

Dore' noted that this is a matter of discretion in light of any future waiver requests.

WALTER FOSTER – Moved to have the sewer privilege fee of \$75,000 paid as follows: that \$50,000 is paid upon the completion of the 7th unit, and \$25,000 to be paid over the remaining term of the original betterment. Walter moved to make a recommendation to the Board of Appeals. Dore' Hunter noted that the rationale for granting this is because it is a 40B Lip project. No second. Table the Motion.

The Board will take this request under advisement and will render their decision at the October 30 meeting.

ACTON NEIGHBORHOOD NETWORK (ANN)

Dore' updated the Board on the status of ANN. He is concerned that the network is not offering an efficient service. They currently are using a phone line to contact the neighborhood contacts to notify them to look at their computer to see the notice. Dore' said the robot dialer is very workable. He wants to give up his position of being the lead. He suggested that the Police

Chief or Town Manager can send out a message, they would be in town and that he and Mary Ann Ashton would not have to be located to send the message out. Dore' met with Police Chief and they have discussed a proposal to bring this under the town's wing. As of now, it is not a town function. He wants it up and running before the State of the Town.

5-YEAR CAPITAL PLAN

Walter briefed the Board on past capital plans and described the process used to create the list. Walter spoke about the differences to the 1996 plan. He outlined the status of the Capital Plan and the next 5 years. Walter noted the Manager has prepared the plan to reflect several categories, Major construction, Morrison, Senior Center expansion, Infrastructure, and Commuter Lot. The balance included studies, vehicles and minor construction projects. This is a brief overview which Don has prepared for the Board's discussion.

Walter wants an overview of the capital plan for his next meeting and for the State of the Town. He wants some sort of priority on these projects to use as working documents.

Don outlined the types of things that fall below the line, this happens each year and that we were funding them in the mid- 80's until we began planning for expanding growth in the Schools. Don noted that his recommendations and other information will change.

Dore' spoke about getting the Town and School's definition of capital on the same level.

Peter was not certain how we would fund \$1.5 projects that fall below the line. Peter wanted to discuss it at ALG. He also noted the potential spending of Chapter 70 by the Schools.

Lauren agreed we needed these items included in our line items.

Walter asked for the Board's comments. He discussed the Sewer numbers on the plan. Andy noted that the WRAC is still in the preliminary planning stage and he described the role of the WRAC in revising the MEPA plan to a more exact plan.

Lauren noted that she could support all the capital items.

Walter wanted to take the Morrison Farm off the list at this time and move it into the 1.5 items below the line.

Peter also said he wanted \$200,000- \$250,000 for sidewalks included and thinks it belongs in the \$1.5 below the line. He was concerned on how they would be funded. Andy felt that sidewalks are a stand alone project.

Walter asked about the commuter lot and the Senior Center. Dore' did not want to see the commuter lot included in the above the line items. He said we should remove it from the list as we are investigating other options. Lauren said that the shuttle will be a helpful alternative. We may have to add more spaces in the commuter lot to ease the burden. Lauren wanted it to stay on the list.

Andy said that we need to have a shuttle or something major but not at \$380,000. Walter said he agreed to move it down to capital in the minor construction category.

Senior Center – Peter felt we need to keep the Design monies moving forward as the amounts are inadequate. Peter suggested inclusion of the design number only and the formation of a study committee.

Fire Station – North Acton and renovations of the other fire stations. Dore' recommended the formation of a committee much like the PSFB had. Dore' wanted the second ambulance question be in the scope of the building committee. Dore' questioned how to man the 2nd ambulance and where the second ambulance would be located.

HAYWARD TRAFFIC LIGHT

Park and recreation requests - Walter noted the requests and wanted to know what the Board felt. Walter questioned the first year cost of Parks facilities. Andy felt that NARA should be included in the top category.

Peter urged that a chart to reflect the net cost to the tax payer be produced.

Peter noted we have not discussed the NESWC monies, he feels it should be listed and used for town capital.

The Board agreed to separate out the CPA Monies as we are receiving 100% matching funds. Andy noted that the State has been the largest funding source for capital in the past few years.

COMMUNITY PRESERVATION ACT PROJECTS, BOARD OF SELECTMEN'S PRIORITIES

Discussion of possible items. Defer to the next meeting

STATE OF THE TOWN MEETING

Material sources for discussion/inclusion. Capital Plan, ALG, Schools raised a topic of 990 and we are not in compliance, this will have to be brought on line quickly within the scope of the ALG Plan.

W.R Grace - Walter said it may be premature at this point. Dore' said he would like it mentioned to give the Town a heads up and that the community will have to resolve in the future.

ANN, Leash law, Design Review Guidelines, concept of placing Conservation Restrictions on town owned property could be a News Item.

Walter would like to limit it to three topics to allocate a fair amount of time to those three topics.

Lauren feels the 5-Year Capital Plan, 990 School issue and the Design Guidelines could be presented in a brief presentation.

Andy agreed with Lauren on the Capital Plan, 990 school Issue and spoke about the other items to be discussed. Andy suggested that maybe there is a way to present those issues by having mini-presentations.

Dore' didn't have any issues to add.

Peter's order is the 5-Year Capital Plan for an hour and one half
990 contexts in the Operating budget and ALG
Last 20 minutes to talk about Conservation Restrictions

The State of the Town will be meeting on November 20 at Jr. High Auditorium at 7:00

APPLICATION FOR PERMIT TO ACCESS STATE HIGHWAY, WOODLANDS AT LAUREL HILL

LAUREN ROSENZWEIG – Moved to approve the State Access application. ANDREW MAGEE – second. UNANIMOUS VOTE.

SITE DEVELOPMENT PLAN 2/19/03-388, 60 POWDER MILL ROAD, AUTOPLEX REALTY

Walter talked about the parking lot lights that were installed by the applicant. Mr. Bertolami wants a temporary occupancy permit. The Board was not inclined to grant this occupancy permit. The Board will hold approval until all conditions are met. Andy asked that the Town Manager have the lighting reviewed on adjacent sites to the Old Mill property.

TOWN MANAGER'S REVIEW

Peter spoke about the Town Manager's review. This is 20th year as the Town Manager.

Dore' asked if the discussions with the Supt. of Schools over lunch were helpful. Don said it has been helpful.

Dore' noted he thinks Don's job has gotten harder each year and he has been very innovative.

Peter's recommendation is to increase by 10% to bring him in line with other increases in the organization, this increase not being retroactive to prior years, but retroactive to July 1, 2006.

PETER ASHTON – Moved to increase the Manager's salary by 10% DORE' HUNTER – second, UNANIMOUS VOTE

PETER ASHSTON – Moved that the Manager's three year contract be extended by one year. DORE' HUNTER – second. UNANIMOUS VOTE

Herman Kabakoff asked about his dollar value if it could be asked in public session. The Manager currently salary is \$132,959.

OTHER BUSINESS

Peter asked about senior discount at the commuter parking lot. He asked that this be reviewed for further discussion at the next meeting.

Dore' announced he is the new Veteran's Agent and urged people come forward if you need help.

Walter spoke about the upcoming Chinese concert this weekend.

Andy reported on WRAC and their need to educate the committee and neighborhood about the treatment plant. Sewers are a major component of the MEPA Plan. They will be meeting and focusing on some of the key issues.

Lauren noted that the letter regarding the Suburban Mobility Grant has been sent. This Grant would help Acton to initiate a more flexible transportation system such as a potential shuttle.

CONSENT AGENDA

DORE' HUNTER – Moved to approve. PETER ASHTON – Second. UNANIMOUS VOTE

TOWN MANAGER'S REPORT

Reported on the Road rage incident at Oktoberfest. He updated the Board on the filling of vacancies on the Highway and IT Dept. two in highway and one in IT have been filled.

EXECUTIVE SESSION

LAUREN ROSENZWEIG - Moved to go in to Executive Session to discuss strategy in litigation. Roll was taken All Ayes.

The Board came back to Open session

DORE' HUNTER - Move to withdraw ACHC as the auditor on the Crossroads Development project. Further that Crossroads Development is notified in writing to supply the information and any other documents as requested no later than October 27, 2006. PETER ASHTON – second. UNANIMOUS VOTE

The Board adjourned

Recording Secretary

Clerk, Board of Selectmen

Date:

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA
OCTOBER 16, 2006

The Acton Memorial Library
7:00 PM

I. CITIZENS' CONCERNS

II. SEWER COMMISSIONERS' BUSINESS

(None scheduled)

III. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:02 OPERATIONAL MINUTE

The Town Manager will give the Board a brief update on various topics.

2. 7:10 NEW LONDON STYLE PIZZA, 555 MASSACHUSETTS AVENUE, REQUEST FOR CHANGE OF MANAGER

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

3. 7:15 SITE DEVELOPMENT PLAN #07/11/06-409, 288 MAIN STREET, EDWARD BRAVO (FOSTER) (CONTINUED FROM SEPT. 25, 2006)

The Petitioner has requested a further continuance to October 30, at 7:15 p.m.
Enclosed please find materials in the subject regard.

4. 8:00 ACTON BOXBOROUGH CULTURAL COUNCIL (ABCC)

Enclosed please find materials in the subject regard.

IV. SELECTMEN'S BUSINESS

5. DAVIS PLACE LOCAL INITIATIVE PROJECT (LIP)

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

6. ACTON NEIGHBORHOOD NETWORK (ANN)

Selectman Hunter will provide an update on the status of the Acton Neighborhood Network.

7. 5-YEAR CAPITAL PLAN

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

8. COMMUNITY PRESERVATION ACT PROJECTS, BOARD OF SELECTMEN'S PRIORITIES

Chairman Foster wishes to discuss the Board's priorities in the subject regard.

9. STATE OF THE TOWN MEETING

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

10. APPLICATION FOR PERMIT TO ACCESS STATE HIGHWAY, WOODLANDS AT LAUREL HILL

Enclosed please find an application for MassHighway authorization to allow reconstruction work on Route 2A at Nonset Path, for Board consideration.

11. SITE DEVELOPMENT PLAN 02/19/03-388, 60 POWDER MILL ROAD, AUTOPLEX REALTY

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

12. TOWN MANAGER'S REVIEW

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

13. OTHER BUSINESS

V. CONSENT AGENDA

14. BONFIRE, THANKSGIVING EVE PEP RALLY

Enclosed please find a request from the Fire Chief for Board approval to issue a permit in the subject regard, for Board consideration.

15. DISPOSAL OF SURPLUS EQUIPMENT, HIGHWAY DEPARTMENT

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

16. DISPOSAL EQUIPMENT, FIRE DEPARTMENT

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

17. ACCEPT GIFT, WEST ACTON CITIZENS' LIBRARY

Enclosed please find a gift of \$50.00 from Kathleen Mason, for the West Acton Citizens' Library for Board consideration.

18. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$1,000.00 from Pierce Promotions and Event Management, on behalf of Verizon for sponsorship of the Monster Bash Special Event, for Board consideration.

VI. TOWN MANAGER'S REPORT

VII. EXECUTIVE SESSION

19. There will be a need for Executive Session. Enclosed please find materials in the subject regard.

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.

October 30

November 13

November 27

December 11

December 18

Goals 2006-2007

1. Morrison Farm Development Recommendation (Foster)
2. Monitor Labor Negotiations (Ashton)
3. Policy Review/Improve Inter-Board Communication (Foster)
4. ALG process to be used for purpose of Budget Planning for FY08 (Foster/Magee)
5. Middlesex Pension Alternatives (Ashton)