

4/9/07
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BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

January 8, 2007

Acton Memorial Library
7:00 P.M.

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

Walter announced that his term was up this year. He has given much thought and has decided not to run for re-election. He has served on the Planning Board and has been on the Board for six years.

Melinda Samperi owner and director of the dance studio in town passed away. Walter wanted to let the community know that she has passed and the Town offered its condolences to her family.

Dore' thanked Walter for his six years of service on the Board.

CITIZENS' CONCERNS

Will Tuffin wanted to comment on issues about selecting tower sites in Acton. He asked the Board to look into this issue and remained willing to work with the Town. Walter noted that any amendments will go through the Planning Board for this spring's meeting. Walter noted they will have a committee put together to report back on this issue.

PUBLIC HEARINGS & APPOINTMENTS

OPERATIONAL MINUTE – Don passed on the operational minute

COMMITTEE INTERVIEW, TRANSPORTATION ADVISORY COMMITTEE, JAMES CITRO

Walter thanked Mr. Citro for volunteering. Dore' was pleased to see him coming forward. . Andy felt the same way and asked about conflict of interest. Mr. Citro felt he would not have any issues. Lauren noted that he is the CFO of the MCR and asked him if he knew that the focus will be more toward public transportation issues. He is interested in all forms of transportation. DORE' HUNTER – Moved to appoint Mr. Citro with a term to expire 6/30/09. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

CLASS II NON-DISPLAY DEALER LICENSE, 341 GREAT ROAD, ACTON GAS

Mr. Alaga will not store any cars at the gas station; he will use it to go to the Auction. Lauren noted she has no issues. DORE' HUNTER – Moved to approve the non-display license noting no cars will be located on site. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

REQUEST FOR 61A RELEASE, NEWTOWN ROAD, ISABELLA CHOATE

The Board discussed the request and reviewed the staff comments. Andy noted that the open space committee had reviewed and came to the conclusion not purchasing this parcel. The Board said it does not connect to any Conservation Land. DORE' HUNTER – Moved to waive

our right of first refusal on this parcel located at 215 Newtown Road. ANDY MAGEE - second. UNANIMOUS VOTE.

COMMITTEE INTERVIEW, TRANSPORTATION ADVISORY COMMITTEE, FRANCES OSMAN

Dore' noted she is a very qualified person. Lauren said she has met her and she is very dedicated toward public means of transportation. Andy echoed the rest of the Board. DORE' HUNTER - Move to appoint Ms. Osman as an Associate Member to expire 6/30/07. ANDY MAGEE – second. UNANIMOUS VOTE.

TRANSPORTATION ADVISORY COMMITTEE (TAC) OVERSIGHT MEETING

Jim Yarin noted that they have moved toward a full committee. Walter asked about concerns in the future. They have finished up a long term project to analyze the 2A issue. He noted they completed it in May. The focus of the group is now discussing local transportation for the town. They will be applying for Grant money in the next year and it will take 100% of the committee's attention.

Lauren has seen the shift of the committee for shuttle and commuter rail. We have submitted the paper work for the Grant. They will need to do a lot of work. She noted that they may need to have a paid consultant to complete this and to find out the needs and solutions for public transportation. Lauren said that they have been working with Barbara Lucas of MAPC regarding the Shuttle Service. Lauren asked about any thing going forward? Jim thanked Lauren for her guidance. The idea of a shuttle bus came out of the lack of parking at the Rail. He did not feel that a shuttle bus could be justified for that purpose only. He was sure that there are many other potential uses for a Shuttle Bus, such as transportation to the Senior Center. He felt that the town would need a financial commitment when the Grant runs out. He feels the Shuttle will prove itself.

Andy noted the great report submitted in May. Andy noted the new McDonald's on Great Road and asked about likes or dislikes with the sites implemented under this plan. Andy noted that Sidewalks will be the next issue in the coming years. Dore' noted that the State is to be installing some crossings on Route 2A. Staff has not seen any movement towards those crossings.

Walter noted that there is an emerging theme of the growth and traffic level. Walter feels that they will have a heavier workload. Walter said that they need to let us know if the committee cannot finish projects. TAC's time will be impacted by Hayward Road Light and the Main Street Corridor issues. The Design Review Guidelines will need to be looked at and they will also need to look toward them for Site plans and growth suggestions and to review the Town's Master Plan.

SITE PLAN SPECIAL PERMIT #09/15/060410, 2 SCHOOL STREET, 127-131 MAIN STREET, and BLUE BIRD REALTY TRUST (ASHTON) Rescheduled to February 26, 2007 at the petitioner's request. ANDY MAGEE – Moved to approve. DORE' HUNTER – second. UNANIMOUS VOTE

SIDEWALK CONSTRUCTION PLANNING PROCESS

Chief Widmayer and Bruce Stamski were present to outline the planning process for sidewalk needs. Walter wanted a working committee that would work on this issue. Bruce outlined the process of determining the five year capital program. The format has been the same, police,

engineering and highway reviewing the greatest needs and how to list these needs. Bruce said the number one issue is safety. Bruce outlined the questions of need and what safety aspects they are looking at. How many people does the sidewalk serve, does it connect to other sidewalks. Bruce wanted to keep the construction in-house so we can be more flexible. They feel that they have tried to balance this and feel they are necessary and viable and have neighborhood support. Frank said that they looked at these roads that requested sidewalks. They try to take into account all the items and try to be fair and try to get as much done in the year and there will be unhappy citizens.

Dore' noted that we need to address the list and we see more traffic in neighborhoods and then some get bumped because a neighborhood comes in and feels that should go before others on the list. He would hope that we will have sidewalks on both sides of all streets some day. Bruce is going to see about bidding this out to see what we get. Andy asked about the list and we need to develop the list further. Andy talked about the cost. We are looking at \$200,000 per year for the next five years.

Lauren thanked them for their approach, and felt the criteria they used are on target. They have developed a hierarchy of need on the list. Walter asked if it was worthwhile to form a committee and if the amount that we are funding in the Capital Plan up from \$200,000 to \$300,000 would help.

Karen Bockoven spoke about the need for sidewalks on High Street. Dore' said we should form a committee that will include citizens. He noted that all sidewalks should not be plowed by the Town unless they are in high traffic areas. Dore' offered to serve on this committee.

Andy spoke about the manpower needs. Andy does support this but that we have collateral expenses if supported.

MR. CHARLES BEDDOE, 18 BREWSTER LANE, AFFORDABLE UNIT DISCUSSION

Walter asked for a brief overview of the situation. Don referred to the memo that he gave the Board tonight. He and John have tried to boil this down to a simple issue. Don noted that the project was plagued with financial issues, and the agreement was not written well. Don noted that they offered a certain number of moderate units for elders. Andy said that the Manager's summary was good. The one piece missing is the implied assumption that they would sell it at 75% of the value for a quick sale. The Beddoe's have said that they do not plan on the property being undersold.

Charles explained that there are several misunderstandings and they have asked for a clarification of the March minutes to reflect the address of 18 Brewster Lane. He asked that the Town provide the letter. The split of the funds need to be discussed. Charles noted the master deed addresses this issue well. The maximum resale value is 75% value of \$375,500. They have been addressing this for 2 years since notification to the Town. He feels the deed precludes a low ball price. It was noted it is currently being marketed at \$335,000 anything over the 75% would go to the Town.

Andy noted that the difference is in their comment about the release letter. Andy said he could move forward with this release letter. Don said that the letter suggested three options to recognize the difference in the market and the Board and the Petitioner should come to a fair price. Had it been sold sooner it would be over the asking price as the market has softened. Don suggested that another appraisal be done to better reflect the market conditions. Walter asked if this was acceptable to him. Charles said that he could not make a decision without the

family. He noted that to be fair would be to allow it to be sold at the sales of the other units, currently \$400,000. Don said he wanted to see an appraisal. Lauren spoke about a further delay and the appraisal should be done right away. She feels the longer we wait the price goes down.

LAUREN ROSENZWEIG – Moved to procure another appraisal of the Unit to be paid for by the Town and completed ASAP, which states the current value of 18 Brewster Lane, and that 75% go to the seller. DORE' HUNTER - second. UNANIMOUS VOTE.

Andy spoke about the appraised value going down. He also felt that the Beddoe's should not have to pay for the appraisal.

Charles said that when the Master Deed was created units were to sell for 75% of market and they were built as lesser units. Mr. Beddoe said that the restricted units were not built the same as the Market Units. Walter wanted to see the appraisal and felt it reflects the dialogue with the Beddoe's.

Mr. Beddoe asked that a clarification of the March 26, 2006 Selectmen's minutes be signed. Walter said we could release 18 Brewster Lane, and we would pay for the appraisal.

COMMITTEE INTERVIEW, BOARD OF APPEALS, MARILYN PETERSON

Lauren asked if she had read the 40B policy by the Board and suggested she read it. WALTER FOSTER - Moved to appoint Marilyn Peterson as a Member of the Board of Appeals to expire, 6/30/09. DORE' HUNTER – second. UNANIMOUS VOTE.

WALTER FOSTER - Moved to amend the previous vote and to appoint Mrs. Peterson as an Associate member of the Board of Appeals with a term to expire 6/30/09. DORE' HUNTER-second UNANIMOUS

SITE PLAN SPECIAL PERMIT, #07/11/06-409, 288 MAIN STREET, EDWARD BRAVO (FOSTER)

DORE' HUNTER – Moved to rescheduled to Feb 22 at 7:20. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

SELECTMEN'S BUSINESS

ALG UPDATE

Walter reviewed the extra information memo with the updates of the ALG Plan. They have negotiated the split to have \$860,000 to the school and an additional amount \$266,000 back to our operational Budget in two installments, or \$180,000 for 09, would be allocated under ALG next year. They allocated the use of a million dollars next year. 32.15 percent for the Town. Use of \$500,000 for E&D and the school has submitted a budget of \$435,000 which is being used for E&D.

Walter said that there are two items that have arisen. They will face a request for funds to be used out of Free Cash for modular units for Douglas School. The COPS grant is running out this year and we need to address the split costs with the schools.

Dore' noted that over the years we have worked through the ALG process with the schools and we do operate differently than the schools, they make adjustments as they are discovered. The school has a problem with the Modular units and they just want to tack it on. If the schools are going to manage a budget, then it needs to be managed to address the issues.

Dore' noted the funding of Cops in the schools; they said they would pay for half so they need to pay. The back money should be paid but we might not be able to collect it. We need to have them pay 50% going forward.

Andy spoke about the money that is past due and agrees we probably won't get it. And if the schools don't pay half we won't pay the whole amount.

Walter asked for the details of the past dollar figures for tomorrow.

CAPITAL PLANNING SUB-COMMITTEE REPORT

Walter spoke about the committee and the items for five year capital plan and that we need to begin to prioritize them. The schools have voted to purchase Modular units for classrooms at Douglas School which will cost \$400,000.00. There is an expectation from the Schools that we would have a Debt Exclusion override for 2008.

BUDGET DISCUSSION

Don was asked to prioritize the capital items for the next meeting.

DISCUSSION REGARDING POSSIBLE COMMITTEE FORMATION, NORTH ACTON FIRE STATION AND SENIOR CENTER SPACE NEEDS STUDY

Dore' spoke about the Senior Center and felt we need to put together an appropriate group to study the expansion of the Senior Center. This is going to be more important in the future.

Lauren said this is a critical time to address this and would support the formation of a group to study it. Andy noted the needs and noted that the foot print is not able to accommodate an elevator. Andy felt this is the time to study this. Walter noted the request for a feasibility study for \$45,000. Walter noted that this is the time to start creative thinking. Dore' asked that the Manager bring forward at a near meeting a recommendation of what the initial makeup of the group would be. We may need to add more talent later.

Lauren asked about the way the group would go. Dore' said we would start the planning and see what we need.

Dore' spoke about the North Acton Fire Station. He feels we have an issue of we need to learn from what happened in police station one. We did not involve the citizenry and it failed at Town Meeting. He feels we need to go through and revise all the figures and we need to set up a group like PSF2. We need to do the numbers and have the citizens participate.

Lauren noted that we need to have citizen input because we have new people that want to be involved that do not have a history.

Dore' asked the Town Manager prepare a list of staff to be included for recommendation to the board for service on this committee.

NESWC HOME RULE PETITION UPDATE

John Murray gave the Board an update on the Home Rule Petition. The petition has been approved by the Governor. This will allow them to move the money and reserves for building needs and equipment. Town Counsel will be reviewing the situation with regard to 21E site or Ash issue. A memorandum will be prepared for liability reserves. Walter wanted to be sure that there are monies in reserve for equipment such as paper recycling. They will know how much money we will be getting in the next month. John wanted the money available at once.

Andy noted we are one of a group. Andy asked about our liability at our transfer station. John said that it was for outside use. Andy asked about the Free Cash item. John explained that

there are two ways money can be spent. If they declare as surplus we won't get certified for one year. Depending on how it was written we want to make sure that it is certified by the State. He wants the money so we can use it immediately.

Dore' noted the policy question regarding the use of the money. He said the Board will have to recommend the use or goes to the normal appropriation or reserve fund and they need to have this decisions made by Town meeting in April.

MIDDLESEX RETIREMENT SYSTEM

Don noted he has been contacted by Sen. Resor's Office asking if we want to be removed from Middlesex Retirement System. The Board discussed the question. Dore' said it is within our right to ask for and we could get someone to run it. Andy agreed to move forward to be removed from the MRS. Lauren asked about the questions of which system we would move to, our own, another, or the State? Don Noted that we would look to join other systems, and noted we have the options of 106 systems. Lauren noted that she would support withdrawal. Walter is concerned about retaliation. His sense was more that we should look at the State fund not a regional approach. Walter said that they are getting very good returns at the State Level. He too wanted to be removed. Andy's approval goes to the State Level participation. DORE' HUNTER -Moved to pursue legislation to get out of MSR. ANDY MAGEE – second. UNANIMOUS VOTE.

REQUEST FOR LIAISON, MEMORIAL LIBRARY BOARD OF TRUSTEES

Walter spoke about the request for a liaison. Dore' will serve as the Board's Liaison.

EAGLE SCOUT COURT OF HONOR, ETHAN MAITLAND

Andy will represent the Board.

OTHER BUSINESS

Lauren noted the need to change Town Meeting Dates to reflect the Jewish Holiday at the next meeting.

Lauren spoke about the Designer review guidelines and asked that it be on an upcoming meeting.

MAGIC discussion about the residential project in Concord. We need to know the impacts on Acton.

CPC will be meeting and noted the NARA Recreation Study Master Plan request. Recreation has asked to pull this off this year. DORE' HUNTER - Moved withdrawal of the Master Plan, NARA Study funding request from the CPC Process. ANDREW MAGEE-second. UNANIMOUS VOTE.

Marie Altieri has resigned from the School Committee. Steve Anderson has issued an opinion on process relative to this mid-term resignation.

ANDREW MAGEE -Moved to appoint Scott Kutil and Ellie Halsey to a three month appointment to HDC with them coming in at a later time for Board interview. DORE' HUNTER – second.

CONSENT AGENDA

DORE' HUNTER – Moved to approve, LAUREN ROSENZWEIG. second. UNANIMOUS VOTE

TOWN MANAGER'S REPORT

W.R. GRACE – Don reviewed the technical information and how we could possibly meet a 30 day turnaround.

Mary Michelman spoke about the 30 day turnaround and will submit ACES comments. She suggested that those making comments review them with the other commenters before sending in. She asked that they hold Grace to a 300 Range for Manganese. Walter wanted a clean field test as described by ACES. DORE' HUNTER – Moved to amend the comments on Chromium to remove last sentence and require a field test be done without the packing in the well.

ANDREW MAGEE – second. UNANIMOUS VOTE

EXECUTIVE SESSION

LAUREN ROSENZWEIG –Moved to go into Executive Session for the purpose of discussion real property. All AYES. UNANIMOUS

Recording Secty

Clerk, Board of Selectmen

Date

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Memorial Library Meeting Room
January 8, 2007
7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:05 OPERATIONAL MINUTE
2. 7:10 JAMES CITRO, COMMITTEE INTERVIEW, TRANSPORTATION ADVISORY COMMITTEE
Enclosed please find materials in the subject regard, for Board consideration.
3. 7:45 ACTON GAS, CLASS II NON-DISPLAY CAR LICENSE, 341 GREAT ROAD
Enclosed please find materials in the subject regard, for Board consideration.
4. 7:30 ISABELLA CHOATE, REQUEST FOR 61A RELEASE, NEWTOWN ROAD
Enclosed please find materials in the subject regard, for Board consideration.
5. 7:40 FRANNY OSMAN, COMMITTEE INTERVIEW, TRANSPORTATION ADVISORY COMMITTEE
Enclosed please find materials in the subject regard, for Board consideration.
6. 7:55 TRANSPORTATION ADVISORY COMMITTEE OVERSIGHT MEETING
(no materials included)
7. 8:15 SITE PLAN SPECIAL PERMIT #09/15/06-410, 127-131 MAIN STREET, BLUE BIRD REALTY TRUST (ASHTON)
The applicant has asked for a continuation until February 12, 2007 at 7:10. Enclosed please find materials in the subject regard, for Board consideration.
8. 8:20 SIDEWALK PLANNING PROCESS
Enclosed please find materials in the subject regard, for Board consideration.
9. 8:35 MR. CHARLES BEDDOE, 18 BREWSTER LANE, AFFORDABLE UNIT DISCUSSION
Enclosed please find materials in the subject regard, for Board consideration.
10. 8:45 MARILYN PETERSON, COMMITTEE INTERVIEW, BOARD OF APPEALS
Enclosed please find materials in the subject regard, for Board consideration.

11. 9:00 SITE PLAN SPECIAL PERMIT, #07/11/06-409, 288 MAIN STREET, EDWARD BRAVO (FOSTER)

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

III. SELECTMEN'S BUSINESS

12. BUDGET DISCUSSION

13. ALG UPDATE

14. CAPITAL PLANNING SUB-COMMITTEE REPORT

15. MIDDLESEX RETIREMENT SYSTEM

16. DISCUSSION REGARDING POSSIBLE COMMITTEE FORMATION, NORTH ACTON FIRE STATION AND SENIOR CENTER SPACE NEEDS STUDY.

17. NESWC HOME RULE PETITION UPDATE

18. MEMORIAL LIBRARY BOARD OF TRUSTEES

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

19. EAGLE SCOUT COURT OF HONOR, ETHAN MAITLAND

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

20. OTHER BUSINESS

IV. CONSENT AGENDA

21. COMMITTEE INTERVIEW, PADMAJA KUCHIMANCHI, ACTON BOXBOROUGH CULTURAL COUNCIL (ABCC) ASSOCIATE MEMBER

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

22. ACTON HISTORICAL SOCIETY, INC., REQUEST FOR PERMISSION TO HAVE A PARADE ON APRIL 16, 2007.

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

23. ACCEPT GIFT, BUILDING DEPARTMENT

Enclosed please find a gift of \$500,000 from Avalon Bay/Woodlands at Laurel Hill, as part of mitigation negotiated by the Board, for Board consideration.

24. ACCEPT GIFT, RECREATION COMMISSION

Enclosed please find a gift of \$40,000 from Middlesex Bank, to be used by the T.J.O'Grady Skate Park, for Board consideration.

25. ACCEPT GIFT, RECREATION COMMISSION

Enclosed please find a gift of \$50.00 from Pro Tech Gas Company, to be used to sponsor the Chili Cook-off at NARA, for Board consideration.

26. ACCEPT GIFT, RECREATION COMMISSION

Enclosed please find a confidential donation of \$1,500.00 to be used by the Teen Repertory Theatre Group, for Board consideration.

27. ACCEPT GIFT, RECREATION COMMISSION

Enclosed please find a gift of \$100.00 from Wilson and Orcutt, to be used by the Teen Repertory Theatre Group, for Board considerations.

28. ACCEPT GIFT, RECREATION COMMISSION

Enclosed please find a gift of Set Pieces, valued at \$450.00+/-, from Theater III to be used by the Teen Repertory Theatre Group, for Board consideration.

29. ACCEPT GIFT, RECREATION COMMISSION

Enclosed please find a gift of \$100.000 from the AAA Southern New England, to be used by the Teen Repertory Theatre Group, for Board consideration.

30. ACCEPT GIFT, RECREATION COMMISSION

Enclosed please find a gift of \$50.00 from Scheier & Katin, PC, to be used by the Teen Repertory Theatre Group, for Board consideration.

31. ACCEPT GIFT, RECREATION COMMISSION

Enclosed please find a gift of \$350.00 from Beacon West Placement, to be used to offset the Teen Repertory Theatre Group, for Board consideration.

32. ACCEPT GIFT, WEST ACTON CITIZENS' LIBRARY

Enclosed please find a gift of \$25.00 from Ellen Rowse Spero, for Board consideration.

33. ACCEPT GIFT, WEST ACTON CITIZENS' LIBRARY

Enclosed please find a gift of \$638.00, from the Library Auxiliary, to cover the costs of Tot Time, for Board consideration.

V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

34. There will be a need for 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.

January 22

February 12 & 26

March 12 & 26

GOALS 2004-2005

1. Produce Morrison Farm Development Master Plan (Foster)
2. Monitor Labor Negotiations (Ashton)
3. Policy Review/improve Inter-Board communication (Foster)
4. ALG process be used for purpose of Budget Planning for FY08 (Foster/Magee)
5. Middlesex Pension Alternatives (Walter)