BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

April 23, 2007
Acton Town Hall, Faulkner Hearing Room

7:00 P.M.

Present: Andrew Magee, Lauren Rosenzweig, Peter Berry, Paulina Knibbe and Dore' Hunter. The Town Manager was present. The meeting was not televised.

CITIZENS' CONCERNS

Will Tuffin spoke about his telephone discussion with Andy Magee regarding the Cell Tower issue. Mr. Magee had made suggestions and recommendations with regard to the formation of the Committee. Will spoke about the Sudbury lawsuit. Andy said that he did not want to get in to conversation on the merits of Articles 39 and 38 tonight, and asked Mr. Tuffin to work through the cell tower committee. Andy noted that his concerns about bias be put in writing and given to the Board. Mr. Tuffin continued to speak about Thomas Snoorr and his representing the Town on this issue.

Carol Holley – Pope Road, wants to arrange to have the Hydro-geologic Study of the Adams Street site, Town of Acton, Massachusetts, dated October, 1998 reports in the Library along with the two SEA Reports and SEA Addendum which are already in the Library.

Climate Action Team – Jim Snyder-Grant and Matt Liebman were present to ask that the town to contact the Mass Collaborative to say we are interested in the Solar Panel program. Jim asked that any additional matching funds be dedicated to enhancing solar panel education. They want the project to be moved along quickly. They are talking with the Town Manager and Dean Charter as well as J.D. Head for a location to install the Solar panel, and want to continue this discussion.

Lauren spoke about the formation of Sidewalk Committee, with members from different areas in Town.

Andy will be the Member assigned to Conservation and Land Steward Committee.

PUBLIC HEARINGS & APPOINTMENTS

BOARD REORGANIZATION

ANDREW MAGEE –Moved Dore' as Chairman. LAUREN ROSENZWEIG – second. 4-0 Dore' abstaining

DORE' HUNTER – Moved Lauren as Vice-Chair. ANDREW MAGEE – second. 4-0 Lauren abstaining

DORE' HUNTER – Moved Andrew as Clerk. PAULINA KNIBBE - second. 4-0 Andrew Magee abstaining

OPERATIONAL MINUTE – Don updated the Board on the Arlington Street wash out. They are in the process of getting supplies and hopefully have it open by next Wednesday. Dore asked that a sign be installed on Arlington Street.

COMMON VICTUALLER LICENSE, 166 GREAT ROAD, CAFÉ PHOENICIA D/B/A ICHABOD'S COFFEE AND EATERY.

Mark Ryan representing Café Phonenicia said that for now, the business would remain the same. ANDREW MAGEE – Moved to approve. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE TO APPROVE.

TREE REMOVAL PUBLIC HEARING, MAIN STREET, POST OFFICE SQ. TO ROUTE 2A
Dore' asked Bruce Stamski to explain the tree removal process. Bruce noted that Mr. Conant has facilitated this sidewalk project. They worked with the neighbors with respect to this design. The trees to be removed vary from 4 inches to 30 inches in diameter. Bruce thanked The Conant's for their cooperation and they should be commended by the citizens of Town.

Bruce had a Slide Presentation and noted that the tree removals would not affect the forest.

They want to build a design for Main Street with a strip between the sidewalk and the road way and going behind the trees and stone walls which will be safer and aesthetically pleasing. But they will need to remove trees.

Lauren thanked Bruce for working with the land owners and thanked the Conant's and Water District for the easements. She agreed with the buffer strip.

Andy is concerned with the number of trees being cut. He feels that the removal of the tree line will visually widen the road and thereby increase the speed of motorists.

Paulina thanked them for putting the sidewalk on the other side of the stone walls. She has looked at this property: most of the trees are flagged but she has a problem with the mature trees on the outside of the wall between the street and felt the trees act as a traffic calming method. Bruce said that a couple of trees by the Water District are dieing. Paulina asked about the strong desire for sidewalks and would like to understand why we are doing this one now. Bruce explained how the list is developed on safety needs and traffic. This is the Police Chief's safety choice with high priority.

Peter asked about the location of the sidewalk. He noted the comment about the Isaac Davis trail site, and asked if the Massachusetts Historical Commission had been contacted. Bruce said this trail has an easement from the Conant's twice per year on Patriots Day and Fourth of July. The easement is to the town for those two days, for Town use only. Bruce noted that it would not be in the line of the sidewalks. Peter asked about the maintenance cost and life. Bruce said they should have a 30 year life depending on use.

Dore' visited the site and noted that it is not currently a slow traffic site.

Richard Swenson wrote a letter about the removal of the trees. He doesn't see that this would be the last location he would choose. He asked about the annual cost of plowing and maintaining the sidewalk and spoke about speed being a problem. Maybe speed limits could be enforced or lowered. He felt it is an ill-advised project and does not see of any purpose.

Brian Bendig – 74 Nagog Hill Road, he is a private citizen tonight and wants to prevent further loss of rural aspect in town. He wanted to have the site reviewed by the Massachusetts Historical Commission and the Conservation Commission. He also spoke about the building of this sidewalk and asked that before it is undertaken the Town should research it further. He was concerned about cost and maintenance. He has not reviewed the plans but felt that a mile long strip of asphalt with some crossing of water could be costly.

32 Nylander Way resident spoke about the trees and asked that they research this before they move forward. She wanted to know who would use this sidewalk and how the usage was determined. Andy would like to delay this vote and wanted to walk this site before making a decision.

ANDREW MAGEE –Moved to delay a decision on this until May 7th. PAULINA KNIBBE - second. UNANIMOUS VOTE

METHODS MACHINE TOOLS/MASSACHUSETTS STATE OFFICE OF BUSINESS DEVELOPMENT

Lauren outlined the presentation that will be made tonight. She noted that on EDC they want to maintain existing businesses and to help them grow. She spoke about incentives from the State that could be applied. They have met with the EDC and were asked that they make the same presentation to the Board of Selectmen.

Mr. Duane made a presentation to the Board and felt it helps the Town as well as them. They are a high tech company that solves critical problems. They are a family owned company. Their customers are Fortune 100 companies. They have been in business a long time. They want to make their customers more productive. They are having an open house in Sudbury in May and invited the Board to attend.

They bought the building and felt that they would never fill it, but they have. This allows them to build a higher building because they need the height to use their cranes. It is critical that they do this right. They are on version 9; a lot of work has been put into this project. Mr. Duane said this project will be taking down the building and will cost 11 to 15 million dollars. This program helps him as well as the Town.

Bonnie Biooci is the Regional Director of the State. They have the three way project, between the owner, local town and the State. The local businesses are interested in growing their business and want to look at incentive programs to help them expand. The Town would have to decide if it is something that could be done. Acton would have to become an Economic Opportunity Area which would be the site on Main Street. The Town could partner with Boxborough or Littleton. There is a leeway for the Town to make the decision on what amount of tax to be abated. Bonnie outlined the various program lengths that are available to discuss. Peter asked about 5% investment credit from the State.

Paulina asked about the length of time of the TIF. Bonnie said it would be negotiated by the Town and the 5% investment credit by the State.

Andy asked about the relationship and the negotiated level. The amount has to be 5% or above. Andy asked about giving this incentive to other business that may come forward. Bonnie noted that it will be up to the Selectmen. Andy asked about requirements for Green Building. Bonnie said it is not a requirement.

Lauren spoke about Boxboro's ETA when Cisco came in. Maynard and Littleton are signing on. Most applicants are interested with the tax incentives. Cisco has been a good employer in Boxborough despite the down turn. Lauren asked about other incentives for the Town.

Andy asked about the business not making it past year three, what happens in that case. The companies must file with the State and can initiate decertification.

Lauren asked to have staff look at this and see how we go about it.

LAUREN ROSENZWEIG – Moved to Direct staff to look into and talk to other towns about their experiences. PAULINA KNIBBE – second - UNANIMOUS VOTE.

Dore' noted we are interested and we will take any information Bonnie's office could send, as well as the invitations to the Open House to the Board.

COMMITTEE INTERVIEW, WILLIAM DICKINSON, ASSOCIATE MEMBER, HISTORICAL COMMISSION

Dore' asked why he wanted to serve. He is interested in old buildings and wants to preserve older buildings.

Peter asked about his interest in ACHC. He was interested in both but Historical Commission needed a member right a way.

ANDREW MAGEE – Moved to appoint Mr. Dickinson as an Associate Member of the Historical Commission for a term to end June 30, 2007, LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

SELECTMEN'S BUSINESS

Special Town Meeting – Cell Moratorium, single Article Special. ANDREW MAGEE - Moved to have the Special Town Meeting on May 10th to consider a Cell Tower moratorium and any receipt of applications for it. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE. ANDREW MAGEE - Moved to close the warrant at the conclusion of tonight's meeting. PAULINA KNIBBE – second. UNANIMOUS VOTE

DISCUSSION OF APPROPRIATE TIMING GOAL FOR THE ARTICLE 39 COMMITTEE

Dore' wanted approval to have Peter select five to nine members.
Dore' noted that Bill Flood, Joe Higgins, Sid Johnston, David Williams and Bruce Reichlen have expressed interest.

Dore' discussed the planning for the Special Fall Meeting in late October with review by in September 15th.

Discussion of Board /Committee Liaison Assignments – Members will work with Dore' off line.

Discussion of Policy regarding scheduling and conduct of oversight hearings

Discussion of policy regarding responses to citizen E-mails addressed to the Board of Selectmen – Dore' said that the Chairman respond, get in touch with Dore' and he will let you know if you are to answer the E-mail. Andy suggested that we send a note that the E-Mail has

been received here. Andy spoke about the E-mail suggestion but asked that we have more discussion on this later.

Goal regarding the production and review of Board of Selectmen' Meeting Minutes - Draft minutes back at the next Meeting. Andy offered, as Clerk, to be the first eyes and then put them into the Packet after his review. Dore' asked that if you have a problem with the Minutes call Christine with the changes.

Discussion concerning advance notice concerning expected "Holds" on Consent Agenda Items. They were asked to notify staff of any items to be held prior to the meeting and to have staff review it on Monday.

Dore' noted Common Victualler license requests and suggests that the Board Clerk review the paperwork for the Common Victualler application and advise the Board that all is in order. This does not include Common Victualler Licenses that also require Liquor License applications.

Dore' spoke about the Liaison Assignments. He updated the Board on the assignments; he feels that we can make better use by involving BOS more. The Board could help with recruitment of members. Dore' wanted to speed up the process. He asked that we have the designated Liaison get together with the Chair of the committee and the applicant and have the BOS representative report back to the Board.

Dialogue concerning permissible length of evening Board of Selectmen Meetings. Dore' noted the lateness of last year's meetings and wants to adopt a number of procedural things tonight. He noted his service on the School Committee and the termination time for the meetings being set at 11:00 pm.

Discussion as to when Board of Selectmen should review any Planning Board proposed zoning amendments before Town Meeting. Dore' wants the Planning Board to send us articles by the end of January so the Board can make a decision of what goes into the Warrant.

PINE HAWK COMMUNITY PRESERVATION AWARD- Presented 31 May Dore' will attend.

COMMUNITY PRESERVATION COLLATION AND MARC DRAISEN - Dore' discussed Marc Draisen wanting to come to the Board to discuss CPC and other issues. Lauren said CPC is based on the real estate transfers which have decreased. Peter is concerned about Metro Cities legislation being mentioned. CPC should attend this meeting with the Board of Selectmen. This should not be handled at a regular meeting. Lauren said sometime in May would be beneficial.

RECOMMENDED BOARD OF SELECTMEN LETTERS – Dore' has written the Supt. at the Prison Farm as well as another letter about the request for support from MMA and that we tell our legislators to support the Governors Municipal Partnership Act.

DESIGN REVIEW BOARD APPOINTMENTS – Five people have offered to serve on the Advisory Board to the Selectmen: Lynn Alpert, Terra Friedrichs Tom Peterman, Holly Ben-Joseph, Ann Sussman. LAUREN ROSENZWEIG – Moved to appoint the people noted ANDREW MAGEE – second. UNANIMOUS VOTE

OTHER BUSINESS

Andy spoke about meeting at the State Transportation Building on Thursday with Roland to put a plug in with EOT for moving the Bruce Freeman Rail Trail up on the TIP list and to keep the schedule for the Assabet River Rail Trail. Later they will attend a Friends of Bruce Freeman Trail luncheon with the legislators.

Lauren reported on an E-Mail from MPO about Walkable Communities Workshops we received. Lauren felt it would be a good idea to attend especially with our need for Side walks.

MAGIC/MAPC proposed legislation to opt in to the State Health Insurance Program. The Selectmen need to examine them to see if they are in the best interest of the Town.

Lauren thanked TAC for their manning of the table at Town Meeting.

CONSENT AGENDA
ANDREW MAGEE – Moved to approve. PAULINA KNIBBE – second. UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

EXECUTIVE SESSION

Andrew Magee –Moved to go into Executive Session for the purpose of discussing Litigation and Real Property and to reopen the public meeting only to adjourn.. All AYES. UNANIMOUS.

Christine Joyce, Recording Secty

Clerk, Board of Selectmen

25 June 07
Date

BOARD OF SELECTMEN & SEWER COMMISSIONERS' MEETING AGENDA

Revised Agenda

Francis Faulkner Meeting Room Town Hall
April 23, 2007
7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:02 **REORGANIZATION OF THE BOARD**

2. 7:15 **OPERATIONAL MINUTE**
The Town Manager will provide a brief report on topics of interest.

3. 7:20 **COMMON VICTUALLER LICENSE, 166 GREAT ROAD, CAFÉ' PHOENICIA D/B/A ICHABOD'S COFFEE HOUSE AND EATERY**
Enclosed please find materials in the subject regard, for Board consideration.

4. 7:30 **TREE REMOVAL PUBLIC HEARING, MAIN STREET, POST OFFICE SQUARE TO ROUTE 2A**
Enclosed please find materials in the subject regard, for Board consideration.

5. 7:50 **METHODS MACHINE TOOLS / MASSACHUSETTS STATE OFFICE OF BUSINESS DEVELOPMENT**
Enclosed please find materials in the subject regard, for Board consideration.

6. 8:20 **COMMITTEE INTERVIEW, HISTORICAL COMMISSION, WILLIAM DICKINSON, (ASSOCIATE MEMBER)**
Enclosed please find materials in the subject regard, for Board consideration.

III. SELECTMEN'S BUSINESS

7. **SPECIAL TOWN MEETING - CELL TOWER MORATORIUM**
Enclosed please find materials in the subject regard, for Board consideration.

7A. **DISCUSSION OF APPROPRIATE TIMING GOAL FOR THE ARTICLE 39 COMMITTEE REPORT**

7B. **DISCUSSION OF BOARD/COMMITTEE LIAISON ASSIGNMENTS**
Enclosed please find materials in the subject regard, for Board discussion

7C. **DISCUSSION OF POLICY REGARDING SCHEDULING AND CONDUCT OF OVERSIGHT HEARINGS**
Enclosed please find materials in the subject regard, for Board discussion.

7D. **DISCUSSION OF POLICY REGARDING RESPONSES TO CITIZEN E-MAILS ADDRESSED TO THE BOARD OF SELECTMEN**

7E. **GOAL REGARDING THE PRODUCTION AND REVIEW OF BOARD OF SELECTMEN'S MEETING MINUTES**

7F. **DISCUSSION CONCERNING ADVANCE NOTICE CONCERNING EXPECTED "HOLDS" ON CONSENT AGENDA ITEMS**

7G. **DIALOGUE CONCERNING PERMISSIBLE LENGTH OF EVENING BOARD OF SELECTMEN MEETINGS**

7H. **DISCUSSION AS TO WHEN BOARD OF SELECTMEN SHOULD RECEIVE ANY PLANNING BOARD PROPOSED ZONING AMENDMENTS BEFORE TOWN MEETING**

8. **PINE HAWK COMMUNITY PRESERVATION AWARD**
Enclosed please find materials in the subject regard, for Board consideration.

9. **COMMUNITY PRESERVATION COLLATION AND MARC DRAISEN – BOARD DISCUSSION OF POTENTIAL MEETING**
Enclosed please find materials in the subject regard, for Board consideration.

10. **RECOMMENDED BOARD OF SELECTMEN LETTERS**
Enclosed please find materials in the subject regard, for Board consideration.

11. **DESIGN REVIEW BOARD APPOINTMENTS**
Enclosed please find materials in the subject regard, for Board consideration.

12. **OTHER BUSINESS**

IV. CONSENT AGENDA

13. **DISPOSAL OF LIBRARY MATERIALS**
Enclosed please find two requests for permission to dispose of Library materials, for Board consideration.

14. **JULY 4 RAIN DATE**

Enclosed please find a request from the Recreation Director seeking Board designation of July 7, 2007, as the rain date for the July 4, 2007, celebration, for Board consideration.

15. **ACCEPT GIFTS, MEETING HOUSE HILL**

Enclosed please find a gift of two trees and an inscription on an existing granite slab (total value approximately $680.00) from the Acton Garden Club in memory of Jane Olesin, for Board consideration.

16. **ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a gift of $250.00 from Cathy and Terrance Loebs, to be used for the Elm Street Lighting Replacement Project, for Board consideration.

17. **ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a gift of $200.00 from AAA Southern New England, in support of the Earth Day 5K Race at NARA Park, for Board consideration.

18. **ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a gift of $800.00 from The Steinberg Lalli Chartable Trust to be used to help offset prizes and expenses for the May 19 Fishing Derby at NARA Park, for Board consideration.

19. **ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a gift of $4,000.00 from Roche Brothers to be used for the August 16, 2007, Beach Party Blast concert at NARA Park, for Board consideration.

20. **ACCEPT GIFTS, BOARD OF HEALTH**

Enclosed please find the following gifts to be used in support of the Board of Health's "Wellness University" Program, for Board consideration:

1. Bottled Water valued at $35.00 from Donelan's Supermarket
2. Food items valued at $250.00 from Life Care Center of Acton
3. Paper Products valued at $50.00 from Stop and Shop
4. Miscellaneous Items in a Raffle Basket valued at $50.00 from Kindred Health Care
5. Gift Certificate for services valued at $50.00 from CBC Fitness & Wellness

V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

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.

May 7, 2007

Goals 2006-2007

1. Morrison Farm Development recommendation (Walter)
2. Monitor Labor Negotiations (Peter)
3. Policy Review/Improve Inter-Board Communications (Walter)
4. ALG Process to be used for purpose of Budget Planning for FY08 (Walter/Andy
5. Middlesex Pension Alternatives (Peter)