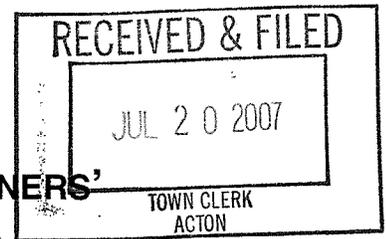


MINUTES
BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING



Francis Faulkner Meeting Room Town Hall
June 4, 2007

The Selectmen convened at 6:30 P.M. at the Vaillancourt House, 17 Woodbury Lane, for a walk-through of the property. The Historic District Commission joined the Selectmen in touring the property. A decision needs to be made on maintaining the property or tearing it down and finding a new use for the area. The Selectmen then observed a demonstration by Jeff Silvestro of LHS Associates of the new voting machines at Town Hall, before moving to the Francis Faulkner Hearing Room at approximately 7:15 P.M. for the regularly scheduled meeting.

CITIZENS' CONCERNS: Clement Moritz complained he was stopped by police officers for going too slow and weaving. He did not get cited but was annoyed at the delay in his time. Mr. Moritz stated that the officer addressed him by his first name, which he thought to be unprofessional.

PUBLIC HEARINGS AND APPOINTMENTS

OPERATIONAL MINUTE

The Town Manager commented that the paint job on Town Hall has gone very well and the job will soon be complete.

STATE HOUSE LOAN NOTES

Steve Barrett asked for the Board to accept the Eastern Bank bid of \$1,222,500 at 4.70% for 468 Main, repairs to the schools and a GIS system. Selectman Berry moves to approve the note. Selectman Magee seconds, all in favor.

FY08 SEWER OPERATION AND MAINTENANCE RATES

Staff has developed a recommendation for the Sewer Commissioner's vote approving the rate for residential and commercial sewer operation and maintenance FY 08. Flow has decreased and costs have increased. The average resident will see a 3.3% increase and the average commercial customer will see a 7.14% increase. Selectman Magee asked why the usage is reduced. The staff responded that conservation efforts have paid off. Selectman Knibbe asked when the bills are set. The staff sets rates on the prior year's winter months use, September – March. The flow generated by the addition of the Powder Mill Plaza extension to the sewer district has been taken into consideration for the setting of the rates. Selectman Magee made a motion to accept, Selectman Knibbe seconds all agree.

ACTON INDOOR SPORTS MANAGEMENT, INC., 360 GREAT ROAD, ALLEGED LIQUOR LICENSE VIOLATION

Police Chief Frank Widmayer gave a detailed description of the license violation. A police officer on a routine traffic stop for a defective headlight noticed the operator was driving under the influence. The operator stated he had just left Indoor Sports Overtime Bar. The owner, Tom McLaughlin, testified concerning the over serve violation at Acton Indoor Sports. He did not realize the incident had taken place until notice was sent in the mail. The server was present to answer questions from the board about the policy that exists for serving alcohol. The chairman asked for policy about IDs and if the server had gone through TIPS training. She was the only bartender not trained as she is the newest employee and would be trained this summer. This incident occurred after a game for the over 40 group that ran 8-9pm, therefore ID's were not checked. Selectman Magee noted that if the game was over at 9:00pm then the operator had apparently been in the bar 2 1/2 hours, as the incident occurred around 11:30 pm. Drinking for 2 1/2 hours is that a normal practice? What is policy for TIP training? The bar manager said he will

accelerate the process for TIPS training. Selectman Rosenzweig stated that setting out a pitcher of beer makes it hard to monitor who has what and how much. The concern in this incident is about over serving not under age. Selectman Berry asked how many bartenders they employ and if they ever had any problems with drinking in parking lot. They employ 6 bartenders and all the new employees are trained in TIPS. They do have cameras in all of the parking lots. It is a small bar. Chairman Hunter stated the Board is very serious about this drinking and driving. Do they have a written policy and should it be updated and passed to the Town Manager to file at Town Hall? The police Chief said no license is approved without a written policy. The Chairman will pull the license if there is a continued problem. Selectman Rosenzweig asked if there was enough food and water served at the bar. Selectman Rosenzweig moves to state any further violation may result in taking the license for a period of time from Overtime Bar. The warning was issued, Selectman Berry seconded.

OVERSIGHT MEETING, COUNCIL ON AGING

Steve Baran is the Chair of the Council and Gena Manalan is the Vice Chair. They are here tonight to respond to the request for needs assessment survey and Senior Center Feasibility Study. There are projected to be 3,380 seniors in Acton by 2010. That is a 60 % increase since opening the center in the mid 90's. Selectman Berry asked if the funds from the senior center are approximately 95 % from town and 5% from Friends of the Council on Aging. Selectman Berry suggested that the seniors look to the state for funding as CPC has recreation funds eligible. Mr. Baran estimates that approximately 500 people come 3 times a week or more to join in activities in the center. Selectman Knibbe is going to join Dore' as liaison and is excited to know more about the center and its operations. Selectman Rosenzweig complimented the diverse programming being offered. Mr. Baran explained to the public that in the beginning the center was a gift from Roy Smith, and no feasibility study was done. Now the senior community is able to participate in the needs list and goals for funding. Selectman Magee congratulates the center for being at full capacity. Unfortunately, the demand is outstripping the capacity. He stated you will definitely need to look at location. Terra Friedrichs liked communities investing in the seniors and wished to include a sensitivity analysis study about how to keep seniors here in the Town of Acton.

DOG LEASH POLICY, NARA PARK

The Chairman asked the Town Manager to speak about the results of the temporary leash law test at NARA Park. The manager said that the overall reaction from the town was that people were in general happy with the cleanliness and for the most part the safety. The Chairman stated concerns with dogs running into the water since it is spring fed. There have been a few times the coli form count has been up in the warm weather. The crews also watch for geese and try to keep clean the surrounding area. Chairman Hunter has had people asking about making special hours that dogs could run. Selectman Magee stated the York, Maine policy sent to the Selectmen to review from the animal control officer seems to be a fair policy that appears to work in other communities. Regulations in the policy change depending on time of day and the season. The town should not have to spend substantial monies to pick up feces. Bill Riken, a citizen who is not in favor of the leash law, is surprised to hear that droppings and free roaming dogs at certain times of day is a significant problem. This began as a problem of dogs bothering children and now has become an issue of feces. He feels clean up is seasonal. In winter no one thinks it is an issue. Terra Friedrichs can only speak about the Arboretum and she likes polite dogs. A recent citizen to Acton was upset one night around 7-8:00pm getting video taped with his dog. He did go to police. He believes it is on the person to be responsible for clean up, not the town's. Issue tickets for poop issue, not a leash law. A leash won't keep feces away or make polite dogs. Chairman Hunter explained that the other parks in town do not have leash laws. Bob Lessard stated that the new rules were not just pulled out of the blue. Last July 2006 the Selectmen were asked to consider a leash law. In July 2006 there was also a big spread on leash law at the park in the two local papers, Beacon Communications and Acton Weekly. The main reason for implementing a leash law according to Mr. Lessard is to protect kids. Terra Friedrichs finds that a leash law that is too restrictive is too urban. She likes the ticket idea. Rick Cowan works cleaning at NARA the clean up has dropped off it was very severe after winter. Dog bags are free. Selectman Magee says this is not a new problem and probably not less severe in the summer, it just disappears sooner due to more biological activity in the warmer months. Everything in the park eventually leaches into the pond. He believes it should go back to the Recreation Department to study. They were more severe with the restrictions last year when they were asked to look at the problem. The problem needs to be explored again with all the parties at the table. It is time to recommend again with a

broader demographic study. Leave the temporary plan at NARA as it is until the new recommendation has been made. Selectman Berry agrees and would like to support Recreation Department in their recommendation and support the Health Department's request to keep dogs on a leash at NARA in summer. He is in favor of supporting the process; it has been public from the very beginning. Now NARA has programs running 7:30am-9. Selectman Knibbe supports having a place in town where people can go that either don't like being accosted by dogs or are afraid of dogs. Selectman Rosenzweig is in favor of the mixed policy which other communities have incorporated and that we need a fine based ticketing system. Selectman Magee moves to direct the Recreation Department to revisit a dog policy. Selectman Knibbe would like to narrow the motion to just NARA and limit the hours. Selectman Magee is comfortable with just NARA. Motion passed as amended. Recreation will come back in the fall to the Board with recommendations.

BRUCE FREEMAN RAIL TRAIL, ROUTE 2A CROSSING ALTERNATIVES

Mr. Bartl of the Planning Department introduced Christer Ericsson and Jim Johnson of GPI, Inc, who gave a slide presentation of three conceptual designs for the Route 2A Crossing. GPI, Inc. the firm working on Acton's behalf will present on the 25% design submission to the state. On Tuesday the 12th of June there will be a public meeting to present the design ideas and following that meeting there is expected approval in September of 2007. Chairman Hunter clarified that funds for construction come from the state and funds for the design come from the town. The Rail Trail starts at the back of Acton Indoor Sports and continues to the Carlisle town line. After discussion, it was decided three versions will be carried forward. Selectman Magee wondered why the island version did not make it to the final phase. Safety and space make it a less desirable option. Selectman Magee noted that this is a mapped NHESP priority habitat area with turtles and that this will be an issue with the drop-in bridge option. Selectman Rosenzweig stated safety is priority and she favors the bridge option. Is there enough height for the bridge option? It would be good to look at changing the grade in the road; with no rail ties the options are better on raising the grade of the road where it currently dips to meet the railroad grade. Selectman Knibbe wanted assurance that all legal issues have been cleared. There will be some easement taken at Rex Lumber. It is important to have a project that the state feels is a good enough project to fund and support. One million dollars a mile for a Rail Trail is a very expensive project for them to fund. They are looking for support and input for the Public meeting next Tuesday. It is on the 2010 transportation improvement Plan.

MAIN STREET/HAYWARD ROAD SIGNALIZATION STUDY

Bill Mullin and Jon Petersen of Traffic and Neighborhood Safety (TANS) gave a slide presentation for safety solutions to the Main Street/Hayward area. There was an approved study in 2001. That study indicated a high cost traffic signal and expansion of the road with an additional 6 lights going in down Main Street. Tans has made a list of goals for a residential neighborhood which include neighborhood impact, the cost benefit analysis of implemented changes and what the unintended negative consequences might be, while still maintaining a residential look. Changes in traffic speed, queue length, time of day and delays will be studied seasonally. Chairman Hunter stated that most safety complaints come from Hayward road. All of the Board agreed that the study was old. There were no monies to fund the results of the study. Selectman Rosenzweig wanted to defend the study but there is a need to look anew and include the neighborhood. Selectman Magee is sympathetic to no light and given there is such new developments in traffic engineering (traffic calming) you might find alternatives. Selectman Magee suggests that TAN is looking for more than a simple study. The scope should be defined. Are we really getting into a corridor study. Chairman Hunter added that preliminary studies are being looked at by the Engineering Department. The Town Manager added that staff is waiting for direction from the Board. Do we need a larger scope? Selectman Rosenzweig wanted a consultant to do public outreach in the area. Selectman Knibbe asked to choose which problems you want to solve. Terra Friedrichs asked to include residents in any outreach. Selectman Magee stated the debate begs the question that we want to redo the corridor study. Not just picking on Hayward Road as the singular bad spot. The Town Manager added that if you paid for the corridor study then you could not fund implementation of the study. The Board agreed that a conceptual study should be done and brought back to the Board for consideration.

COMMUNITY PRESERVATION ACT (CPA) DISCUSSION WITH MARC DRAISEN, DIRECTOR, METROPOLITAN AREA PLANNING COUNCIL (MAPC)

Selectman Berry announced MAPC is a client of his law firm but he does not personally represent or do business with them that should in any way influence his decision in this hearing. Mark Draisen came before the Board at our invitation to explain upcoming legislative changes to the Community Preservation Act. (See attached) These proposed changes have come about after negotiations with the Mayors Coalition. They have reached an agreement in order to maintain a minimum of 75% matching funds. These proposed changes have sought to clarify the language of "recreational use" and incorporated an increase in the needs fee. The changes give urban communities an opportunity to make use of CPA funds and will expand housing production. Mr. Draisen is asking for the support of the Town of Acton for this pending legislation. Selectman Berry asked if Senator Resor or our representatives have taken a position. The Selectmen thought that this legislation is a reasonable compromise. Selectman Magee stated that the CPA coalition is on board with this legislation. He is upset that what started as a land bank has gotten away from open space protection. CPA funds will become part of the municipal budget. This makes Acton not part of the group that can get CPA funds and urban cities have the advantage as they can charge hotel tax to people that pass through their towns. Chairman Hunter said Acton will show some form of support. The vote is June 11th at State House. Selectman Rosenzweig offers a motion to send a letter of support, Selectman Berry seconds. Selectman Magee votes not in favor. The vote passes four to one.

TOWN MANAGER SEARCH

Given the time the Chairman decided to put this aside to another meeting.

MAIN STREET SIDEWALK STATUS

Selectman Magee has met with Engineering and informally with Jim Deming of the Water District and they have several ideas on a few changes that would increase pedestrian safety and save a few trees. Selectman Magee requested the Chairman allow him some time to work this through and report back to the Board. Terra Friedrichs had a group meet at O'Naturals and they believe trees could be saved. Terra is going to write up comments and questions raised by the group. The Chairman approved Selectman Magee's request.

FY08 PRELIMINARY REAPPOINTMENT LIST

Selectman Berry asked that Jon Benson be appointed to full membership on July 1, 2007 on the Community Preservation Committee to replace Peter Berry when his term ends June 30, 2007. He additionally asked that Walter Foster continue to be a full member. Selectman Berry made a motion that both items be approved and Chairman Hunter seconds. Selectman Rosenzweig additionally asked that the selectmen outreach to their committees and report back to the Board. Selectman Magee moves the additional motion and Selectman Berry seconds, all agree.

MUNICIPAL PARTNERSHIP ACT ADVOCACY KIT FROM MASSACHUSETTS MUNICIPAL ASSOCIATION

The Chairman would like to see it passed. Employee health insurance is part of this kit and Selectman Berry supports that. Selectman Rosenzweig likes that there is choice built into the act. Chairman Hunter would like The Town of Acton to write a letter of support. Selectman Magee moves to do so and Selectman Rosenzweig seconds, all approve the Municipal Partnership Act support.

SEWER PRIVILEGE FEE, REQUEST FOR SPECIAL PAYMENT ARRANGEMENT, FAULKNER MILL REALTY, LLC

The Board was presented a request to allow the developer to modify the Sewer Privilege Fee payment schedule as required by Town By-Law Section D -10. Board members were unanimous in their view that this request was independent of any other ongoing issues with the developer

The revised payment schedule would be based upon occupancy permit rather than the issuance of a sewer connection or building permit. Mr. Murray informed the Board that the request before the Board mirrored

the payment plan the Board approved for the 40B project known as Davis Place (located at the corner of Prospect and Main St.) Board members stated the prior decision did not set a precedent and upon reflection the prior decision was in fact a mistake, which should not be repeated.

Selectwoman Rosenzweig reminded Board members of the South Acton revitalization benefits, the affordable housing units, and the expansion of the sidewalk grid component of the proposed project. Selectwoman Rosenzweig asked Mr. Murray to define the negative impact upon the Town if the request was approved. Mr. Murray explained it is only an issue of loss interest income. The proponent would gain either the availability of cash flow and/or gain interest for a period of time. The Town would lose the same.

Belle Choate, speaking as a citizen, notified the Board the developer is in the process of changing his development plan. Mr. Murray stated he was aware of the rumor of a possible plan change but a revised building permit application had not been submitted as of this date.

Selectman Magee moves to deny. Selectwoman Knibbe seconds. The vote was taken and the request was unanimously denied.

FY07 YEAR-END BUDGET UPDATE

End of year budget indicates approximately \$500,000.00 authorized but unspent revenues. Chairman Hunter allowed that so much time spent during the budget vetting process on the capital improvements list we should allow the manager go forward and make decisions on the spending. Selectman Knibbe agreed but asked if the street light funding could move forward on the list. Selectman Rosenzweig added additional funding might be needed for wireless communication and consultants. The Town Manager, Don Johnson stated that these monies have been factored into the calculation previously. Selectman Magee agreed the street light program should be moved up into the top of the list and the Manager has discretion to do so with items within the list. Herman Kabakoff speaking as a member of the Finance Committee voiced his objection. What your doing you have the right to do but it is not right. The monies need to go back to free cash, let the Finance Committee part of the decision. The Stone agreement says if you put money back into free cash it goes back to the Town. Selectman Knibbe says it may be too late to produce purchase orders even though she would like their input, and the list is an approved list. Selectman Magee stated to Mr. Kabakoff's statement was not correct and that the Finance Committee had also seen and reviewed the list, which the Town Manager has been utilizing for at least nine months. The Board is comfortable with the Town Manager's allocations. Steve Noone, Finance Committee Vice Chairman, stated communication is a problem and this is not a way to start improvements. Finance should have been told of year end monies. Selectman Magee noted that the Selectmen had only heard of this at their last meeting and that he believed a Finance Committee Representative was at that meeting. Selectman Magee also noted that year end monies are only known at year end, so earlier communication would not have been possible. Selectman Magee suggested that the Selectmen could hold a special meeting on the following Monday so as to get Finance Committee input. If no serious objection is received from Fincom the Board will meet on Monday and make a decision. The Board of Selectmen agreed to have a special meeting on June 11, 2007 to allocate the remaining year end funds. Chairman Hunter moved to approve the Special Board of Selectmen Meeting on June 11th and Selectman Magee seconded. Selectman Hunter added that it would interest him to find out at the Finance Committee meeting the year end budget the schools are using.

OWNER'S PROJECT MANAGER, FIRE STATION PROJECT

Don Johnson will be project manager for Fire/EMT Project.

OTHER BUSINESS

Selectman Knibbe would like to place an ad on the sidewalk project. Gather ideas from the Chairman and the community to tie the town together. Selectman Berry stated that he was present when Doug Halley,

Head of the Board of Health received the Pine Hawk award for the Town of Acton and how rewarding it was to him as a citizen of Acton.

CONSENT AGENDA

All consent agenda except Selectman Rosenzweig pulled #26. Selectman Rosenzweig moves to approve Selectman Knibbe seconds. After discussion on Jones Field parking number 26 was held over to the June 25th meeting.

18. ACCEPT MINUTES

No Materials enclosed.

19. SCHOOL BUILDING AUTHORITY (SBA) STATEMENT OF INTEREST FORMS FOR SIGNATURE.

20. PROPOSED FEE SCHEDULE ADJUSTMENTS, CEMETERY DEPARTMENT

21. AUTHORIZATION OF EXPENDITURES, ACTON COMMUNITY HOUSING CORPORATION (ACHC)

22. REFINANCING AUTHORIZATION, ACTON COMMUNITY HOUSING CORPORATION (ACHC)

23. COMMITTEE APPOINTMENTS, WIRELESS COMMUNICATIONS FACILITY BYLAW COMMITTEE. SEE ATTACHED REQUEST.

24. COMMITTEE APPOINTMENT, TRANSPORTATION ADVISORY COMMITTEE (TAC), MAUREEN GREER

25. K-9 PROGRAM PROPOSAL, POLICE DEPARTMENT

26. JONES FIELD RESERVED PARKING, PROGRAM EXTENSION - HELD

27. OBSOLETE MATERIALS DISPOSAL, ACTON MEMORIAL LIBRARY

28. ACCEPT GIFT, MUNICIPAL PROPERTIES DEPARTMENT

A gift of undetermined value from the Acton Garden Club for a Water Line to be installed on Meeting House Hill.

29. ACCEPT GIFT, MUNICIPAL PROPERTIES DEPARTMENT

A gift of \$92.09 from the Acton Children's Playground Association to be used to replenish the Tree Planting Revolving Fund.

30. ACCEPT GIFT, POLICE DEPARTMENT

A gift of \$500.00 from the Helen and Herman Gimbel Charity Fund to be used for Police Youth Programs.

31. ACCEPT GIFT, CEMETERY DEPARTMENT

A gift of a "Redbud Tree" to be planted at Mount Hope Cemetery, valued at \$200.00, from Rudolph A. Piantedosi.

32. ACCEPT GIFT, RECREATION DEPARTMENT

A confidential gift of \$14,000.00 from a citizen who wishes to remain anonymous, to be used for the enhancement of the NARA Park Amphitheatre.

TOWN MANAGER'S REPORT

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.

June 25

July 16

August 13


Recording Secretary


Andy Magee, Clerk
25 June 07
Date