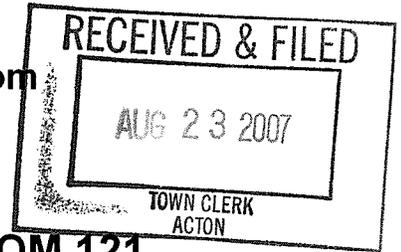


# BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

July 16, 2007  
Acton Town Hall, Faulkner Hearing Room  
7:00 P.M.



## EXECUTIVE SESSION AT 6:00 P.M. ROOM 121

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

ANDREW MAGEE – Moved to go into Executive Session to discuss contract negotiations, Pending litigation, and to adjourn into the Board's Regular Session at 7:00 p.m. Roll Call – All Ayes.

## REGULAR SESSION

Present: Andrew Magee, Lauren Rosenzweig, Peter Berry, Paulina Knibbe and Dore' Hunter. The Town Manager was present. The meeting was televised.

### CITIZENS' CONCERNS

None

### OPERATIONAL MINUTE –

John spoke about the Police use of less, non lethal options such as the pepper ball gun, bean bag gun which they can use to knock down an assailant. Our staff has been trained to use these types. We do not want the tarser used because of training and problems.

### PUBLIC HEARINGS & APPOINTMENTS

#### LINDA McELROY – HERITAGE TRAIL/COMMUNITY PRESERVATION COMMITTEE (CPA) GRANT

Linda spoke about her concept of a "Trail through Time" which she will be seeking funding from the Community Preservation Committee.

The team has already been assembled to create a Heritage Trail; they will call it a "Trail through Time". It will provide an access to visitors. A loop trail will utilize the North Acton conservation lands. The trails are maintained by Land Stewardship Group. They would have the Chamber reconstructed. Wheeler Farm, Robbins Mill Complex and dam and need to be restored as two sites. They will also like to restore the masonry at the Pencil Factory and other sites that contain rocks. There is a portion of sacred land that has been lost to the Native Americans. They want to include the Native Americans; the Town of Carlisle which also contains the same sacred land. Linda also would like to include the School Department for programs to be offered to the students. The group would like the Board to support this and their request for CPA funds

in the next round. Dore' asked for map of the eight communities that have the sacred sites. Dore' felt it would be helpful to the Board and the CPC.

Andy noted this is a good project for the use of CPC funds.

Lauren asked about the change and that signage be low key. Linda said that we are planning to erect some type of informational panel and she did not want to see more large kiosks. Lauren asked about the "shack" on Wheeler Lane and she did not want it removed/taken down.

Peter approved of this presentation and urged Linda to continue to work with staff to move it forward to CPC for funding. The Board will evaluate the proposal with the other CPC submissions at the appropriate time.

### **OVERSIGHT MEETING WITH THE CABLE ADVISORY COMMITTEE**

Fritz Reip and Mark Eisenberg of the Committee were present. Lauren thanked them for coming in and noted that John Covert will be coming. Fritz thanked Lauren for participation in the committee. Fritz outlined the issues that they participate in. Fritz said it was an outstanding year and noted that we have two cable choices for the citizens. Dore' noted that he wants a good long meeting in September to work on the issues and changes expected for the upcoming renewal.

Peter asked the committee about Jonathan Chinitz's complaint about the School Committee quality of transmissions. It is a problem due to them changing their locations and lack of proper equipment.

Paulina spoke about Verizon not televising the Selectmen's meetings. The committee said that there are negotiations going on to address this. Ultimately Verizon must negotiate the terms of license.

(Chairman Hunter added that he wanted to organize a Special Board Workshop Meeting in September to include the schools and Counsel) It was suggested that it be on the 17<sup>th</sup> at 7-10 P.M.

### **SITE PLAN 06/05/07-411, 253 MAIN STREET, KENNETH SUNDBERG**

Meeting is continued to September 24<sup>th</sup>.at 7:45. ANDREW MAGEE – Moved to approve. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

### **ACTON COMMUNITY HOUSING CORPORATION (ACHC) WILLOW/CENTRAL**

Nancy spoke about the process and those here to be recognized for their contribution to the success of this project. Nancy gave an overall review of the last four years. ACHC are finished with their work. Mark O'Hagen will build the three unites in the project. Nancy wanted to thank the ACHC for all their work. She thanked the Board for their support and providing the staff. The Willow Central neighborhood was supportive and had concerns about what would be allowed on that site if not rehabilitated by the ACHC. They could have had tall buildings and would not be not in the neighborhood character. Nancy thanked the town staff for all their work on this project. Corey York discovered the boundaries mistakes; they lost 750 feet of building and frontage. Don Johnson asked the Flannery's for an easement and they said they would give the easement. CPA funded the \$160,000 request for land acquisition. They then asked if

the Housing Authority would be interested in using the third unit for their housing needs. Nancy thanked the Finance, Historical, Planning Board, ZBA and the Selectmen. Steve Steinberg stepped up on behalf of the Steinburg-Lalli Foundation and made a generous gift to the project. Mark O'Hagen submitted a plan and was awarded the project. The final event was having David Bannard to do pro-bono work for them. Mark thanked the town for the four years of work to get to this point. He is taking this project very seriously. Mark thanked the Middlesex Bank and Kathy Netburn for their work in resolving the issues and offering to reduce their fees as a contribution to this project. DORE' HUNTER – Moved to sign the Motion (attached) as provided by Town Counsel.

#### **TOWN MANAGER SEARCH COMMITTEE, NANCY TAVERNIER**

Nancy Tavernier reported on the progress the committee is making progress on the search. They will bring 3-5 people to the Board when they finish their work. They will be working on questions and materials that they want from the candidates. They will have a Public Informational Forum on July 25 at 7:30 in the Library. The Committee is gathering information from the public about what they want from a Town Manager. Peter said that there are approximately 30 applications so far. They will have candidates to the Board in November. Lauren sat in on one of the meetings, and noted that this is an extremely invested group and has come up with a lot of ideas. Lauren said Don's memo helped her with her mindset.

Paulina too attended the meetings and was impressed with the thoughtful manner that is being used. Paulina said she felt that our citizens should not be deemed "customers;" she urged them to think of those in town as citizens not customers. She thinks we are going through a change of how citizens interact with the town.

Paulina asked if the public forum could be video taped so she could watch it when she returned from vacation.

Andy commented on Don Johnson's memo and found it very helpful.

Terra Freidrichs asked about this "List" and that she would like a copy. She wanted an email shell of concerned citizens developed.

#### **COMMON VICTUALLER LICENSE, 55 GREAT ROAD, MCDONALD'S**

Chairman Hunter open the hearing by reading the Public Notice and he inquired if the applicant' representative was in attendance. Mrs. Wright responded she was the franchisee and she was available to answer any questions the Board may have.

Chairman Hunter reviewed the application and asked the applicant why she has requested public service hours of 5 AM to Midnight Monday through Saturday and 5 AM to 11 PM on Sundays.

Mrs. Wright responded that the hours of operations were in response to customer needs and noted McDonald's national advertising plan, which is promoting breakfast hours beginning at 5AM.

Selectman Magee inquired as to the hours of operation delineated in the appropriate site plan/special permit decision. Staff responded the hours set forth in the decision are 5Am to midnight and that deliveries are prohibited between 10 PM and 6 AM.

ANDREW MAGEE – Moved to approve the Common Victualler license with the hours approved in the Site Plan Decision. PAULINA KNIBBE – second. Discussion continued.

Mrs. Wright noted that McDonald's is advertising a five o'clock morning opening. Customers will be allowed in at 5:00 a.m.

Peter Berry asked about the stairs and accessibility of the stairs. The proponent said that they have built the plan according to the required specifications under the Site Plan Decision.

Arthur, a neighbor urged them to consider the neighbors because of the activities involved at this site.

Daniel Wagner, 54 Great Road complained about the lighting, water runoff and hours. He also accused McDonald's of using town land. Dore' asked John to get the information about the land issue that Mr. Wagner complained about.

Andy spoke about Mr. Wagner's mis-statements and noted that the Town asked the developer to relocate the building to resolve some of Mr. Wagner's concerns. The Town and Board are not breaking any rules and regulations.

ANDREW MAGEE - Moved to amend the Motion to have the Common Victualler License issued with the hours requested 5:00 a.m. to 12:00 a.m., Monday through Saturday, and 5:00 a.m. 11:00 p.m., Sunday, once the Occupancy Permit is issued by the Building Commissioner.  
LAUREN ROSENZWEIG- second UNANIMOUS VOTE

## **SELECTMEN'S BUSINESS**

### **TOWN-WIDE STREET SIGN REPLACEMENT**

Dore' noted the new signs are required to conform to new federal regulations. HDC wanted to have Black/Gold signs in the Historic District. Dore' said that we have the green signs outside the districts.

Paulina wanted the green and white and black or gold and wanted the seal as on the Historic Districts sign sample. She didn't want all caps.

Andy liked the HDC sign and did like the title case. He liked the black sign in upper and lower case.

Paulina wanted to have the cross street posted on the signs and Dore' agreed.

Peter was willing to have the green upper and lower case on streets not in the Historic District.

Lauren agreed to the upper and lower green sign outside the Historic District with Street/Ave first.

The Board approved the Black and Gold with the New Town seal if lightened to show up better or old seal and black poles in the Historic Districts and that they be have green and white with the seal at all other locations.

## **DRAFT BANNER POLICY**

The banners will be displayed in front of town hall. Dore' said it should be for Veterans have served in a combat zone where combat pay is awarded. The number of days should be limited to 5. The banner is to be delivered to Municipal Properties for hanging. The creation of the banner is the sponsor's responsibility. They discussed a cap on the measurement of the banner. Dore' will work on #1. Paulina wanted to allow it for all serving at locations that the servicemen and women are sent.

Peter wanted recognition of any one who served in the Guard and Reserves. The Board will review this policy at the next meeting.

The Board made recommendations as to coverage and time of display, and asked that it be brought back to the August 13<sup>th</sup> meeting.

## **BUILDING DEPARTMENT PROPOSED FEE INCREASE**

LAUREN ROSENZWEIG – Moved approve the request of recommended changes in the fees per the Building Commissioner's memo. ANDREW MAGEE - second. UNANIMOUS VOTE  
Andy wanted to see fees reviewed again before too long so that it would not be so long a time before the fees are reviewed for increases.

John was asked to review the departmental fees, much the same way as we review the Capital Plan so we have something we can flag. John felt we should review the fees each year.

The consensus of the Board was that all fees be reviewed to actual costs on a five year basis. All fees will be adjusted per year on a factoring basis.

## **LEGISLATIVE LIAISON TASK FORCE**

Paulina spoke about the recommendation of Jonathan Chinitz's memo regarding the formulation of Legislative Liaison Task Force. Paulina felt it was appropriate to have a BOS member serving on this committee. Dore' asked John if he had comments regarding this. John felt that it was a good thing to have everyone informed. This would help to know when a legislative matter is coming up so we have more time to address it. The process is difficult to work through. Dore' feels we should lobby the legislature. John suggested two members be appointed to make it an even number of representatives on this Task Force.

Lauren offered depending on the time commitment.

Andy noted that there is so much legislation and the issues are very wide ranging. Currently we have three broad and very different pieces of legislation pending. He felt that it should be handled at the committee level.

Dore' felt that the volunteers would not work out and we should continue to express our interest in law changes and our need for time to react.

The current liaisons to the School Committee will act as contacts for this School Committee Task force. It is the responsibility of each Department, Board and Committee to track

Legislation and to make recommendation to the Town Manager for staff and BOS for Board and committees for Official Town Support for filing.

### **CONSERVATION RESTRICTION, WOODLANDS AT LAUREL HILL**

Andy asked John to be sure that it contains the correct document, as he thinks he made changes that were not incorporated into the final document. Staff with review with Tom Tidman and bring back to the August 13<sup>th</sup> meeting if needed.

### **BRUCE FREEMAN RAIL TRAIL**

Andy asked Roland to write the two versions of the letters to the MPO in the packet. Under the TIP, the Bruce Freeman Rail Trail (BFRT) has had funding cut down to 3 million and they have also bumped it back several years. Andy asked Roland to draft two letters recording a strong disappointment in this action. Andy will do some wordsmithing and we also want the time line and funding held. We have been working towards this and we should be moved up for funding. Peter wanted Carlisle notified, and Lauren mentioned Gordon Feltman from Bedford. It was the consensus of the Board that Andy work with staff to redraft and submit to State no later than July 31<sup>st</sup> deadline.

### **OTHER BUSINESS**

Dore' gave an update on the Fire Station Task Force progress.

Dore' also updated the Board on the ALG meeting held today. Lauren felt they should continue to work the ground rules at the next meeting of ALG. She wanted to know what issues the Town is expecting and to let the School Committee know and via versa.

Andy noted the next meeting of the WARC in the Library

### **CONSENT AGENDA**

ANDREW MAGEE – Moved to hold the Minutes (#15). Paulina held Planning Board Gift. Lauren felt we needed to revisit the amount we charge for sidewalks. Lauren suggested that Paulina speak with Roland. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

ANDREW MAGEE – Moved to accept the Consent Agenda. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

It was noted that the Sidewalk Committee develop a new costing system and derive an overall policy statement on sidewalk construction/waivers.

### **TOWN MANAGER'S REPORT**

Paulina wanted a workshop to discuss the Budget.  
Andy suggested a Saturday meeting.  
Andy will not be at the August 13<sup>th</sup> meeting.  
August 6 at 8:00 a.m. was suggested.

The Board adopted the concept of overall budget policy direction and asked staff to schedule two workshops for July 23 and August 6 for 8:00 am to 10:00 am.

**EXECUTIVE SESSION**

Chris Joyce  
Christine Joyce, Recording Secty

Lauren S. Rosenzweig  
Clerk, Board of Selectmen

6/13/07  
Date

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'  
MEETING AGENDA**

**EXECUTIVE SESSION**  
**July 16, 2007 at 6:00**  
**Room 121**

*Francis Faulkner Meeting Room,  
Town Hall  
July 16, 2007  
7:00 PM*

**6:00 P.M. – EXECUTIVE SESSION**

**I. CITIZENS' CONCERNS**

**II. PUBLIC HEARINGS AND APPOINTMENTS**

1. 7:02 **OPERATIONAL MINUTE**  
The Temporary Town Manager will provide a brief report on topics of interest. Report on use of Less-Lethal Force by Police Department.
2. 7:15 **LINDA MCELROY, HERITAGE TRAIL/COMMUNITY PRESERVATION COMMITTEE (CPA) GRANT**  
Enclosed please find materials in the subject regard for Board consideration.
3. 7:30 **CABLE ADVISORY COMMITTEE OVERSIGHT MEETING**  
Enclosed please find materials in the subject regard, for Board consideration.
4. 7:45 **SITE PLAN #06/05/07-411, 253 MAIN STREET, KEN SUNDBURG**  
Enclosed please find materials in the subject regard, for Board consideration. **(The applicant has asked for a continuance to August 13, at 9:00 P.M.)**
5. 7:50 **ACTON COMMUNITY HOUSING CORPORATION (ACHC)**  
The ACHC will be in to discuss the Willow/Central Street project.
6. 8:05 **TOWN MANAGER SEARCH COMMITTEE – NANCY TAVERNIER**  
Enclosed please find materials in the subject regard, for Board consideration
7. 8:15 **COMMON VICTUALLER LICENSE, 55 GREAT ROAD, MCDONALD'S**  
Enclosed please find materials in the subject regard, for Board consideration.

### **III. SELECTMEN'S BUSINESS**

**8. TOWN-WIDE STREET SIGN REPLACEMENT**

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

**9. DRAFT BANNER POLICY**

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

**10. BUILDING DEPARTMENT PROPOSED FEE INCREASE**

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

**11. LEGISLATIVE LIAISON TASK FORCE**

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

**12. CONSERVATION RESTRICTION, WOODLANDS AT LAUREL HILL**

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

**13. BRUCE FREEMAN RAIL TRAIL**

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

**14. OTHER BUSINESS**

Chairman Hunter will provide an update in regard to the Acton Leadership Group materials

### **IV. CONSENT AGENDA**

**15. ACCEPT MINUTES**

Enclosed please find the Executive Session Minutes of May 29, 2007, for Board consideration

**16. DOUGLAS AT DAWN REVOLVING ACCOUNT**

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

**17. COMMITTEE APPOINTMENT, SIDEWALK COMMITTEE**

Enclosed please find a request from Selectwoman Knibbe , for Board consideration.

**18. SENATOR RESOR, OPPOSITION TO HERBICIDE SPRAYING ALONG STATE HIGHWAYS (ROUTE 2)**

Enclosed please find materials

**19. ANDERSON & KREIGER DISCLOSURE NOTICE REGARDING 40B PROJECT IN CONCORD, ESSCO LAND, OFF SUDBURY ROAD IN ACTON**

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

**20. REQUEST FOR RELOCATION OF FIBER OPTIC CABLE FROM 17 WOODBURY LANE TO 468 MAIN STREET**

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

- 21. SITE DEVELOPMENT PLAN #02/19/-03-388, 60 POWDER MILL ROAD, SECOND AMENDMENT OF DECISION**  
Enclosed please find materials in the subject regard, for Board consideration.
- 22. ACTON'S REPRESENTATIVE TO MINUTEMAN SENIOR SERVICES, SUZANNE M. BROZAK, TERM TO EXPIRE 6/30/10**  
Enclosed please find materials in the subject regard, for Board consideration.
- 23. ACCEPT GIFT, PLANNING BOARD**  
Enclosed please find a gift in lieu of sidewalks of \$3,300.00 from Grassy Pond Place, for Board consideration.
- 24. ACCEPT GIFT, CITIZENS' LIBRARY**  
Enclosed please find a gift of \$616.00 from the Library Auxiliary to be used for the Tot Time Program, for Board consideration.
- 25. ACCEPT GIFT, RECREATION COMMISSION**  
Enclosed please find a gift of \$100.00 from Roche Bros., to be used for refreshments at the T.J. O'Grady Memorial Skate Park Anniversary Celebration, for Board consideration.
- 26. ACCEPT GIFT, RECREATION COMMISSION**  
Enclosed please find a gift of \$2,384.02 from the Elias Fund, Inc, to be used for improvements to the T.J. O. Grady Skate Park, for Board consideration
- 27. ACCEPT GIFT, RECREATION COMMISSION**  
Enclosed please find a gift of \$500.00 from Steven R. Graham, Graham & Harsip to be used to help fund special events costs at Acton Day, for Board consideration.
- 28. ACCEPT GIFT, RECREATION COMMISSION**  
Enclosed please find a gift of \$1,176.57 from the Elias Fund Inc., to be used for Town resources cost for the Eliasfest Fundraising Concert held at NARA Park, for Board consideration.
- 29. ACCEPT GIFT, RECREATION COMMISSION**  
Enclosed please find a gift of \$100.00 from Carl Witthoft and Julie Jankelson, to be used for the Elm Street Lighting Replacement Project, for Board consideration
- 30. ACCEPT GIFT, RECREATION COMMISSION**  
Enclosed please find a gift of \$100.00 from Justin and Mary Goodwin, to be used for the Elm Street Lighting Replacement Project, for Board consideration.
- 31. ACCEPT GIFT, RECREATION COMMISSION**  
Enclosed please find a gift of \$50.00 from Ruth Lull, to be used for the Summer Concert Series at NARA Park, for Board consideration.

**32. ACCEPT GIFT, FRIENDS OF THE ACTON ARBORETUM**

Enclosed please find a gift of \$360.00 from donations in honor of Henrietta Gasserts, for plants that have been planted on the Arboretum's Wildflower Trail, for Board consideration

**33. ETHICS DISCLOSURE – ACTON COMMUNITY HOUSING CORPORATION MEMBER**

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

**34. ONE DAY LIQUOR LICENSE, NARA PARK**

Enclosed please find a request for a One-Day Liquor License from Ciena Corp., for a company outing, on August 23, 2007, for Board consideration.

**35. DISPOSAL OF LIBRARY MATERIALS**

Enclosed please find a request for permission to dispose of library materials, for Board consideration.

**36. ETHICS DISCLOSURE – SELECTWOMAN KNIBBE**

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

**37. CONFIDENTIAL NARA YOUTH FEE WAIVER**

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

**38. CONFIDENTIAL NARA YOUTH FEE WAIVER**

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

**39. NEW VOTING MACHINE CONTRACT**

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

**40. CONSERVATION RESTRICTION, BUXTON, 484-486 GREAT ROAD**

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

**V. TOWN MANAGER'S REPORT**

**41. FY09 BUDGET PROCESS INITIATIVE**

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

**VI. EXECUTIVE SESSION**

**ADDITIONAL INFORMATION**

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

**MINUTES PENDING APPROVAL**

May 21, 2007, May 29, 2007 Executive Session and June 25, 2007

## **PENDING COMMITTEE APPOINTMENTS**

Dr. Barbara Willson, Regular Member of the Board of Health (Selectman Berry to interview)

Corrina Roman-Kreuze, CPC, (sent to VCC for interview and comment, Nancy Whitcomb advises me she is to be interviewed for the Associate Position by VCC on July 16<sup>th</sup> )

## **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 13, Site Plan Special Permit, #06/05/07-411, 253 Main Street, Ken Sundberg. Board of Selectmen Budget Policy Discussion. Maple Street parking regulations. Volunteer Coordinating Committee and Community Preservation Committee appointment process discussion. Further use of 17 Woodbury Lane discussion.

September 10, Outdoor Lighting Education Committee Oversight Meeting

Sept. 24