BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

September 10, 2007
Acton Town Hall, Faulkner Hearing Room
7:00 P.M.

EXECUTIVE SESSION AT 6:00 P.M. ROOM 126

Present: Andrew Magee, Lauren Rosenzweig, Paulina Knibbe and Dore' Hunter. The Temporary 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 (Mr. Berry came in during the OLEC Oversight Meeting). The Temporary Town Manager was present. The meeting was televised.

CITIZENS' CONCERNS

None

OPERATIONAL MINUTE – John updated the Board about the activities planned for the upcoming Acton Day on September 15, 2007. There is no admission fee and free shuttle buses will be available for off-site parking at Nagog Park. There will be a concert and fireworks.

Governor Patrick has asked that the flags to be lowered and consider asking residents to participate in the lowering to half staff if they have flags on their property for September 11th.

PUBLIC HEARINGS & APPOINTMENTS

YIN PEET, QUARRY ROAD VANDLISM

Ms. Peet spoke about the vandalism has been occurring in the Quarry on her property. She said that most people have suggested it may be kids out for fun, however, they do not feel it is kids.

Dore' said that this is unacceptable. The location has been long known as a place to congregate and resulting in damages. They will ask the Chief of Police to have the police patrol the area when they can. Dore' offered the town's sympathy in this regard. Paulina agreed with Dore's comments and hopes that the Peet's will not walk away feeling the town is not supportive.

Andy wanted to add that vandalism is different from kids drinking. This is real crime being committed. He would like to see what the town counsel thinks.

OVERSIGHT MEETING WITH THE OUTDOOR LIGHTING EDUCATION COMMITTEE

Lauren introduced the committee. Bernie Kozicki gave an overview slide show. The Committee was formed 5 years ago. They continue to participate in the Star Parties for the school children. They reviewed the Elm Street Sports lights. They have worked with the students that are doing an energy project.

OLEC wants to have a street light conversion take place. Most of Acton's lights date back to the 70's. The glare will be eliminated and reduces light trespass as well as help older drivers with glare issues. Modern lights are more efficient. NSTAR has offered a rebate for street lighting projects and will end in the next year. They have conducted a light survey.

They would like to have test lights installed and want to place test lights in neighbor hoods. They want to recommend getting started as soon as possible and collect responses over a two month period. He again noted that we need to move to get the rebate from NSTAR as they are phasing the program out.

They want to have a street light article on the Spring Town Meeting. (Selectman Berry entered the meeting). They think that can achieve a 33 percent change, a pay back of three years for either amount. They were asked to file the NSTAR rebate application at once. They also would like Acton to consider a street light replacement program.

Dore' spoke about the previous testing. The lights on 2A are High Pressure Sodium. Metal Halide gives off an Ice Blue color. Littleton has the Metal Halide. Carlisle went to High Pressure Sodium lights.

Dean said that NSTAR's main push is to cut down on use. They don't have any preference between the two types. High Pressure sodium is more efficient. The savings could be as high as a $30,000 savings.

Lauren noted that we did not end up having the $5,000 available in year end funds for their project. Lauren asked about more pedestrian friendly lights.

Lauren asked about the quality and have they gotten any feed back between the two types. Bernie said it is subjective, many like the white light as it is more natural.

Paulina asked about the types of lights and is the fixture transferable. Dean noted that we could get a commitment for rebate as the projects are beginning. Paulina asked about the cost of the fixtures, Bernie said they are about the same cost.

Andy noted this is a big savings and doesn't see how we could not pursue this and supports the project.

Peter is in favor of this project and asked if we could get grant money for the test program.

Dore' noted that the Board is in favor. He felt the committee should ask other town's what types of lights they have and direct the citizens to where they can go see them. Dore' also noted that the Manager look for funds in the next cycle.

John noted that the way we have the lights presently, they only light the street and not the sidewalk.

Andy asked them to prepare the application and submit the form to the Board.

The Board is generally in support of an appropriation for FY '09 to replace the streetlights to a higher efficiency light. OLEC (with the assistance of Dean Charter) is to (1) initiate a program to educate the public as to the pros and cons of metal halide and high pressure sodium streetlights, (2) review the location and choice of streetlights or other lighting structures to enhance the pedestrian friendliness of the community, (3) investigate grant opportunities, (4) present to the Town Manager for endorsement in a timely manner (A manner, which accommodates the Town Manager's review and accommodates presentation of the streetlight replacement program to the Annual Town Meeting in April 2008) completed grant applications.

DESIGN REVIEW BOARD, PROPOSED ZONING CHANGES

Ann Sussman gave an overview of their projects. They want to streamline the process. They have spoken to several developers during the past few months. They are recommending a zoning change which would allow cafés' with outdoor seating. They want the Board's permission to discuss this change with the Planning Board for inclusion on the Spring Town Meeting. The Board encouraged them to do so.

The Board felt they should go forward and work with the Planning Board and staff.

NOT YOUR AVERAGE JOE'S MANAGER CHANGE

Michael Minichello and Richard Murphy the General Manager were present to discuss the requested Change in Manager.
LAUREN ROSENZWEIG - Move to approve the change in manager. ANDREW MAGEE - Second. UNANIMOUS VOTE.

COMMON VICTUALLER REQUEST, 37 MAIN STREET – (NOT REQUIRED) The hearing for a Common Victualler opened and disposed of.

FAULKNER MILL REALTY, LLC, 4 HIGH STREET, REQUEST FOR EXTENSION OF THE PUBLIC SEWER SYSTEM TO 4 HIGH STREET (CONTINUED FROM AUGUST 13, 2007 MEETING)

Jim Fenton and Engineer Stamski and McNary were present. They are here to talk about the sewer connection to 4 High Street. They have taken the advice of the HDC even though they are not in the district. The engineer spoke about the sidewalk comments from Tom Tidman.

Andy spoke about the sidewalk at this site and because of the location it is felt that the filling on the edge of wetlands was warranted by the safety issue. The Conservation Commission

accepted the increase of wetlands filling to get the side walk. The Engineer said that the side walk would be built.

Dore' noted the changes in roof elevation discussed by the HDC. They have reviewed the comments with the architect and they will have a number of proposals that should appeal to the HDC. They will run the proposals by the HDC.

Brian Bendig said that the proponent and the HDC have worked well before on the first design. They feel they can expedite the process by meeting with the Proponent and representatives of HDC.

Lauren was encouraged by the willingness to work with HDC and to have a win win situation. She wants to be sure that this will be in the public good if we grant the sewer connection.

Andy agreed that we need to see the benefit to the community or the sewer connection. We have the capacity study on the ribs that notes we are near to capacity. Andy said the Board as Sewer Commissioners will need to discuss this and keep this in mind. On paper we are not going above limit of the permit. Paulina was pleased to see that they are working with HDC and the side walk. She is concerned with quantity at this point. She feels we need to provide sewers to other parts of town and to those who are currently in business. She felt that we do not need to put more cars into this area and see's disadvantages. See does not see the benefits to the Town are enough.

Peter said that it will be an economic benefit for South Acton. Peter also said this is a historical site and wanted to see it developed historically. Peter asked if they considered a private system. They have not but do not think it could support a project of this size.

The Board reiterated its desire for one affordable unit and HDC approval of the architectural features of the buildings. In addition, the Board thanked the applicant for agreeing to construct a sidewalk along High Street. Tom Tidman & Bruce Stamski need to work with the applicant on submittal of a sidewalk plan for approval. The hearing was continued until September 17 at 7:01 PM

Dore' said that if the issues get worked out we will consider this at the next meeting.

DORE' HUNTER - Moved to continue to Sept. 17 at 7:01 LAUREN ROSENZWEIG –second. UNANIMOUS VOTE.

NSTAR, HANGING POLES, CATHODIC PROTECTION FACILITIES FOR (KEYSPAN)

Ann Marie Walsh, Pubic Relations Representative and Richard Sullivan, Manager were present. Richard said that Keyspan has asked to install the CP on NSTARS poles. Their engineering department denied the request.

Richard also gave an overview of all the activities related to Double Poles and how many they actually have resolved. They plan to have the remaining "Chunks" removed in a timely basis. He noted that Cable and Phone Lines are being removed from the "Chunks" and felt that those companies do not have the manpower to work any faster, but assured the Board that they are removing their lines from the poles.

Dore' asked that they continue to move forward to continue to clear the Hanging Poles as soon as possible.

KEYSPAN, REQUEST TO INSTALL CATHODIC PROTECTION FACILITIES AND REPLACEMENT OF ANODE BEDS AT VARIOUS ACTON LOCATIONS (CONTINUED FROM AUGUST 13, 2007

PETER BERRY – Moved to approve the installation of equipment on Kingman, School Street and Piper with conditions specified by the town staff. LAUREN ROSENZWEIG – second, UNANIMOUS VOTE.

PETER BERRY – Moved to approve the replacement of anode beds at Brook Street and on Newtown Road. ANDREW MAGEE – second. UNANIMOUS VOTE.

LAUREN ROSENZWEIG – Moved to hold permission for Cathodic Protection equipment at 10 Wood Lane and continue to Sept. 24 at 7:10 p.m. PETER BERRY – second. UNANIMOUS VOTE. Staff to send Notice to resident at 10 Wood Lane.

SELECTMEN'S BUSINESS

TOWN MANAGER SEARCH COMMITTEE

Dore' reported on the update on where the committee is now. Total 47 applicants and 3 disqualified at submitted materials late. They are working on deciding which of the 47 persons to interview. They have worked on questions and that 14 have been selected with two withdrawn and leaving 12 to interview. 3-5 Applicants will be recommended to the Board of Selectmen by November 1, 2007

ALG UPDATE

Dore' spoke about the capital committee and they have not made any real response to Jonathan and we owe him one. He and Lauren will have to go back and make an official response to this proposal. Jonathan has asked to meet with him and Lauren tomorrow.

Andy noted that he did not see the presentation in person, but looking at the split 31 ¼ for 2008 and carrying forward to 2009 and 2010, Andy said that he thought the goal was to get us up to the higher split. He wanted to get back to a base number.

Paulina gave an update on the Capital Committee's review.

Board members noted the need for monies allocated to the town to be increased in real terms for FY '09, 10 and 11. There was general consensus that the annual increase in revenues be structured so that town's share of total revenues (without subsequent allocation of revenues by stone amendment or any other amendment) should reach the historic split of 36% in the near future. In addition, there was consensus that the adoption of any formulaic changes are "ripe for misunderstanding" and before any new formula was adopted, that new formula is to be applied to FY'08 in order to insure the starting point is correct.

New Public Safety building Activities – Dore' Updated the Board on the facilities progress.

ALEXAN CONCORD DEVELOPMENT, OFF OF OLD SUDBURY ROAD

Dore' will talk to Nancy Tavernier and that 35 units will be do able. The Thoreau Club will not allow their road to be used by this project. John asked for a map of the area. Peter wanted to know if ACHC could give their opinion to Concord. Dore' felt we should speak with one voice when commenting. Andy wanted to keep tensions low with Concord.

Dore' briefed the board as to a conversation between concord selectperson Patty Briggs in regards to Concord's counter offer of 35 units being allocated to Acton vs. Acton's request for 100 units. There was consensus that such was a reasonable offer in light of Concord attaining the 10% set-aside. In addition, consensus was reached concerning that the Acton Board of Selectmen were the only official spokesperson for the Town of Acton in this matter.

W.R. GRACE TOWN OF ACTON COMMENTS TO THE EPA IN REGARDS TO THE "DRAFT COMMUNITY UPDATE"

Mary Michaelman reported on the meeting in May and said that EPA would issue an announcement in June. They got a copy of a final settlement Plan and a draft Community Update with 8 days to submit their comments. Mary said that EPA has set up a different process and we will see drafts and we can comment on and EPA will come up with a plan. She was concerned about a completely different plan being considered. ACES still does not know what they need to know because they are not given appendices and EPA has not provided them yet.

Mary said that we will get to see comments and then it goes back in to the Black Box. She feels that this is being fast tracked by EPA. She feels we are cut out when there are major changes. Mary feels we need more conference calls. Grace should be doing some field work which affects the next step and we will be given a chance to comment on it at that time.

Dore' asked what we could do to help them. She said some of the questions that Counsel has asked echo's ACES Comments. Mary said we need better conversions and conference calls and to be notified of major changes and what the new plan looks like. ACES want to be part of the process and they don't want to hold up the process. Mary was asking that more monitoring in the north east area be installed.

Andy noted we have a draft letter to be signed by John Murray at the end of item 3 is a request that it accurately reflect the facts. Draft update has been reviewed by EPA and insert that the draft plans were not reviewed by Town, Water District and ACES. The monitoring well request should be included. And changes in plans need to be reviewed. Andy felt that we should comment even though it is already approved. Dore' said we should revise the letter to include Andy's comments.

Paulina wanted the missing appendixes noted in the letter.

The Board authorized an amended letter to be sent to the EPA.

OTHER BUSINESS

Paulina noted a Senate Bill on 40B's wants to go and testify and she would like to know if she can get background materials. Dore' said she is welcome to testify.

Sustainability Grant to pay for recycling bins and anti idling signs. We need to have a policy of buying Recycling goods. PAULINA KNIBBE – MOVED that we buy recycled projects (as long as the price for such goods are much higher than the standard. ANDREW MAGEE - Second. UNANIMOUS VOTE

Paulina asked about a conference about housing and she wants to attend the conference as a representative of this Board.

Paulina spoke about the perchlorate policy for developers blasting. John said it is out to departments for comment, and will be on the Board's agenda for the 17th or September 24th.

Paulina is concerned about a Special Town meeting having only one item.

DORE' HUNTER - Moved to hold a Special Town Meeting on October 29, 2007, 7:00 p.m. at the Jr. High. LAUREN ROSENZWEIG - second. UNANIMOUS VOTE
DORE' HUNTER - Moved to Close the Special Town Warrant at the close of the Selectmen's meeting on September 17th ANDREW MAGEE – second. UNANIMOUS VOTE

Dore' noted this meeting is required to obtain monies for design and then go back for construction funds at a Town Meeting in the future.

Lauren noted the meeting of EDC and various items to consider such as zoning and reported the committee is newly reconstituted and willing to move ahead. Kent Sharp was appointed to the EDC.

Lauren noted that Walk for Peace at the Douglas school in her husband's memory will take place at 9:00 a.m. at the Douglas School on September 21st.

Andy spoke about WRAC. They have been discussing the capacity of waste water at Adam's Street to see if we had capacity above and beyond what was listed.

Preliminary design study of West Acton this side of the tracks - WRAC will look into going forward with the study. Andy feels that it is what town meeting told us to do and he would say do so, and they will talk about it at October 2nd at Library at 7:00 pm

TOWN MANAGER'S REPORT

CONSENT AGENDA

ANDREW MAGEE – Moved to accept the Consent with the August 13 Regular and Executive Session minutes held until next week. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

EXECUTIVE SESSION

ANDREW MAGEE - Move to go into executive session to discuss litigation only to adjourn.
Roll Call, all eyes

Christine Joyce, Recording Secty

Clerk, Board of Selectmen

9 OCT 07
Date

BOARD OF SELECTMEN & SEWER COMMISSIONERS' MEETING AGENDA

Executive Session, 6:00 P.M., Room 126

Francis Faulkner Meeting Room
Town Hall
September 10, 2007
7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:02 **OPERATIONAL MINUTE**
   The Town Manager will provide a brief report on topics of interest.

2. 7:05 **YIN PEET, QUARRY ROAD VANDALISM**
   Enclosed please find a letter from Yin Peet regarding the vandalism at their property on Quarry Road, for Board consideration.

3. 7:15 **OUTDOOR LIGHTING EDUCATION COMMITTEE (OLEC) OVERSIGHT MEETING**
   Enclosed please find materials in the subject regard.

4. 7:35 **DESIGN REVIEW BOARD, PROPOSED ZONING CHANGES**
   Enclosed please find a request from Ann Sussman regarding proposed zoning changes that the Design Review Board would like conceptual consideration of the Board.

5. 7:40 **CHANGE OF LIQUOR LICENSE MANAGER, NOT YOUR AVERAGE JOE'S**
   Enclosed please find materials in the subject regard, for Board consideration.

6. 7:50 **COMMON VICTUALLER LICENSE, 37 MAIN STREET, RICHARD MARTIN**
   (OPEN AND CLOSE HEARING, NO HEARING IS REQUIRED AS THERE WILL BE NO RESTAURANT SEATING)
   Enclosed please find Materials in the subject regard, for Board consideration.

7. 8:15 **FAULKNER MILL REALTY, LLC., REQUEST FOR EXTENSION OF THE PUBLIC SEWER SYSTEM TO 4 HIGH STREET (CONTINUED FROM AUGUST 13 MEETING)**
   Enclosed please find materials in the subject regard, for Board consideration.

8. 8:45 **NSTAR, HANGING POLES AND CATHODIC PROTECTION FACILITIES FOR KEYSPAN**

NSTAR has been invited to address the following issues: (1) Keyspan's use of NSTAR poles for cathodic protection devices and (2) double/hanging poles.

9. 9:00 **KEYSPAN REQUEST TO INSTALL CATHODIC PROTECTION FACILITIES AND REPLACEMENT OF ANODE BEDS AT VARIOUS ACTON LOCATIONS (CONTINUED FROM AUGUST 13 MEETING)**

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

III. SELECTMEN'S BUSINESS

10. **TOWN MANAGER SEARCH COMMITTEE**

This is a standing agenda item per Board direction. No materials are enclosed.

11. **ALG UPDATE**

The Selectmen representatives will brief the Board on the Capital Committee. The Chairman and Board Members will continue the discussion of the so-called Jonathan Chinitz Financial Model.

12. **ALEXAN CONCORD DEVELOPMENT, OLD SUDBURY ROAD**

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

13. **W.R. GRACE, TOWN OF ACTON COMMENTS TO THE ENVIRONMENTAL PROTECTION AGENCY IN REGARDS TO THE "DRAFT COMMUNITY UPDATE"**

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

14. **OTHER BUSINESS**

No materials enclosed.

IV. TOWN MANAGER'S REPORT

V. CONSENT AGENDA

15. **ETHICS DISCLOSURE, TEMPORARY TOWN MANAGER**

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

16. **ACCEPT BOARD OF SELECTMEN MINUTES**

No minutes enclosed.

17. **ESTABLISH A GIFT FUND, RETIREMENT PARTY**

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

18. **OBSOLETE MATERIALS DISPOSAL, ACTON MEMORIAL LIBRARY**

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

19. **ACTON COMMUNITY HOUSING CORPORATION CONDO BUYDOWN PROGRAM**

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

20. **THE DISCOVERY MUSEUMS PROCLAMATION REQUEST**

Enclosed please find a request from the Discovery Museums to proclaim October 26, 2007 as Discovery Museums Appreciation Day, for Board consideration.

21. **ONE DAY LIQUOR LICENSE REQUEST, IRON WORK FARM, 128 MAIN STREET**

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

22. **BUGLES ACROSS AMERICA, PERIODICAL TEMPORARY SIGN REQUEST, ON THE TOWN COMMON**

Enclosed please find a request for placement of temporary signs on the Town Common, for Board consideration.

23. **ECONOMIC DEVELOPMENT COMMITTEE APPOINTMENT, KENT SHARP OF THE FINANCE COMMITTEE**

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

24. **ACCEPT GIFT, ACTON COMMUNITY HOUSING CORPORATION**

Enclosed please find a gift of $5,000.00 from ACHC for the sidewalk contribution for the Willow-Central Street project, for Board consideration.

25. **ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a gift of $1,000.00 from the Middlesex Savings Bank, to be used to help fund summer events at NARA Park, for Board consideration.

26. **ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a gift of $370.00 from Acton Youth Soccer Association to be used to fund the Under the Sea Moon Bounce on Acton Day, for Board consideration.

27. **ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a gift of $370.00 from the Thoreau Club to be used to fund the All Star Moon Bounce Combo at Acton Day for Board consideration.

28. **ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a gift of $800.00 from Salerno's Restaurant, d/b/a Sorrento's to be used to fund a "Jim Show" juggling comedian Act at Acton Day, for Board consideration.

29. **ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a gift of $260.00 from Acton Ford to fund a moon bounce at Acton Day, for Board consideration.

30. **ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a gift of $50.00 from Joseph G. Perry Plumbing & Heating, Inc., to fund Acton Day activities, for Board consideration.

31. **ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a gift of $500.00 from Digital Federal Credit Union, to fund an inflatable Moon Bounce at Acton Day, for Board consideration.

32. **ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a gift of $3,000.00 from Kevin Goldberg of Hansen's Beverage Company, to be used for Monster beverage samples and give-a-way items, for Board consideration.

33. **ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a gift of $25.00 from John and Robina Slupski to be used for the Elm Street Lighting Replacement Project, for Board consideration.

VI. EXECUTIVE SESSION

There will be a need for an additional Executive Session at the end of the meeting. Materials are enclosed in the Confidential folder

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ADDITIONAL INFORMATION

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

MINUTES PENDING VOTES

August 13, 2007

PENDING COMMITTEE APPOINTMENTS

Dr. Barbara Willson, Board of Health

Kathryn A. Acerbo-Bachmann, Historic District (waiting for interview with VCC.)

UPCOMING EVENTS AND AGENDA ITEMS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda.

Sept. 28 **Don Johnson's Retirement Party at the Maynard Rod and Gun Club, 7:00 p.m. Tickets available at the Town Manager's Office**

Sept. 17

Comcast Cable License Renewal Workshop with Board of Selectmen and Cable Advisory Committee, 7:00 p.m. Town Hall Faulkner Hearing Room

Sept. 24

Site Plan Special Permit, 6/5/07-411, 235 Main Street, Sundberg
17 Woodbury Lane discussion with the Historic District Commission (HDC), Common Vic., 5A Spruce Street

Oct. 9

A Tuesday due to Monday Holiday

Oct. 29 Special Town Meeting: Fire Station, Wireless Communication Facilities Committee-Bylaw changes or proposals.

Nov. 13 State of The Town Meeting: Master Plan