BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

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September 17, 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 and Peter Berry. The Temporary Town Manager John Murray was present. Recording Secretary: Christine Joyce. The meeting was not televised.

ANDREW MAGEE – Moved to go into Executive Session to discuss discussion of compensation and amending the executive session minutes, and to adjourn into the Board's Regular Session at 7:00 p.m. Roll Call – All Ayes.

REGULAR SESSION

Present: Dore' Hunter, Lauren Rosenzweig, Andrew Magee, Peter Berry, Paulina Knibbe, Peter Berry. The Temporary Town Manager John Murray was present. Recording Secretary: Christine Joyce. The meeting was not televised.

CITIZENS' CONCERNS

None

OPERATIONAL MINUTE –
No comments made by Temporary Town Manager

PUBLIC HEARINGS & APPOINTMENTS

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)

John discussed the latest agreement with Jim Fenton. He will construct the sidewalk and will construct the project as outlined according to his meeting with HDC. Mr. Fenton does not want to be the one that has to wait to sell the affordable unit as the market is down which is the current situation at Ellsworth Village.

John said that Mr. Fenton could sell the unit to the Town and we could qualify a person and it would not cost the Town anything. John said that an affordable unit will be made available to the Town and we will find a person to purchase. The plan is in compliance with the decision that was approved. Conservation will allow an extension. John said that we take it under advisement to review it. If approved, this plan will allow Mr. Fenton to move forward with the project.

Dore' asked Mr. Fenton if he agreed. He said yes but they cannot have the responsibility of marketing the affordable unit in this project.

Tom Peterman, HDC outlined the plan and modifications. They talked about the current footprint and cookie cutter look. They have taken the first step and will continue to work together.

Andy asked about Mr. Fenton giving us the unit at affordable cost and we could sell at full market and use the money for the Buy down program.

Paulina asked about development and whether we are allowed to go in and ask for certain things. It is her understanding the 5% are affordable. John said we have Overlay Districts. On subdivisions the Planning Board has a much broader ability to negotiate. Mr. Fenton can build this project by right. This property is outside the sewer district and Mr. Fenton wants to have a sewer connection. John noted if we are going to give this approval outside the district we want a number of issues in the Special Permit that require compliance.

Andy wanted to speak to the sewer district. Andy noted the memo from Steve Anderson who pointed out we are not required to approve this as it is not a "modification." They are looking to expand the district. We now have 299,000 gallons with 250,000 gallons for the current district. We have approximately 39,000 gallons identified for Flint, Spencer and West Acton. 6,000 gallons went to Powder Mill and that leaves us at 295,000 and we have another 4,000 here under this request. He is not necessarily speaking against allowing this; while this is a different plan it meets the same goals. However, as regards expansion of the district, this will be it until we get more capacity. Andy just wanted everyone to know we are at our limit.

LAUREN ROSENZWEIG - Moved to take it under Advisement. PETER BERRY – second. Vote 4-1, Paulina Knibbe Nay. It was noted that if we are comfortable that this is a satisfactory resolution of the three issues we will approve the connection to the sewer. Andy noted that the issues to be addressed are: Build all the sidewalks agreed to in the Decision i.e. concrete sidewalks on site, bituminous sidewalks to Audubon Hill, sell the Town one affordable unit, and obtain HDC approvals.

FIRE STATION PRESENTATION

John outlined the process of the project. John noted this is a work in progress and will discuss it tomorrow night with the committee. They have worked through 4 drafts and the Steering Committee will be updated tomorrow night. John noted that this was not the time to suggest changes as it has not been vetted or presented to the Steering Committee.

Chief Craig updated the Board on the process. The town's population in North Acton has grown substantially. Due to traffic volumes and distances we do not have acceptable run times to this area. We have the large assisted living and independent living over 55 populations at Robbins Inn. He noted Nagog Woods and Woodlands at Laurel Hill (Avalon project). There have been over a 1,000 new dwelling units in North Acton over the last 20 years.

Chief Craig discussed the relocation of the Center station to the 2A/27 site.

This need has been discussed since 1970. They had a 1980 report and again in 1996 which was put into the capital plan, but due to school projects and other needs it was passed over. In

the 2000 there was a Bennett Study and the Reetz Study and now earlier this year the Site Selection Committee group reviewed the previous options and decided on 2A/27.

Chief Craig gave a "Tour" of the proposed floor plan. They will remove the elevator and mechanical for that elevator. They will have bunk rooms which will give privacy and to stop the spread of colds and flu's.

Dore' spoke about the reception at ALG. The timeline is tight for the October 29th Special Town Meeting. The school is planning on presenting a debt exclusion override of 4 million plus for boilers and roofs and they want to take votes and do the projects over the years.

Dore' said that the Temporary Town Manager and group have decided not to go forward with the Special on October 29th. But it will go forward to another Town Meeting.

Andy asked about the slide with various stations and response times. He felt it would be helpful to do the same graphic with the current town center station on the plan. He felt it would be good to see how the run time goes out as we expand. Andy also spoke that going forward he will only support "green" buildings, for this and other town projects; we can't just speak to building green, we must do it. We need to address this in construction of all buildings, because if a building is not built energy efficient than we have the problem for 40 plus years with no energy savings.

Dore' noted we are all aware of the importance of building green.

Lauren asked that this be put on the agenda for next meeting to hear an update. Paulina agreed that it should be designed green. Paulina was hoping to see spaces for voting purposes. She was concerned that we cancel the Town Meeting which would give more public forum. Dore' said they will have many public forums.

Dore' felt we will need to go for design and building monies at the same time if this is delayed till Spring Town Meeting and felt we needed to move forward to contain the cost escalations that are rising every day.

CABLE TV COMMITTEE CONTRACT NEGOTIATIONS

Fritz noted that there are a lot of items that the interested parties, school, town and residents want reviewed this meeting. This is a kick-off of the review and they will be addressing the issues to make sure everyone is on board and moving forward together.

John Covert spoke about access television. He said they are a year behind on changing the model of cable access in this town.

Comcast started the process June 30th, 2007 and now the clock is ticking and the current contract will expire 2010. John noted that he is the only remaining cable member who was also involved in the first negotiation process.

John reminded the Board that it is not possible to shut down a cable operator in town. Under Federal and State law we need to award the license.

We have to grant an incumbent a license. The Town's hands are really tied. John Covert said that it takes a long time to go through the process. We knew that there was no competition but

the Cable Company had to at least listen to the Town. They were sensitive to the Town, but now they are not as sensitive.

John spoke about I-net drops and that Comcast wants to transfer the station to the town and Comcast can shut it down at any time.

John Covert says we need to have the contract hammered out within two years of the deadline. The earlier we start the better off we are.

John gave an overview of Renewal Process Phase I and 2.

John discussed either the Town taking over the station or having it operated by an independent non-profit corporation.

John reviewed the slide about issues with the current set-up.

Paulina asked several financial questions about funding and fees.

Peter asked questions about operation of the station; if we cannot say no, what power do we have.

It can be appealed to the Public Dept. of Energy. Fritz thinks they will be reasonable. They want this operation and don't want to be perceived as pushing towns around.

Comcast, at least at this time, is a community player and Verizon is just a telecommunication service and not interested in Town Cable Station. Peter asked about the equipment and condition. Fritz said we should look at it, but much of this equipment could be pooled.

Lauren said that we have under usage and wants to know what the Schools want. She feels it is an asset for those who watch the stations. Lauren wanted to see more creative programming such as the Elderberries show.

Brendan Hern of the Audio Visual Dept. at the school explained how the school uses public access. Channel nine is just lit up and they are working to get the final approvals on a proposal for equipment. The first item is to run a bulletin board for the school and it could be managed remotely which could be used for "No School" and other important notifications. The current location is integral to 4 separate courses at the School and the Facility uses this with Comcast staff during the day. Brendan noted that the space is larger than you would think.

A resident noted that they would like to see the meetings when they want to and noted that sometimes it is not on Channel 8.

John Murray noted his tour of the facilities given by Supt. Ryan. John agreed that this is a location we need to keep. We will need to do research as to the type of company that could take over or what issues present themselves if we take over the station. John thinks we need more interaction with the Supt. John does not want to hand over the government channel to an outside party. It requires more research and discussion.

Dore' noted we need to look into how to go about that. He suggested that we talk to Shrewsbury and other Access providers, as this needs to go on during the Comcast renewal.

The Board needs to have the committee move forward and/or include someone from school and town staff to broaden the communication. Dore' asked the committee to look into the issues and then talk about them.

John Murray said that Supt. Ryan or his designee should be included.

Dore' asked about Atty. William Solomon; do we need to include him now or later. John Covert said that Bill was responsible for 110% of the negotiations, while he was the technical person.

Fritz asked that they have a meeting with the same people as this summer and asked that Atty. Soloman and Lauren attend.

LAUREN ROSENZWEIG - Moved that two members of Cable Advisory Committee, John Murray, Dore' Hunter and Bill Ryan and she as liaison, have another scoping meeting and bring back information to the Board. PETER BERRY – second. UNANIMOUS VOTE.

John Covert said the Shrewsbury station is not comparable to us.

John Murray will contact Bill Soloman to set up the meeting.

SELECTMEN BUSINESS

None

CONSENT AGENDA

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

EXECUTIVE SESSION

No Post Session necessary

Christine M Joyce

Christine Joyce, Recording Secty

Clerk, Board of Selectmen

11 OCT 2007

Date

BOARD OF SELECTMEN & SEWER COMMISSIONERS' MEETING AGENDA

Francis Faulkner Meeting Room
Town Hall
September 17, 2007
7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:01 **FAULKNER MILL REALTY TRUST, 4 HIGH STREET, REQUEST FOR SEWER CONNECTION, (CONTINUED FROM SEPTEMBER 10, 2007)**
   Enclosed please find materials in the subject regard, for Board consideration.

2. 7:15 **JOINT CABLE TELEVISION WORKSHOP**
   Enclosed please find materials in the subject regard, for Board consideration.

III. SELECTMEN'S BUSINESS

3. **OTHER BUSINESS**

IV. TOWN MANAGER'S REPORT

V. CONSENT AGENDA

4. **BOARD OF SELECTMEN MINUTES, REGULAR AND EXECUTIVE SESSION MINUTES, AUGUST 13, 2007.**
   Enclosed please find materials in the subject regard, for Board consideration.

5. **UNITED NATIONS DAY PROCLAMATION**
   Enclosed please find materials in the subject regard, for Board consideration.

VI. EXECUTIVE SESSION

PENDING COMMITTEE APPOINTMENTS

Kathryn A. Acerbo-Bachmann, Historic District (waiting for interview with VCC.)
Enclosed please find additional correspondence that is strictly informational and requires no Board action.

MINUTES PENDING VOTES

September 10, 2007

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.

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