

**BOARD OF SELECTMEN
APPROVED MINUTE DISTRIBUTION
LIST**

IT

TOWN CLERK

MEMORIAL LIBRARY

BOARD OF HEALTH

HISTORIC DISTRICT

SUPT. OF SCHOOLS

VCC

PLANNING BOARD

WEST ACTON LIBRARY

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

May 12, 2008

Acton Town Hall, Faulkner Hearing Room

7:00 P.M.

Present: Lauren Rosenzweig, Andrew Magee, Paulina Knibbe, Peter Berry and Terra Friedrichs. Town Manager Ledoux. Recording Secretary; Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

None

OPERATIONAL MINUTE

Steve announced that Sgt. Robert Parisi has been appointed to Acting Lieutenant as of May 18th. Sgt. Parisi is a long time Police Department employee. This is a temporary fill until the Deputy Chief position is worked through.

Steve noted that 25% design for the Bruce Freeman Trail has been completed. The request for state funding has also been filed.

Lauren introduced all the new members and positions. Terra will be along shortly.

PUBLIC HEARINGS & APPOINTMENTS

COMMON VICTUALLER LICENSE AND CARRY IN LICENSE, IL FORNO, 508 NAGOG SQ.

Mike Page reviewed his request. Andy spoke about the seriousness of the liquor service. TERRA FRIEDRICHS - Moved to approve. ANDREW MAGEE - second. UNANIMOUS

ANY TIME FITNESS SPECIAL PERMIT, 04/02/08-413 5 NAGOG PARK

John Cheribenie and his partner James Buck discussed their desire to move their business from Craig Road to Nagog Park. They are currently in an industrial zone. It is better for them to have club in Nagog Park which will be a good location for the proposed 24-hour operation.

Terra noted it is a good area for this type of business. Paulina said she felt it was a good match for the Mall. Andy asked about their hope of getting showers due to the limited capacity available in the site's treatment plant. Andy noted that the the Mall owners were under order to repair the wastewater treatment plant.

Philip Jewels, a Split Rock resident, was excited to have the facility so close to his home. They hope to be up and running by mid July. Andy said that they should prepare rules for the business and post them for members. ANDREW MAGEE - Moved to approve with the comments of the Engineering Department with regard to layout of units within this building with their street addresses being updated and forwarded to Fire, Police in case of a possible 911 call as well as the Engineering Dept. In addition, that they ask patrons that use the facility late at

night not park with headlights facing the residential area and that rules be posted for members regarding excessive noise. PETER BERRY – second. UNANIMOUS VOTE.

TERRA FRIEDRICHS – Moved to Close the Public Hearing and will ask the Building Commissioner to write the decision for Board approval. ANDREW MAGEE – second. UNANIMOUS VOTE.

COMMON VICTUALLER LICENSE AND CARRY IN LICENSE, DI CAPRI PIZZA AND RESTAURANT, 576 MASS AVE.

Gilbert works in the restaurant business currently and works for Papa Gino's. He was advised by Terra that there were sign issues outstanding with the HDC. It was discussed that the license could be approved contingent with their complying any HDC regulations within 90 days.

PAULINA KNIBBE - Moved to grant them a license and require they satisfy the Town Bylaw within 90 days. ANDREW MAGEE – second. UNANIMOUS VOTE

Lauren spoke about seriousness of the carry-in license. He is to work with staff. Paulina asked about the carry-in and liquor license and kids visiting pizza restaurant.

Andy spoke about training program for carry-in licenses. It was decided to hold until the applicant is prepared to receive the license. ANDREW MAGEE – Moved to continue until he creates a carry-in license policy, and bring him back at a later Agenda to review with the Board. PETER BERRY – second. UNANIMOUS VOTE

FEATG PRESENTATION

Dore' gave an overview of the FEATG and the need for a deed restriction for Recreation to be changed and to be acted on to facilitate this building for the future when the economy comes back.

Dore' asked that we have Town Counsel begin to research the deed restriction.

Dore' spoke about his second take on the project as a whole and described the standard to response times within a mile and one half. Dore' said we should meet the time standard to get there. He reviewed the 6 minute standard from the Center Station.

Dore' presented and discussed the first scheme of the Site layout as well as the different site layout schemes. Lauren asked what Dore' wanted to accomplish from this board, Dore' said that he wanted to have the Deed Restriction issue squared away.

Paulina thanked Dore' for his work into safety in the Town. She agrees we have opportunities here and asked that Counsel negotiate with the Trustees. This is a win-win situation, and Paulina feels we should go forward instead of waiting to do it at a later time.

Andy agrees with Paulina that this is an opportunity to put this through with the current trustees of the land.

Terra thanked them for working with DRB to make this building more attractive. She asked about the need and the time information from sites that don't exist. Terra wanted to know how much staff time that has been spent in this last year, as well as the tree removal. She also

asked what the cost to review the Deed Restriction would be. Dore' said that the trustees were friendly to Counsel's inquiry.

ANDREW MAGEE – Moved to direct the Manager to proceed with the discussion with the grantees as to the Deed Restriction issue and to have the Manager report back within the next few meetings. PAULINA KNIBBE second. UNANIMOUS VOTE

Terra asked that it be limited to 10 hours legal fees offered as friendly amendment. Andrew said 10 hours is arbitrary and he doesn't use arbitrary limits. He feels we need to proceed with this and avoid trying to find the trustees at a later date and have to start all over. Terra withdrew the amendment.

Paulina said if it is deemed reasonable we will pursue. They asked the Manager to review and see if we can proceed.

STREET LIGHT REPLACEMENT

Bernie Kosicki Outdoor Lighting Committee – Lauren noted that town meeting voted to fund a street light replacement program. Mr. Kosicki gave an overview of the comments he received and the types and characteristics of the different Street Lights.

Terra asked about reducing the number of street lights and taking bulbs out of some fixtures. The Project at hand does not have the permission from Town Meeting to do this. Terra thought we needed to reduce the number of street lights.

Dean Charter reported on the possible elimination of street lights and he felt that this should not be part of this process. He said it is an ongoing process in neighboring communities. Dean suggested we install and then look it over with the Board to decide whether they can be removed.

Terra asked about the use of the 35 watt bulbs or decommissioned lights. Dean said 35 watt is only available as yellow lights.

Paulina asked about hazard material issues with disposal. They have Mercury in them and metal halide have a small amount, and need to be handled as hazardous materials.

Dean said you need to decide what type will be used. Dean noted that the contractor (LELD) will be responsible for that disposal.

Andy commented on the removal of light poles in general. He is impressed with the work OLAC has done to bring this to Town meeting, and moving forward looking to remove lights at a later date.

Dean said that we only get two or three requests per year for Street lights. If the area has underground utilities it is very expensive. He noted that he gets shielding of lights requests usually when bulbs or lenses have been replaced and it gets brighter.

Andy said we explore the removal, but after we complete the review, and to look at future tasks and possible removing lights at a later time.

Terra noted that the minutes reflect that Dean said that there will be no glaring difference between the technologies.

Paulina asked about energy savings between the two light types. She asked that OLAC review the process. This is the preferred technology, reducing wattage consideration in the context of implementing this project. Paulina said in spite of the fact that 2 dozen people commented there will be calls if we go from white to yellow. Paulina is leaning toward the lower wattage at white light. She felt it is a compromise. Andy said he agreed and noted the yellow is at the schools and business areas. Andy said that if we changed to the yellow we will get the calls. He felt that we go to the lower wattage, but stay with the lights people are used to.

Lauren asked Dean if we would lose safety at the lower wattage. Dean would go with the 50 watt Metal Halide in all residential and stick with the 100 watt in high traffic areas.

Lauren wanted the lighting fixtures in the center to be of period.

ANDREW MAGEE - Move to support the Metal Halide with 50 watt in neighborhoods and collector streets, and 100 Watts on arterial roads. Terra asked that they be given the choice of going 70 if he feels it is the right light. PAULINA KNIBBE – second UNANIMOUS VOTE

ACES DISCUSSION ON W.R. GRACE SEDIMENT CLEAN UP REPORT

Mary Michelson spoke about the contamination and clean-up procedures. Comments to the Sediment Clean-up need to be sent before next Monday. Mary gave an overview of the Sinking Pond report and Grace's changes in the area to be cleaned at Sinking Pond. ACES would like that evaluation of slope be defensible. It should be supplemented by site visits to the areas by the EPA/DEP as we cannot go on site.

Lauren wanted to discuss the draft letter and include ACES comments. Lauren noted that Grace said it would be cleaned up to the human presence level.

Andy asked about the topography lines. They are so steep that in two areas Grace did not have to clean it up to human presence levels. We want EPA to stand on their guns as they call out this area. Andy asked if the slope was known to be an attractive nuisance, and asked if it was happening now in the area. Grace is saying that for someone to stand in the area it would be uncomfortable.

Mary asked that changes and inclusions to the letter be made. Make comments under item one stronger. Andy asked if the Water District is commenting. Mary said they will comment on the next request on the north lagoons.

Paulina wants the letter EPA to be very strong. She said it is an attractive nuisance and feels that people will and do go there.

Peter asked how you get arsenic out of sediment. Excavate sediment and de-water it and remove off site in an appropriate manner. Or they could cover it in place by putting a cover over it.

Terra wanted to know if we are paying our consultant to take samples. She noted she will be asking for the costs at a later date. Terra asked about inhalants and went in to great detail of them on site. She asked if ACES was reviewing this and Mary said she was probably talking

about the volatiles. Mary said she feels the levels have decreased. Terra wanted to put it on an upcoming agenda for discussion regarding testing of samples. Mary said there are checks and balances already in place.

Lauren said that we need to review the letter and make changes to be a stronger Letter.

PETER BERRY – Moved to authorize the chairman to sign letter that is acceptable after staff review. PAULINA KNIBBE second. UNANIMOUS VOTE

Carol Holley asked for the wording “Attractive Nuisance” be noted in the letter.

SELECTMEN’S BUSINESS

MEMORIAL DAY

Terra asked about the process. Gail Sawyer of the Public Ceremonies said they only have three members on staff. Terra suggested we ask for comments from Veterans. Lauren noted that this committee is a Town Manager appointment.

Paulina commented about her goals to get us out of the weeds. She said if there is an issue we will address it. It has to go to the Manager to coordinate the issues.

SIDE WALK POLICY DISCUSSION

Paulina outlined the process of installing sidewalks. Counsel has suggested a change in policy. Paulina asked if we should change the policy and when will it become effective. We can negotiate the easement and get it approved at Town meeting, and we should have the policy reviewed in April 09. Andy is comfortable proceeding this year and to be careful that we are able to get easements at Town Meeting. Peter said we can change the policy and have the change the policy take place in April 09.

Chris Hickey, a Prospect Street resident asked if the Town builds only after they get agreement from all abutters. He questioned the policy.

Richard Callendrella agreed with all the former comments and feels we need to change the policy and to defer implantation until next April.

PAULINA KNIBBE - Move we change the policy for side walk construction to first negotiate the easement, get town meeting to accept the easements as negotiated and then we build the sidewalk with the revised policy to take effect subsequent to the next annual town meeting. PETER BERRY – second. 4 ayes 1 abstain (Friedrichs)

Terra asked that we include design discussion at an upcoming meeting

BOARD OF SELECTMEN, RESULTS OF ANNUAL GOAL SETTING WORKSHOP

Lauren read the list of the Goals that came out of their meeting on May 5, 2008.

1. Focus on greening Acton
2. Develop more open and understandable Budget process

3. Develop 3-5 year financial plan for both capital and operational budgets with buy-in from all parties and utilize such to set fiscal policy
4. Acquisition of Open Space
5. Tie between: Reinstatement of Joint Board meetings with Fin Com and Schools.
Limit residential growth
Expand Senior Relief Program

Steve said we may need to have a discussion on what we want to focus on. Andy suggested we put one goal on each agenda to discuss for 10 minutes as to what we mean by these goals.

ANDREW MAGEE - Moved to ratify the Goals. PETER BERRY – second. UNANIMOUS VOTE.

Terra asked that we have a real plan for action items to look back. Lauren said that is where we are heading.

CONCORD ROTARY MEPA, NPC REQUEST FOR COMMENT EXTENSION

The Board discussed a fly-over at Wetherbee and School Street. Andy felt that the work is at the rotary not at the intersection of Wetherbee and School as a fly-over. He feels that was in Roland's comments to change to get access eastbound from Wetherbee Street and east bound from School Street. There is confusion about this and the Board can continue this discussion.

Andy noted that the memo from Roland needed to be revised. We will ask Roland to review his comments in the latest memo to be clearer. We need to find out if they are planning a fly-over at Wetherbee and School Streets. We agree with the changes to BFRT and the habitat crossover, but with regard to consideration of a fly-over at this location it will not be supported by the Board. Lauren will draft a letter. Andy said he would review the letter. We can fax the letter in to meet the deadline.

MADISON PLACE COMPREHENSIVE PERMIT REGULATORY AGREEMENT

The Board discussed the Regulatory Agreement and the changes are required by the State Terra noted it is in direct conflict with the condo buy-down program.

PAULINA KNIBBE -Moved to authorize the Chairman to sign the Regulatory Agreement noted above. ANDREW MAGEE – second. 4-1 Terra Friedrichs Abstained. Motion Passed

CONFIDENTIAL REQUEST TO WAIVE CEMETERY FEES

PAULINA KNIBBE – Moved to waive the Cemetery Fees as requested. TERRA FRIEDRICHS – second. UNANIMOUS VOTE

ICHABOD'SCAFÉ 166 GREAT ROAD, REQUEST TO INCREASE HOUSE OF LIQUOR LICENSE AS A COMMON VICTUALLER

TERRA FRIEDRICHS – Moved to approve the extension of hours to 12:00 midnight. PAULINA KNIBBE – second. UNANIMOUS VOTE.

JENKS FUND 2008 GRANT AWARDS

Terra was assigned to review grants for this calendar year.

EAGLE SCOUT COURT OF HONOR

Joshua Croften-Macdonald Court of Honor. The Town Manager will go to represent the Board

REQUEST FOR APPROVAL OF POLE BANNER USE, RECREATION DEPARTMENT

ANDREW MAGEE - Moved to approve (to keep the number displayed on the lighter side).
PAULINA KNIBBE – second. UNANIMOUS VOTE

OTHER BUSINESS

LIASONS TO COMMITTEES LIST

The Board discussed the Liaison list. Terra will be the Water District Liaison and Paulina will be the Acton Memorial Library Liaison and Lauren will work with the West Acton Library. Terra would also like to serve as liaison to the Commission on Disability and the Housing Authority.

PAULINA KNIBBE – Moved to accept the Liaison List as modified. ANDREW MAGEE – second. UNANIMOUS VOTE

TOWN MANAGER’S REPORT

None

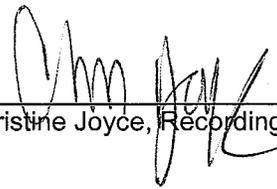
CONSENT AGENDA

ANDREW MAGEE – Moved to approve with items except for the holding of Item number 19 Executive Session Minutes, (to be done in Executive Session) and Item 26, Accept Gifts – Paulina moved to accept gift. PETER BERRY - second. Vote 4-1. Andrew Magee, No.

EXECUTIVE SESSION

Moved into Executive for discussion of Meeting minutes of April 22, 2008, and come out only to adjourn.

All AYES



Christine Joyce, Recording Secty



Clerk, Board of Selectmen
Date 8 Sept 2008

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Meeting Room, 204

Town Hall

May 12, 2008

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. 7:10 COMMON VICTUALLER LICENSE AND CARRY IN LICENSE, IL FORNO'S, 508 NAGOG SQUARE

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

3. 7:15 ANY TIME FITNESS, SPECIAL PERMIT #04/02/08-413, 5 NAGOG PARK

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

4. 7:25 COMMON VICTUALLER LICENSE AND CARRY IN LICENSE, DI CAPRI PIZZERIA AND RESTAURANT, 576 MASSACHUSETTS AVE.

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

5. 7:30 FEATG PRESENTATION

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

6. 7:50 STREET LIGHT REPLACEMENTS

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

7. 8:10 ACES DISCUSSION ON W.R. GRACE SEDIMENT CLEAN UP REPORT

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

III. SELECTMEN'S BUSINESS

8. SIDEWALK POLICY DISCUSSION

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

9. BOARD OF SELECTMEN, RESULTS OF ANNUAL GOAL SETTING WORKSHOP

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

10. CONCORD ROTARY, MEPA, NPC REQUEST FOR COMMENT EXTENSION

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

11. MADISON PLACE COMPREHENSIVE PERMIT PROJECT REGULATORY AGREEMENT

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

12. CONFIDENTIAL REQUEST TO WAIVE CEMETERY FEES

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

13. ICHABOD'S CAFÉ, 166 GREAT ROAD, REQUEST TO INCREASE HOURS OF LIQUOR LICENSE AS A COMMON VICTUALLER

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

14. JENKS FUND ANNUAL REVIEW OF REQUESTS FOR FUNDING (A SELECTMAN NEEDS TO BE ASSIGNED TO REVIEW REQUESTS)

No Materials Enclosed.

15. EAGLE SCOUT COURT OF HONOR, JOSHUA CROFTON-MACDONALD

Enclosed please find an invitation to Joshua's Court of Honor to be assigned to a Board Member for representation at the Court of Honor, for Board consideration.

16. DISCUSSION OF MEMORIAL DAY & VETERAN'S DAY CELEBRATION

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

17. REQUEST FOR APPROVAL OF POLE BANNER USE, RECREATION DEPARTMENT

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

18. OTHER BUSINESS

IV. TOWN MANAGER'S REPORT

V. CONSENT AGENDA

19. ACCEPT MINUTES, BOARD OF SELECTMEN

Enclosed please find the minutes of March 3, Regular and Executive Session, March 13 Regular, March 31, Regular and Executive Session, April 22 Regular and Executive Session, May 5, 2008.

20. REQUEST FROM THE MASSACHUSETTS DEPARTMENT OF MENTAL HEALTH, TO PROCLAIM MAY AS MENTAL HEALTH MONTH

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

21. **DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY**
Enclosed please find materials in the subject regard, for Board consideration.
22. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$100.00 from AAA Southern New England, to be used for the support of the Summer Concerts at NARA Park, for Board consideration.
23. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$500.00 from Sorrento's Pizza, to be used to support the Summer Concerts at NARA Park, for Board consideration.
24. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$50.00 from Locke's Pest Control, to be used to support the Summer Concerts at NARA Park, for Board consideration.
25. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$500.00 from Digital Federal Credit Union, to be used to support the Summer Concerts at NARA Park, for Board consideration.
26. **ACCEPT GIFT, PLANNING BOARD**
Enclosed please find a gift of \$6,525.00 from Centennial Lane, LLC, to be accepted in lieu of constructing the Assabet River Rail Trail as required under the Acton Planning Board Decision 06-06, for Board consideration.

VI. EXECUTIVE SESSION

ADDITIONAL INFORMATION

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

FUTURE AGENDAS

May 19 June 9 & 23 July 14 August 11 September 8 & 22

MINUTES PENDING VOTES

March 3, 13 and 31 (on for Vote 5/12)
April 22, Regular and Executive Session, 2008 (on for Vote 5/12)
May 5, 2008 (on for Vote 5/12)

PENDING COMMITTEE APPOINTMENTS

Antoinette Hershey, Conservation Commission, Associate Member
David Honn, Designer Review Board
Vivek Kulkarni, Economic Development Committee

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

May 19, 2008

Acton Town Hall, Faulkner Hearing Room

7:00 P.M.

Special Executive Session at 6:00 p.m. Room 121

Present: Lauren Rosenzweig, Andrew Magee, Paulina Knibbe, Peter Berry and Terra Friedrichs;. Town Manager Ledoux was present. Recording Secretary; Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

None

OPERATIONAL MINUTE

Steve updated the Board on the status of the HR Director search. He will be interviewing the top candidates this week. He is working on the job description for the Social Worker Position. He is also working with Water District about their use of our CTY. He has begun Collective bargaining with the unions.

PUBLIC HEARINGS & APPOINTMENTS

AUTOPLEX, II, LLC, 60 POWDER MILL ROAD, SITE PLAN #02/19/03-388 CONTINUED DISCUSSION

Mark Donohue said he feels the ramp decision is in the Board's hands. He said Mr. Bertolami is part owner of each property and does not want the ramp on the 56 Powder Mill Road site.

Andy asked about the letter Allen Curhan sent us saying there was more than one owner. Andy asked about the LLC's and Mr. Bertolami said there were two LLC's. Andy asked about mixed owners. Mr. Bertolami said yes it was mixed owners. Andy asked about the pictures and ramp area photos. The wall looks like it is a foot raised above the pavement. Andy asked about the grading of 60 Powder Mill Road. Mark spoke about the sloping for recharge area and it was mandated it be sloped. Andy said the ramp was there in the original decision. This would have been obvious when the site was prepared.

Peter had questions about the letter from Mr. Bertolami's Attorney, Mr. Curhan, and its content. It means that Mr. Bertolami has had a difficult time leasing the property and the ramp is in an awkward location and could limit the parking on the 56 site. Mr. Bertolami noted that they can get approval to demolish the "Doll House" and after the waiting period is over it can be taken down.

Mr. Bertolami spoke about the condition of the buildings and the Town Planner's letter that originally it referred to the height of one to two feet. The Town Planner said he had no comments.

Stephen Anderson wanted to correct the statement made, according to the Secretary of States Office; the owner of 56 and 60 Powder Mill is the same for both properties and has been renamed Autoplex III.

Mr. Bertolami said that the Law does not permit minor children on a LLC.

Roland spoke about the lots being connected so you keep traffic off the street.

Terra asked if it was our option to require the ramp or not. The original plan had the connection. She asked if we wanted the ramp. Lauren said that it was for safety.

Chief Craig explained his position on this. He got involved when the grade between the sites was high. The Building Commissioner asked that the department heads speak about this. The ramp was agreed upon and designed and was part of the site plan. Chief Craig was approached about not building the ramp and he felt that the Fire apparatus can not turn easily. Chief Craig's recommendation that the ramp would be advantageous for Fire Protection use.

Andy said the applicant offered a hydrant. Chief Craig said that it is not relevant to the discussion and does not address the access or turning needed for fire suppression.

Terra asked if there were other properties in town owned by Bertolami that could be improved. 56 Powder Mill Road cannot be lower and it has to drain to the recharge area.

Lauren asked about the other site, 56 Powder Mill Road. There used to be a use, but the Doll House is now vacant. We have not had a site plan for 56 for parking and see that site more of the problem. She would like to see a temporary gate to be opened if necessary. There cannot be cars in the way to obstruct them in putting out a fire. Mark said they offered to mark the fire lanes at 60 Powder Mill Road. They could be ticketed by the Police if they park there.

Paulina asked the likelihood that he will need to raise the level to get the recharge on that site. Mark said that it is paved at this point. They have a storm water management system approved by Conservation and the system could be adequate and discharges to the Assabet River.

Mark felt he could provide a fire access lane to get to the rear of 56 and 60 Powder Mill Roads. 60 has fire suppression and 56 does not

Terra asked about a stair way from 56 to 60 Powder Mill Road.

Mr. Bertolami suggested a pre-cast stairway be installed and would be more than happy to do that if the Board would approve. Chief Craig asked about safety on the site using stairs in the winter.

Andy was unclear as to the early ramp history. Mark wanted to meet with the Chief, Town Planner and to come to an agreement.

Andy would like to see an historic restriction on the "Doll House" and the Mill building.

Mr. Bertolami said on the original plan the ramp was not for fire access; it was a 10 foot wide ramp to have friendly crossing from one site to the other. Mr. Bertolami noted if anyone tried to build out this parcel (56) they would be crazy. He needs to know what the Selectmen want.

Roland said we need to look at closure at whatever you decide that is it. Adding a ramp later was not going to work. The Fire Chief needed to make his concern known at the Site Plan review process with staff.

Stephen Anderson said either stay with the decision or ask to amend.

Andy spoke to the stair case issue. He does not see a two person stairway. Rather there would be 5 foot wide platforms with 9 inch steps and landscaping. He sees it as a whole side yard of stairs and platforms. Roland said a staircase requires ADA compliance and handicapped accessible.

PETER BERRY -Moved to close the meeting and to take under advisement. PAULINA KNIBBE - second. UNANIMOUS VOTE.

Andy felt we should be clear of the mitigation Mr. Bertolami is offering. Stairs, preservation of the "doll house" and if the applicant is comfortable in the board discussing this. Mr. Bertolami noted the stairway and hydrant as mitigation he had offered.

CHARLOTTE SAGOFF MEMORIAL AWARD UPDATE

Mary Michleman spoke about Charlotte and her background and service to the community. They have a plan for a small garden area to the left of the entrance to the Memorial Library. This will be completed with donations.

Peter asked about the construction of the site. Mary said it is a private project and they have four quotes and have begun fundraising. No public funds will be used. Andy asked about the design. Tom Tidman did the drawings. They will be donating it to the town upon completion. They do not need to go before the HDC. Terra said that she felt it did need to go. ANDREW MAGEE - Move to support and endorse this project. TERRA FRIEDRICHS - second. UNANIMOUS VOTE

NORTHEAST GROUNDWATER AREA DESIGN PLAN, W.R. GRACE

Mary Michleman spoke about the groundwater in the northeast area. She outlined the status of the plume and its movement towards and under the residential neighborhood. Grace has done some modeling and felt that BOC Gases has had spills and the DEP process for mitigation is on going. Mary noted that we have until June 5th to comment. Jim Okum is our Consultant. He asked for real time field testing to be done. Mary felt it is a good idea. It was noted that we work together for something that might benefit both parties. She was pleased that the town is weighing in with comments.

Doug Halley noted TC comments #4. Andy asked Mary to put on the cross section slide. Andy noted he is stunned by the area for pumping – it is not in the plume. Outwash is where the town wells and contamination from BOC are located. Glacial Till water doesn't flow as easy. He questioned the Geo Tran's presentation of the cross section slide.

Andy discussed the letter and Item 4. The town recommends the government clean up proceed so that each site is properly addressed and that both contamination areas are cleaned up. This may require that Grace control groundwater flow at the BOC site by creating a capture zone at the BOC site.

Doug Halley said he felt that Andy had it right. No interference with both clean ups. Steve felt that he and Doug could draft a revised letter for Board signature. They were asked to make the language stronger with the direction given by the Andy. PAULINA KNIBBE – Moved to authorize the letter to be drafted with inclusion of stronger language. ANDREW MAGEE – second. UNANIMOUS VOTE

IDLING REDUCTION POLICY

Doug Halley spoke about the grant application we received regarding idling. We received the materials to support a program and the BOH has looked at a policy to bring before the BOS to adoption. Doug displayed the signs that will be placed at the school and Commuter Parking Lot. They will be having people sign pledges. Lauren felt this program will raise awareness. Paulina spoke about the materials; it is the policy of the Town of Acton and the following plan has been designed to implement the policy.

Lauren asked if Chief Widmayer had seen it. He will discuss this with him.

ANDREW MAGEE – Moved to approve the policy incorporating Pauline's addition. TERRA FRIEDRICHS - second. UNANIMOUS VOTE

SEWER CONNECTION ALESBURY'S OF 22 HIGH STREET

Bill Alesbury and his family have lived in the house for 29 years. The house is operating with a cesspool. Bill noted that were taken off the original sewer list. They have maintained the cesspool and are compliant. Fenton was asked to build a sidewalk and Bill wants to connect via Fenton's connection. He is willing to work through this. The development of Faulkner Mill was put into suspension and paused. Mr. Alesbury wanted to know if the vote could include the other properties. The piping would be installed under the sidewalk. Lauren noted the meeting to get the history on the project. Andy said that we have a limited excess capacity at the Adams Street facility. They have been petitioned by the folks on Spencer/Tuttle and West Acton Business owners for sewer relief. WRAC has looked at the capacity. Andy noted that Mr. Alesbury is not the first to come before the Board; this is different and is like a mini priority area. The opportunity is before us right now as the streets are torn up and they will take on the expense of installing the pipe. Andy noted that we don't know how much set aside we have and if we find the use is less than expected the numbers could change. There may be capacity in the system in the two to five year time frame. Mr. Alesbury has two weeks to capture the pipe installation during the current construction.

Paulina noted that it would be low pressure with a grinder. Paulina noted the other properties that may want to sign in; Bill thought that maybe him and one other neighbor currently. Paulina asked the Town Manager if we would be charging betterments to all three, yes if the pipe is going by their houses. But the privilege fees could be waived under the Sewer Bylaw.

Terra wanted some type of control over the character of South Acton. Would Mr. Alesbury be willing to do that? If we grant the sewer line extension and put a deed restriction that it will be a single family? Mr. Alesbury said he would do that.

All three homes have cesspools. Lauren spoke about Sylvia Street request and the issues around the denial of their request. The conditions are different. Andy said that they discussed Alesbury and Sylvia Street issue today. Currently Silva Street residents have working Title 5

septic systems – not cesspools. Every case is unique and is it unique enough to approve, 3 homes on cesspools are to be served.

Lauren felt we should take this to Counsel and visit again on the 9th. Mr. Alesbury will check with Mr. Fenton on his construction schedule.

TERRA FRIEDRICHS – Moved to ask Counsel about the possibility for restriction so that no homes would be torn down and the reservation of capacity. ANDREW MAGEE – second. UNANIMOUS VOTE.

ALEXAN CONCORD 40B

Steve wanted comments from the Board and we have begun a peer review of Alexan's Traffic report. We need to present items to ZBA. Special Counsel James Shay has left the law firm. Steve said that they have interviewed law firms and asked that the MacGregor law firm be assigned to support the Board of Appeals. The ZBA wants to have the BOS input. Roland said they would like to hear from the BOS on their recommendations and questions that would give them direction. They want to hear from departments and know where the rest of the Town stands on this issue. Comments have drafted and TAC will be revising and update their comments. Roland said the Planning Dept. and the Planning Board have agreed to have Roland draft them and he noted TAC will be submitting changes.

Peter Berry noted that no building would be in Acton but the access would be through Acton. The project has no precedent of any buildings in Acton. Peter spoke about the a legal ruling where no units where in the Town but the traffic would be in the town. The developer had to contribute toward the 10% housing to the town that did not have the construction in their community. Peter said he does not think we need to tell the ZBA how to vote. Peter noted what mitigation would be required. The applicant would need to build up Sudbury Road to a safe street. Mitigation for traffic should be in addition to what we might ordinarily approve, such as sidewalks on Powder Mill Road and High Street. Peter does not think this will be approved on June 10th. Steve Ledoux asked if the Board would go along with the first task to look into that with the Special Counsel. Concord supports this development and feels we should look to working together. The main access is off Forest Ridge. Concord has property on that road. Peter urged a more regional approach and suggested the Steve talk to Chris Whalen about this. Lauren wanted to begin to meeting with Concord and other towns and the developer. Andy felt we authorize the Manager to hire McGregor ANDREW MAGEE – Moved to authorize the Manager to hire McGregor as counsel to the ZBA for the upcoming 40B project, in Concord. PAULINA KNIBBE – second. UNANIMOUS VOTE.

Steve Noon said that Fin Com did comment to the ZBA. They could see potential costs and they did not see why we would even consider it. We would get nothing.

Paulina said that they had offered us a light at Powder Mill, but we don't need a light, and we would not need a light if they did not build. Paulina feels we need a higher level of mitigation. The traffic would be acerbated on High Street and Powder Mill Road. She is not convinced that Concord has pushed fully to get the access from Forest Ridge. Paulina rejects the project as we don't get any benefit.

Terra agreed with Paulina and Acton should stop being the step child of regional projects. She doesn't feel she can support this at the current level of mitigation.

Peter said Concord will have the impact of schools and we don't have it, we have impact from traffic. If ZBA says that the applicant has a right to a comprehensive permit there is a limit you can get from them. The developer can cancel if the project unprofitable. Peter said that they have the right to deny it. The developer may be able to build the 300 vs. 350 units.

Terra said that traffic is discussed in the Master Plan and we need to consider it.

Andy said that he agrees with what is said. Steve Noon's comments while saying no, but it does not get us anything. We could end up with 300 units being built and us getting nothing. If we say no, it will not be stopping the project. We need to know where the vantage point lies.

Lauren wants to see affordable housing. She would like to keep our citizens safe with required sidewalks and the making sure the secondary access is cleared and accessible.

Rob Hewitt updated the process and plans. Rob noted that Acton has hired a consultant to conduct a peer review. Rob noted that Concord has done their peer review. Rob outlined the process and completions of MEPA and a Wetlands reviews in Concord. They have several comments to Mr. Berry's comments. Lauren asked if we get peer review or we need to request it. Lauren felt we needed to get these reports. Lauren would like to see all peer reviews on the subject from Concord. They have received comments from Acton and have tried to incorporate them into the development. Rob said that all the housing and inventory count will go to Concord. They have agreed to share the affordable housing units with surrounding communities. The project is over the cap, and they would need to apply for more than 300 units. Concord has approved 350 units. Rob noted that sidewalks to Route 62 and additional sidewalks along High Street needing to be addressed, and will consider additional mitigation. Rob said they will offer some mitigation to Acton's Affordable Housing Committee as additional supplements and will continue to review this.

Rob noted one of the benefits to Acton is a portion of the site (low area) that would not be built on. Emergency Response Command would be able to use their building if their primary site was not accessible. Sudbury Road is operating poorly at this time ;, they will have to rebuild that road and make it safe for our citizens.

Paulina noted the discussion of putting a restriction on your site so that if another 40B cannot use Sudbury Road. Rob said that he was still agreeing to it.

Lauren noted it is a regional project we want legal counsel look into this and we would like mitigation in the form of sidewalks and to keep residents and safe to pedestrian traffic. Contribution of either units or money for affordable and a secondary access that will be kept plowed and we would prefer a second entrance.

Peter spoke about the need for 4-5 emergency access points with the Concord Fire chief. Peter asked about the sidewalks on Sudbury Road. He said that they are critical and must be provided.

Lauren asked the Town Manager to draft a letter to ZBA before the next meeting.

SELECTMEN'S BUSINESS

WEST ACTON BUSINESS SEWER PETITION

Andy said this goes to the issue earlier on High Street. The WRAC meeting was well attended by Tuttle/Spencer residents and Business Community in West Acton. There is no proposed extension at this time. Rick Gordon would like to grow his business with more seating or outdoor café seating, but they can't because of the lack of town sewer. He was concerned with the possible repair and replacement and the effect on their site. He said that there are other business people who want this connection.

Terra agreed with their concept, but she wanted to make sure residents were given consideration.

DISCUSSION OF GREEN TEAM

Lauren outlined the need for the green team and to be mindful of impacts we make on our environment.

Lauren asked the Board if we should appoint a Town Committee. Andy asked them to think about doing this as a town committee and we create a committee appointed by the Board. Andy felt we need an advisory committee to sort out the environmental issues and bring action items forward. We have the talent in town who are forming their own committees, and he feels we need to create an Advisory Board.

Jim Snyder Grant is one of the people who will be coming together over environmental issues in Acton. Jim said we need a scope for a committee and he feels we need a network of concerned people who are talking to people.

Lauren noted her attendance at a Green Meeting sponsored by Niki Tsongas.

Bernie Kosiki, representing himself, agreed with Jim's comments and the need to have either a private or public committee.

Paulina asked them if it is your goal to change behavior of individuals or change the behavior of the municipality, such as replacement of street lights, anti idling of town vehicles. You will be more effective in getting this done and we need a sense of a priority if we appoint a town committee.

Lauren asked them to report back to the Board after their meeting tomorrow night. Andy said that we have smart people in town and give us the priority list

WRAC UPDATE/DISCUSSION OF SELECTMEN'S REPRESENTATIVES

Lauren said that she felt she could not participate in WRAC and she asked for the appointment of Selectman Friedrich's as the second Selectmen to the Committee. ANDREW MAGEE – Moved to endorse Selectman Friedrichs as the second Selectman on the committee due to Lauren's resignation. . PETER BERRY –second. Lauren will be resigning from WRAC immediately. UNANIMOUS VOTE

Andy reported and noted that WRAC will have a short meeting on Wednesday and have lost some time because of quorum issues associated with Allen Nitchelm's resignation and no assigned School Committee representative.

Andy said that WRAC has reached the point where it may need to hand some things back to the Board of Health. He will prepare a report to the Selectmen on what they have done. He noted

that there is sewer capacity for the Flint Road neighborhood, but it is too costly. The Sewer Commissioners need to see what they do with excessive capacity. Meanwhile, WRAC is either a Sewer Committee or a Committee implementing the Comprehensive Waste Water Management Plan. Andy said WRAC can't do both.

PRELIMINARY DISCUSSIONS REGARDING BOARD AND COMMITTEE REAPPOINTMENT PROCESS

Lauren spoke about the sunset rule and having the person sit out for one year. Lauren also noted that some committees need to look at the rotation of chairman's.

OVERSIGHT MEETINGS, BEGIN TO SCHEDULE

Lauren wanted to begin to schedule oversight meetings. Designer Review Board and Planning Board should be scheduled first.

OTHER BUSINESS

TOWN MANAGER'S REPORT

None

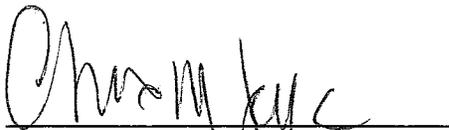
CONSENT AGENDA

ANDREW MAGEE – Moved to approve. PETER BERRY - second. Hold on Jenks fund hold on Relay for Life Yard Sale request. Peter asked a question about the Jenks Fund, PETER BERRY – Moves to approve the Jenks Fund allocations for 2008. ANDREW MAGEE – second. UNANIMOUS VOTE. Terra questioned the activity on town land and that she attended the Garden Club sale on the common and was asked not to distribute the Community Outreach flyer. The Board suggested the procedure is to ask for permission first from person in charge before handing out flyers at someone else's event.

ANDREW MAGEE – Moved to approve the proclamation regarding the Robbins Desk gift. PAULINA KNIBBE – second. UNANIMOUS VOTE.

EXECUTIVE SESSION

ANDREW MAGEE – Moved to go into Executive Session for the purpose of discussing litigation and come out into the regularly scheduled Selectmen's Meeting in room 204 at 7:00 p.m. Roll Call taken, All Ayes


Christine Joyce, Recording Secty


Clerk, Board of Selectmen
Date 8 Sept 2008

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Meeting Room

Town Hall

May 19, 2008

7:00 PM

SPECIAL EXECUTIVE SESSION – 6:00 PM TO 7:00PM

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. 7:10 AUTOPLEX, 60 POWDER MILL ROAD SITE PLAN #02/19/03-388
CONTINUED DISCUSSIONS**

ISSUE: Autoplex, 60 Powder Mill Road has requested a modification to the Site Plan Special Permit that was approved by the BOS on 6/23/03. This matter has been continued from February 25, 2008. Town Counsel will be present

3. 7:25 CHARLOTTE SAGOFF MEMORIAL AWARD UPDATE

ISSUE: Mary Michleman will be present to announce planned improvements to the Town Common in front of the Library in honor of Charlotte Sagoff

4. 7:40 NORTHEAST GROUND WATER AREA DESIGN PLAN

ISSUE: Mary Michleman of ACES will be present to discuss the Northeast Groundwater Design Plan. The Selectmen will consider a response to EPA on the draft plan.

5. 8:10 IDLING REDUCTION POLICY

ISSUE: The Town has received a grant from DEP that supports idling reduction. The Board of Health is requesting that the Selectmen adopt a recommended policy and allow decals and bumper stickers on Town vehicles to promote idling reduction

Town Manager Recommends

6. 8:20 SEWER CONNECTION ALESBURY'S OF 22 HIGH STREET

ISSUE: The Alesbury's of 22 High Street have requested to connect to the town sewer via property owned by Faulkner Mill Realty Trust. Attached, please find staff comments on the subject. The Town Manager recommends the following:

Request the applicant to provide written documentation from Faulkner Mill that details the proposed sewer extension, the anticipated wastewater capacity of 22High Street and the schedule proposed for placing the force main to service that property. The applicant should also be clearly informed that at this point of time there is no available uncommitted capacity within the sewer system. Note that the Water Resources Advisory Committee (WRAC) has formed subcommittees to determine if there a sewer extension is a viable option for the Spencer/Tuttle/Flint and West Acton Center areas. WRAC will provide a recommendation to the Selectmen on a course of action for proceeding ahead with that sewer extension project or abandoning the project. At that point the available wastewater capacity can be allocated to properties that have made requests. The Selectmen should charge WRAC with developing and recommending a policy that details a mechanism for prioritizing sewer extension.

7. 8:30 ALEXAN, CONCORD 40B

ISSUE: The ZBA has continued their hearing on the Alexan Concord 40B project until June 10th. BSC has been hired by the Town to perform peer review on the traffic impact study that was done for Trammel Crowe by VAI. It is hoped that the peer review will be done by the June 10th ZBA hearing, The Town Manager would like to discuss what comments the Board would like to submit to the ZBA on the project as well as any comments on mitigation.

In addition, Special Counsel James Shea, who has supported the ZBA on this matter, has left the firm of Angel, Edwards, Palmer and Dodge. The Town Manager will have a recommendation on Special Counsel on Monday evening.

III. SELECTMEN'S BUSINESS

8. WEST ACTON BUSINESS SEWER PETITION

ISSUE: The Board has received a petition from business owners in West Acton requesting information and plans concerning the option to extend sewer to West Acton. Selectman McGee will lead the discussion

9. DISCUSSION OF GREEN TEAM

ISSUE: Selectmen will consider the formation of a committee to study "Green Issues" and make recommendations on such

10. WRAC UPDATE/DISCUSSION OF SELECTMEN REPRESENTATIVES

ISSUE: Board discussion of Board member attendance.

11. PRELIMINARY DISCUSSION REGARDING BOARD AND COMMITTEE REAPPOINTMENT PROCESS

ISSUE: Selectmen to consider the yearly appointments to Boards and Committees for action at the June 23 Board meeting.

12. OVERSIGHT MEETINGS, BEGIN TO SCHEDULE

ISSUE: Selectmen to discuss scheduling of yearly oversight meetings with Major Boards and Committees.

13. OTHER BUSINESS

IV. TOWN MANAGER'S REPORT

V. CONSENT AGENDA

14. DECISION, SPECIAL USE PERMIT #04/02/08-413, NEW ENGLAND GYMS, INC. D/B/A ANYTIME FITNESS, 5 NAGOG PARK

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

15. JENKS FUND REQUEST ALLOCATION 2008

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

16. YARD SALE REQUEST, FOR RELAY FOR LIFE

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

17. DISPOSAL OF OBSOLETE MATERIALS, WEST ACTON LIBRARY

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

18. DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY

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

VI. EXECUTIVE SESSION

Scheduled for 6:00 PM

ADDITIONAL INFORMATION

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

FUTURE AGENDAS

June 9 & 23 July 14, August 11, September 8 & 22

FUTURE AGENDA ITEMS

MINUTES PENDING VOTES

May 12, 2008

PENDING COMMITTEE APPOINTMENTS

David Honn, DRB Vivek Kulkarni, EDC

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**June 9, 2008
Acton Town Hall, Faulkner Hearing Room
7:00 P.M.**

Present: Lauren Rosenzweig, Andrew Magee, Paulina Knibbe, and Terra Friedrichs. Town Manager Ledoux. Recording Secretary; Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

Carol Holley spoke about perchlorates at Ellsworth Village, and private well contamination on Brabrook Road. The Fire Chief was to give them blasting logs. She also met with the Board of Health and they agreed that the Fire Chief should have released the logs to her.

Mary Michleman Magnolia Drive wanted to talk about #18 on the Consent Agenda. ANDREW MAGEE – Move to hold Item 18 and move it to Selectmen's Business for discussion. PAULINA KNIBBE – second. UNANIMOUS VOTE

OPERATIONAL MINUTE

Steve spoke about the loss of Bruce Stamski's wife, and sent his condolences to Bruce and the family.

Steve announced that he has hired a new Human Resource Director. Maryann Fleckner has been chosen, and will start effective July 7. She has been working in the field at the State level. She was the top choice of the employee panel that interviewed the candidates. She will be filling the position that has been vacant for five years.

PUBLIC HEARINGS & APPOINTMENTS

ACCEPT GIFT, FRIENDS OF THE ACTON ARBORETUM

Dotti Hilbert Memorial Gift to the Arboretum. Beth Petr spoke about the gift being made to the Arboretum in Dottie's name. Dottie was very involved in the community and in taking photographs especially at the Arboretum. TERRA FRIEDRICHS – Moved to accept the gifts from the Friends and of the Arboretum. ANDREW MAGEE- second. UNANIMOUS VOTE.

SENATOR PAMELA RESOR

Lauren outlined Pam's accomplishments and many years of service to the Town and presented her with a token of appreciation from the Town.

SIDEWALK COMMITTEE UPDATE

Paulina gave an overview of the work the Sidewalk Committee has performed to date. Paulina introduced the members of the committee that were present. She presented the Needs Based Criteria which included population and safety consideration. The Feasibility Criteria was developed from input sessions and advertised meetings and they maintained a notice to those that wanted updates. Committee recommendations were that 6 projects were prioritized as high. The remaining projects were identified as Secondary Pool and Tertiary Pool.

Recommended projects in priority order: Central Street near Mt. Hope, Lower Prospect, Route 2A Davis Road to Main Street, High Street (#30 = #46), Route 27 sidewalk from Post Office Square to Route 2A, High Street to #77 Parker Street. The committee also looked at sidewalks at Railroad X-ings. MBTA will not allow them unless a pedestrian gate is present.

The committee asked that the Board authorize them to begin the projects.

Andy said that he was impressed and it was what needed to be done. He endorses the report.

Terra noted the amount of work that went into this project and asked if money has been set aside. Terra asked about the needs analysis. She wanted to try to find the number of people using the areas and sites where people were likely to walk on.

Tom Peterman, 16 Hosmer Street questioned the scouring formula. He felt that the people spoke at town meeting and asked that the Main Street /Post Office portion be removed from the list.

Brian Bendig, Main Street asked about process. Paulina said that staff will begin to work and be contacting land owners for easements.

Brian asked about possible public shade tree removals or stone walls removals along the way.

In response to the comment that no one would use the Main Street sidewalk, Kate Chung said she would use the Main Street Sidewalk to come to the Library.

Mary Michleman spoke about sidewalks and the need for them while people are walking. The sidewalk does get used quite a lot in her neighborhood. The Main Street Side Walk has benefits for those who will use it.

Lauren spoke about the Isaac Davis Trail; she feels the sidewalk is critical and that it be constructed in a New England style manner.

TERRA FRIEDRICHS - Moved to accept report with condition that every thing goes through review of HDC and HC. No Second. Paulina said that she did not want more boards involved; it doesn't help them get to the solution.

Ann Sussman said that the Design Board gets questions about sidewalks.

Lauren discussed her attendance at the Sudbury presentation; she suggested that the Sidewalk Committee meet with the DRB.

TERRA FRIEDRICHS Move to accept report and to move forward on Davis Road to Main Street and to then come back for expenditure after the Design Board review. No Second.

PAULINA KNIBBE – Moved to accept report and move to go ahead with the projects on the Priority List. LAUREN ROSENZWEIG - second. Terra wanted to wait on the Main Street /Post Office Square sidewalk out of respect for Town Meetings action. Paulina disagreed that it should be discussed further at this time. Vote 3-1. Terra No.

ROBERT WHITTLESEY, ACTON HOUSING AUTHORITY

Robert Whittlesey was present to discuss two matters. First, his State appointment and asked for the Board's Vote to continue his appointment as the State's designee on the AHA.

He spoke about Sachem Way. The State has changed rules and doesn't want Authorities sitting on available land. There are two acres that are buildable at Sachem Way. He said that the State will be the major financier of this project and will give back 15 dollars for every 1 dollar Acton gives. They have applied to the State for a Planning Grant which might lead them back before the Board in the fall. They want this to be a very open process. Neighbors have concerns and they will try to do what they can with requests they may have. AHA is looking at modulars and ways to Green this project.

Terra asked if they were doing tear downs. They said no, they will be adding an elevator and enclosing walk ways. They plan to construct 12 or 14 units. Technically they could build 20 units. Paulina asked about the next step of this project and asked if the Board and the public need to be involved. Bob thought Preliminary designs and how green they could be would be explored. Bob will bring back to the Board once issues are resolved.

LAUREN ROSENZWEIG -Moved to write a letter explaining why the vote was not supported at town meeting. Town Manager and Kelly Cronin write the letter to explain Town Meeting vote. ANDREW MAGEE – second. Andy felt we needed to wait until Peter was at the meeting, and to pull it off at this time. ANDREW MAGEE – Moved to withdraw the motion. Mr. Whittlesey decided that we wait on this letter until they worked through the issues.

DESIGN REVIEW BOARD OVERSIGHT MEETING

Ann Sussman, Chair of the Design Board with Tom Peterman the Vice Chair were present for the oversight meeting. The Committee has been working for almost one year. Ann spoke about our Design Review Board publications and that they have been attending many meetings. It is a place to discuss why things work. They have worked with the Planning Board and developers with regard to outside seating. They have a lot of professionals on their committee. They reviewed a new mix in West Acton and they are talking to the developers about housing and commercial space. The Bank of America wanted to know how to pick a fence for their facility on Mass Ave. The owner was happy he could please the town. They want to talk about amending their Charter in the future. They want to increase the DRB purview on many issues. Tom Peterman spoke about their projects and the zoning issues. They would like to have involvement and to act as soon as a process has been refined.

Terra asked about how many other towns are doing this. Anne noted around 50 communities that she knew of. Andy asked about the request to amend their Charter and they should present language to amend, and a possible bylaw, and to let us ask people their wishes.

Lauren spoke about form based and visual tools.

Paulina thanked them for their work and getting developers before the DRB and that it gets everyone on board before the process goes too far. The DRB wants a lawyer or graphic designer as a new member and are currently working through the VCC to fill these needs.

GREEN TEAM UPDATE

Andy reported on the meeting that he attended. This issue has been out there in a variety of formats. Last year the BOS identified Greening the Town as a priority for BOS, and in a stronger voice in the Visioning/Goal Setting Workshop that they participated in. We all know what we were talking about, but last year's approach was haphazard. Andy did not want to see this opportunity with volunteers slip away; we need to take advantage of this. There is so much we don't know and where to start. Andy said we need to bring this into our house, but while they could operate out side of the Town's purview, he felt that we need to have them be an Advisory Committee to the Board; Andy suggested that maybe they take a few months to establish what is needed. He felt it needed to be made more formal. Chris Schaffner said they have a large group of interested people and are looking for the Board's direction for what you want to do, and felt two groups would work.

Paulina said she is pleased this happening. She would like to see a lot of different projects. What she would like is to have someone prioritize the needs. The Board does not have the time to go over the sorting of these projects. She felt it was better to have them as an Advisory Board. Jim Snyder-Grant thought the group of ecological folks understands how the Board feels. They are urgent, and that as they have been talking with Dean and JD Head of the Schools - the Town is already doing important work. If a town committee is established they will need to work on a focused action. It was noted that many towns have an environmental review Department to review the projects.

Terra asked about the bringing of the "Short List" to the Board. Jim said yes, you make the request; we will try to do it.

Steve noted that he would be going through the process with Dept. Head's at an upcoming Staff Meeting.

Lauren noted that the group will have their next meeting on the 12th at 7:00, 62 Windsor Ave, and all are welcome. Lauren said that she would like to see what staff is doing presently and to start to look to how to handle this in permitting. She suggested getting a baseline and then brainstorming the issues. Ann asked for the next step. Lauren said what would you like to see the schools and town government do and come up with three priorities.

Andy felt that we, the Slectmen, were the least capable of doing this work, and hence the need for a capable Green Team. Lauren said we need to make Acton better and wants ideas to come back to us for continued discussions.

The group will have their meeting and bring it back to the Board for further review.

2008 YEAR END EXPENDITURES

Steve summarized the financial status. The Finance Department has been following year end funds and has estimated turn backs of about \$580,000. In March when the ALG Plan required cuts, the NARA Improvements were cut, but it was agreed that they could use any turn backs if they existed to fund NARA projects in June. The total for projects is \$180,000. Steve feels

comfortable with these projects and feels it would be an enhancement to the Park. Dean Charter spoke about a new heating system at Town Hall and several changes at the fire stations to overhead doors.

Tom and Cathy Fochtman spoke about the needs at NARA Park. They spoke about their needs and described the items they need.

Terra asked about several issues and turn-back. Terra asked if the Finance Committee had been contacted. Andy noted that these moneys need to be spent before July 1st. Andy spoke about a memo from Peter Ashton supporting the expenditures to NARA.

Steve Noon was asked about Fin Com's support. Does the Fin Com go through different approaches? Lauren said that these were already vetted and they voted to go forward.

Steve spoke about the needs from Municipal Properties. Dean said the number one priority is a new boiler at Town Hall that will be a gas conversion, with possible rebates. This is a serious situation, the boiler has become unreliable, the cost is \$25,000 and it will operate at an 80 percent efficiency.

Overhead doors at Center Fire, original to 1953. This will also result in energy savings. Dean wanted to expand electrical panels in all three stations.

Fire Station 3, addition of a custodial sink, replace the stair treads. Memorial Library elevator needs new Jack Packing and leaking resolution.

Dean also spoke about the light replacement in the Hearing room.

Dean noted that Station 2 has now become a commuter parking lot. They need to replace the guardrail.

New brush chipper is needed as the current one is 18 years old. \$40,000 – \$47,000 to replace

Paulina asked about the brush chipper and asked about its relationship to the grinder recycling composter unit.

Andy asked about the composter and that we will be able to do more household chipping at the Transfer Station.

Terra would like to ask the recreation to be careful of Live Nations and wanted them to plant more trees. Terra commented that every thing in the list is ok except the dressing rooms. Terra wanted to talk about the remaining turn backs. She would like to know if the turn back could be used for senior citizens taxes and programs.

Paulina wanted to know if last year when we turned money back to free cash that it was put outside the ALG process. PAULINA KNIBBE – Moved that these turn back monies be available for us to spend on Town uses starting in FY10. TERRA FRIEDRICHS – second. UNANIMOUS VOTE

ANDREW MAGEE – Moved to approve the recommendation for Recreation Department and Municipal Properties for expenditures discussed. PAULINA KNIBBE – second UNANIMOUS VOTE

PAULINA KNIBBE - Moved that funds that have not been expended be reserved for FY10, and asked the Board's ALG Representatives to bring it before ALG for discussion. ANDREW MAGEE – second. – UNANIMOUS VOTE

SELECTMEN'S BUSINESS

ALG FY10 START UP PROCESS

The first ALG meeting is June 16. , In order to accommodate the participants; it will be at 7:30 A.M. Lauren gave an overview of the ALG Process. It is just to get started and have people thinking of what kind of issues will be brought forward and to send any requests you may have to Lauren.

ALEXAN CONCORD 40B

Lauren enclosed the draft letter to the Zoning Board of Appeals. The Draft letter was amended in several places by the Board.

PAULINA KNIBBE – Moved to Modify paragraph 1 TERRA FRIEDRICHS – second. 3-1
Lauren No

#2 Terra wanted to talk about Forest Ridge Road

#5 Provide a Dedicated shuttle

#6 Crosswalks to shops, Steve felt it would be in the peer review.

#7 Terra asked that Lauren modify her comment regarding ACHC programs.

TERRA FRIEDRICHS – Move to send the revised memo to the BOA. ANDREW MAGEE-
second. UNANIMOUS VOTE.

COMMITTEE REAPPOINTMENT DISCUSSION

Andy spoke about the WARC committee new member Kent Sharpe representing the Finance Committee. Andy also spoke about changing the committee's charter to remove school representatives as the Douglas and Gates no longer needed Town sewage at this time. ANDREW MAGEE – Moved to approve the appointments and deletions to WARC. TERRA FRIEDRICHS- Second UNANIMOUS VOTE

EAGLE SCOUT COURT OF HONOR, MATTHEW JAMES DERMOT CURTIS

Terra will represent the Board.

SITE PLAN SPECIAL PERMIT #7/11/06-409, EDWARD BRAVO, 288 MAIN STREET

As to Roland's memo, we would like to avoid another Brabrook Road. It was suggested to include Carol Holly's comments in the permit extension. Andy said we should set a standard that the use of perchlorates not be allowed and to have contractors file the material data sheets with the Fire Department at the time permits are requested for Blasting. Lauren wanted the Fire Department to monitor and have no perchlorate use at all. PAULINA KNIBBE – Moved not to allow the use of perchlorate in Acton. ANDREW MAGEE – second. UNANIMOUS VOTE

WILLIAM ALESBURY'S REQUEST FOR SEWER CONNECTION, 22 HIGH STREET

Steve was asked to summarize the situation. He was asked if other residences would be required to hook up. It was noted that this affects only the Alesbury's property at 22 High Street. Opinion from Town Counsel is that it is the decision of the Sewer Commissioners, and whether or not such a vote would create precedence.

Andy is in favor of allowing this hook up particularly if we make the statement that requests are handled case by case. We also make it very clear that this is done because it meets the definition of a High Priority area because of the cesspools on the property. We are still reserving wastewater potentially for the Flint Road area and it is a High Priority too. This is a very specific case and we have to monitor the volume of the water coming in to the system.

Paulina said she approves and she doesn't think it should be only offered to the Alesbury's. She did not feel comfortable with the hook up.

Andy noted that if the other homes wanted to hook-up they needed to assign betterments and those folks have said they don't want the sewage hookup and betterment. Lauren noted that this line is not in the public way except for the small part under the sidewalk. The actual line will not be in the public way. Paulina spoke about two issues: will we require others to hookup, and who is responsible for the maintenance.

PAULINA KNIBBE – Moved we approve the connection to 22 High Street with condition that their usage of the sewer be limited by number of bedrooms - this is a four bedroom house. ANDREW MAGEE- second. UNANIMOUS VOTE

PAULINA KNIBBE – Moved that for the purpose of maintenance, that we deal with this as a public sewer and the maintenance from the property line to the house at #22 is the responsibility of the owner of 22 High Street. ANDREW MAGEE- second. UNANIMOUS VOTE

LAUREN ROSENZWEIG – Moved that the Town Manager make sure to include the statements that this was a unique situation because it is essentially a high priority area and that it is an historic property. ANDREW MAGEE- second. UNANIMOUS VOTE

OTHER BUSINESS

Terra asked that the John Mullin program be updated by Finance Committee.

Andy spoke about the Bruce Freeman Rail Trail and Mass Highway will be reviewing the project.

Andy commented on Route 2 Meeting.

Andy spoke about the bids to repair the buildings at the Morrison Farm. Andy would like to be on the Board of the Morrison Farm Committee.

TOWN MANAGER'S REPORT

None

CONSENT AGENDA

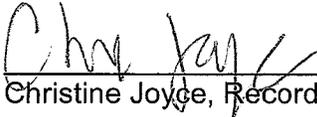
#18 held to discuss the Atlantic Management's request for amendment to their site plan at Powder Mill Plaza. Steve discussed the memo from Doug Halley regarding dry cleaners and hairdresser usage. Mary Michleman is concerned with the discharge into an area that is part of the Zone 2 for Town wells. Lauren asked about tabling this until a later meeting.

Tony Capobianco, representing Atlantic Management, said that he could have the hair dressers and other usages in the plaza since they are no longer on private septage. They are now hooked up to the Acton Town Sewer System. They have removed the private sewerage plant.

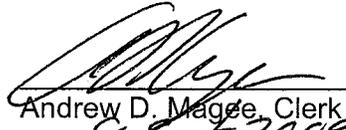
Paulina asked if there were other facilities such as hair dressers and dry cleaners using the Town sewerage system. Andy wanted Doug Halley to come before the Board on the 23rd to explain this issue to the Board. The board wanted to know if other such business's are hooked up to the Town system and what are the safety checks that should be in place to insure that there are not adverse consequences of allowing these uses of Acton's public sewerage system.

Lauren asked that we invite the Water District to the meeting on June 23rd to address any concerns they may have and to comment to the Board about the requested usages being allowed to discharge into the Town's Sewage Plant in close proximity of Water District wells.

TERRA FRIEDRICHS – Move to approve the Consent Calendar with the exception of #18,
ANDREW MAGEE – second. UNANIMOUS VOTE



Christine Joyce, Recording Secty



Andrew D. Magee, Clerk
8 Sept 2008

Date

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Meeting Room

Town Hall

June 9, 2008

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 ACCEPT GIFT, FRIENDS OF THE ACTON ARBORETUM

Enclosed please find a gift of \$4,191.00 for benches, and plants for the Fragrance Garden, in memory of Dottie Hilbert, for Board consideration

3. 7:10 SENATOR PAMELA RESOR

ISSUE: The Board will present Senator Resor with an award for her many hours of service to the Town.

4. 7:15 SIDEWALK COMMITTEE UPDATE

ISSUE: Vice-Chair Knibbe will update the Board on the status of the Sidewalk committee.

5. 7:30 ROBERT WHITTLESEY, ACTON HOUSING AUTHORITY

ISSUE: Mr. Whittlesey will be speaking to the Board regarding Sachem Way Housing Authority properties.

6. 7:45 DESIGN REVIEW BOARD (DRB), ANNUAL OVERSIGHT MEETING

ISSUE: The Board will discuss the Design Review Board's activities and related topics.

7. 8:00 GREEN TEAM UPDATE

ISSUE: "Formation of an Acton Green Team" Committee

8. 8:15 2008 YEAR END EXPENDITURES

ISSUE: 2008 Year End Expenditure requests

III. SELECTMEN'S BUSINESS

9. ALG FY10, START-UP PROCESS

(No materials)

10. ALEXAN CONCORD, 40B

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

11. COMMITTEE REAPPOINTMENT DISCUSSION

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

12. EAGLE SCOUT COURT OF HONOR, MATTHEW JAMES DERMOT CURTIS (SELECTMEN NEEDS TO BE ASSIGNED)

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

13. SITE PLAN SPECIAL PERMIT #7/11/06-409, 288 MAIN STREET, EDWARD BRAVO, SITE PLAN AMENDMENT RECOMMENDATION

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

14. WILLIAM ALESBURY'S REQUEST FOR SEWER CONNECTION, 22 HIGH STREET

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

15. OTHER BUSINESS

IV. TOWN MANAGER'S REPORT

V. CONSENT AGENDA

16. BOARD OF APPEALS, COMMITTEE APPOINTMENT, KENNETH KOZIK, JULY 1, 2008 UNTIL THE CLOSING OF PROCEEDINGS OF VARIANCE #08/03

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

17. COMMITTEE APPOINTMENT, VIVEK KULKARNI, ECONOMIC DEVELOPMENT COMMITTEE, ASSOCIATE MEMBER

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

18. SITE PLAN #7/1/83-234, (POWDER MILL PLAZA), ATLANTIC MANAGEMENT, REQUEST TO AMEND SITE PLAN #7/1/83-234

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

- 19. DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST, THOMAS TIDMAN, DIRECTOR OF NATURAL RESOURCES**
Enclosed please find materials in the subject regard, for Board consideration
- 20. AUTOPLEX, 60 POWDER MILL ROAD, CLASS 1 LICENSE EXTENSION TO JUNE 23, 2008**
(No materials)
- 21. FEE REDUCTION, BURIAL FEE, WOODLAWN CEMETERY**
Enclosed please find materials in the subject regard, for Board consideration
- 22. DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY**
Enclosed please find materials in the subject regard, for Board consideration
- 23. CONFIDENTIAL REQUEST FOR FEE WAIVER, NARA YOUTH PROGRAM**
Enclosed please find materials in the subject regard, for Board consideration
- 24. ONE DAY LIQUOR LICENSE, OLD GOLD RUGBY GROUP, AT NARA PARK**
Enclosed please find materials in the subject regard, for Board consideration
- 25. ONE DAY LIQUOR LICENSE, THE FAST COMPANY EMPLOYEE SUMMER OUTING/PICNIC AT NARA PARK**
Enclosed please find materials in the subject regard, for Board consideration
- 26. ONE DAY LIQUOR LICENSE, SANJEEV SAXENA, CHILDS BIRTHDAY PARTY AT NARA PARK**
Enclosed please find materials in the subject regard, for Board consideration
- 27. ACCEPT GIFT, CITIZENS' LIBRARY AUXILIARY**
Enclosed please find a gift of \$506.00 from the Auxiliary to be used to cover Tot -Time Expenses, for Board consideration
- 28. ACCEPT GIFTS, TOWN WIDE VISIONING SESSION**
Attached please find please find a list of gifts donated to the First Session of the Town Wide Visioning Session, for Board acceptance

VI. EXECUTIVE SESSION

ADDITIONAL INFORMATION

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

FUTURE AGENDAS

June 23, July 14, August 11, September 8 & 22

FUTURE AGENDA ITEMS

TOWN BOARD AND COMMITTEE REAPPOINTMENTS FOR 2008
VCC Oversight Meeting, Cable TV Oversight Meeting (pending confirmation)
Historic District Commission

MINUTES PENDING VOTES

May 12 and 19 (Revised Executive Session Minutes, April 22)

PENDING COMMITTEE APPOINTMENTS

David Honn, DRB, Jeff Clymer, Planning Board (at VCC)

Antoinette Hershey Conservation Commission (to be appt. with reappointments per AM)

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**June 23, 2008
Acton Town Hall, Faulkner Hearing Room
7:00 P.M.**

Present: Lauren Rosenzweig, Andrew Magee, Paulina Knibbe, Peter Berry and Terra Friedrichs. Town Manager Ledoux. Recording Secretary; Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

Tom Michleman, 6 Magonlia Drive expressed his concern about the Bruce Freeman and ARRT being bumped off the funding from the State TIP List.

Tom is looking for any suggestions from the Board. Lauren said that she has been following this and that the money will be going forward to three projects. Lauren asked them to write their local legislatives. There is a meeting on Thursday of the MPO at the Transportation Building and the more people come to express their displeasure the better. Andy would comment in letters that both these projects, BFRT and ARRT, are already half built. We have 100 percent of the citizens support and have funded them through town meeting and CPA grants. Lauren has already sent a letter to MPO, David Moller. Tom wanted to work with their data base of 3,000 people off line.

OPERATIONAL MINUTE

Steve reported that the installation of the street lights that were approved at Town Meeting has begun in some areas of town.

Steve updated the Board on the refurbishment of West Acton Library. Steve also noted that the Web site now includes more financial data for Citizens review.

Officer Scott Howe has been appointed Acting Sgt.

Teen Reparatory Group had a production at NARA with the new lights and equipment.

Lauren thanked the anonymous donor of the Selectmen's Concert.

PUBLIC HEARINGS & APPOINTMENTS

SITE PLAN #7/1/83-234, POWDER MILL PLAZA) ATLANTIC MANAGEMENT, REQUEST TO AMEND SITE PLAN

Doug Halley gave an overview of the situation. Doug suggested that we make the situation about consistency with what the Zoning Bylaw says. This will allow hairdressers to occupy this space as they are all over Town. Andy said that last time he wanted to comment on the comment that this material was not allowed but the treated

wastewater was formerly discharged into the Assabet. The Salon has no use restriction and they would fall under the hazardous waste bylaw if they stored over 25 gallons or 25 pounds of chemicals. Andy noted that our Zones do not correspond to DEP's Zones.

Paulina commented that one of the concerns she has is there are a couple of situations in Town where people want to put things near our wells. Quail Ridge is thinking about grass watering with treated wastewater and some of the grass is in a Zone 2 Area. Paulina asked that staff spend time to look into what is appropriate and what is not. She wanted BOH, WRAC to have policy developed for this specific issue before us tonight, and we need to be consistent across the town.

Mary Michleman – ACES is concerned about the issue and concerned with the wastewater and drinking water. Joe Shea said that hazardous materials are separated at the Dry Cleaners and will need to be kept separate and have secondary containment. Because they are contaminants of note they should at no time be mixed with wastewater.

Mary suggested three things be added. No disposal of these products down drains. She also asked that anyone using these products to give list to BOH and Material Handling Data Sheets of what products are on site. She asked that the people working in the business minimize the use and use safer products and to informing workers of what they are working with. In general she wanted to rename our zones to A, B or C. The use regulation in the packet note if the Regulations are silent on a specific use, it is assumed to be ok. Maybe we want to assume it is disallowed if not mentioned.

Lauren asked if Doug or Joe Shea had comments, and what we do now. He agreed with Mary's presentation and said one of the keys is that hazardous materials are used in businesses throughout town. He said that the hazardous Waste Bylaw inspections help to reduce accidents. Joe said that the best management practices would be not dumping chemicals down the toilet.

Lauren would like to entertain a motion for use of Hairdresser and off site Dry Cleaner and that we assign a department to look at reviewing our Zone 1 and 2 and what kinds of discharges are appropriate and allowed.

PAULINA KNIBBE – Moved to remove the existing restriction for Atlantic Management which excludes barber shops, hairdressers and off site dry cleaners, and that the appropriate best management practices be used at the hair salon in the Powder Mill Shopping Center. Material data sheets be given to Board of Health and Public Safety Departments. ANDREW MAGEE – second. Unanimous

Paulina suggested that the Board investigate what is the right policy for hazardous waste in sewer outflow. Doug noted that a committee developed a Ground Water Protection Committee to develop a Bylaw in the 80's. Doug felt the Board of Health was the right board, and to regulate the Planning Board or a dual review of both boards.

Andy felt it should be a task of two boards. Lauren suggested that she and Paulina input from Mary, Carol and the Water District to meet with Doug to address this issue.

VOLUNTEER COORDINATING COMMITTEE, OVER SIGHT MEETING

Bonnie Geithner, Chairman, Jean Lane and Nancy Gerhardt were present. Bonnie wanted to go through the paperwork for new descriptions over the course of the year. They have some legal advisements that they need to adhere to as well as special committee qualifications. They have four members and two associates are needed. One Full member is needed, and they would hope it would be a person with HR or secretarial experience. Bonnie asked the BOS if they have questions. It was suggested that they redesign the application with regard to the Citizenship question. Terra suggested they look into Document Management systems.

40B PRESENTATION TO THE BOARD OF SELECTMEN, 442 MASS AVE. STEINBERG/LALLI CHARITABLE FOUNDATION

The consultant spoke about the project needing to have the BOS support and then go to the Board of Appeals. All 3 units will be affordable. The existing home will be sold to a moderate income family. The consultant described the plans as they have evolved.

Terra asked about the Design Review Board. They are willing to meet with the DRB and understand they need to break up the facades.

Steve Steinberg spoke about the condo buy down program in the past. They have been working on the project for a year and are now before the Board on this project.

Peter said it looks like a great project and we are fortunate to have this project.

Paulina said she liked the scale of it. It has potential to be attractive and is in a good location. Paulina noted the affordable units deed restricted and do they count to the 10%. Paulina wanted to know if the moderate unit count towards our 10%. It would be restricted to local preference and would not count toward the 10% at this time, although there are changes being made to 40B.

ANDREW MAGEE – Moved that the Board recommend this LIP application. PAULINA KNIBBE second. Terra wanted it noted that \$500,000 in condo buy down would serve 10 families and felt we need to review our policy of deed restricting units. 4-1 Terra No Lauren thanked the Foundation for this project.

AUTOPLEX II DRAFT AMENDMENT, SITE PLAN SPECIAL PERMIT, 60 POWDER MILL ROAD

The Board discussed the three options.

First Option would require ramp connection, special restricted lanes for fire and emergency vehicles to have access to the site.

Second compromise a shorter ramp, and the applicant did not seem willing to provide this to accommodate ambulances for entrance into the site for medical emergencies.

Third Option: Allow for no ramp connecting the two sites but would ensure a future connection and fire restricted lanes be installed so that the fire services would be able to get close to the building, and that a historic preservation restriction be placed on the "Doll House" at 56 Powder Mill Road. This restriction was brought forward by the applicant at a previous meeting saying that he would have to take out the Doll House to build the ramp.

Paulina is in favor of Option 1; the Fire Chief has been clear about the safety need and it was part of the original site plan.

Peter asked if Chief Craig was still in favor of a full fire lane with ability to drive through.

Terra asked about the full ramp being part of the first site plan, and asked about the Fire Chief's preference. He would like to see the ramp as originally shown, but gave alternatives, such as an ambulance ramp which is a shorter ramp.

Chief said he could live with it if the fire hydrant was installed and an updated Fire Suppression system in the building at 60.

Terra asked which one was Leo open to doing. Roland said he would probably be least opposed to #3.

Terra asked what Mr. Bertolami was willing to do. Roland said he did not want upgrade to fire system and have a fire hydrant installed. Terra asked about wheel chair ramp. Roland said the wheel chair from 56-60 doesn't serve firefighting safety capability. Terra asked if Fire Chief and Leo would be willing to accept #3.

Peter pointed out that Mark Donhoe's letter that he did not want to spend the money to upgrade the fire suppression in the Suzuki Building. Lauren said that she believes that for optimal fire safety they need the ramp.

TERRA FRIEDRICHS – Moved to offer option three ANDREW MAGEE – second.
Motion passes 3-2 Paulina and Lauren No

MBTA BUDGET UPDATE, DORE' HUNTER

Dore' Hunter was present to update the Board on the status of MBTA. Dore' noted the last meeting of the MBTA Advisory Group there were representatives of all the cities and towns who contribute to MBTA. This Advisory Committee is the watch dog on the budget. The Advisory Board cannot increase but can decrease funding.

MBTA is the largest user of Gas, Oil and Electricity in the State. It is costing the T, but the ridership fares don't cover the necessary needs to operate the T. The group asked where they would be next year. They will have to cut service and it would put them in a downward spiral. Several legislators were there and they asked what the Legislation was going to do. They said "nothing" until it is in critical failure. Dore' wants Acton to support working on a solution. The Fitchburg line needs more parking. Dore' said that if the legislature doesn't get to this issue soon, it will become an acute problem.

Andy asked what level we want to be at. We could write letters about the traffic and need for rail. Dore' said that we need to be a squeaky wheel and just keep pushing until they realize this needs to be fixed. Lauren asked if MBTA got Federal Funds; he felt not. The target is to get from Fitchburg to Porter Square in an hour. To do this they will need to eliminate some of the small stops in Lincoln. Lauren proposed a letter to say adding WIF will increase usage. They need to have some forward thinking to fund this service. Dore' wanted the letter sent to every member of the legislature.

In response to Terra, Andy said that the rail road and the bike trails are separate.

Terra wanted to see if we could use gas tax to earmark funds

Dore' and Lauren will get together and write a letter for the Board's review at its next meeting.

SELECTMEN'S BUSINESS

BOARD OF HEALTH FEE INCREASE

Andy noted it was well costed out and appears a complete package. ANDREW MAGEE - Move to approve. PAULINA KNIBBE – second UNANIMOUS VOTE

COMMITTEE REAPPOINTMENTS APPROVED EXCEPT FOR HOLDS

LAUREN ROSENZWEIG – Move to Appoint Planning Board Members. PAULINA KNIBBE – second. UNANIMOUS VOTE

Paul Malchodi appointed as the Town' Rep to the Water District – Land Management Advisory Committee.

Peter Berry as BOS Rep. to CPC as well as the others listed on the document, with Walter Foster being appointed Member At Large, and Nancy Tavernier moved to Associate.

Antoinette Hershey, Associate Member on the Conservation Commission.

All questions resolved on the Hold's, the Committee Appointment List was approved with changes (attached).

COMMUNITY SERVICES JOB DESCRIPTION

Steve discussed the job description and how it was written, by Health, Nursing, Marge Kennedy and others.

Steve proposes this position report to the Nursing Supervisor and be housed there, in addition to report to the Nursing Supervisor and to put together a committee to advise the person who fills this position. He felt we were ready to start the recruitment of this position.

Terra thanked Steve for getting this together for the community.

Andy wanted CPR within 6 months, and a Cory Check.

ALG UPDATE

Lauren reported on the first ALG meeting; it was well attended. They spoke about establishing ground rules and consensus. They entertained questions of substitutions on the Committee; she said no. The morning meeting will remain and they will be looking at the meetings being televised. The facilitator is no longer part of the quorum. Action items we need to start thinking about include revenue sharing, new models,, schools systems, services consensus and a list of comparative towns. Lauren asked BOS e-mail her with 10 towns that are similar size. Lauren spoke about the big costs and how they will come in the next several years.

Steve Noon of the Finance Committee noted we need to have goals, priorities and opinions and how do we find the funds.

CONSENT

ANDREW MAGEE – Moved to accept the Consent Agenda with the added acceptance of trees to West Acton Library from Nstar Electric. PAULINA KNIBBE – second. UNANIMOUS VOTE

OTHER BUSINESS

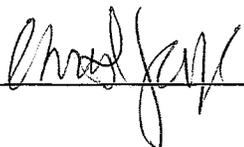
Andy commented on WRAC meeting in library on Wednesday

Senior Center meeting will be rescheduled

Peter reported on Alexan continued to July 14th. He felt that there will be more meetings.

TOWN MANAGER'S REPORT

None




_____ 8 Sept 2008

Christine Joyce, Recording Secty

Andrew D. Magee, Clerk

Date

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Meeting Room

Town Hall

June 23, 2008

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 **SITE PLAN #7/1/ 83-234, POWDER MILL PLAZA), ATLANTIC MANAGEMENT, REQUEST TO AMEND SITE PLAN**
ISSUE: Atlantic Management would like their site plan amended to delete the exclusion of hairdressers, barbers and dry cleaning uses, as they are now on the town sewer system.
3. 7:25 **CABLE TELEVISION ADVISORY COMMITTEE, ANNUAL OVERSIGHT MEETING**
ISSUE: The Board will discuss the Cable TV's activities and related topics
4. 7:40 **VOLUNTEER COORDINATING COMMITTEE, ANNUAL OVERSIGHT MEETING**
ISSUE: The Board will discuss the VCC's activities and related topics.
5. 7:55 **40B PRESENTATION TO THE BOARD, 442 MASSACHUSETTS AVE, STEINBERG/LALLI CHARITABLE FOUNDATION**
ISSUE: The Foundation would like to give the Board of Selectmen a presentation of their upcoming 40B proposal.
6. 8:10 **AUTOPLEX II, LLC, 60 POWDER MILL ROAD SITE PLAN SPECIAL PERMIT #2/19/03-388**
ISSUE: The Board will continue to discuss the status of the Ramp to connect 60 and 56 Powder Mill Road required in the Site Plan.
7. 8:25 **DORE' HUNTER WILL UPDATE THE BOARD WITH REGARD TO MBTA SITUATION**
ISSUE: Mr. Hunter will be presenting the status of the MBTA's financial situation.

III. SELECTMEN'S BUSINESS

8. BOARD OF HEALTH FEE INCREASE REQUEST

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

9. COMMITTEE/BOARD REAPPOINTMENTS FOR 2008

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

10. COMMUNITY SERVICES COORDINATOR JOB DESCRIPTION

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

11. ALG UPDATE

(No Materials)

12. OTHER BUSINESS

IV. TOWN MANAGER'S REPORT

V. CONSENT AGENDA

13. DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST, TOWN MANAGER LEDOUX

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

14. TOWN CLERK REAPPOINTMENT TO EXPIRE 2011

(No Materials)

15. COMMON VICTUALLER REVOCATION, MCDONALD'S, 256 MAIN STREET, AND D'ANGELO'S, 59-61 GREAT ROAD

(No Materials)

16. SENIOR WORK PROGRAM FY09 FUNDING REQUEST

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

17. DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY

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

18. ACCEPT GIFT, CONSERVATION TRAIL MAINTENANCE

Enclosed please find a gift of \$344.00 from Eagle Scout Michael Hatfield to be used to maintain Conservation Trails, for Board consideration

19. ACCEPT GIFTS, PLANNING DEPARTMENT

Enclosed please find a gift of \$14,535.00 from Dakota Drive (Barbara's Way 24&26 Agawam Road) in lieu of sidewalks being installed on site, for Board consideration

VI. EXECUTIVE SESSION

ADDITIONAL INFORMATION

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

FUTURE AGENDAS

June 23, July 14, August 11, September 8 & 22

FUTURE AGENDA ITEMS

July 14th

Sewer O&M Rate Setting, EDC, Historic District, Planning Board Oversight Meetings
Special Permit #05/29/08-414, 452 Great Road, Peter Pippas Karate Center, Steve Joncus,
Community Team Work, Towne School, Bonnie Biochii, Methods Machinery, Morrison Farm
discussion

August 11th

Historical Commission Oversight Meeting

MINUTES PENDING VOTES

May 12 & 19, and June 9

PENDING COMMITTEE APPOINTMENTS

David Honn, DRB, (to be appointed with reappointments)

Antoinette Hershey Conservation Commission Associate (to be appointed with reappointments per AM)

Jeff Clymer, Planning Board (at VCC)

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**July 14, 2008
Acton Town Hall, Faulkner Hearing Room
7:00 P.M.**

Present: Lauren Rosenzweig, Andrew Magee, Paulina Knibbe, Peter Berry and Terra Friedrichs, Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

Ann Chang, Billings Street would like the Selectmen to let people know the status and what is going on at the Exchange Hall, and the status of this CPC funded project. Steve reported that he has not resolved the lease for the parking lot associated with Exchange Hall. Counsel has written a lease agreement. Steve thinks they had mutual agreements with the contract for the parking lot. Steve noted that Mr. Berger cannot prove to the banks that he can go forward until the lease is worked out. Andy noted that he needs to finish the entire project within a 3 years time. He has to finish before he gets any money. Ann asked that the Board report on this project on a quarterly basis to update the citizens.

OPERATIONAL MINUTE

Steve announced that Frank Ramsbottom has been appointed Building Commissioner.

Scott Morse is filling a Lieutanet's vacancy within the Fire Department.

Police Chief Widmayer and he attended a meeting for House Bill 4870 which would remove our Deputy Chief from Civil Service.

Steve announced that he received one Proposal to Study the Transportation issues.

Steve let the Board know that we have entered into a Larger Visiting Nurses Group that Tuft's Medical will accept

Transfer station hump area work will be completed by the weekend

Steve noted that Bob Mallard's wife passed away. Bob works in the Highway Department. Condolences were offered to the family

PUBLIC HEARINGS & APPOINTMENTS

MORRISON FARM DISCUSSION

Walter reported on the Morrison Farm recommendations. Walter spoke about a time table to implement some of the items. Walter wanted to get the trails established around Morrison Property and Ice House Pond. They are looking forward to the connection of the historical

wooden bridge behind Powers Gallery. The Power's gave the town an easement. Andy reported that he is now the liaison and he wants to sit down and look at the proposals. Andy wants to create 24 or 36 garden spots for community gardens. The lots were gone in two hours for farming as well as the ones in North Acton. They will look at opportunities with Tom Tidman and Dean Charter.

Walter said the deadline for filing potential town projects is November 10th.

Peter asked if there was a Conservation Restriction on the wooded lot.

Terra urged that the project go forward as it was noted at the Community outreach meetings how important it was to the community.

ANDREW MAGEE - Moved to approve the Plans for Morrison Farm as prepared by the committee for passive and active recreation. Paulina second. She is concerned about cemetery land and parking. Paulina asked that we not vote on this tonight, and to table it until the Board can review the plan again. Paulina said she is general support of it as things come forward. Andy withdrew his motion. Walter said that the report talks about recreation fields and open space and that it will be shared with active recreation on some of the property, and it mentions those uses in the upper meadow. They want to preserve the wooded area and basically say if you could find recreational space elsewhere we should look into that. It was suggested it be put on an agenda in the near future. Consensus of the Board that they go ahead with the projects called out for 2008.

Lauren thanked the committee for their great work. The board will look at this at the August Meeting.

SEWER O & M RATE SETTING

Steve Barrett, Director of Finance was present to update the Board on Sewer Rates. They propose to set residential rates at 1.63 cents per gallon and commercial at 2.32 per gallon. They have been using this format for 3 years. Steve said that the water use is down due to the citizens conservation of water. PAULINA KNIBBE - Moved to accept the proposed rate increases. Peter Berry - second Unanimous Vote

ECONOMIC DEVELOPMENT COMMITTEE OVERSIGHT MEETING

Ed Starz reported on the Economic Development yearly report. They have served an advocacy roll for the business community. They rezoned a parcel at Post Office Square that needed zoning relief with an increase in FAR. They worked with the Methods Machinery to advocate for zoning change in 2007. They reviewed commercial building projects as well.

The new committee is just getting started and Terra said that they are looking for public and private partnerships for friendly development. They spoke about installing sewers in areas that are needed. She asked if sewers could increase commercial growth. Lauren talked about education for businesses regarding the Bylaw to help them understand that it is for the attractiveness of town.

Ann spoke about the uniform tax rate and has been successful and wishes to continue with that Uniform Tax Rate.

Paulina thanked them for their work and asked who would be the Chairman since Ed has left town. Ed said it would be decided at their next meeting.

Peter thanked him for his good work and wished him good luck in Belmont

HISTORIC DISTRICT ANNUAL OVERSIGHT MEETING

Brian Bendig, Chairman presented the update from last year. They are a busy commission and have experienced an increase in the number of hearings. They are dealing with many complex subjects. Brian noted Anne Forbes and Tom Peterman have resigned. They will struggle on and hope that Ms. Moran will continue on. They want to make their web presentation more user friendly and want to make the process even more understandable and available. They will want to move forward with regulations that are clearer and user friendly. They are looking at expanding the size of the current district areas or adding one or more new areas. They may want to increase the membership on the committee to be able to work through the many reviews and projects. They are looking at a bylaw for minimal repairs regulations so that structures don't get too far down the path and become unable to save. They want the Exchange Hall to take action to stop the deterioration. They want to let people know what they do. They need to have new members. Katherine will be elevated to Full member, and it was noted that in two months they will be losing another full member and will elevate another alternate to the full member position. Most likely it will be filled by David Honn, their newest Alternate member. They will have Alternate openings to fill.

Lauren thanked Anne Forbes and Tom Peterman for their service to the Town. They have done a wonderful job and they were instrumental in the way Acton looks today.

Peter asked about Exchange Hall and how they are involved. The HDC will be heavily involved in the project, compliance with the CPA regulations and to insure compliance through the whole renovation process.

SITE PLAN #5/29/08-414, PETER PIPPOS KARATE CENTER, 452 GREAT ROAD

The proponents want to open a Karate Center because he likes to teach and has been involved since he was 13. ANDREW MAGEE- Moved to close the hearing, and to take it under advisement. PAULINA KNIBBE - second. UNANIMOUS VOTE. ANDREW MAGEE – Moved to Approve the Site Plan application for Peter Pippas Karate Center. PAULINA KNIBBE – second. UNANIMOUS VOTE

PLANNING BOARD ANNUAL OVER SIGHT MEETING

Greg Niemyski, Planning Board Chairman hopes to fill the vacancies on the Board this evening. Accomplishments this year were, they gave flexible parking lot regulations, are promoting green projects. They made recommendation to the cell tower meeting. Crafted an out door seating bylaw for restaurants, Will look at wind turbines, looking for updating the Master Plan and thanked staff.

Terra asked about stakeholders and did not understand how much the developers would have as a stakeholder. Greg asked for a stakeholder example. Terra said a developer.

Paulina felt that there is a strong desire in town to manage the residential growth; we are limited by State Law and town bylaws. She feels that the town would be receptive to this. Paulina asked that they continue to look toward regulations.

STEVE JONCUS, COMMUNITY TEAM WORK, TOWNE SCHOOL REUSE PROJECT STATUS

They have filed with the ZBA. They have their own vision of affordable housing. They have undertaken the planning and engineering that was needed to file with the ZBA. They have had to look at refinancing for this project. They will use historic tax credits and other funding programs that would be coming from DCHD. They have not been successful in getting the funds and now hope they will get funds now that they have filed. They hope to get into the program in October for funding. They have assembled their team and have completed some preliminary site work and engineering and site work required by ZBA. It will meet an affordable housing need. It will have studios and one two and three bedroom units. They are pricing 14 a lower rate and the remaining a market rate.

Peter asked about tax credits. Steve said there are two kinds coupled with tax exempt ones. The market has changed and the value of the credits has decreased. Steve noted that Yes, it is more competitive but we are in a good position to get the funding.

They will require relief of some zoning regulations due to the tight configuration of the lot.

Terra offered the support of HDC, BOS to write letters to assist them in getting and funds they may be eligible for, and to work with the Town as it is a historical building.

Paulina noted the time it is taking to bring this together. Paulina wanted to alert them to the concern about this schedule. They too wish they could have it move faster and they think it will be successful in the end. Steve said that they appreciate the Board's patience. Lauren said we need to support the Project. PAULINA KNIBBE - Move we write letter to ZBA to support this Project. TERRA FRIEDRICHS – second. UNANIMOUS VOTE

Steve Ledoux was asked to draft a letter for Board signature in support of this project.

BONNIE BIOCHI, METHODS MACHINERY, STATE INCENTIVE PROGRAMS

Bonnie discussed Economic Target Areas. She spoke about Methods Machinery. They wanted to take advantage of the funding incentives, but the expansion they planned did not fit on the property, so they are looking at a smaller expansion. The Town needs to be an economic target area in order to participate. It works very well and 1,200 business in Mass communities have been helped throughout the State. The Board would need to adopt the ETA designation if they wished to participate. Bonnie suggested that Acton partner with a contiguous community.

Terra asked why she was here. Bonnie said originally because of Method Machinery was asking and wanting relief. And went to the state to find out about programs with incentives to keep business and employers in our towns.

Paulina made a quick comment that it gives us choices and encouraged EDC to look into this.

COMMON VICTUALLER LICENSE, BELLA FAMIGLIA RESTAURANT, 59 GREAT ROAD

Mr. Motzi owns the Metro Deli in Westford, and had a Metro Deli in Acton years back. He has been in the food business for many years. This proposed restaurant will be a family friendly restaurant.

Paulina encouraged and hoped it was successful and also thanked him for providing an outdoor café.

Daniel Wagner 54 Great Road stated that he objects.

ANDREW MAGEE – Moved to grant a Common Victualler – PAULINA KNIBBE- second - UNANIMOUS VOTE

LIQUOR LICENSE, BELLA FAMIGLIA RESTAURANT, 59 GREAT ROAD

Mr. Motzi has had a beer and wine in Chelmsford, he has run restaurants with liquor licenses. He has been General Manager for 12 restaurants. His people will be all tipped trained.

Mr. Wagner 54 Great Road – asked about the bar how many seats 12. Mr. Motzi said the bar is more for holding area until tables open up. Mr. Wagner asked how many seats it would have. Mr. Motzi replied 60 – 80 people.

ANDREW MAGEE - Moved to approve the Full Liquor license for Bella Famiglia Restaurant, Joseph Motzi, Manager. PETER BERRY - second. UNANIMOUS VOTE

275TH ANNIVERSARY OF THE TOWN OF ACTON

The Board discussed the time of year to schedule the celebration. The Board is looking for help and ideas for when it will be scheduled.

Ann Forbes suggested we do it on Crown Resistance Day.

Kimberly Hughes – spoke about having it on the 3rd

Larry from the Historical Society also thought Crown Resistance Day might work.

Sean Hughes Acton Minuteman wanted to express they have several things going on in September and they need a lot of advance notice so they don't have any scheduling conflicts.

SELECTMEN'S BUSINESS

ALG UPDATE

Lauren outlined the Budget point of view materials and the summary of all the BOS members input.

Andy was pleased to hear the comment that we have an ironic case of the use of funds for New Growth. Most of the new residential growth is more expensive than the money we get in. We have heard loudly that citizens want to see control over town growth or slow it in town. We need

to wean ourselves off by not taking the portion of new growth. We should put money aside to purchase land etc.

Paulina was concerned that we have not looked at our budget situation, and asked that we not tie it to a percentage.

Lauren spoke about misconceptions of New Growth. Lauren said we need to discuss land purchase and Smart Growth.

Lauren read through the other selectmen's comments and tried to summarize everyone's opinions. Lauren will make changes to the Consensus Memo she prepared.

CITIZEN PETITION DISCUSSION

Lauren discussed the petition and it calls for a special town meeting. Lauren asked if they had spoken to the proponents. Steve updated the Board on the need to certify Free Cash by the Dept. of Revenue. Steve wanted to have the Free Cash and returned earnings certified early and his goal was to submit the paperwork for Dept. of Revenue for August 1st.

OTHER BUSINESS

Terra updated the Board on her Outreach meeting

Peter attended CPC meeting and updated the board on the rewrite of the committee documents

Shuttle Proposal, Lauren attended

Lauren thanked ACHC for work on Willow Central

Sidewalk Committee is meeting and reworked their Charter

Andy received notice from Mass Highway he had been selected to serve on BFRT committee.

Lauren informed the Board that we have been approached by the State to site a parking deck at the South Acton Train Station.

CONSENT

ANDREW MAGEE – Moved to accept the Consent Agenda and to hold Items 16 and 22.
PAULINA KNIBBE – second. UNANIMOUS VOTE. ANDREW MAGEE – Moved to approve item 16. TERRA FRIEDRICHS – second.

Terra asked that #22 be pulled and written to have the criteria changed to reflect prioritization criteria.

ANDREW MAGEE – Moved to reinstate Terra Friedrichs to the Historic District Commission as an Alternate, Term to expire 6/30/11. PAULINA KNIBBE – second. UNANIMOUS VOTE

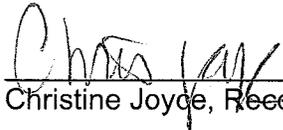
ENTERPRISE BANK - Paulina asked if we need a public hearing to approve the drive-up window which is allowed. The Board can review as a change to the special permit to the mall as a whole. Paulina felt we did not need a public meeting, it is an allowed use.

Peter questioned the traffic off of 27. TERRA FRIEDRICHS – Moved that they would like to review it as a Board and have the bank people meet with the DRB without the need of a public hearing. PAULINA KNIBBE – second. UNANIMOUS VOTE

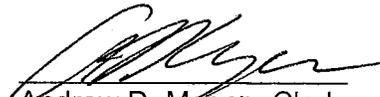
TOWN MANAGER'S REPORT

EXECUTIVE SESSION

ANDREW MAGEE – Moved to into Executive Session for the purpose of discussing litigation resolution and collective bargaining, only to adjourn into regular session to close the meeting, Roll call taken, All Ayes



Christine Joyce, Recording Secty



Andrew D. Magee, Clerk
8 Sept 2008

Date

BOARD OF SELECTMEN & SEWER COMMISSIONERS'

MEETING AGENDA

Francis Faulkner Meeting Room

Town Hall

July 14, 2008

7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:00 **MORRISON FARM DISCUSSION, WALTER FOSTER**
ISSUE: Mr. Foster will address the Board in regard to the Morrison Farm
2. 7:02 **OPERATIONAL MINUTE**
The Town Manager will provide a brief report on topics of interest
3. 7:15 **SEWER O&M RATE SETTING**
ISSUE: Setting New Rates
4. 7:25 **ECONOMIC DEVELOPMENT COMMITTEE, ANNUAL OVERSIGHT MEETING**
ISSUE: The Board will discuss the EDC's activities and related topics
5. 7:40 **HISTORIC DISTRICT ANNUAL OVERSIGHT MEETING**
ISSUE: The Board will discuss the HDC's activities and related topics
6. 7:55 **SPECIAL PERMIT, # 05/29/08-414, PETER PIPPOS KARATE CENTER, 452 GREAT ROAD**
ISSUE: Mr. Pippas wishes approval of his Special Permit to conduct his business at 452 Great Road
7. 8:05 **PLANNING BOARD ANNUAL OVERSIGHT MEETING**
ISSUE: The Board will discuss Planning Board activities and related topics
8. 8:25 **STEVE JONCUS, COMMUNITY TEAM WORK, TOWNE SCHOOL REUSE PROJECT STATUS**
ISSUE: The Board will discuss the Status of the Towne School Project.

9. 8:40 **BONNIE BIOCHI, METHODS MACHINERY, FORMER SOMERVILLE LUMBER SITE, MAIN STREET**
ISSUE: Ms. Biochi, Regional Director of the Mass State Office of Business Development will be attending to speak about Methods Machine Tools and incentives
10. 9:00 **COMMON VICTUALLER LICENSE, 59 GREAT ROAD, BELLA FAMIGLIA RESTAURANT, JOSEPH MOTZI, MANAGER**
ISSUE: The applicant is requesting a Common Victualler License for his proposed restaurant
11. 9:10 **FULL LIQUOR LICENSE AS A COMMON VICTUALLER, 59 GREAT ROAD, BELLA FAMIGLIA RESTAURANT, JOSEPH MOTZI, MANAGER**
ISSUE: The applicant is requesting a Full Liquor License for his proposed restaurant
12. 9:20 **275TH ANNIVERSARY OF THE TOWN OF ACTON**
ISSUE: Public session to determine date of the Celebration

III. SELECTMEN'S BUSINESS

13. **ALG UPDATE**
(No Materials)
14. **CITIZENS PETITION DISCUSSION**
Enclosed please find materials in the subject regard, for Board consideration
15. **OTHER BUSINESS**

IV. TOWN MANAGER'S REPORT

V. CONSENT AGENDA

16. **HARRIS STREET DRAINAGE EASEMENT DOCUMENTS FOR EXECUTION BY THE BOARD OF SELECTMEN**
Enclosed please find materials in the subject regard, for Board consideration
17. **NATIONAL GRID – GAS MAIN PETITION TO INSTALL GAS MAINS ON SUMMER STREET AT SPRING FARM CIRCLE SUBDIVISION**
Enclosed please find materials in the subject regard, for Board consideration
18. **ACTON HOUSING AUTHORITY REGULATORY AGREEMENTS FOR THE THREE HOUSING UNITS PURCHASED BY THE HOUSING AUTHORITY AT WILLOW STREET AND TWO AT SOMERSET HILLS CONDOMINIUMS**
Enclosed please find materials in the subject regard, for Board consideration

- 19. DRAFT THANK YOU LETTER TO THE SPONSOR OF THE SELECTMEN'S CONCERT AT NARA PARK**
Enclosed please find materials in the subject regard, for Board consideration
- 20. DRAFT LETTER TO THE MBTA REGARDING PEDESTRIAN GATES AT RAILROAD CROSSINGS**
Enclosed please find materials in the subject regard, for Board consideration
- 21. DRAFT LETTER TO LEGISLATORS REGARDING MBTA FUNDING**
Enclosed please find materials in the subject regard, for Board consideration
- 22. DRAFT SIDEWALK COMMITTEE CHARTER AND PROPOSED WEB PAGE**
Enclosed please find materials in the subject regard, for Board consideration
- 23. COMMITTEE APPOINTMENT, RAY YACOUBY, ASSOCIATE MEMBER, PLANNING BOARD, TERM TO EXPIRE 6/30/09**
Enclosed please find materials in the subject regard, for Board consideration
- 24. COMMITTEE APPOINTMENT, LEIGH DAVIS HONN, ASSOCIATE MEMBER OF THE PLANNING BOARD, TERM TO EXPIRE 6/30/09**
Enclosed please find materials in the subject regard, for Board consideration
- 25. CONFIDENTIAL REQUEST FOR A FEE WAIVER AT NARA BEACH**
Enclosed please find Confidential materials in the subject regard, for Board consideration
- 26. CONFIDENTIAL REQUEST FOR A REDUCED FEE AT NARA'S YOUTH PROGRAM**
Enclosed please find Confidential materials in the subject regard, for Board consideration
- 27. ACTON FAMILY NETWORK SEPTEMBER 20, 2008 TAG SALE**
Enclosed please find materials in the subject regard, for Board consideration
- 28. LION'S ANNUAL TOWN FAIR AUGUST 13 - 17**
Enclosed please find materials in the subject regard, for Board consideration
- 29. ONE DAY LIQUOR LICENSE REQUEST AT NARA PARK FOR TSOIL, KOBUS & ASSOCIATES COMPANY SUMMER OUTING**
Enclosed please find materials in the subject regard, for Board consideration
- 30. ONE DAY LIQUOR LICENSE REQUEST AT NARA PARK, CIENA CORPORATION, COMPANY OUTING**
Enclosed please find materials in the subject regard, for Board consideration

31. DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY

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

32. ACCEPT GIFT, FRIENDS OF THE ACTON ARBORETUM

Enclosed please find a gift of a Tulip Tree valued at \$260.00 from the Friends of the Acton Arboretum in memory of Carol Lopiccolo, for Board consideration

33. ACCEPT GIFT, CITIZENS' LIBRARY

Enclosed please find a gift of \$462.00 from the Citizens Library Auxiliary, to fund Tot-Time expenses, for Board consideration

34. ACCEPT GIFTS, PLANNING DEPARTMENT

Enclosed please find donations to the second Town Wide Visioning Session in the amounts listed in the attached Memorandum, for Board consideration

VI. EXECUTIVE SESSION

ADDITIONAL INFORMATION

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

FUTURE AGENDAS

August 11, September 8 & 22

FUTURE AGENDA ITEMS

August 11th

Historical Commission Oversight Meeting, Clean-Up Day resident request, Cable Advisory Committee Oversight Meeting, Resident request re: Water bottle use.

MINUTES PENDING VOTES

May 12 & 19, and June 9 & 23 – Clerk has reviewed and the minutes are in the unnumbered Mail packet for the July 14 meeting for review and will be voted at the August Meeting

PENDING COMMITTEE APPOINTMENTS

Jeff Clymer, Planning Board Associate (Application returned to VCC for future committee consideration)

Board of Selectmen
July 31, 2008
Faulkner Room
Acton Town Hall

Present: Paulina Knibbe; Andrew Magee; Peter Berry;
Terra Friedrichs. Town Manager Ledoux. The Meeting was not televised

Absent: Lauren Rosenzweig

Also Present: Gerald Brown; Nancy Lenicheck, West Acton Library Trustees.

Vice Chair Knibbe opened the meeting at 7 PM.

Ms. Knibbe announced that the purpose of the meeting was to hold a joint meeting with the West Acton Citizens Library Trustees to fill a vacancy due to the resignation of Trustee, Peter Guilmette. Ms. Knibbe thanked Mr. Guilmette for his service to the Town. Ms. Knibbe stated that under MGL 41, Section 11, the Selectmen shall meet jointly with the remaining Trustees to fill the vacancy until the next Town Election.

Ms. Knibbe outlined the format for this evening's meeting: a coin will be flipped to determine which of the two candidates will be interviewed first; the joint Board will interview the first candidate, a brief period of public comment will take place after the joint interview; the second candidate will be interviewed followed by public comment. Nominations would then be made by the joint Board followed by deliberation and vote.

Ms. Knibbe announced that the two candidates being considered are: Annette Lochrie and Ellen Rowse Spero.

Mr. Magee flipped a coin and it was determined that Ms. Spero would be interviewed first.

Members of both Boards interviewed Ms. Spero. There were no public comments.

In between interviews, the Board of Selectmen acted on the Consent Agenda

Item 4 was pulled off the agenda to be voted on August 11, 2008. Appointment to BFRT Uniformity Committee was added.

TERRA FRIEDRICHS – MOVED - To approve the Consent Agenda. ANDREW MAGEE
– second. UNANIMOUS VOTE

Annette Lochrie was interviewed jointly by both Boards. After a brief public comment, Ms. Knibbe closed the interview portion of the meeting.

Ms. Knibbe called for nominations to fill the vacancy. Nancy Lenicheck nominated Ellen Spero. Gerald Brown – second.

ANDREW MAGEE – MOVED to nominate Annette Lochrie. **PAULINA KNIBBE** – second.

After deliberation on the merits of both candidates, Ms. Knibbe called for the vote. In accordance with MGL Chapter 41, Section 11, the vote is to be roll call.

Ms. Friedrichs voted for Ms. Spero
Mr. Berry voted for Ms. Lochrie
Mr. Magee voted for Ms. Spero
Ms. Lenicheck voted for Ms. Spero
Mr. Brown voted for Ms Spero
Ms. Knibbe voted for Ms. Spero.

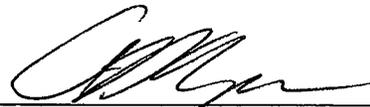
Ellen Rowse Spero was appointed Trustee of the West Acton Citizen Library by a vote of 5 to 1 to Fill the unexpired Term of Mr. Guillmette to Expire at the Election of Trustees in April 09.

Mr. Magee moved to adjourn, seconded by Mr. Berry. Yeas: all

Meeting adjourned @ 8:32 PM



Recording Secty
Steve Ledoux



Clerk, Board of Selectmen

DATE: 8 Sept 2008

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

Francis Faulkner Meeting Room

Town Hall

July 31, 2008

7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

- 1. 7:00 WEST ACTON CITIZENS' LIBRARY APPOINTMENT TO FILL UNEXPIRED TERM OF PETER J. GUILMETTE**
ISSUE: The Board of Selectmen and the remaining two Trustee's of the WACL will discuss letter's of interest submitted by Ellen Rowse Spero and Annette Lochrie, as well as comments by citizens in support/non-support of the two candidates

- 2. 7:00 DISCLOSURES FROM SELECTMAN FRIEDRICHS AND ANNETTE LOCHRIE REGARDING THE WEST ACTON CITIZEN'S LIBRARY TRUSTEE APPOINTMENT**
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. COMMUNITY PRESERVATION RESTRICTION AGREEMENT, ACTON COMMUNITY CENTER, INC.**
Enclosed please find materials in the subject regard, for Board consideration
- 5. COMMITTEE APPOINTMENT, KENNETH KOZIK, REGULAR MEMBER, ACTON BOARD OF APPEALS, TERM TO EXPIRE 6/30/11.**
Enclosed please find materials in the subject regard, for Board consideration

6. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$700.00 from Sorrento's Restaurant to help fund the Acton Adult Softball League, for Board consideration
7. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$450.00 from CBC Fitness to support the Acton Adult Softball League, for Board consideration
8. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$450.00 from Savory Lane to support the Acton Adult Softball League, for Board consideration
9. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$200.00 from Acton Toyota to support the 2008 Summer Concerts at NARA Park, for Board consideration
10. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$200.00 from Acton Toyota to support the July 4th event at NARA Park, for Board consideration
11. **ONE DAY LIQUOR LICENSE AT NARA PARK**
Enclosed please find a request for a One-Day Liquor License at NARA Park for a Baptism celebration

VI. EXECUTIVE SESSION

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action (**none enclosed**)

FUTURE AGENDAS

September 8 & 22

FUTURE AGENDA ITEMS

Sept. 8: WRAC Oversight Meeting, CPA Oversight Meeting

Sept. 22: ACHC Oversight Meeting, Board of Health Oversight Meeting

MINUTES PENDING VOTES

May 12 & 19, & June 9 & 23 & July 14

PENDING COMMITTEE APPOINTMENTS

None at this time

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**August 11, 2008
Acton Town Hall, Faulkner Hearing Room
7:00 P.M.**

Present: Lauren Rosenzweig, Paulina Knibbe, and Terra Friedrichs, Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

OPERATIONAL MINUTE

Steve reported on the blasting incident on August 2; fly rock did leave the site and did do damage to the school. The State Fire Marshall's Office is investigating. The blasting has been terminated at this time at the Edward Bravo site on Main Street.

Steve announced our Free Cash has been certified. We are the first in the State to get certification. Free Cash General Fund is \$2,454,644.

Steve reported on the Wednesday staff meeting. The Department Heads are going to be participating in an ICMA Teleconference to discuss such items as how to come up with diagnostic ideas.

PUBLIC HEARINGS & APPOINTMENTS

ALEXAN CONCORD 40B PROJECT

Attorney Gregor McGregor of McGregor and Associates reported on the status of the mitigation offer from Alexan. He spoke about the proposal to the Town from Alexan. Mr. McGregor asked if the overture was in the ballpark of what the Board felt was acceptable or does it need more mitigation for the Town to get what it wants to offset the project effects on Acton.

Paulina asked about the information outlining the proposal. It was noted that it was located in the Executive Session materials.

Lauren asked if this Memo could be released. He felt it is a private client communication that could be released by the client.

Alexan has offered \$800,000, \$500,000 of those monies are to be ear marked for affordable housing. ACHC would prefer to use mitigation to fund Acton Housing. \$200,000 side walks on High Street. They will have to meet all acceptable access and egress issues related to the site. They will make improvements on Sudbury Road to the supermarket at Powder Mill Plaza. They have offered right and left hand lanes; there is an outstanding issue of a traffic light being needed. Lauren stated that the ZBA

reviewed the plan and the Board offered their comments. They spoke with developers and they will build sidewalks if we get the easements up to \$200,000 amount. \$100,000 for unanticipated situations once the project gets built. Lauren asked the other members present if \$800,000 was in the ball park as mitigation for this project,

Paulina said we were in the ball park and she feels it is reasonable. She had a concern about the bulk of money for housing. She felt that more of the mitigation monies should go into sidewalks and lights. Paulina said that there is a need for sidewalks and would like to address this if we have enough money. She felt that more of the mitigation funds be put in to sidewalks. Paulina asked if the Traffic Light will be necessary and is there or will there be additional funds when it is required. Mr. McGregor said he can not interpret what they would be willing to offer; he will present it to them. Mr. McGregor urged them not to fight about who gets what portion of the funds at this time; he said the amount is a starting point at \$500,000. Paulina said the sidewalk funds are not adequate and she feels we need wording about the traffic light.

Terra said she was not happy with the package. She felt \$900,000 was needed for sidewalks, and did not see anything about a shuttle bus to the train station. Mr. McGregor said this was over and above a development agreement. Terra asked about what the Zoning Board of Appeals was requiring. Mr. McGregor said that every piece of mitigation be in writing in the permit agreements. The actual binding paragraphs will be included and stated in a document. The Board is responsible for the financial mitigations. Mr. McGregor said that the Board of Selectmen can persuade the ZBA and recommend actions they would like to see the ZBA take.

Terra spoke about getting all we can get from mitigation. She mentioned traffic mitigation, sidewalks and fire stations and other things that Acton will have to do to support the project.

Paulina said we need to give clear direction with a bounded request. She asked Terra about the big picture that she is asking us to consider. Terra said \$1-2 million is what she thinks we should request.

Lauren opened the floor to Nancy Tavernier for ACHC. Nancy speaking on behalf of ACHC was pleased that the \$500,000 has been honored. She is happy with the minimum and how they would anticipate the use of the funds. The next ZBA meeting is this week to continue the hearing. ACHC would like a financial contribution to use for various methods of housing people. Nancy said she compared this to the Woodland's at Laurel Hill mitigation. She urged that they not push too far as the proponent could take it to Housing Court. ACHC would like to use the \$500,000 to include the Housing Authority as they are a key housing provider in this community. ACHC would like to purchase a condo unit for the Housing Authority for \$150,000; funds are needed for capital \$40,000, \$5,000 for education First Home Buyer course, and ACHC would like to set up a capital program for elderly to stay in their homes and estimated that cost of \$30,000. ACHC also would like to have down payment assistance \$20,000 and to fill out the \$500,000; \$255,000 for condo buy down.

Lauren spoke about what we need to relay to the ZBA. We want more money for sidewalks and reoccurring expenses and to consider we are coming forward with a proposal that is paid out over time and the cost of the money and issues with that. Lauren proposed \$150,000 for sidewalks and a way to divide up the funds and ask that ZBA review is structured in a way that we are comfortable.

Mr. McGregor said he would ask for \$800,000 to \$1 million if the Board wanted to have him negotiate that. It was noted that payments of permits and money value changing over time.

PAULINA KNIBBE - Moved that we direct Counsel to seek mitigation payments as possible under the circumstances, of \$800,000 to \$1 million, net present value, to satisfy the needs of increasing affordable housing, traffic lights, sidewalks and other unanticipated impacts. LAUREN ROSENZWEIG - second. Terra said we would do a better job in reviewing these needs. She asked that we look at this carefully and sharpen our pencils. Vote 2-1. Terra Nay. Motion Passes

STEVE JONCUS, COMMON GROUND DEVELOPMENT, TOWNE SCHOOL REUSE PROJECT STATUS

Common Ground Development asked to work out of the outstanding issues with the lease so they can get their funding from the State. Steve Joncus said that this is a follow-up to the initial meeting and to discuss the timeline to move forward. They have met with ZBA and have met with the Town Manager and Counsel. They need to show that they have funding sources. They wish to compete in three rounds of funding that are upcoming. The State has two funding rounds and they will find out about March's awards in August. The October round will get a decision before January. They hope to be successful and are still planning on moving forward with the project. They would like to bring it to completion in 2010. They have drafted up a lease in this regard. They would like to have an affirmative vote on the lease amendment to present to ZBA. They are redefining the term of the lease commencing on loan closing or initial period of minimum start date. They asked that it be a 50 year lease and the date of the loan closing be March 1, 2010. The 2010 date will be changed if they do not get funding and will need to go for the three funding rounds. They will also amend the commencement date following no later August 2010. They will set a drop dead date in case they have to come back for more funding.

Lauren noted that these funds from the State are very competitive and they will be used to restore some of the features that have been lost. This location will allow tenants to walk to stores.

Terra asked about the lease payment. TERRA FREIDRICHES – Moved to accept this schedule. PAULINA KNIBBE – second. UNANIMOUS VOTE.

Paulina is concerned that if this project does not happen we might have to cut bait and is not in favor of another extension.

Steve Joncus discussed the providing of funds on the initial payment for the lease; the payments will commence on the funding award. They would like to use the money to pay third party phasing and permitting, as well as design, to get the feasibility study to the State. They feel the roof needs to be replaced or repaired as it is in dire need before winter, and the use of the lease monies to repair the roof (\$97,000) instead of paying the lease monthly. Steve suggested that they try to get gift funds to repair the roof and pay back the money borrowed.

Lauren asked for good faith payment of \$5,000 as commitment and the lease funds go to the roof and offer as much as we can to get this project completed. Paulina said she felt it would be better to ask for \$10,000. LAUREN ROSENZWEIG - Moved that we require a good faith payment of \$5,000 and remainder used to fund roof repairs. PAULINA KNIBBE. UNANIMOUS

They have asked that the Building Department. fees be waived for this project. They felt the money could be put in a bond and then return the fees at the completion. Paulina was okay with forgiving the fees because it is a non-profit. She likes the idea of it being in a bond.

LAUREN ROSENZWEIG – Moved to send a memo to ZBA that we are recommending fees to be put into an escrow account to secure the site if the building is not be completed. PAULINA KNIBBE – second. UNANIMOUS VOTE.

SITE PLAN SPECIAL PERMIT #7/3/08-415, MINI-WAREHOUSE REALTY, LLC. 133 GREAT ROAD

LAUREN ROSENZWEIG – Moved to open the hearing and continue to September 8th at 8:30 pm. PAULINA KNIBBE- second UNANIMOUS.

NSTAR ELECTRIC AND VERIZON JOINT REQUESTS FOR INSTALLATION OF ONE POLE, 387 FEET NORTHEAST OF MASS AVE

Bruce updated the Board on removal of the poles in front of Redstone Condo's further down at the intersection at Mass Ave. They are working in good faith with them. The removal of the pole and the continuing negotiation with them to move the poles in front of Redstone Condos is on-going. It was decided to keep a contingency and to adopt original memo. No second. PAULINA KNIBBE– Moved to recommend petition approval conditional upon the two poles in front of Redstone being relocated. TERRA FRIEDRICHS – second. UNANIMOUS VOTE.

MBTA PARKING, PLATFORM AND TRACK PROPOSALS, SOUTH ACTON TRAIN STATION.

Paul Hadley MBTA Project Manager is working on the Fitchburg line improvements presented the proposal. There is money from a mitigation fund from the Big Dig to look into the feasibility to add a deck of parking at the South Acton train station. He thought it will work with the area

because it is like a bowl and the deck would be 12 feet high. They met with the Town and offered us money to build this parking deck. This is being fast tracked and will not affect Fitchburg Main line improvements. They felt a deck would add 120 spaces.

Paulina talked about funding being 100 percent from the State and had ownership questions of running and maintaining the station. Is there a limit on who could park there?

Senator Resor, member of Fitchburg line Study Committee and Acton resident spoke about this subject. The money was set aside with the decision on crossing the Charles and Big Dig and a lot of money for offsetting travel in to the city. Pam started the Fitchburg line five years ago and they have gotten monies funded in the Transportation Bond Bill. They have Express train and to continue to receive funds we need to increase parking in Acton. We need to address this and the funding offer.

Michaela Moran, School Street - If Fitchburg line is to be doubled tracked how this affects the usage of the train station.

Jim Citro Candia Lane – He was speaking on behalf of the Transportation Advisory Committee. They met to discuss the adding of the deck. They want to see a shuttle and a regional lot at 495 at Route 2.

Jim Yarin – West Acton – Transportation Advisory Committee member, commented on ownership and maintenance and hoped that the Board retains control and ownership of that property. Integrating the Rail Trail and handicapped access is important. Parking fees at the Lot - the BOS was asked 2 years ago to raise the fees for Resident Stickers.

Marge Eckardt – Has serious concerns and supports the platform and handicapped upgrades.

Bettina Abe – Extra traffic and urbanizing their neighborhood. They appreciate the train service and asked if they have a project add sidewalks to access train station.

Katrina of Faulkner Hill Road spoke about an impact study and that it should be revised.

Todd of 50 River Street – asked if they had spoken to other towns and why South Acton was being considered.

Maple Street resident felt that it was not needed and wanted to know what it looks like.

Leigh Honn spoke about the concern of the neighborhood.

Stew at 37 Central Street noted that we are talking about design when we should be planning.

197 Arlington Street – spoke about capacity and double tracking.

Claire Siska – asked about the Maple Street side of the tracks and the rumor about Richard's property being taken over.

David Honn 105 School Street asked about how much money would be allocated for the deck. It is unknown at this time.

Steve Ledoux was asked to give thought to the next steps, timelines and what we should be considering as a Board.

Lauren noted that there will be no votes taken at this time and would like to have another meeting with residents to further discuss this offer from the State.

SELECTMEN'S BUSINESS

ALG UPDATE

Lauren updated the Board on the questions to bring comparable towns to do a study. Peter Ashton will find out how other communities do revenue sharing. They have agreed upon 10 Towns and are asking that the Board accept these towns.

They discussed a three Board Joint meeting to discuss the budget drivers and Staff will let us know what goes into budgeting. First week of October is being considered. Point of View documents that were individually submitted by the Selectmen were reviewed.

MORRISON FARM PLAN APPROVAL VOTE

Lauren stated that the Board has had time to review the report and the uses for this property. We need to find out if it can fit together and what are the constraints on the property. The cemetery has some very real issues about impact on the cemetery land. Lauren asked that the plan be approved so that they can go forward on the uses for this significant Community resource. The Commissioners have a concern with use of cemetery land. They are concerned about the use of cemetery land and that we must be accepting that they respect the original use as burial. They want to make sure that no trees are cut and widening paths take place without permission from the Cemetery Commissioners.

Terra asked that use of cemetery land be approved by Cemetery Commissioners on their terms. She asked that we accept the Morrison Report contingent on recommendation on and contingent upon implementing portions of cemetery land, and must be approved by the Cemetery Commissioners, as noted on Page 24 New Recreation Field parking. TERRA FRIEDRICHS – Move to approve the Plan with comments made above regarding the Cemetery Commissioners review and approval. PAULINA KNIBBE – second. UNANIMOUS VOTE.

EXCHANGE HALL PARKING LEASE

Steve updated the process on meeting with Mr. Berger and Town Counsel to go over some of the terms of the lease of the parking lot. They worked out lease payments and bigger issues will need to be worked out. LAUREN ROSENZWEIG – Moved that it be voted as prepared by counsel and further that we wait until September 8, 2008 to execute the Lease upon receipt of materials from Mr. Berger. PAULINA KNIBBE – second. UNANIMOUS VOTE.

TRANSFER STATION FEE INCREASE

Bruce Stamski was in to discuss transfer station fee adjustments. They plan to raise the fees for full sticker to \$190, a five dollar increase. Coupon fees need no updating. Terra asked about capital projects. PAULINA KNIBBE - Move to accept the fee increases as outlined in the memo. LAUREN ROSENZWEIG – second. Vote 2-1. Terra - nay. Motion passes.

SIDEWALK EASEMENTS, PARKER STREET, CENTRAL STREET, GREAT ROAD AND CHARTER ROAD

Bruce Stamski outlined the easements that were approved at the last Annual Town Meeting. The paper work has been reviewed by Counsel and they are ready for Board of Selectmen acceptance. PAULINA KNIBBE - Moved to approve the easements as approved at the 2008 Annual Town Meeting. LAUREN ROSENZWEIG – second. UNANIMOUS.

OTHER BUSINESS

CONSENT

Terra Hold Items 13 and 14 – Lauren Hold Item 16, Quail Ridge, as she is a member. This Trail Easement will be addressed when the Board has quorum present. Items 15, 17, 18, 19, 17 and 20 to be approved

LAUREN ROSENZWEIG– Moved to accept the Consent Agenda with items 13, 14, 16 held. PAULINA KNIBBE – second. UNANIMOUS VOTE.

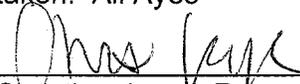
PAULINA KNIBBE – Moved to approve items 15, 17, 18, 19 and 20. TERRA FRIEDRICHS – second. UNANIMOUS VOTE.

Terra will forward her proposed changes to the Minutes to the Chair to review and give instruction on the amendments to staff.

TOWN MANAGER’S REPORT

EXECUTIVE SESSION

PAULINA KNIBBE – Moved to into Executive Session for the purpose of discussing Executive Session Minute amendment only to adjourn into regular session to close the meeting, Roll call taken. All Ayes



Christine Joyce, Recording Secty



Andrew D. Magee, Clerk
8 Sept 2008
Date

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Meeting Room

Town Hall

August 11, 2008

7:00 PM

(Revised to add #20)

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. **7:10 ALEXAN CONCORD 40B**
ISSUE: Discuss Mitigation
3. **7:40 TOWNE SCHOOL PROJECT, COMMON GROUND DEVELOPMENT**
ISSUE: Project Lease Extension Request
4. **8:25 SITE PLAN SPECIAL PERMIT, #7/3/08-415, MINI-WAREHOUSE REALTY, LLC, 133 GREAT ROAD**
ISSUE: Site Plan Request for Approval
5. **8:50 NSTAR ELECTRIC/VERIZON, JOINT REQUEST FOR INSTALLATION OF ONE POLE, 387 FT. NORTHEAST OF MASS AVE.**
ISSUE: Request permission to remove one pole and to install one pole at different location
6. **9:00 MBTA PARKING, PLATFORM AND TRACK PROPOSALS, SOUTH ACTON TRAIN STATION**
ISSUE: Representatives from MBTA will be in to discuss possible changes at the South Acton Train Station

III. SELECTMEN'S BUSINESS

7. **ALG UPDATE**
Enclosed please find materials in the subject regard, for Board consideration)
8. **MORRISON FARM PLAN APPROVAL VOTE**
Enclosed please find materials in the subject regard, for Board consideration

9. EXCHANGE HALL PARKING LEASE

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

10. TRANSFER STATION FEE INCREASE

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

11. SIDE WALK EASEMENTS, PARKER STREET, CENTRAL STREET, GREAT ROAD AND CHARTER ROAD

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

12. OTHER BUSINESS – SELECTMEN REPORTS AND UPDATES

IV. TOWN MANAGER'S REPORT

V. CONSENT AGENDA

13. SELECTMEN MINUTES OF MAY 12 & 19, JUNE 9 & 23, JULY 14 & 31 FOR BOARD CONSIDERATION

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

14. ENTERPRISE BANK – DRIVE THROUGH WINDOW 340-344 GREAT ROAD, SITE PLAN DECISION

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

15. PRESERVATION RESTRICTION AGREEMENT, ACTON COMMUNITY CENTER, INC.

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

16. QUAIL RIDGE COUNTRY CLUB TRAIL EASEMENT

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

17. NATIONAL GRID – GAS MAIN PETITION – MAIN STREET

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

18. GRANT OF DRAINAGE EASEMENTS, 689 AND 705 MAIN STREET

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

19. DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY

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

- 20. HABITAT FOR HUMANITY AFFORDABLE HOME, 82 RIVER STREET**
Enclosed please find materials in the subject regard, for Board consideration

VI. EXECUTIVE SESSION

There will be a need for Executive Session (amend Executive Session Minutes and discuss litigation)

ADDITIONAL INFORMATION

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

FUTURE AGENDAS

September 8 & 22

FUTURE AGENDA ITEMS

Sept. 8: WRAC Oversight Meeting, CPA Oversight Meeting. Cable TV Oversight Meeting

Sept. 22: ACHC Oversight Meeting, Board of Health Oversight Meeting

MINUTES PENDING VOTES

May 12 & 19, & June 9 & 23 & July 14, July 31

PENDING COMMITTEE APPOINTMENTS

Mr. Toros L. Maksoudian, Conservation Commission (One Associate position open) and the Board of Health, there are no openings on the BOH at this time. His materials are at VCC for interviewing.

Mr. Brendan Cotter, Recreation Commission Associate position. His materials are at VCC for interviewing

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**August 28, 2008
Acton Town Hall, Room 126
7:30 A.M.**

Present: Lauren Rosenzweig, Paulina Knibbe, Terra Friedrichs, Andrew Magee, Peter Berry, Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was not televised.

CITIZENS' CONCERNS

OPERATIONAL MINUTE

PUBLIC HEARINGS & APPOINTMENTS

Lauren described the Acton Voters Group request for a Special Town Meeting. A date must be chosen within 45 days after receipt of the petition and legal and clerical requirements must be met. The only date the school is available is October 2nd. Town staff determined that the school was not available for a Saturday meeting. It was agreed that the date of the Special Town Meeting will be October 2, 2008 at 7:00 P.M. in the High School. Lauren asked the Board to vote on this date. Steve explained the process and noted that October 2 is the 45th day. The Board has to sign and post the warrant 14 days prior and the Town Clerk must hold a special registration 10 days prior to the Meeting. We need to open and close the meeting today, or leave it open. Andy noted that the Open Space Committee has two properties for potential purchase. They will draft warrant language to place on the warrant as a place holder, and drop it if it does the negotiations with the owners are not completed in time. Terra asked about CPC funds approval at Town Meeting. Andy explained that the CPC must first vote to approve the purchase before they can be brought before Town Meeting.

Lauren asked Steve what the outcome of keeping the warrant open until Sept. 8th would be. We could end up with only the citizen petition Article and anything that the Board may desire to put on the Warrant.

Paulina noted that it is unlikely that anything would be brought forward. PAULINA KNIBBE – Move to close warrant at the end of this meeting. PETER BERRY - second. Motion Withdrawn.

ANDREW MAGEE – Moved to Close the Special Town Meeting Warrant at the completion of the Board of Selectmen's September 8th meeting. PETER BERRY – second. UNANIMOUS VOTE

ANDREW MAGEE – Moved to set the date for the Special town Meeting on Thursday October 2, 2008 at 7:00 P.M. in the Acton Boxborough Regional High School. LAUREN ROSENZWEIG – second. UNANIMOUS

Andy suggested that the meeting be open and closed on the 2nd to get another 45 days. Andy spoke about Saturday meetings. He noted that as far as he could remember we have never had a Saturday Town Meeting. He felt it is not the time to try something new by going to a Saturday. Andy suggested that if we do have a Saturday meeting we should close the town fields and all Recreation Department activities so folks can come to the meeting. In the fall we have 3,000 kids on the playing fields and 6,000 parents driving them around on a typical Saturday. We would have to close town fields.

Peter was not in favor of Saturday meetings and stated that this is too short of a time to change a procedure that has been in place for years. He is not willing to change at the request of an ad hoc suggestion. Terra would like to see Saturday meetings and would like to see a commitment by the Board to put on the ballot which allows working class people to attend and allow them to weigh in at the Town Meeting.

Andy asked about the Saturday date and noted that most people don't even know about this issue and noted that no one knew about the Saturday option. Andy never saw an e-mail about the Saturday Meeting and only knew that it came from a single E-mail list.

Lauren explained that the group (Charlie Kadlec) sent out an e-mail to his E-mail list asking them to let the Board of Selectmen know that folks opinions are on Saturday meetings and to e-mail the Board of Selectmen with their preference. Charlie offered to add Andy to his e-mail list.

Paulina noted that we should not have the Special on a Saturday. She felt that there are good reasons to have it on Saturday, but asked that we wait until the LWV review this issue and wait until they give their report.

Terra said the list is people who are concerned about money are on the list. Andy said he was concerned about money and noted he signed the petition.

Charlie Kadlec asked that we add to the motion the place of the meeting and time, to have it on October 2nd at 7:00 pm at the High School.

Clint Steward read his letter to the Board

Lauren read her response to Clint Steward's letter.

Katrina of 18 Faulkner Hill Road asked that Saturday Town Meetings be discussed as a Non-binding referendum.

Terra asked to put the Saturday versus, week day Town Meeting. Paulina felt we need to talk about improvements to town meeting. Paulina thinks we need to expand the

scope, and have a broad base discussion at Town Meeting, and ask the League to report to us concerning their report.

Peter Ashton – spoke about opening the meeting on the 2nd and closing it to another date. Saturday town meeting would require a change to the Town Charter for the Annual Meeting. He suggested that trying to arrange this Saturday Special is impossible, and many folks are appalled by the suggestion of Saturday Special. He thinks that there are significant problems with Town Meeting and that we need to make it a better vehicle to express concerns. He asked us to wait until the LWV reports. He noted that the Moderator has acknowledged this issue but has chosen to move on with no changes thus far.

TRANSFER STATION FEE INCREASE

Peter Berry asked that they rescind the Transfer Station vote to increase the stickers. Lauren noted that the FinCom had a discussion about the fees. There had been a recommendation to increase the fees by \$5.00 as the transfer station is not self sustaining and needs to set the fees on what they anticipate our costs will be. The FinCom felt that given the recession and people's dislike of any increases we should not increase the fees at this time. Steve Ledoux said that the short fall is around the \$15,000 range and we set the increase conservatively and could make up any short fall by shifting funds over to cover it. Steve met with Finance Director and Public Works and they feel we can cover this under the present budget.

Andy asked that we rescind the vote to increase the fee ANDREW MAGEE – Moved to rescind the fee increase. TERRA FRIEDRICHS – second. UNANIMOUS VOTE

Paulina originally voted for this as she is concerned that these things not be supported with tax base, but agreed that we could accommodate any shortfalls.

Katrina Bach commented about collecting signatures and about the recycling items at the dump. She asked that the Board seek a Grant to educate the public. Terra said she would like to have Katrina on the Green Team.

Mike Farquhar, 9 Agawam Road spoke about why he is offering a solution. 437 people signed his clip board. He commented on the anger the voters have against the board. He said they are personally angry. The wanted the Saturday meeting he said people feel they are not being heard.

Peter noted that this is a much broader issue than setting the meeting day

The Board asked to have a discussion with the LWV at this Special Town Meeting.
4-1 Terra no. Motion Passes.

SELECTMEN'S BUSINESS

ALG UPDATE

No Report

OTHER BUSINESS

Terra reported on the Comprehensive Planning project. They need to have workers willing to work at meetings and after the meetings. They want to change the structure of the meetings, and that current members are up on the learning curve, for appointment to this committee. It was noted that the Manager's Office has only received Dick Calendrella's sheet of interest at this time.

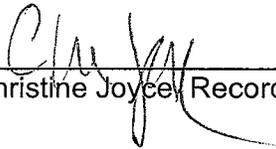
CONSENT

Peter Berry– Moved to accept the Consent Agenda. Andy Magee– second. UNANIMOUS VOTE.

Noted Terra's comment about library status in the down economy

TOWN MANAGER'S REPORT

EXECUTIVE SESSION



Christine Joyce, Recording Secty



Andrew D. Magee, Clerk
8 Sept 2008

Date

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
SPECIAL MEETING AGENDA

Room 126
Town Hall
August 28, 2008
7:30 **AM**

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:30 SET THE DATE FOR THE SPECIAL TOWN MEETING & WARRANT REQUIREMENTS

III. SELECTMEN'S BUSINESS

2. REVISIT THE BOARD OF SELECTMEN'S VOTE TO APPROVE FEE INCREASE OF TRANSFER STATION STICKERS

3. OTHER BUSINESS

IV. TOWN MANAGER'S REPORT

V. CONSENT AGENDA

4. **DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY**

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

5. **ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a donation of \$2,500.00 from Comcast Corporation to be used for Acton Day, and in case of a rain out to be used for the Family Fun/Dog Day Jubilee at NARA Park.

6. **ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a donation valued at \$210.00 from the Maynard Outdoor Store, to be used for Event prizes at NARA Park

7. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a donation of \$300.00 from Acton Toyota, to be used to fund the Moon bounce rental for Acton Day at NARA Park

8. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a donation of \$300.00 from EmbroidMe, to be used to fund the Moon bounce rental for Acton Day at NARA Park

9. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a donation of \$300.00 from the Community Phonebook Company, to be used to fund the Moon bounce Rental for Acton Day at NARA Park

10. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a donation of \$500.00 from the Youth Football Organization, to be used to support the Patriot's mascot, "Pat Patriot" for Acton Day

11. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a donation of \$300.00 from Ameriquest to sponsor the Moon bounce rental for Acton Day at NARA Park

12. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a donation of \$800.00 from Life Care Center of Acton, to be used to fund the Moon bounce on Acton Day, a bon fire on the beach at Winterfest at NARA Park

13. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a donation of \$500.00 from Especially for Pets, to be used for gift certificates and "Goodie Bags" at the Dog Day Jubilee at NARA PARK

VI. EXECUTIVE SESSION

ADDITIONAL INFORMATION

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

FUTURE AGENDAS

September 8 & 22

MINUTES PENDING VOTES

PENDING COMMITTEE APPOINTMENTS

Toros L. Maksoudian, Conservation Commission (One Associate position open) his materials are at VCC for processing

Brendan Cotter, Recreation Commission Associate position, his materials are at VCC for processing