

3/9/09  
14  
**BOARD OF SELECTMEN & SEWER COMMISSIONERS 'MEETING**

**Minutes**

*Francis Faulkner Hearing Room*

*January 26, 2009*

*7:00 PM*

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

**I. CITIZENS' CONCERNS**

Jim Synder Grant of Half Moon Hill, representing Green Acton would like to bring to Town Meeting a non-binding resolution. He understands they are late in their request, but there is urgency in regard to this matter. His goal is to be ready for the signing of the Copenhagen Treaty, Oct 2009. Stating a strong difference between scientific and political points of view in this matter he would like to see a willingness from the Board to write a letter of support to the federal government and further would like permission to use the Town Manager to sort through the process. Selectman Friedrichs told him that he always has the option of getting 100 signatures to get on the next Town Meeting. She also said that a simple letter from the BOS may be possible and easier. That could be done if the BOS support the topic without a Town Meeting resolution. Selectmen Berry and Magee both agree it is late. Selectman Knibbe asked if there was a better way to achieve their goal. If it is a letter the Selectmen would probably do it without needing a resolution at Town Meeting. Jim agreed a letter of support would be the appropriate path. Selectwomen Knibbe agreed and Selectman Friedrichs asked for a presentation at an upcoming Board meeting.

**II. PUBLIC HEARINGS AND APPOINTMENTS**

**1. 7:05 CHAIRMAN'S UPDATE**

FinCom will hold a meeting for citizens input on holding costs in municipal and school operations at 7:30 PM, January 27, 2009 in room 204 of Town Hall.

The Volunteer Coordinating Committee and the League of Women Voters will hold a Job Fair Wednesday, February 11, 2009 in Room 204 of Town Hall at 7:00 PM.

**2. 7:10 OPERATIONAL MINUTE**

Steve Ledoux spoke about the MMA annual meeting he and Selectmen Berry attended. The Governor addressed cuts in aid; it looks like 9.7% except for local aid which means approximately \$170K for municipal. Steve Ledoux has already initiated a freeze. In FY 10 local aid will be cut \$70K and Chapter 70 funds held harmless. The Governor is allowing an increase in meal tax of 1% and a goal for all to join Group Insurance Commission or a similar plan. The Governor further purposes that local aid would be further cut if municipalities unable to join such plans.

The Town Manager wanted to assure the citizens that fire truck in Acton have weekly and annual inspections and are well maintained.

Mr. Ledoux stated a new problem we are facing, one of sidewalk plows is out of commission due to CO2 discharge. We are almost in a snow and ice deficit at this time. We are not sure how we will get resources to purchase another bob cat and are currently renting units.

Mr. Ledoux had just received notice from the Lt. Governor requesting shovel ready projects be prioritized to the top three. The Selectmen will need to deal with prioritizing these projects, possibly at the next meeting.

### **3. 7:15 SELECTMEN'S REPORTS**

Selectman Friedrichs updated the Board on the interviews with the Green Advisory Group. She, Selectman Magee and JD Head (from the schools) will bring a list to the Board. The Cable Committee is actively working with consultants. The Economic Development Committee has divided into working groups to accomplish their list of goals. All of her committees are actively getting prepared for the Volunteer Coordinating Committee and League of Women Voters Job Fair.

Selectmen Berry and Chairman Rosenzweig have been interviewing for the South Acton Parking Committee and he hopes to bring candidates to the next Board meeting. He enjoyed the MMA, thought the Governor is trying to walk fine line between labor and administration. Doris Kearns Goodwin was a great speaker. The Mayor explained his freeze with no layoffs. Selectman Berry heard that the Chapter 70 would be level funded not held harmless.

Selectmen Magee will have recommendations on the Feb 9<sup>th</sup> meeting for the Acton Green Advisory Group. Roland and Tom Michelman are continuing work on the Bruce Freeman Rail Trail; they have had a 25% design approved by Mass highway. Now they hope to go to design/build instead of just design. Open space continues to work at evaluating properties and tonight the BOS will sign purchase and sale on Piper Lane.

Selectman Knibbe reported that the Senior Center is moving along towards their long term goal, and at the Feb 9<sup>th</sup> meeting they will bring a recommendation to the Board.

### **4. 7:40 SITE PLAN SPECIAL PERMIT AMENDMENT, 06/05/07-411, 253 MAIN STREET, KENNETH SUNBERG**

**ISSUE:** Site Plan Presentation by Ken Sundberg. He has down sized his plans to a one story building in the same footprint as exists now, due to the down turn in the economy. He met with the Design Review Board and has agreed to most of their suggestions. He did move the building back from the road. The sidewalk is an issue; he will not be able to meet the requirement of a 10 foot wide sidewalk on the advice of his engineer it will remain at 6 feet wide. With the front lighting, he is still looking for a change that will satisfy the DRB requirement. Siding use is uncertain as their recommendation for material is not holding up well in the industry. He will need to choose another material. Selectman Magee asked about why the parking area is so large, spaces 51/24? It will be used for snow and overflow from Bowling Alley. Selectman Magee asked why not use landscape for snow storage.

Selectman Freidrichs made note that the Design Review Board is strongly opposed to approving a plan with so much parking. Ken stated there is landscaping in the original plan. Selectman Berry is concerned with the new use of the property; you

will need a new public hearing. Selectman Berry said this will be continued as the use of 70 seats is major. Selectman Magee is embarrassed about the extremely late arrival of notices from the town and Design Review Board. Selectman Knibbe asked the Town Manager since Ken has been cooperative could we approve on conditions. Steve Ledoux said we have to advertise the hearing. Selectman Knibbe said we will continue our hearing and resolve the issue about extra usage fee, Selectmen Berry seconded. Selectman Friedrichs wanted to request that a check list be made up for sight plans, a check list that this has been reviewed and all departments need to check off on it. This hearing will continue Feb 23<sup>rd</sup>, 2009 at 8:00 PM in room 204. Ken Sundberg said he will provide Landscape plans and use of facility. Ken will be given copies of all the staff comments. All voted in favor. Public Comment, Chris Starr, Acton, in conclusion the applicant is proposing a one story addition and the FAR .13. There is no coordinated effort to do a more comprehensive development. Ken Sundberg replied correct.

**5. 8:00 SEWER ACTION COMMITTEE RECOMMENDATIONS REGARDING A STUDY OF LOW PRESSURE SYSTEMS**

**ISSUE:** Presentation for Sewer Action Committee was by Helen Probst and Andy Monroe. Since there seemed to be confusion as to the mission of the committee Helen read their mission statement. It is to examine the financial implications of sewerage the Flint/Tuttle/Spencer and West Acton Area (see attached). There are many other areas of sewer expansion in Acton and they are not in the scope of this committee. Selectman Magee agreed that they are charged with looking at every option to reduce cost. If they expand the area then it could possibly save considerably. Ms. Probst stated that the Stimulus Package could save some money; as could an Economic Development Grant. It is a huge environmental problem with sewer leaking into town water. The low pressure system allows streets to choose not to be included and the price does not increase. Selectman Berry would like a vote to go forward with the study of the financial impact of a low pressure system implemented in house by Bruce Stamski in the Engineering Department. Andy Monroe further would like a letter from the Board for support in the state requested stimulus package; to be part of any request for sewers currently on Acton's list. Selectmen Berry wanted to clarify the request, the low pressure sewers are a smaller unit and 29K of next years budget will identify the cost per home owner and how much capacity per home owner would be used. The Town Manager reported that at staff meeting it was discussed that the Engineering Department has the capacity to do this in house. He would support taking this project in house as recommended by staff. Selectman Berry moves to approve. Selectman Knibbe stated we will endorse the Town Manager's decision in our vote. Steve Ledoux offered that we are fortunate that the Engineering Department has this special set of skills. Helen added that they are working up a learning curve on the new equipment to help us. Dore' Hunter relayed that he was on previous Sewer Committee and the fact that this area was not included was a state decision; he is happy to have the group work for this neighborhood. Selectman Berry moves to endorse the Town Manager's suggestion that Bruce do this project. 4 voted in favor, Selectmen Friedrichs is opposed, she made note that it seemed inappropriate to use staff time for this unless we charge the sewer district. Selectman Magee thinks that we do need to combine the sewer projects for the Stimulus package. Steve Ledoux added it would not make sense to ignore this project. Selectman Knibbe thought a letter to state clarifying that these two projects are linked is not important, we need to

prioritize our request, and we know they are linked. Selectman Magee agrees and Andy Monroe withdrew his request for the letter and instead requested they please combine them wherever they fall on the list.

**6. 8:30 REQUEST FROM FAULKNER MILL REALTY, LLC., FOR PAYMENT OF SEWER PRIVILEGE FEES UPON ISSUANCE OF OCCUPANCY PERMITS FOR FAULKNER MILL CONDOMINIUMS**

Faulkner Mill Realty, LLC is requesting that Sewer Privilege Fees in excess of 164K be paid upon issuance of occupancy for each of the 2 unit buildings in the above mentioned development, rather than having the fee paid to receive building permits as previously agreed. The affordable housing unit is ready for move in, the requested sidewalk is complete, and they have worked with the Historic District Commission, even though they were outside of the district, on many features in the development. Now they want to clean it up and get it ready for the spring. Because of economic times and because of the affordable housing unit Jim Fenton has come to the Board for relief on sewer payments until occupancy. Selectman Berry asked about the stone wall along the sidewalk and why it is not near hydrant. Mr. Fenton had run it for safety and could continue it. Selectman Berry moves in favor. Selectman Friedrichs thought a similar request was denied, but Selectman Berry noted that was not a sewer privilege fee. Faulkner Mill will pay in 9 monthly payments, which would be consistent on how others pay betterments. Selectman Magee moves to approve as requested, with a modification to have the Town Manager review if there should be interest charged. Selectman Freidrichs said that it seemed inappropriate to give Faulkner Mill Realty relief from paying when the capacity is being reserved for him. She suggests interest be paid for the privilege of paying the full amount later. Four vote in favor and Selectman Friedrichs voted no.

**7. 9:00 LEO BERTOLAMI, CLASS I CAR DEALER'S LICENSE, 60 POWDER MILL ROAD DISCUSSION ISSUE:**

Discussion of granting Class I License at 60 Powder Mill Road; the Town Manager read Town Council's opinion (enter into the record). Town Council's opinion is we could grant it with the provisions in the notice. Selectman Friedrichs moved we take Council's opinion, Selectman Magee seconded, all approved.

**III. SELECTMEN'S BUSINESS**

**8. COMMUNITY PRESERVATION COALITION, LEGISLATIVE ALERT, AMMENDMENT FILED BROADING PARTICIPATION AND CLARIFYING ALLOWABLE USES**

Selectman Berry recommends the Board sign a letter; actually have the Community Preservation Committee draft it and the Board sign. Selectman Friedrichs is in favor of the amendment. Selectman Magee is in support of the amendment. Selectman Friedrichs moves to approve, Selectman Magee seconds, all voted in favor.

**9. SELECTMEN TO SIGN PURCHASE AND SALE AGREEMENT FOR 8 PIPER LANE**

Selectman Magee stated this Parcel was voted at the Special Town Meeting in Oct. The parcel contains a Historic house with conservation land and a restriction. He is uncomfortable with the language on #48, unless we are certain to have the home inspection done by that date. The home inspection date should be moved back a

week, inspection by Feb 4<sup>th</sup> and notification of owner by Feb 6<sup>th</sup>. Selectman Magee moved to approve this P & S with the changes to the inspection date of January 28 change to January 31 and the notification date of January 30<sup>th</sup> to be changed to February 2<sup>nd</sup>. Selectman Berry seconded and all voted in favor.

#### **10. DISCUSSION ON FY10 BUDGET UPDATE**

Steve Ledoux thought our cut to be about \$680K, a big cut in local aid for next year. He has had the Budget Working Group work in Tier levels of cuts, with an attempt to have approximately \$250K cuts at each level. Level 1 cuts in local services would be \$100K and would eliminate all new personnel back to FY 09 level which would be part-time library staff, GIS Coordinator, stay level in police and fire, Council on Aging staff, \$26K in paving budget, additionally building security upgrades and new vehicles would not be funded bringing cuts to about \$325K. Level 2 would take out Corey Road construction for about \$214K and paving projects for a total of \$250K. Level 3 would look at cutting personnel cost and \$100 K for the design of Council on Aging. Level 4 would look at cutting personnel and look at Highway and Municipal Properties to cut vehicles. Finally with Level 5 cuts, personnel and \$50K to finish the Space Needs Study additional vehicles from Municipal Properties and Highway and Engineering. If all levels are cut it will be somewhere in the \$1.2M range. Selectman Friedrichs wanted to speak to employees about a workweek/lifestyle change and see if anyone wants to reduce the number of hours worked per week and/or work from home provisions with an appropriate reduction in pay. The Town Manager stated that public demand is out there for Town Hall to be opened. Selectman Berry noted it is very difficult to understand level funding the aid to schools and not the municipal services. Taxes police and fire are all affected; Acton Leadership Group will need to look at the schools. Selectman Magee stated while we will be looking at a \$600K cut; the levels you are working at are double that to be safe. Steve Ledoux noted in 2010 it seems to be a reality that it will be double. Selectman Magee has trouble touching staff as source of solving woes, capital items can be delayed. Even at Tier 1 we are asking staff to work more for less, cut paving budget before salary. Selectman Knibbe is impressed with the cuts that you have been able to plan for, a few personnel have been cut. It is a recurring benefit. As far as the COA budget there is a bigger need in time of need. Selectman Knibbe agreed paving budget is good place to cut. Selectman Friedrichs stated the split should change. Selectman Berry reminded that if you cut capital items first they cost 4 times as much down the road. He stated HIT hold premiums 10%, the insurance people are talking 12%. Steve Noone, 1<sup>st</sup> cut is people as it is hard and harder if you put it off. Selectman Knibbe stated we don't want to eliminate government all together. Functionality would really be eliminated if we cut personnel too greatly. We need prudent management of funds and we need to choose carefully. Selectman Knibbe appreciates what the Town Manager has done thus far.

#### **11. BOY SCOUT TROOP 1 INVITATION FOR EAGLE SCOUT COURT OF HONOR MICHAEL HATFIELD, MARCH 21, 2009 AT 2:30 PM**

Selectmen Magee is friends of the family and would be honored to attend.

#### **12. DRAFT DECISION, SITE PLAN, SPECIAL PERMIT, #10/02/08-416, 525 MAIN STREET, 88 CHAMPS, LLC**

This will be continued as Chairman Rosenzweig is not present and she is the liaison for the site plan. The hearing was closed for tonight.

#### **IV. CONSENT AGENDA –**

Selectmen Friedrichs held #14. All other consent was approved, including the Extra consent #20, allowing Le Lyonnaise to be open for food and alcohol to be served on Monday February 9, 2009. Selectmen Friedrichs concern with the Building Department fees are that they were not high enough and other towns have considerably higher fees. Steve Ledoux stated you need to cover cost and if you charge higher it becomes an illegal tax. These fees have been presented to finance and they feel this is a fair set of fees. Selectmen Friedrichs still feels we should charge as much as we can roll in overhead, etc., because we are not being covered for all of our costs. The Town Manager agreed that we could look at them again and that these increases were an intermediate step in the gathering of information and calculating of appropriate fees. Selectmen Knibbe stated that it would be a change in policy to do this and we would need to fully vet that with staff input and comments. Selectmen Magee moved to approve and Selectmen Berry seconded. The Building fees were approved unanimously.

**13. ACCEPT MINUTES, BOARD OF SELECTMEN**

January 12, 2009 minutes were approved.

**14. BUILDING COMMISSIONER, PROPOSED ELECTRICAL AND PLUMBING PERMIT FEES**

The fees were approved as written.

**15. RECREATION DIRECTOR REQUESTS DONATION ACCEPTANCE FROM ACTON MEDICAL ASSOCIATES, \$100.00 TO BE USED FOR ACTON TEEN REPERTORY THEATRE**

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

**16. RECREATION DIRECTOR REQUESTS DONATION ACCEPTANCE FROM STAPLES, \$50.00 TO BE USED FOR SPECIAL EVENTS**

Acceptance of the gift from Staples was approved.

**17. RECREATION DIRECTOR REQUESTS DONATION ACCEPTANCE FROM 421 GAS, INC., \$100.00 TO BE USED FOR ACTON TEEN REPERTORY THEATRE**

Acceptance of the gift from 421 Gas, Inc. was approved.

**18. RECREATION DIRECTOR REQUESTS DONATION ACCEPTANCE FROM DONELANS SUPERMARKET, INC., \$50.00 TO BE USED FOR ACTON TEEN REPERTORY THEATRE**

Acceptance of the gift from Donelans was approved

**19. MEMORIAL LIBRARY DIRECTOR REQUESTS THE DISPOSAL OF OBSOLETE MATERIALS**

Disposal of obsolete library materials was approved.

**V. EXECUTIVE SESSION**

There will be a need to go into Executive Session for Contract Negotiations and Real Estate Negotiations. Selectman Magee moved to go into Executive session for Contract Negotiations and Real Estate Negotiations only to come back into regular session to close the meeting. A roll call vote was taken and all voted in favor.

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Recording Secretary  
Maryjane Kenney

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Andrew D. Magee, Clerk

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Date

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

*Francis Faulkner Hearing Room*  
*January 26, 2009*  
*7:00 PM*

**I. CITIZENS' CONCERNS**

**II. PUBLIC HEARINGS AND APPOINTMENTS**

1. **7:05 CHAIRMAN'S UPDATE**  
The Chair will briefly update the Board on Topics of interest
2. **7:10 OPERATIONAL MINUTE**  
The Town Manager will provide a brief report on topics of interest
3. **7:15 SELECTMEN'S REPORTS**
4. **7:40 SITE PLAN SPECIAL PERMIT AMENDMENT, 06/05/07-411, 253 MAIN STREET, KENNETH SUNBERG**  
**ISSUE:** Site Plan Presentation.
5. **8:00 SEWER ACTION COMMITTEE RECOMMENDATIONS REGARDING A STUDY OF LOW PRESSURE SYSTEMS**  
**ISSUE:** Recommendations from Sewer Action Committee
6. **8:30 REQUEST FROM FAULKNER MILL REALTY, LLC., FOR PAYMENT OF SEWER PRIVILEGE FEES UPON ISSUANCE OF OCCUPANCY PERMITS FOR FAULKNER MILL CONDOMINIUMS**  
Enclosed please find materials in the subject regard, for Board consideration.
7. **9:00 LEO BERTOLAMI, CLASS I CAR DEALER'S LICENSE, 60 POWDER MILL ROAD DISCUSSION**  
**ISSUE:** Discussion of granting Class I License at 60 Powder Mill Road

**III. SELECTMEN'S BUSINESS**

8. **COMMUNITY PRESERVATION COALITION, LEGISLATIVE ALERT, AMMENDMENT FILED BROADING PARTICIPATION AND CLARIFYING ALLOWABLE USES**  
Enclosed please find materials in the subject regard, for Board consideration.
9. **SELECTMEN TO SIGN PURCHASE AND SALE AGREEMENT FOR 8 PIPER LANE**  
Enclosed please find materials in the subject regard, for Board consideration.

**10. DISCUSSION ON FY10 BUDGET UPDATE**

No materials enclosed

**11. BOY SCOUT TROOP 1 INVITATION FOR EAGLE SCOUT COURT OF HONOR MICHAEL HATFIELD, MARCH 21, 2009 AT 2:30 PM**

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

**12. DRAFT DECISION, SITE PLAN, SPECIAL PERMIT, #10/02/08-416, 525 MAIN STREET, 88 CHAMPS, LLC**

Enclosed please find a draft decision in the subject regard, for Board consideration

**IV. CONSENT AGENDA**

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**19. MEMORIAL LIBRARY DIRECTOR REQUESTS THE DISPOSAL OF OBSOLETE MATERIALS**

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**V. EXECUTIVE SESSION**

There will be a need for Executive Discussion to discuss Contract Negotiations and Real Estate Negotiations.

## **ADDITIONAL INFORMATION**

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

## **FUTURE AGENDAS**

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

February: 7 Budget Saturday

February: 9 and 23

March: 9 and 23

April 6: Start of Town Meeting

## **MINUTES PENDING VOTES**

September 15, 2008, Joint Boards Meeting

## **PENDING COMMITTEE APPOINTMENTS**

Elizabeth J. Payne, Volunteer Coordinating Committee (VCC), her materials have been forwarded to VCC for processing

Iliia A. Kurenkov (Alex), VCC has interviewed him for several boards he is interested in. He will visit the various boards and committees and will let the VCC know of his decision.

Carl Campagna, Commission on Disability, Council on Aging, Cable Advisory Committee, his application is at VCC for processing. (This is a Town Manager Appointment)

Joseph Ianelli, EDC, his application has been forwarded from the VCC for BOS action

Richard Calandrella, EDC, his application has been forwarded from the VCC for BOS action

Leigh Davis Honn, EDC, her application has been forwarded from the VCC for BOS action

Michael Paratore, Planning Board, his application has been forwarded to VCC for processing