

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**February 23, 2009
Acton Town Hall, Francis Faulkner Hearing Room
6:00 P.M.**

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

CITIZENS' CONCERNS

Senator Eldridge – spoke about the status of Commonwealth and concerns he may address for the Board. He spoke about the status of the Stimulus Package. He reported on the committees he has been appointed to and his new activities as Senator.

Representative Jen Benson said that she has been assigned her committees and is excited to begin her duties. She spoke to the Lt. Governor and Governors staff today. She will advocate for her communities and asked that our list of stimulus be honed down to have her present to the Governor.

Andy spoke about the large list of projects that have high priority but are not shovel ready. Andy spoke about the shovel ready 25% design for Bruce Freeman and Rail Trail. We also have roadway issues and safety, the North Acton Fire Station has plans and it could come together rather quickly.

Lauren agreed with Andy's priorities and also noted the housing need for the non-profit that has been trying to develop the Towne School.

Terra asked about the amount that we would receive. Cory Atkins said they don't think they know at this time. Cory noted that more money goes to poorly managed communities and felt it was not fair. They will be advocating for their communities.

Peter Berry asked about telecommunication loop hole and asked if it was additional money they collected. He spoke about the partnership with health insurance costs and does not give us enough flexibility. He noted it would be hard to get unions to change carriers with out going to the bargaining table.

Peter also noted CPA projects and noted it needs a language to allow recreation.

Paulina noted that the way they have gotten taskforces and asked if they knew of any of our projects that have been sorted out. Paulina is disappointed with the Flexible Funding mechanism. Paulina asked about job creation.

Andy Monroe of the Sewer Action Committee. Wants the project to go on the proposed and added to the Stimulus Package projects for consideration. He turned in a petition regarding the need for sewers.

Greg Bishop spoke about the benefits of sewer, he supports sewerage West Acton.

Mary Michelman wanted the Rail Trails on the list for funding.

CHAIRPERSON'S REPORT

South Acton Village and noted the about concerns about zoning. Planning Board has tabled this article.

OPERATIONAL MINUTE

Steve announced we have closed on 8 Piper Lane and will looking foward the project moving forward.

Steve got a letter from Joe Cosgrove of MBTA noting there is funding for the project development of the Parking Deck at the South Acton Station.

SELECTMEN'S REPORTS

Peter updated the Board on his work with our Insurance coverage.

Andy spoke about the Green Team coming in to hear what the Board wants as they are advisory to the Board.

PUBLIC HEARINGS & APPOINTMENTS

COMMISSION ON DISABILITY

Elizabeth Franklin spoke about quorums and their inability to do their job. Steve aid we could change the Charter but it would be a two year process. He and Steve Anderson spoke about a quicker way to bring about these changes by way of writing a General Bylaw.

Lauren spoke about transportation and medical conditions that change people and their conditions. She felt it is a good way to proceed and to get word out there to get new members. She is in favor of this and would like it on the Warrant.

Andy felt that it runs the risk of a minority group comes in to power. He would like to say shall consist of 7 members and they need 4 people for a quorum.

Terra said she thinks it is ready and we need to start the two year process to get them up and ready. LAUREN ROSENZWEIG – Moved to put article on warrant with caveat that we continue to explore the change in the Charter. ANDREW MAGEE – second. UNANIMOUS VOTE.

SIDEWALK EASEMENT ARTICLE

Bruce outlined the easements and the process and location of the easement

Terra suggested that they be split out. Bruce noted that they are separate
LAUREN ROSENZWEIG – Moved to bring to Town Meeting. PETER BERRY – second. 4-1
Terra Friedrichs No – as she does not feel we have a consensus Motion Passes

TRANSPORTATION ADVISORY COMMITTEE WARRANT ARTICLE DISCUSSION

Franny Osman was present to discuss the Suburban Mobility program and the funds needed from the town. She discussed the alternatives. The program says we need \$24,500 match money. It is noted that they would like it to come out of parking revenues. She noted that we may not have to cover this match money if we receive Cherry Sheet monies. Andy wanted the commitment clear. Terra said in her opinion that we should help the transit dependent. She wished that Franny could single out critical needs.

Peter noted that we all are benefited by getting cleaner air and roadways. He suggested we hold it until later in the evening. Lauren said that if we can't put it in the budget she wanted the Town to have a vote on whether they feel they can support it.

PLANNING BOARD WARRANT ARTICLE DISCUSSION

Greg Neimsky, Spoke about the Article regarding Truck Rental as Accessory Use in Light Industrial. They have proposed several articles.

Terra could not support cleaning use and does not think it is ready.

Andy asked why it came up? He felt it is covered already in the zoning bylaw and it was noted that this is a service that is not technically in the Village District.

LAUREN ROSENZWEIG – Moved to put on the Warrant. ANDREW MAGEE – Second.
UNANIMOUS VOTE

PAULINA KNIBBE, Moved to approve the other two articles as proposed. ANDREW MAGEE – second. UNANIMOUS VOTE

BEER AND WINE LIQUOR LICENSE, ACTON BOWLADROME, 257 MAIN STREET

Andy said be diligent in your duties with regard to the serving of Beer and Wine

Lauren asked how they will control underage drinking, they have rules and regulations in place and when the manager is off site, Mr. Sundberg will be responsible.

Terra said thanks and suggested outdoor seating

ANDREW MAGEE – Moves the issuance of the license with hours from noon in the café' to midnight and 6:00pm to midnight at the Lanes. TERRA FRIEDRICHS – second UNANIMOUS VOTE

Gena Manalan – supports but would like the BOS to commit they will pull the license for the safety of the kids if violations occur.

COMMUNITY PRESERVATION COMMITTEE WARRANT ARTICLE DISCUSSION

Ken Sghia-Hugh and Jon Benson discussed the CPC projects they are supporting.

They will include set aside for Open Space and CPC needs. They spoke about the Civil War display and will recommend funding through a separate article

The third is a housekeeping change to Charter to name positions.

ANDREW MAGEE – Moved to include on the warrant. LAUREN ROSENZWEIG –second. Terra asked about the pre-development funds for Acton Housing Authority. 4-1 Terra Abstaining Motion Passed

SITE PLAN SPECIAL PERMIT 06/05/07-411 KENNETH SUNDBERG, 253 MAIN STREET

Ken Sundberg spoke about the questions about the retaining wall at the end of the lot. He presented the Dumpster Wall drawings for review. He discussed the landscaping, and noted you won't see the back of the lot when the landscaping is done. Andy asked about the entrance by the neighbors, Ken said it offers traffic calming and he feels it looks sufficient.

Lauren noted the set aside to make one entrance and is it still part of the plan.

Lauren asked about the lighting and he agrees with the proposal. Lauren asked about the wall, it will be a poured concrete and made to look like stone.

Peter asked about the tightness of traffic circulation. It will be painted on pavement and a sign to direct to extra parking.

Terra asked that it be noted that DRB did not approve this plan.

LAUREN ROSENZWEIG – Moved to close the Public Hearing and take under advisement. ANDREW MAGEE – second. UNANIMOUS VOTE. Town Planner was asked to prepare with conditions addressed, and ask the Town Planner to draft the decision to include BOS comments.

LAND CLEARING ARTICLE

4-1 to remove from the warrant, Terra No. Motion passes

BRUCE FREEMAN CONNECTION PLAN

Easements and the two articles were discussed by Roland. He discussed the Bay Circuit Trail to connect to BFRT. They have negotiated an easement for use from Robbins Brook Residences. No detail at this point. Andy spoke about the Powers Gallery easement to connect to BFRT to Great Road which would allow people to go to the shops.

ANDREW MAGEE – Moved to approve as it is ready. TERRA FREIDRICHS – second. UNANIMOUS VOTE

WETHERBEE STREET / SCHOOL STREET MITIGATION

Steve gave the Board background on this issue. It was related to the lease of the School Street field. TERRA FRIEDERICHS – Moved to Approve. ANDREW MAGEE – second.
UNANIMOUS VOTE

ACTON VOTERS GROUP

Charlie Kadlec gave a presentation of the Articles they are sponsoring. Nothing has changed and it has been on the Web for months. First article is to move some money to Stabilization Fund that is depleted currently. The second is to transfer funds to reduce the tax rate and third, the Finance Committee Budget Article.

Peter asked about the Stabilization Fund and when it got changed. Peter noted that every Board needs staff but the Fin com turns the money back each year.

HISTORICAL COMMISSION

They had their public hearing on February 11th and discussed Demo of Buildings that are of archeological significance Article. TERRA FRIEDRICHS – Moved to approve. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

Chapter N

Peter Grover discussed the Delay timeline. They discussed the proposed changes that have been redlined. They will bring it to a later town meeting.

Lauren suggested that they meet with stakeholders on archeological article.

Terra asked about how they will determine that the restoration is faithfully restored.

PRELIMINARY DISCUSSION, 30 SUDBURY ROAD, SPECIAL USE PERMIT

Chip Orcutt outlined his need for Commercial Special Use permit. They will be before the Board on March 23rd.

SELECTMEN'S BUSINESS

WARRANT DISCUSSION

Budget Transfer AM/LR – Terra NO

Acton Public Schools budget Defer

Acton/Boxborough Regional School District Assessment Defer

Minuteman Regional School District Assessment Defer

Community Preservation Program direct Appropriations from Fund Balance TF/AM Recommended

Community Preservation Program – Pay Bill of Prior Fiscal Year (Civil War Exhibit) AM/LR
Recommended

Council on Aging Van Enterprise Budget LR/AM Recommend

Nursing Enterprise Budget TF/PB Recommended

Septage Disposal Enterprise budget TF/PB RECOMMEND (asked for Income Sheets)

Sewer Enterprise Budget LR/AM RECOMMEND

Recycling and Transfer Station Enterprise Budget TF/PB RECOMMEND

Self Funding Programs (Revolving Funds) TF/PB RECOMMEND

Town Board support – AB Cultural Council LR/PB RECOMMEND

Capital Improvements – School Roof(s) Bonding DEFER

Establish Ambulance Enterprise Fund (Transfer of Revolving Fund) TF/PB RECOMMEND

Contract Settlements – Skip

W. R. Grace Settlement Appropriation Skip

Capital Improvements, Town AM/LR – RECOMMENDED Terra NO

Petition by AVG – AM/TF Move to DEFER Articles PA-PF

Hear and Accept Reports

Highway Reimbursement Program (Chapter 90) LR/TF RECOMMEND

Insurance Proceeds PB/LR – RECOMMEND

Gifts or Grants TF/LR Recommend

Federal and State Reimbursement Aid TF/LR RECOMMEND

Performance Bonds TF/PB RECOMMEND

Sale of Foreclosed Properties PB/LR RECOMMEND (Terra NO)

Elderly Tax Relief – Reauthorize Chapter 73 of the Acts of 1986 TF/LR RECOMMEND

Amend town Bylaws –Establish Agricultural Commission – OUT

Amend Town Bylaws – Historic Building Demolition by Neglect OUT

Amend Town Bylaws – Historic Building Demolition Delay. LR/TF DEFER

Amend Town Bylaws – Archeological Resources OUT
Amend Town Bylaws – Ban Dogs for Cemetery OUT
Amend Town Bylaws – Community Preservation Committee DEFER
Amend Town Bylaws Land Clearly OUT
Commission on Disability – Quorum Requirements TF/LR – Recommend ANDY NO
Home Rule Petition, Wetherbee Conservation Land Agricultural Preservation Restrictions DEFER
Transportation Advisory Committee (Suburban Mobility) AM/LR RECOMMEND Terra NO
Senior Center Expansion Committee OUT
Tax Agreement 1 – Per Steve Anderson (Foreclosure Court) DEFER
Tax Agreement 2 – Per Steve Anderson (Foreclosure Court) DEFER
Accept Sidewalk Easement Prospect Street LR/AM RECOMMEND
Accept Sidewalk Easement, High Street near Audubon Hill TF/AM RECOMMEND
Accept Sidewalk Easement, High Street near Dunham Lane TF/AM RECOMMEND
Accept Sidewalk, Main Street (Water District) LR/AM RECOMMEND TERRA NO
Accept Street Location, & Layout LR/AM RECOMMEND TERRA NO
Accept Trail Easement, Bruce Freeman Rail Trail LR/AM RECOMMEND
Accept Trail Easement, Bay Circuit Trail TF/AM RECOMMEND
Amend Zoning Bylaw, Truck Rental as Accessory Use in the Light Industrial LR/AM RECOMMEND
Amend Zoning Bylaw, Housekeeping – LR/AM RECOMMEND with Dimensional Change.

BUDGET DISCUSSION

Paulina outlined the budget and potential cuts. She spoke about the COA and \$2,000 for ABCC that we have traditionally fund. \$488,000 to use for capital

Paulina suggested two cuts, 250 Celebration and Building security upgrades as she felt they can be done later.

She put back COA and Library hours back in the budget.

Terra wants to find \$800,000 in the operating budget. Proposed to increase health from 85 to 75%. Offer to town employees go to a 32 hour week with salary reduction.

Andy noted the new version of Paulina's figures. He said the space needs study and thinks it is a great suggestion to do as volunteer. He feels we should not cut this out. Andy also noted that we turn to the staff and say the staff can carry the load, and also increase insurance costs. Do we really need the Library open for extended hours. We need to start thinking about where we cut. The pumper truck is right because we have struggled with the fire station and safety for at least 3 ½ years. It does not make sense to spend money and wait until next year.

Lauren noted that she had listened to Fin Com meeting and she finds the COA and Library makes since in this climate. Lauren said that having the shuttle addressed our green issue and addresses the needs of disabled and people that don't have cars or cannot drive. She is in favor. The pumper truck she feels we need it. She said it might be the last time to pay out of Ambulance fund before we move employees into the Revolving Funds. She feels that we need to do it this year.

Peter asked about Reserve Policy. He asked if we built in this year's budget for replenishment of Free Cash. Steve noted we are in deficit in Snow and Ice. He is inclined to leave that in Steve's hands for the pumper and moving of the employees into the revolving fund. Peter asked about increased library hours and COA hours, it is adding staff so they can manage the work load. Paulina said we need to fund some matching funds and let's take it from our budget and investigate getting it from another source. If we get it we give the funds back to the General Fund.

Terra asked about Free Cash, and that she wants to help employees work better.

Terra asked about volunteers at Library to staff the front. She wants to offer a 32 hour work week to employees, we could then figure out what to do with the money and continue to explore volunteer use at the Library No second. Motion Failed

Terra felt we needed to buy the pumper instead of any other capital.

LAUREN ROSENZWEIG – Moved to proceed with bringing to town meeting to purchase pumper out of the ambulance fund. TERRA FRIEDRICHS – second. 4-1 Paulina No. Motion passes

Paulina would rather hold off on purchasing the pumper truck until we get time under our belt.

Peter asked about the vehicles, Paulina said she will have Steve handle this.

Peter spoke about Steve's budget and the \$350,000 debt for the schools. It is worked into Paulina's numbers already.

LAUREN ROSENZWEIG – Moved we adjust our budget according to the plan before us with the exception of the Pumper Truck. ANDREW MAGEE- second. UNANIMOUS VOTE

Charlie Kadlec asked for a dollar amount for the town side.

PETER BERRY - Moved to approve Budget for FY10, town expenses of \$26, 978,000
ANDREW MAGEE – second. 4-1 Terra NO Motion passes

DISCUSSION OF ECONOMIC STIMULUS PRIORITIES

Lauren S. Rosenzweig's priorities:

Bruce Freeman Rail Trail
Assabet River Rail Trail
Sewers, West Acton/Spencer/Flint Road
Senior Center
Towne School

Paulina Knibbe's Priorities:

Sewers, West Acton/Spencer/Flint Road
Senior Center
Bruce Freeman Rail Trail
Assabet River Rail Trail
Any Transportation projects that are ready

Andrew Magee's Priorities

Bruce Freeman Rail Trail
Assabet River Rail Trail
Fire Station that is designed
Sewers, West Acton/Spencer/Flint Road

Peter Berry's Priorities:

Bruce Freeman Rail Trail
Assabet River Rail Trail
Sewers, West Acton/Spencer/Flint Road
Senior Center
Towne School

Terra Friedrichs Priorities:

Senior Center
Renovate Fire Stations
Windsor Ave Building
Solar on Sewer
Bridges

OTHER BUSINESS

Terra asked that our spending philosophy be discussed after Town Meeting.

Terra wants to discuss Sewer capacity budget discussed to include fiscal obligations and planning issues.

Terra wants longer discussions of our philosophy of spending down reserves.

CONSENT

Hold 21 Site plan special permit process guide, Terra wanted to know if it could be sent out to committees. .

Hold 23 - Resale ACHC Minuteman Road. Terra wants to make the point about buy down and buy down with a deed restriction.

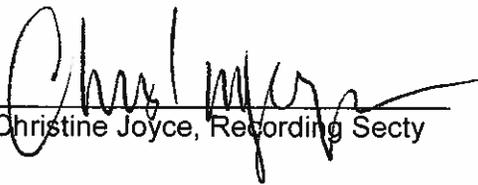
TYPO noted by Terra, Clear not Clerk 26 typo – Maryjane to correct

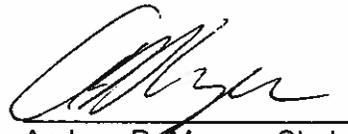
ANDREW MAGEE - Moved to accept Consent Items with 21 and 23 removed from the Consent status. PETER BERRY – second. UNANIMOUS

ANDREW MAGEE – Moved to accept 21 and 23. LAUREN ROSENZWEIG – second.

EXECUTIVE SESSION

None Needed


Christine Joyce, Recording Secty


Andrew D. Magee, Clerk
Date: 23 March 2009