

FINAL

8/20 (11)

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

June 4, 2012

Acton Town Hall

Francis Faulkner Hearing Room 7:00 p.m.

Present: Ms. Harting-Barrat, Ms. Adachi, Mr. Gowing, Mr. Sonner and Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised

CITIZENS' CONCERNS

None

CHAIRMAN'S UPDATE & OPERATIONAL MINUTE

Ms. Harting-Barrat Noted that the Memorial Day Activities and parade, Scholarship and Project Graduation were all a great success. She announced the upcoming music/concerts and activities at NARA.

Mr. Ledoux announced the Towne Schools Common Housing Project is nearing completion. He took a tour of the project with Ms. Adachi and Mr. Gowing. He noted they will be done shortly and commented on the quality of the work that has been done in the building. Mr. Ledoux attended the Mass Municipal Spring Conference in Lenox. He attended a workshop on coaching employees and another about problem solving and Retirement issues. The Town of Reading has a grant which will allow 25 people take at part time Master's Program at Suffolk University and would be talking to staff about this opportunity.

Labor Day movie representatives have met Police, Highway and will begin filming on Wednesday. The renovation has begun and they will be shooting night scenes. They will also be shooting at the Senior Center. Ms. Adachi and he met with representatives from Niger who were visiting Mike Klinger. Acton Nursing Service has their own website now. June 13th 7:30 forum regarding the Asa Parlin house to discuss suggested uses and outcome of this property.

PUBLIC HEARINGS & APPOINTMENTS

NATIONAL GRID – GAS LINE MAIN STREET TO SCHOOL STREET

Dennis Regan Representative of National Grid was before the board requesting to install gas line in Main Street to School Street. Mr. Sonner - Move to approve. Ms. Adachi - second UNANIMOUS VOTE

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MARY'S BROOK NAMING IN HONOR OF MARY S. MICHELMAN

Bettina Abe presented a slide show asking for Board of Selectmen support for the naming of Mary's Brook in Memory of Ms. Michelman. Ms. Adachi commented about the federal regulations that say you cannot use punctuation in the Sign. For now, then name will be valid within Acton. Ms. Abe will continue to work though this project until it finishes and the name is approved under federal regulations in 4 years.

Mr. Michelman thanked the Board for honoring his late wife, Mary. Ms. Adachi – Moved to approve the naming of the brook after Mary Michelman. Mr. Sonner – second. UNANIMOUS VOTE

DOG HEARING, JESSICA BOUTIN, 263 ARLINGTON STREET – OWNER OF SPIKE

All those that would be testifying and speaking were sworn in by the Clerk.

Dog Officer Mr. Palmer spoke about the issues surrounding this dog and reason he brought this to the Board for a formal hearing.

Officer Trisha Sullivan spoke about a bitten child on his way to school. In 2011 a neighbor said Boutin's son was walking the dog and it bit her gloved hands. She was made aware of a 10 year old girl who was bitten in the hand also while Boutin's son was walking the dog and he was not in control.

Mr. Gowing asked what the trigger point was to have this come to our attention. Mr. Palmer said 4+ bites in three years were brought to his attention, the dogs had not been licensed, rabies shots were not up to date and they had been issued several citations under the dog bylaw that were not being followed. Mr. Gowing was appalled that two bites in a week and felt that that the dog was not suited to this location.

Dr. Cowett – spoke about the dog coming out and attacking him and his two dogs while they were walking.

Ms. Tomasello, Neighbor at 283 Central Street was one of the people bitten on the hands by Spike.

Hans Friedrichs was riding his bike to school and had gloves on and the dog lunged and bit his hand. It was noted that Jeremiah (their son) did not have the dog under control.

Lisa Friedrichs – spoke about the incident and felt it was a family responsibility to keep your dog up to date with shots and under control.

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Ms. Boutin – noted that their son was in charge of walking. They have changed the time he is to walk the dog. The little girl was walking to school and asked to pet the dog and it bit her. They no longer allow their son to walk the dog. They have talked to a vet about his nipping. She felt it is because he is territorial. She apologized for letting the rabies and Dog License lapse.

Ms. Adachi asked about experience as dog owner. Ms. Boutin said she had been a dog owner her whole life and has never had an inside dog as she lived in the country. She asked about the lapsing. Ms. Ashley Smith-Boutin said it is she that takes care of the paper work in the family and somehow it lapsed. They are trying to follow the rules and have put safe guards in place. Ms. Adachi said that her son cannot have the responsibility for the dog. There is a need for training and they have to keep the dog restrained and, perhaps, a muzzling might work. She noted that Jack Russell's need a lot of exercise and they need activity.

Ms. Harting-Barrat asked if they were there when the dog bites happened. Yes they were, and one time a friend opened the door and the dog got out.

Mr. Gowing asked about why they have not licensed the dog. Jessica said that her former partner took care of these issues. He was concerned that the dogs had not been licensed and the Board is responsible to make sure the residents are safe.

Ms. Harting-Barrat asked Mr. Palmer what his next suggestion would be. His recommendation is to muzzle the dog. If the dog goes outside of the dog park the muzzle should be on the dog. Additionally, if they cannot secure or be sure the dog won't get out, it will have to be muzzled in the home.

Ms. Boutin said they would muzzle in the house as well if they cannot keep him from getting out. Mr. Palmer said it should be muzzled at all times. He felt that to be sure it was muzzled inside in case the dog gets out of the house.

Ms. Harting-Barrat asked if she would be willing to muzzle while in the house and outside. Ms. Boutin said yes. Mr. Palmer said training would not do any good at this time; he is too old to change.

Mr. Gowing said these citation issued could have been accompanied by jail time under Mass General Law 140 which says up to 60 days in jail and are you willing to go to jail.

Mr. Sonner asked owners whether or not any other incidents beside the ones here had occurred. He asked if they have not had training. Mr. Palmer was asked if they moved 60 miles away would the dog's behavior go away. No it would not work. If there is another bite that has owner liability and would the town be liable. Attorney Nina Pickering-Cook said no if we come up with a decision only if we had ignored the evidence in front of them. The Town would have no liability in this regard. If there is another single violation, lapse in license, expired Rabies shots or another "out of control" or another incident, Spike is to be removed from town.

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Mr. Gowing was concerned that they would follow the verdict.

Ms. Harting-Barrat – They need to post beware of dog sign and make sure dog is in room and secure before the door is opened.

Ms. Adachi said it must be muzzled all the time.

Ms. Adachi – Moved – That Spike shall be muzzled at all times, indoors as well as outdoors, that Spike shall be on a leash or tethered when outdoors; except that he shall be allowed to run untethered at Great Hill, provided he is muzzled; they must post on the front door their residence a sign that reads “Beware of Dog”. If you violate any of the requirements on this order or the Town Bylaw, or state laws or requirements applicable to dogs, you must remove Spike from the Town of Acton immediately. Mr. Gowing- second UNANIMOUS VOTE

A Decision will be issued in writing stating the conditions. If they have any questions, to call Town Manager, Mr. Ledoux and/or Mr. Palmer who could outline any appeal process they may want to take.

ACTON HOUSING AUTHORITY – DISCUSSION OF PILOT AGREEMENT

Kelley Cronin spoke about the PILOT process. They have been using the same formula for over 20 years. The formula is under state regulations. Ms. Adachi outlined the issue for the Board. Mr. Sonner noted that this supersedes an earlier Policy. Mr. Ledoux noted that the Sudbury document was written when he was working in Sudbury.

Mr. Gowing asked about the permitting fees. Housing Authority was concerned that they would not have enough money to build the project; Kelley noted that Acton has guidelines for town agencies, uniform policy as a tier two. They would be grateful to have the town waive the fees. Mr. Ledoux noted it is actually a gift of \$7,200 because we would have to fund the inspection department as they would have a deficit.

Kelley spoke about use of ACHC funds to cover this. This is over and above CPA funds. She noted that they can go forward without these monies.

Mr. Gowing - Move that the Town waive the building permit fees for Sachem Way construction project but to continue to collected fees for inspections which are in a revolving fund. Mr. Sonner – second. UNANIMOUS VOTE

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ARLINGTON STREET PROJECT –PARKING SPACES

Scott Hayes client representative outlined the request for additional parking spaces. They will pay for the construction and the Traffic Rules and Orders will need to be revised by adding parking with a 2 hour limit. Mr. Hayes said the space for additional parking spaces were there, no trees just turfed grass. Mr. Hayes was asked to coordinate with Corey York with regard to this project. Mr. Gowing – Moved to approve the addition of the three parking spaces on Spruce Street. Mr. Sonner – second – UNANIMOUS VOTE

SELECTMEN’S BUSINESS

ROLL OF LIAISON DISCUSSION AND ADMINISTRATIVE ISSUES

Postponed until Mr. Clough can be included in the discussion.

DISBANDING OF PHASE II 2020 COMMITTEE

Mr. Sonner - Moved to disband Phase II 2020 Committee. Mr. Gowing – second UNANIMOUS VOTE

DISCUSSION OF SIGNS/FLAGS ON THE COMMON

Ms. Harting-Barrat updated the issue of the gay pride flag on the Common which required them to remove the US flag from the pole and the US flag was taken. It was noted that we need to have a policy that would require the Board’s approval.

Ms. Adachi said that there are many opinions and feels that we should not allow anything except for what town departments already put on the common. Mr. Ledoux noted the cemetery on the Common as the site in the chained area and we do not want to desecrate the burial grounds.

Ms. Harting-Barrat said we not allow anything on the Common and agreed with Janet. Mr. Gowing was offended that they put up their own Flag in place of the U.S. flag and it was Memorial Day. He felt it was not acceptable, and he felt we allow nothing on the common until we can be very specific of what we want.

Mr. Gowing said we need to continue to look at this and discuss it further. He feels that we allow Garden Club, Reminder to Vote Signs and allows Acton Women’s Club and would also allow the Water District to display water ban notices.

Mr. Ledoux said he and Ms. Adachi will draft an interim policy. Mr. Gowing - Moved to approve nothing to be placed upon common until we finalize the policy of what would be allowed. Mr. Sonner - second UNANIMOUS VOTE – Additionally, to remove the flag on the Common. Mr. Gowing noted that the Common is not just the

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triangle, it goes down Main Street and is the front lawns for those residents and it is maintained by the town.

COMMITTEE/BOARD REAPPOINTMENT LIST 2012-2013

Ms. Adachi – Moved to approve the reappointment list as submitted by VCC. Mr. Gowing - second UNANIMOUS VOTE

SELECTMEN'S REPORTS

Mr. Sonner – TAC down to two committee members and need to get those filled. TAC is looking at biking, walking and shuttle. GAB lighting for lower fields. SATSAC timing and construction and they have not been awarded at this time. They will have a joint public session with the town and MBTA. Make sure we set up session for Goals. Wants to discuss how we will coordinate e-mails going forward that are sent to the board and Manager's office. Currently, the Chair responds to the board's shell and is responsible for answering them and forwarding the reply to the Board and Manager's Office. The Manager's Office will handle day to day inquiries and forward to the Board as they may arise. Mr. Sonner attended an Eagle Scout presentation on behalf of the Board.

Ms. Adachi – Spoke about the two visitors from Niger and referred Mike Klinger to Barbara Estarbrook for discussion about possible ABCC involvement. Housing Authority has received an offer from abutter to take down pine trees and replace with more landscaping and new trees. Bruce Freeman Rail Trail reached consensus with Concord about Route 2 crossing Concord will get what they want and we will get what we choose. She attended the Cons Com walk on the Anderson land off of Newtown Road, there is a development being planned on this property. CPC is winding down and WRAC continues to work on the bylaw.

Mr. Gowing – Mike spoke about the All Boards and Committees Meeting and may need to schedule for July 9th. Ms. Harting-Barrat wanted to look at this further before calling the meeting. Mr. Gowing attended the COA Volunteer Appreciation Day and felt we should do this for all Boards and Committee's

CONSENT

Holds: 11 and 12

Mr. Sonner # 11 Mr. Sonner will abstain on the January 8, 2011 Budget Session Minutes as he was not on the BOS at that time.

#12 MBTA letter – Mr. Sonner said this does not need to be at fall town meeting but it is his understanding is that was one of the options along with board approval.

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<input type="checkbox"/>	Type	Title	Owner	Edited	Size	Actions
<input type="checkbox"/>		110 Agenda, Board of Selectmen, June 4, 2012	admin	06/01/12	141 KB	    ▼
<input type="checkbox"/>		120 (2) National Grid Request to Install Gas Line on Main Street to School Street	admin	06/01/12	102 KB	    ▼
<input type="checkbox"/>		130 (3) Mary's Brook Naming in Honor of Mary Michelman	admin	06/01/12	3 MB	    ▼
<input type="checkbox"/>		140 (4) Dog Hearing, Jessica Boutin, 263 Arlington Street	admin	06/01/12	2 MB	    ▼
<input type="checkbox"/>		150 (5) Acton Housing Authority Discussion of PILOT Agreement	admin	06/01/12	458 KB	    ▼
<input type="checkbox"/>		160 (6) Arlington Strteet Project, Parking Spaces	admin	06/01/12	303 KB	    ▼
<input type="checkbox"/>		170 (8) Disbanding of Phase II 2020 Committee	admin	06/01/12	186 KB	    ▼
<input type="checkbox"/>		180 (9) Sign Policy Regarding Signs/Flags on the Town Common	admin	06/01/12	463 KB	    ▼
<input type="checkbox"/>		181 (9b) Memo regarding the Gay Pride Flag on the Common	admin	06/01/12	24 KB	    ▼
<input type="checkbox"/>		185 (10) Appointment List As Of 6/1	admin	06/01/12	321 KB	    ▼
<input type="checkbox"/>		190 (11) Accept Minutes, Board of Selectmen, January 8, 2011 (Budget Saturday)	admin	06/01/12	468 KB	    ▼
<input type="checkbox"/>		200 (12) Request for Support to MBTA	admin	06/01/12	167 KB	    ▼
<input type="checkbox"/>		210 (13) Request for Support to MPO Regarding the ARRT	admin	06/01/12	650 KB	    ▼
<input type="checkbox"/>		220 (14) Committee Appointment, Linda Mayer, ABCC	admin	06/01/12	223 KB	    ▼
<input type="checkbox"/>		230 (15) Committee Appointment, Sunanda Sahay, ABCC	admin	06/01/12	114 KB	    ▼
<input type="checkbox"/>		240 (16) One Day Liquor License-Congregation Beth Eolhim	admin	06/01/12	92 KB	    ▼
		250 (17) Accept Gift, Recreation	admin	06/01/12	58	

<input type="checkbox"/>		Department				KB					
<input type="checkbox"/>		260 (18) Accept Gift, Recreation Department	admin	06/01/12	45	KB					
<input type="checkbox"/>		270 (19) Accept Gift, Recreation Department	admin	06/01/12	56	KB					
<input type="checkbox"/>		280 (20) Accept Gift, Planning Department	admin	06/01/12	44	KB					
<input type="checkbox"/>		290 (21) Accept Gift, Planning Department	admin	06/01/12	33	KB					
<input type="checkbox"/>		300 (22) Accept Gift, Nursing Service	admin	06/01/12	21	KB					
<input type="checkbox"/>		310 (23) Disposal of Obsolete Materials, Memorial Library	admin	06/01/12	39	KB					
<input type="checkbox"/>		320 (24) Accept Gift, Cemetery Department	admin	06/01/12	118	KB					

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BOARD OF SELECTMEN & SEWER COMMISSIONERS'

MEETING AGENDA

Francis Faulkner Hearing Room

June 4, 2012

7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:05 **CHAIRMAN'S UPDATE/OPERATIONAL MINUTE**
The Chair and Town Manager will briefly update the Board
2. 7:15 **NATIONAL GRID GAS INSTALLATION, MAIN STREET**
Enclosed please find materials in the subject regard
3. 7:20 **MARY'S BROOK NAMING IN HONOR OF MARY S. MICHELMAN**
Enclosed please find materials in the subject regard
4. 7:30 **DOG HEARING, JESSICA BOUTIN, 263 ARLINGTON STREET**
Enclosed please find materials in the subject regard
5. 7:50 **ACTON HOUSING AUTHORITY, DISCUSSION OF PILOT
AGREEMENT WITH THE TOWN OF ACTON AND REQUEST FOR
FEE WAIVER FROM THE BUILDING PERMIT FEES**
Enclosed please find materials in the subject regard
6. 8:15 **ARLINGTON STREET PROJECT PARKING SPACES**
Enclosed please find materials in the subject regard

SELECTMEN'S BUSINESS

7. **ROLE OF LIAISON DISCUSSION AND ADMINISTRATIVE ISSUES**
8. **DISBANDING OF PHASE II 2020 COMMITTEE**
Enclosed please find materials in the subject regard
9. **DISCUSSION OF BOARD POLICY REGARDING SIGNS/FLAGS ON
THE TOWN COMMON**
Enclosed please find materials in the subject regard

10. 2012-2013 PRELIMINARY COMMITTEE REAPPOINTMENTS

Enclosed please find materials in the subject regard (waiting to see if VCC will complete their task in time for me to prepare for Board's review, otherwise I will ask for it to be held for the next meeting on June 18th)

SELECTMEN'S REPORTS

III. CONSENT AGENDA

11. ACCEPT MINUTES, BOARD OF SELECTMEN, BUDGET SATURDAY, JANUARY 8, 2011

Enclosed please find materials in the subject regard

12. LETTER OF SUPPORT REQUEST FROM THE MBTA TO PRESENT AT AN UPCOMING FALL TOWN MEETING

Enclosed please find materials in the subject regard

13. REQUEST FOR SUPPORT OF THE ASSABET RIVER RAIL TRAIL (ARRT) TO THE METROPOLITAN PLANNING ORGANIZATION (MPO)

Enclosed please find materials in the subject regard

14. COMMITTEE APPOINTMENT, LINDA MAYER, ACTON BOXBOROUGH CULTURAL COUNCIL

Enclosed please find materials in the subject regard

15. COMMITTEE APPOINTMENT, SUNANDA SAHAY, ACTON BOXBOROUGH CULTURAL COUNCIL

Enclosed please find materials in the subject regard

16. ONE DAY LIQUOR LICENSE, CONGREGATION BETH EOLHIM

Enclosed please find materials in the subject regard

17. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$1,130.00 from various donors, to be used to fund the Goward Field Playground Renovations.

18. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find gift of \$580.59 from various donors, to be used to fund the Goward Field Playground Renovations

19. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$1,086.17 from various donors, to be used to fund the Goward Field Playground Renovations

20. ACCEPT GIFT, PLANNING DEPARTMENT

Enclosed please find a gift of \$2,000 from Robbins Brook Housing Element, to be used toward affordable housing within the Town

21. ACCEPT GIFT, PLANNING DEPARTMENT

Enclosed please find a gift of \$11,666.67 from Monument Place Project to be used for affordable housing purposes and street improvement in the project vicinity

22. ACCEPT GIFT, NURSING SERVICE

Enclosed please find a gift in the amount of \$100.00 from Susan Coggins in memory of Aaron Apgar to be used by the Nursing Service

23. DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY

Enclosed please find materials in the subject regard

24. ACCEPT GIFT – CEMETERY DEPARTMENT

Enclosed please find a gift of a tree valued at \$365.00 from Susan Holland to be planted in the Woodlawn Cemetery

IV EXECUTIVE SESSION

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.

JUNE 18	JULY 9	JULY 23
Reappointments (if needed)	Sewer O&M, FY13	
Town Manager Review		
Proposal for Renaming of NARA Park		
Regional School Committee Study Committee		

PENDING MINUTES

- March 12 -JA
- April 23 - MG
- May 7 – MG May 21 MG

PENDING COMMITTEE APPOINTMENTS

- Lawrence Kenah – Transportation, Design Review Board, Cable, Conservation or Recreation Commission – sent to VCC
- Marion Maxwell – COA –sent to VCC
- Mr. Allan Gulliver – EDC- sent to VCC

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

May 7, 2012

Acton Town Hall

Francis Faulkner Hearing Room 7:00 p.m.

Present: Ms. Harting-Barrat, Ms. Adachi, Mr. Gowing, Mr. Clough, Mr. Sonner and Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised

CITIZENS' CONCERNS

No one

CHAIRMAN'S UPDATE & OPERATIONAL MINUTE

Mr. Harting-Barrat – Announced the gift \$40,000 per year for three years from the Steinberg Lalli Foundation to the Nursing Service. Ms. Harting-Barrat also discussed the West Acton parking issues and what we might do to ease the congestion. She noted that there is space for 4 parking spaces along the street next to the vacant lot owned by the Town on Kinsley Road. Congratulations to AB for being the fourth school to receive the Green Flag Award.

Mr. Ledoux –reported about a week ago he and Planning Director met with and have Beth coming in person. Kristin Alexander is the new GIS person and has left the Planning. Kristin Domurad has been hired as a planner to replace Kristin. We have not heard anything about the Exchange Hall from the ABB about the elevator and handicapped accessibility issues.

Mr. Ledoux announced that Concord Mews mitigations are beginning to come in and have received \$300,000 so far.

PUBLIC HEARINGS & APPOINTMENTS

None

SELECTMEN'S BUSINESS

ROLE OF LIAISONS

Ms. Harting-Barrat discussed protocol and the need to discuss issues that are brought back by the Liaisons to the entire board. They should be run by the Town Manager to see if it has been discussed or addressed previously.

Ms. Adachi said the role for liaisons at meetings depends on the committees. For committees that work well independently, the role can be just to report to the rest of the Board any issues, but other committees, especially advisory ones, may need more guidance.

| Final

Mr. Clough noted that EDC Selectmen's Liaison is a voting member.

Mr. Sonner said it would help if they spent less time in committee meetings and the role is to help with cross interaction with the boards.

Mr. Gowing noted that we need to keep an eye on bylaw concerns. He mentioned the attendance of outside Board functions and we need people to come and attend. He spoke about attending some of them. Fin com does not report to the Board of Selectmen or the School Committee.

Mr. Ledoux felt sometimes a liaison is put in a tough place.

Ms. Harting-Barrat noted that the Board needs to keep the Manager aware of issues so that he can catch the ones that may be already addressed.

TOWN MANAGER'S REVIEW

Mr. Gowing discussed the process. He sent out a blank to the Board members and asked the board members to fill it out and send directly to him for compilations or a straw man document. Mr. Gowing read each item on the review. Ms. Adachi and Ms. Harting-Barrat want to see it presented differently and wanted each person's comments listed. Mr. Gowing said he could provide it and put together and give to Christine for the next meeting. Mr. Clough wanted Mr. Gowing at the meeting when it is discussed. It was noted that they could do the review June 18th and to discuss salary at that time.

Windsor Ave. Building request for use was discussed. Several people have asked to use it. Mr., Ledoux felt we needed a study before we move forward and defer until that time. He has the money in his budget for these types of uses for consultants. Mr. Clough – Moved to put on hold until the space needs assessment is complete. Ms. Adachi – second. UNANIMOUS VOTE Mr. Sonner felt the space is vacant at this time and we should allow the Minutemen use it for practice. Ms. Harting-Barrat noted that currently the Farmer's Market use it as well as the West Acton Library.

Mr. Gowing spoke about time line for the study and the Manager said he is waiting to hear from the consultants. Ms. Adachi felt if it could be coordinated and understand that once the survey is done we will reassess its use. Dean Charter said that he would do what is decided and does not feel it is a problem, no storage and temporary basis and could be out in 24 hours notice, no long term commitments.

Mr. Gowing spoke about reserving rooms; currently you have to call all over to get a room. He wanted to have it in one place to administer the space we have already. Dean suggested software for room scheduling.

Mr. Clough - Move that there will be no permanent use and Dean Charter will monitor the situation. Ms. Adachi - second

117# CONCORD ROAD, BEHIND

Mr. Ledoux gave an outline of the situation and the Bank had not paid the taxes and the town took it for taxes. The Bank wants to right the wrong to make the owner whole. Mr. Gowing asked about adding back the legal costs incurred by the town in this regard.

Mr. Gowing – Moved to accept recommendation for consideration of \$9,100 to return the property back to the owner of 117 Concord Road, Behind – Mr. Clough – second UNANIMOUS VOTE

SELECTMEN'S REPORTS

Mr. Sonner –SATSAC clean up day and tidied up the lot. He and Mike went to the OPEB at MMA last week.

Mr. Clough – He did the Acton Clean up day. DRB met several times and were speaking about Kelley's Corner. EDC discussed wrapping up the sign bylaw issues and will need to tackle the Kelley's Corner project. Ms. Harting-Barrat asked about the review of Acton Meadows project.

Mr. Gowing –Reported on attendance at the OPEB meeting and outlined the process, there is no mandate from them to fund this. Legislators will discuss with PRIT to allow the trust to invest in it currently paying 8 ½ interest. Mr. Gowing also noted that when employees change towns the town's liability follows them and going after the liability retirement funds.

Mr. Gowing – noted that Littleton offers child care at town meetings. MEW is moving forward. Senator Eldridge discussed the water report and storm water management. He noted that CLURPA is not getting support. Mr. Gowing spoke about funding CPA and projects by the State. Proposed Senior Home Rule Petition is being reviewed and they are looking at the language to make it workable state wide.

Ms. Adachi – ABCC grant awards. ACHC heard there may be 12 40B units across from the post office. She also noted her attendance at the Water District event/panel. COD needs member to replace Brenda Viola. Ms. Adachi noted that COD may have already found a replacement. Green Flag Ceremonies and entertainment was very nice. Notice of music concerts at NARA Park and urged everyone to attend.

Ms. Harting-Barrat – She had cancellation of board meetings. She travels this time of year and will be out of town over night.

CONSENT

Mr. Clough asked to hold Executive session Minutes. Mr. Clough asked questions about the minutes that were before his term on the board and would like to abstain. Mr. Sonner too wished to abstain on voting on these.

Green River/Costal Wines - Mr. Gowing asked about the term "Local." It was felt that local would be Massachusetts as defined by the Agricultural Board of Massachusetts to which they need approval to even apply for admittance to the Farmer's Market criteria must be met.

Accept Executive session Minutes of February 27, 2012 – Mr. Gowing – Move to approve. Ms. Adachi - second – UNANIMOUS VOTE

| Final

Ms. Adachi – Moved to approve the Consent calendar. Mr. Clough and Mr. Sonner -
Abstaining Motion Passes 3-2

Mr. Gowing – Moved to adjourn - Mr. Clough - Second. UNANIMOUS VOTE

Adjourned 8:45 p.m.

Christine Joyce
Recording Secty

Michael Gowing, Clerk

Date

BOARD OF SELECTMEN & SEWER COMMISSIONERS'

MEETING AGENDA

Francis Faulkner Hearing Room

May 7, 2012

7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:05 CHAIRMAN'S UPDATE/OPERATIONAL MINUTE

The Chair and Town Manager will briefly update the Board

SELECTMEN'S BUSINESS

2. ROLE OF LIAISON'S DISCUSSION AND ADMINISTRATIVE ISSUES

3. TOWN MANAGER'S EVALUATION

4. REQUEST FOR USE OF THE WINDSOR AVE. BUILDING

Enclosed please find materials in the subject regard

**5. #117 CONCORD ROAD – BEHIND, PROPERTY TAKEN FOR TAXES
NOW BEING CONVEYED TO THE BANK/OWNER WITH
CONSIDERATION**

Enclosed please find materials in the subject regard

6. SELECTMEN'S REPORTS

III. CONSENT AGENDA

**7. ACCEPT EXECUTIVE SESSION MINUTES, BOARD OF SELECTMEN,
OF SEPTEMBER 13, 2010, NOVEMBER 1, 2010 NOVEMBER 22, 2010,
DECEMBER 13, 2010 DECEMBER 20, 2010, JANUARY 10, JANUARY
24, 2011, MARCH 21, 2011, FEBRUARY 28, 2011, MARCH 21, 2011,
FEBRUARY 27, 2012**

Enclosed please find materials in the subject regard

**8. ACCEPT REGULAR MINUTES, BOARD OF SELECTMEN, JANUARY 9,
JANUARY 23, JANUARY 30, 2012, FEBRUARY 6, FEBRUARY 27, 2012**

Enclosed please find materials in the subject regard

- 9. PROPOSED MEMORANDUM TO THE ZONING BOARD OF APPEALS IN SUPPORT OF THE LIP APPLICATION FOR COMPREHENSIVE PERMIT ACTON MEADOWS, 263-265 GREAT ROAD**
Enclosed please find materials in the subject regard
- 10. QUAIL RIDGE TOWN HOME DEVELOPMENT- (LOCAL ACTION UNITS)**
Enclosed please find materials in the subject regard
- 11. ACTON-BOXBOROUGH FARMER'S MARKET, FARMER'S WINE LICENSE, GREEN RIVER AMBROSIA, LLC.**
Enclosed please find materials in the subject regard
- 12. ACTON-BOXBOROUGH FARMER'S MARKET, FARMER'S WINE LICENSE, COASTAL VINEYARDS**
Enclosed please find materials in the subject regard
- 13. REQUEST TO AMEND IDENTITY THEFT POLICY, LEADERSHIP CHAPTER TO REFLECT THE CURRENT DIRECTOR IN THE POLICY.**
Enclosed please find materials in the subject regard
- 14. REQUEST TO SELL BRICKS AT GOWARD FIELD PLAYGROUND ON JUNE 9, 2012**
Enclosed please find materials in the subject regard
- 15. ACCEPT GIFT, NATURAL RESOURCES DEPARTMENT**
Enclosed please find a gift of \$48.00 from Kevin Ren to be used for conservation land trail
- 16. ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$650.00 from supporters of the Goward Field Playground Project
- 17. ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$5,100.00 from two supporters of the Goward Field Playground Project
- 18. ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$5,000.00 from TDBank to be used to support the Blushing Brides Concert on July 4, 2012 at NARA Park
- 19. ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$1,000.00 from Pro-Tech Inc. to be used to support the 2012 Summer Concert Series at NARA Park

20. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$50.00 from Benjarong Restaurant to be used to support the Summer Concert Series at NARA Park

21. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find gift of \$1,500.00 from Especially for Pets to be used cover production costs of July 4, Beach Party and Gilmour's Breakfast

IV EXECUTIVE SESSION

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.

MAY 21

No Appointments at this time

JUNE 4

JUNE 18

Board and Committee Reappointments

ADDITIONAL INFORMATION

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

PENDING MINUTES

2011 January 8 – will be in 5/21

2012 February 29

March 12, 26,

April 2, 3, 4 pre-town meeting and April 23 (MG)

PENDING COMMITTEE APPOINTMENTS

Linda Mayer – ABCC sent to VCC

Sunanda Sahay – ABCC sent to VCC

Lawrence Kenah – Transportation, Design Review Board, Cable, Conservation or Recreation Commission – send to VCC

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<input type="checkbox"/>		010 Agenda, Board of Selectmen, May 7, 2012	admin	05/04/12	133 KB	    
<input type="checkbox"/>		020 (4) Requested Use of the Windsor Ave. Building	admin	05/04/12	306 KB	    
<input type="checkbox"/>		030 (5) 117 Concord Road Behind, To Be Conveyed to the owner	admin	05/04/12	569 KB	    
<input type="checkbox"/>		040 (8) Regular Session Minutes, Board of Selectmen Assorted Dates	admin	05/04/12	2 MB	    
<input type="checkbox"/>		<u>050 (9) Proposed Memorandum to the ZBA in Support of the LIP Application, Acton Meadows, 263-265 Great Road</u>	admin	05/04/12	78 KB	    
<input type="checkbox"/>		060 (10) Quail Ridge Town Home Development - Local Action Units	admin	05/04/12	1 MB	    
<input type="checkbox"/>		070 (11) Farmer's Market Wine License, Green River Ambrosia, LLC.	admin	05/04/12	520 KB	    
<input type="checkbox"/>		080 (12) Farmer's Market Wine License, Coastal Vineyards	admin	05/04/12	499 KB	    
<input type="checkbox"/>		090 (13) Request to Amend the Nursing Service Identity Theft Policy to Reflect Current Director	admin	05/04/12	666 KB	    
<input type="checkbox"/>		110 (14) Request to Sell Bricks at Goward Field	admin	05/04/12	50 KB	    
<input type="checkbox"/>		120 (15) Accept Gift, Natural Resources	admin	05/04/12	30 KB	    
<input type="checkbox"/>		130 (16) Accept Gift, Recreation Department	admin	05/04/12	204 KB	    
<input type="checkbox"/>		140 (17) Accept Gift, Recreation Department	admin	05/04/12	86 KB	    
<input type="checkbox"/>		<u>150 (18) Accept Gift, Recreation Department</u>	admin	05/04/12	38 KB	    
<input type="checkbox"/>		<u>160 (19) Accept Gift, Recreation Department</u>	admin	05/04/12	35 KB	    
<input type="checkbox"/>		<u>170 (20) Accept Gift, Recreation Department</u>	admin	05/04/12	119 KB	    
<input type="checkbox"/>		180 (21) Accept Gift, Recreation	admin	05/04/12	41	

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<input type="checkbox"/>	Type	Title	Owner	Edited	Size	Actions
<input type="checkbox"/>		020 Extra Consent - Extra Materials - Use Permit Amendment, Powder Mill Road - Not anticipated at the time of the posting of the Warrant Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	05/07/12	1018 KB	    ▼
<input type="checkbox"/>		010 Use Permit, Powder Mill Road Draft Decision Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	05/07/12	192 KB	    ▼
<input type="checkbox"/>		060 (10) Correction noted and made to Application Package Submitted by Jill Underdonk, Quail Ridge Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	05/07/12	44 KB	    ▼
<input type="checkbox"/>		065 (9) Extra Drawings for Acton Meadows Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	05/07/12	1 MB	    ▼

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<input type="checkbox"/>	PDF	010 OPEB Challenge for Municipalities Presentation Slides by MMA	admin	05/04/12	826 KB	    ▼
<input type="checkbox"/>	PDF	020 Minutes, Board of Selectmen, February 29, 2012	admin	05/04/12	357 KB	    ▼
<input type="checkbox"/>	PDF	030 Minutes, Board of Selectmen, March 26, 2012	admin	05/04/12	255 KB	    ▼
<input type="checkbox"/>	PDF	040 Minutes, Board of Selectmen, January 8, 2011	admin	05/04/12	358 KB	    ▼
<input type="checkbox"/>	PDF	050 Municipal Relief Fund, Wheelabrator Payment	admin	05/04/12	42 KB	    ▼
<input type="checkbox"/>	PDF	060 Notice from Recreation, Regarding Concert Dates Updated	admin	05/04/12	53 KB	    ▼
<input type="checkbox"/>	PDF	070 Letter of Support from the Town of Stow Regarding ARRT (FY 2013-16 TIP)	admin	05/04/12	90 KB	    ▼
<input type="checkbox"/>	PDF	080 Ifinity Notices of Channel Changes	admin	05/04/12	60 KB	    ▼

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RECORD OF VOTE OF THE ACTON BOARD OF SELECTMEN

FILE COPY

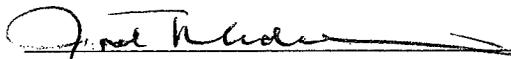
May 7, 2012

At a duly called public meeting of the Acton Board of Selectmen on May 7, 2012, the Board voted as follows with respect to that certain land with the buildings and improvements thereon located at 117 Concord Road (Behind), shown as Parcel 49-2 on Acton Assessor's Map G4 (the "Property") and also shown as "Lot 36" on Plan No. 21297^G filed with Middlesex South Registry District of the Land Court (the "Plan");

- (a) To approve and execute the Quitclaim Deed for the Property from the Town to Judith A. Becker in the form presented to the Board at the May 7, 2012 Board meeting; and
- (b) To authorize the Town Manager to take all actions on behalf of the Town that are reasonably necessary or advisable, in the judgment of the Town Manager, to complete the sale of the Property, including without limitation signing closing forms, documents and settlement statements, and to take all actions and execute all documents that are reasonably necessary or advisable, in the judgment of the Town Manager, to effectuate the sale of the Property.

ACTON BOARD OF SELECTMEN

Pamela A. Harting-Barrat - Chair


Janet K. Adachi - Vice Chair

Michael Gowing - Clerk

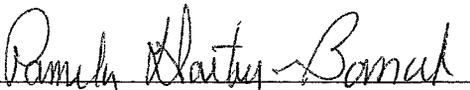

John Sonner

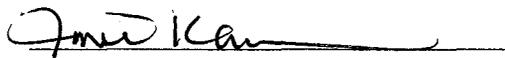

David Clough

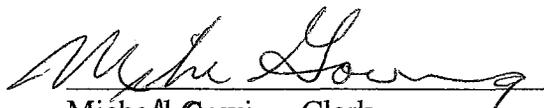
APPROVAL BY SELECTMEN

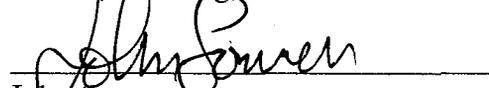
We, being a majority of the undersigned Board of Selectmen of the Town of Acton, Massachusetts, hereby approve the grant of the property known as and numbered 117 Concord Road (Behind), shown as Parcel 49-2 on Acton Assessor's Map G4 and also shown as "Lot 36" on Plan No. 21297^G filed with Middlesex South Registry District of the Land Court to Judith A. Becker for consideration of Nine Thousand One Hundred (\$9,100) Dollars. Said approval is evidenced by the deed from the Town of Acton to Judith A. Becker that will be recorded herewith.

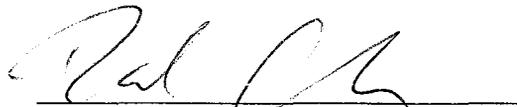
WITNESS our hands and seals this 7th day of May, 2012.


Pamela Harting-Bartat, Chair


Janet K. Adachi, Vice Chair


Michael Gowing, Clerk


John Sonner


David Clough

)

All of said boundaries are determined by the Court to be located as shown on a subdivision plan, as approved by the Court, filed in the Land Registration Office, a copy of which is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book 895, Page 121, with Certificate of Title No. 153071.

Said Lot 36 is conveyed subject to and with the benefit of restrictions, easements, covenants and agreements of record, if any there be, insofar as the same are now in force and applicable, including the restrictions as set forth in a Deed given by Charles L. Miner to Henry Mekkelson et ux, dated January 2, 1929, duly recorded in Book 5316, Page 181.

The delivery of this deed shall evidence full compliance with the requirements set forth in Massachusetts General Laws Chapter 44, Section 63A.

No Massachusetts documentary stamps are affixed hereto as none are required by law because the grantor is a municipality.

The undersigned constitute a majority of the Board of Selectmen.

For the Town of Acton's title, see Instrument of Taking dated June 10, 2004 and filed with the Middlesex South Registry District of the Land Court as Document No. 1345097, the Notice to Foreclose Tax Lien dated June 16, 2005 and filed as Document No. 1380233, and the Judgment in Tax Lien Case dated May 7, 2007 and filed as Document No. 1444240.

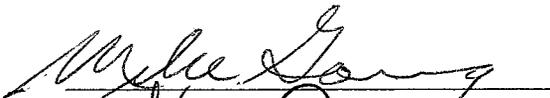
[Signatures to appear on following page.]

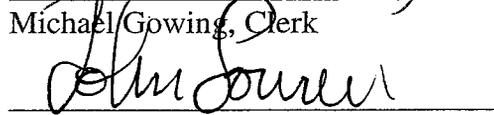
EXECUTED under seal this 7th day of May, 2012.

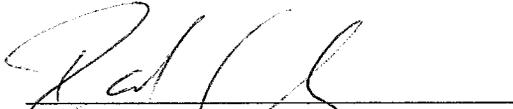
**BOARD OF SELECTMEN
TOWN OF ACTON**


Pamela Harting-Barrat, Chair


Janet K. Adachi, Vice Chair


Michael Gowling, Clerk

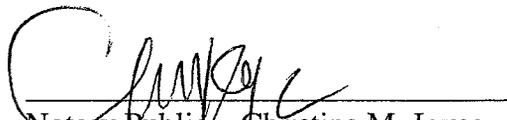

John Sonner

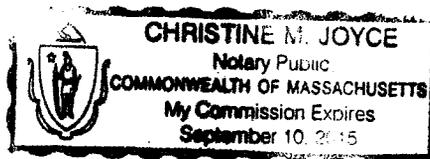

David Clough

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

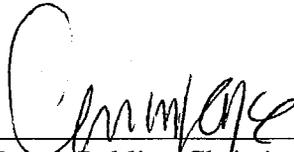
On this 7th day of May, 2012, before me, the undersigned Notary Public, personally appeared each of the foregoing named members of the Board of Selectmen of the Town of Acton, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons whose names are signed on the preceding document, and acknowledged to me that each signed it voluntarily for its stated purpose as the foregoing named members of the Board of Selectmen of the Town of Acton.


Notary Public – Christine M. Joyce
My commission expires: Sept. 10, 2015

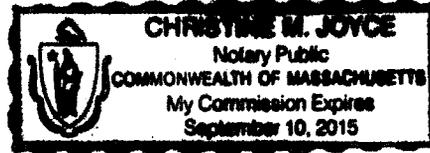


COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF Middlesex)

On this 7th day of May, 2012, before me, the undersigned notary public, personally appeared the following named members of the Board of Selectmen of the Town of Acton: Pamela Harting-Barrat, Janet Adachi, Michael Gowing, David Clough and John Sonner, proved to me through satisfactory evidence of identification, as Known to Me, to be the persons whose names are signed on the preceding document and acknowledged to me that they signed it voluntarily for its stated purpose as the foregoing named members of the Board of Selectmen of the Town of Acton, a municipal corporation.



Notary Public: Christine M. Joyce
My Commission Expires: Sept 10, 2015



Final

8/20 (11)

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

April 23, 2012

Acton Town Hall

Francis Faulkner Hearing Room 7:00 p.m.

Present: Mr. Gowing, Ms. Harting-Barrat, Ms. Adachi, Mr. Clough, Mr. Sonner and Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised

CITIZENS' CONCERNS

No one

CHAIRMAN'S UPDATE & OPERATIONAL MINUTE

Mr. Gowing –Annual Town Meeting was good and many budgets passed and vote of confident on Master Plan. Nursing was supported by Town Meeting. He thanked everyone for their support in getting ready for Annual Town Meeting

Mr. Ledoux –Transfer Station offering Compost free of charge to residents, not open to contractors. We received a dividend from MIIA for insurance savings of \$21,158 and Workmen's Comp. \$14,144. Paving program, Main Street, Highway will begin shortly and they will be trying night paving.

BOARD REORGANIZATION

Nomination for Chair – Ms. Adachi – Moved to nominate Ms. Harting-Barrat as Chairman. Mr. Gowing – Second.

Mr. Clough nominated Ms. Adachi. Ms. Adachi declining Mr. Clough's Nomination, she would rather be Vice-Chairman this year.

Ms. Harting-Barrat explained why she wanted to be Chairman this year.

Ms. Harting-Barrat Nominated Ms. Adachi as Vice Chair. Mr. Clough seconded.

Mr. Clough Nominated Mr. Gowing as for Clerk. Ms. Harting-Barrat – second.

Final

PUBLIC HEARINGS & APPOINTMENTS

USE PERMIT, #3/12/12-436, 53 KNOX TRAIL

The whole building was for rent and finally they decided to split up the building to make it easier to rent. They propose to make three units and they will use one for storage, one has been rented, which leaves one for an athletic training facility with equipment and turf for team sports training.

Ms. Adachi asked about parking spaces and he said parents drop off and pick up and will make no impact.

Mr. Bartl spoke about the plan and does not see any problems and the location is not busy. He wanted to point out parking but after hearing the applicant's explanation that it will be the pick-up and drop off of students, and asked the applicant to monitor the parking and develop a plan to address any potential problems.

Mr. Sonner asked about parking if they develop a problem that we have a mechanism to address it. Mr. Bartl noted the Selectmen can amend their own motion and can revisit the special permit and amend as the Board sees fit.

Mr. Clough asked about supervision and asked if CORI checks were done. They are very careful of who they hire. The facility will be for after school use from 3-8pm and Saturday's until noon time; there will be no showers and camping overnight at the proposed facility.

MR. Gowing - Moved to approve. Ms. Adachi – second. UNANIMOUS VOTE

SITE PLAN SPECIAL PERMIT #7/6/11-433 – 40 SUDBURY ROAD, AKA 65 POWDER MILL ROAD – AT THE REQUEST OF THE APPLICANT TO BE CONTINUED TO SEPTEMBER 24, AT 7:15

It was noted that the applicant is requesting a continuation to after Labor Day to further look at other possibilities. Ms. Harting-Barrat - Moved to continue to September 24 at 7:15. Mr. Clough – second – UNANIMOUS VOTE

SPRIG'S RESTAURANT #5 STRAWBERRY HILL ROAD – EXPANDING FROM 6 DAYS TO 7 DAYS FULL LIQUOR LICENSE AS A COMMON VICTUALLER.

Manager/Owner Martha Ludlow explained that they need to expand the days to be able to be open for special events on Mondays. This was previously covered by obtaining a One Day Liquor License. Since the ABCC Regulations have changed they are no longer eligible for a One Day Liquor License because they already have a liquor license.

Mr. Gowing – Moved to approve. Mr. Clough – second. UNANIMOUS VOTE

BOOK DROP DONATION CONTAINERS

Carol Dombleski spoke about the location of the dumpsters throughout town. They collect books for their sales and the proceeds are about \$35,000 each year.

Final

They want to allow bins for non-profit only as much as the way Quincy has.

Nancy Lenicheck, Chairman of the Citizens' Library, requests that the town only allow non-profits. They have experienced a 40% reduction of donation and will not be able to have their May Sale this year.

Ms. Adachi asked about *Got Books* and was glad to put the focus on this issue.

Mr. Gowing asked if there were any fees in place for placement or is it between bin and owner and advertising signs does it violate the bylaw. Mr. Bartl said it is between the bin and owner of the property.

Mr. Gowing felt that we should be looking at creating a by law to address this issue.

Mr. Clough asked about treatment of profits vs. non profits and feels it will take more than a wave of a wand and would like to see a registration.

Mr. Ledoux said we would need a bylaw voted at town meeting.

Tom Michelman spoke about enforcement and to endorse the sign bylaw right now and promote other places to go to Salvation at Transfer Station. He felt we should just get rid of them through a bylaw.

Allen Nitschelm asked about signage on the bins and felt it was an issue of disclosure.

Martha Ludlum – spoke about the bins and they are unsightly. She feels that she has to comply with sign bylaw at her business, so they should too. She asked if Salvation Army Boxes could be made acceptable.

Ms. Adachi felt it needs more studying and disclosure requirements. She said we need people to know about these non-charity boxes and to regulate aesthetics in town.

Ms. Harting-Barrat said she needs a sense of the Board on how to proceed. Mr. Sonner agrees we need to do something but we need to address so it does not continue to grow and the lack of transparency

Mr. Clough said we need to address it now and felt education was important to have people know about the status of the boxes.

Roland was asked to provide a plan to address this. He said they have lots of ways, but Salvation Army and others will need to be treated equally. Currently they are all in violation.

EXCHANGE HALL CPC FUNDING REIMBURSEMENT DISCUSSION

The Board would like to wait to discuss this further until the decision is received from the Architectural Access Board

Mr. Graham said that he needs to support a position that the funds should be released to exchange hall. The elevator installation monies could be held. Technically not all the work has

Final

been done. The outside has been completed. There is an agreement that could require that the building be maintained and the structure adheres to the requirements and town.

He feels that we should release the \$200,000 and \$31,000 be held until the elevator issue is resolved. It will also require handicapped accessible restrooms. The cost of the elevator is \$150,000 to install in the rear of the building.

Mr. Gowing talked about meetings and the need for accessible places by the Town in Acton. The Town cannot use the property at this time due to its not being accessible.

Ms. Adachi felt that the CPC committee wanted to go forward with recognizing we have seen the visual benefit of the repairs. She feels we hold the \$30,000 and if not completed in three years they would forfeit the money and we would be stuck with a building that we cannot use.

Mr. Clough spoke about the accessibility issue. He felt that they also needed a handicapped rest room. He said it looks nice but it is not to useful. He wants to hold back funds at a minimum of \$50,000.

Mr. Sonner suggested that we hold back at least 50 percent, it looks nice but we are not getting the Town use we were promised.

Allen Nitschelm spoke about final payment before it is done. How much have they spent? They have spent \$600,000 would take \$400,000 more to finish the entire project. We were told no money would be released until the project is complete.

Mr. Gowing noted the Architectural Access Board has said they have many outstanding issues.

Mr. Gowing recommends continuing this until we hear from the Architectural Access Board regarding the outstanding issues.

Mr. Ledoux said we should see the Architectural Access Board's review.

Owner Glen Berger, said that he decided to offer the building for Town use as a way to give back to the town, and it was his offer not a requirement

Mr. Gowing - Move we continue this decision until we get a ruling back from Architectural Access Board - Ms. Adachi – second UNANIMOUS VOTE

SELECTMEN'S BUSINESS

ACTON DISTRIBUTION OF WHEELABRATOR SETTLEMENT FUND

Mr. Ledoux outlined the payment and Counsel has raised some concerns. A letter was sent to the AG seeking two things. We have been given a deadline by May 2nd or it will go into a pool and noted we are one of five communities that have not signed off.

Mr. Ledoux feels it is safe to sign the agreement and receive the monies.

Mr. Clough asked about what risk we would take. Mr. Ledoux said that the risk is limited and Town Counsel said we should move forward as the issues have been addressed.

Final

Mr. Gowing asked that it go into the OPEB Trust. Mr. Ledoux felt it needed to be appropriated at Town Meeting.

Mr. Gowing - Moved Authorize the Town Manager to sign the agreement. Mr. Sonner – second UNANIMOUS VOTE

ACTON 2020 PHASE III

Mr. Bartl spoke about the Charter and that he may have brought this too early, but wanted to hit the road running.

Mr. Clough asked about the power of the Committee and Planning Board. They will be commissioned by the Selectmen and will serve at the Selectmen's wishes.

Ms. Adachi spoke about the committee and made suggestions when appropriate and to modify if it reality does not allow for the way the plan is written.

Mr. Gowing said that Counsel gave us choices before we vote to move forward.

Mr. Sonner asked about life time of 10 years, he hopes we get the action items through. Put a milestone to have committee work and then the committee goes away.

It was decided to incorporate Counsel's suggestions and come back to discuss. Roland will put the changes in the proposed Committee as suggested by Counsel and if the Board has questions to contact him.

Mr. Gowing asked about any consulting money left over from Phase II and spoke about allocations of funds. Mr. Bartl said there are not funds, they have been used.

Mr. Clough wanted a monthly update on the items they have been able to implement.

BRUCE FREEMAN RAIL TRAIL UPDATE ON PHASE 2B PORTION (ROUTE 2 CROSSING SEGMENT)

Mr. Gowing had to recuse himself and left the room as he is an abutter.

Mr. Bartl made a presentation about a solution of how the bridge should look like or aligned, DOT will pay 25% of the design. They have discussed different ways to cross 2A. His slides outlined the proposals that have been discussed with regard to the type of bridge appropriate for Acton. Ms. Adachi said they don't want to hold up the plan as the Friends are anxious to move forward.

The implications are greater for the skewed plan and they discussed the cost of a steel Bridge of 7 million. The perpendicular aligned steel girder costs 5.7 million and the estimates include ramping, and how the second bridge to be incorporated over Nashoba Brook. A skewed drop in bridge would cost 4.5 million. Mr. Clough felt the steel girder looked good and wanted the most esthetically pleasing result.

Tom Michelman President of the Friends of the BFRT noted that he feels Concord's Natural Resources disappointed him. He urged the Board to move forward.

Final

Mr. Sonner felt we get it built even if it is perpendicular.

Ms. Adachi spoke about diagonal installation and felt we needed to have an understanding with more than a hand shake. She feels they should meet with Concord to continue to discuss this further.

Tom Michelman asked for an update at each meeting to keep track of the issue.

ARRT CAOUCETTE LAND CONSERVATION RESTRICTION FOR DISCUSSION

Mr. Bartl suggested that we call the committee back together. Mr. Bartl has seen the Conservation Restriction and felt it was very restrictive to the ARRT project.

BOY SCOUT COURT OF HONOR - PETER SKAGGS

Mr. Clough will represent the Board at this Court of Honor

BOY SCOUT COURT OF HONOR - LOUIS WIDOM

Mr. Sonner will represent the Board at this Court of Honor

ACTON GARDEN CLUB REQUEST FOR COST SHARING OF A SIGN FOR MEETING HOUSE HILL

Mrs. Kosicki noted that it will provide \$350.00 and the monies are available in Municipal Properties Budget.

Mr. Gowing asked why we did not pay for the whole sign because they do a nice job around town. Mr. Gowing – Moved to fund the project from the Municipal Properties as suggested by Mr. Charter. Mr. Clough – second UNANIMOUS VOTE

SELECTMEN'S REPORTS

Mr. Sonner – Spoke about the \$19,000 which has been donated to be used for Goward Field Project. GAB Acton got named in the solarized program. SATSAC - The T is starting some of the work. It will be closing on the weekends and riders will be bussed.

Mr. Clough –DRB Chairman Ann Sussman has resigned. Mr. Clough reported on the EDC and the meeting with the business owners of Kelly's Corner. HDC discussed the development of the property next to Mt. Hope Cemetery on Central Street.

HDC has also put a 12 month hold for the demolition at Pete's Garage on Great Road. The architect for the Asa Parlin project has been chosen.

Mr. Gowing –COA disappointed with vote at town meeting and will look at ways to make adjustments in the current building. HDC noted that the Wave project is having problems with the moving of the house and barn and that the building will fall apart if moved. RTAC – staff presentation for MPO for TIP. Comcast Cable and Verizon were brought in and discussed upgrades to digital. Comcast provide low cost cable and net book to students on the reduced

Final

lunch program list. Mr. Gowing will follow up. He also outlined the process for the Town Manager's review.

Ms. Adachi – Water District 100 year anniversary

Commission on Disability reviewed a Waiver request from Colonial Chevrolet to use a trailer to accommodate some of the sales staff during their construction. Ms. Adachi attended the Conservation walk at lower fields and is glad it is moving forward. Land Steward still working on Charter and she has met with Jim Snyder Grant and had a productive meeting. She will be asking for review by the Town and reviewed by Counsel. Patriot's Day walk with other Selectmen was fun but hot

Ms. Harting-Barrat – Health/Planning no meetings

CONSENT

Mr. Clough asked to hold 26 – Mr. Clough asked questions and history and Mr. Bartl said they originally had affordable units and the recession hit and the came back to the Board and the decision was renegotiated.

Ms. Adachi – Moved to approve the Consent calendar. Mr. Clough – second. UNANIMOUS VOTE

Mr. Sonner – Moved to adjourn - Mr. Clough - Second. UNANIMOUS VOTE

Adjourned 11:00 p.m.

Christine Joyce
Recording Secty

Michael Gowing, Clerk

Date

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Hearing Room

APRIL 23, 2012

7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:05 **CHAIRMAN'S/TOWN MANAGER'S UPDATE**
The Chair and Manager will briefly update the Board
2. 7:10 **BOARD RE-ORGANIZATION**
3. 7:15 **USE PERMIT #3/12/12-436, 53 KNOX TRAIL**
Enclosed please find materials in the subject regard
4. 7:25 **SITE PLAN #7/6/11-433, 40 SUDBURY ROAD -AKA 65 POWDER MILL ROAD**
Enclosed please find materials in the subject regard Link <https://doc.acton-ma.gov/dsweb/view/collections-4706> -Petitioner will be asking for a continuance to September,2012
5. 7:50 **SPRIG'S RESTAURANT, #5 STRAWBERRY HILL ROAD- REQUEST TO CHANGE FROM A 6 DAY FULL LIQUOR AS A COMMON VICTUALLER TO A 7 DAY.**
Enclosed please find materials in the subject regard
6. 8:00 **BOOK DROP DONATION CONTAINERS**
Enclosed please find materials in the subject regard
7. 8:15 **EXCHANGE HALL CPC FUNDING REIMBURSEMENT DISCUSSION WITH ATTORNEY STEVEN GRAHAM REPRESENTING THE OWNER**
Enclosed please find materials in the subject regard.

III. SELECTMEN'S BUSINESS

8. **ACTON DISTRIBUTION OF WHEELABRATOR SETTLEMENT FUND**
Enclosed please find materials in the subject regard

9. **ACTON 2020 PHASE III IMPLEMENTATION COMMITTEE**
Enclosed please find materials in the subject regard
10. **BRUCE FREEMAN RAIL TRAIL UPDATE PHASE 2B PORTION (ROUTE 2 CROSSING SEGMENT) FOR DISCUSSION**
Enclosed please find materials in the subject regard
11. **AART CAOUCETTE LAND CONSERVATION RESTRICTION FOR DISCUSSION (NO MATERIALS)**
12. **BOY SCOUT COURT OF HONOR, MAY 27, 2012 PETER SKAGGS, ASSIGN SELECTMAN**
Enclosed please find materials in the subject regard
13. **BOY SCOUT COURT OF HONOR, JUNE 3, 2012 LOUIS WIDOM, ASSIGN SELECTMAN**
Enclosed please find materials in the subject regard
14. **ACTON GARDEN CLUB REQUEST FOR SHARING COST OF A SIGN FOR MEETING HOUSE HILL**
Enclosed please find materials in the subject regard
15. **SELECTMEN'S REPORTS**

IV. CONSENT AGENDA

16. **MINUTES, BOARD OF SELECTMEN, OCTOBER 17, 2011**
Enclosed please find materials in the subject regard, for Board consideration
17. **NAGOG TRAIL EASEMENT FOR ENDORSEMENT, THE RESIDENCES AT QUAIL RIDGE**
Enclosed please find materials in the subject regard
18. **COMMITTEE APPOINTMENT – BRUCE FRIEDMAN, GREEN ADVISORY COMMITTEE, ELEVATION FROM ASSOC. TO FULL MEMBER**
Enclosed please find materials in the subject regard
19. **USE OF COMMUTER LOT AS A REST STOP FOR THE 2ND ANNUAL BREAKAWAY RIDE BEGINNING IN LINCOLN**
Enclosed please find materials in the subject regard
20. **CONFIDENTIAL REQUEST FOR USE OF VARNUM TUTTLE TRUST FUND**
Enclosed please find materials in the subject regard

- 21. ACCEPT GIFT, NURSING SERVICE**
Enclosed please find a gift of \$100.00 from the Wang's and Hartung's to be used by the Nursing Service
- 22. ACCEPT GIFT, NURSING SERVICE**
Enclosed please find a gift of \$180.00 from various supporters to be used without restriction for the needs of the Nursing Service
- 23. ACCEPT GIFT, COUNCIL ON AGING**
Enclosed please find a gift of a Nintendo Wii Console and game from Barbara Tallone, valued at \$150.00 to be used at the Senior Center
- 24. ACCEPT GIFT, BOARD OF HEALTH**
Enclosed please find a gift of \$1,265.91 from various supporters of Wellness University
- 25. ACCEPT GIFT, PLANNING DEPARTMENT**
Enclosed please find a gift of \$23,333.34 from Bentley Builders to be used for affordable housing and street improvements in the project vicinity
- 26. ACCEPT GIFT, PLANNING DEPARTMENT**
Enclosed please find a gift of \$2,000.00 from Robbins Brook Housing Element Construction to be used towards affordable housing within in town
- 27. ACCEPT GIFT, ACTON 2020**
Enclosed please find a gift of \$123.00 from Powers Gallery to frame the overall winners' art work
- 28. ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$200.00 from Scheier & Katin to be used to support the Gilmour's Breakfast Concert
- 29. ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please a gift of \$100.00 from Joseph Perry Plumbing to be used for 2012 summer programs at NARA Park
- 30. ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$1,737.00 from various supporters of the Goward Field Playground Project
- 31. ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$796.00 from various supporter of the Goward Field Playground Project
- 32. ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$100.00 from South Acton Gas to support the Summer Concert Series at NARA Park

33. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$614.09 from various supporters of the Goward Field Playground Project

34. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$1,500 from Wind River Environmental, to be used to support the Beatle Juice Concert at NARA Park

35. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$1,000 from The Inn at Robbins Brook to be used to support the Summer Concerts Series at NARA Park

36. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$100.00 from Acton Medical to be used to support the Summer Concert Series at NARA Park

37. TURTLE CREEK WINERY, FOR A FARMER WINERY LICENSE TO SELL AT THE ACTON BOXBORO FARMER'S MARKET

Enclosed please find materials in the subject regard

38. REQUEST FROM THE LOCAL TABLE, 251 ARLINGTON STREET FOR AN ENTERTAINMENT LICENSE

Enclosed please find materials in the subject regard

39. ONE DAY LIQUOR LICENSE – AT NARA PARK

Enclosed please find materials in the subject regard

40. ONE DAY LIQUOR LICENSE – AT NARA PARK

Enclosed please find materials in the subject regard

41. ONE DAY LIQUOR LICENSE – EXCHANGE HALL

Enclosed please find materials in the subject regard

42. DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY

Enclosed please find materials in the subject regard

V. EXECUTIVE SESSION

ADDITIONAL INFORMATION

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

PENDING MINUTES

2011 JANUARY 8, OCTOBER 9

2012 JANUARY 9, 23, 30, FEBRUARY 6, 27, 29, MARCH 12, 26, APRIL 2, 3, 4 Pre-Town Meeting

PENDING COMMITTEE APPOINTMENTS

Linda Mayer – ABCC sent to VCC

Sunanda Sahay – ABCC sent to VCC

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 **Agenda**

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<input type="checkbox"/>	Type	Title	Owner	Edited	Size	Actions
<input type="checkbox"/>		010 Agenda, Board of Selectmen, April 23, 2012	admin	04/20/12	201 KB	    
<input type="checkbox"/>		020 (3) Use Permit #03/12/12-436, 53 Knox Trail	admin	04/20/12	823 KB	    
<input type="checkbox"/>		030 (4) Site Plan Special Permit, #7/6/20-433, 40 Sudbury Road aka 65 Powder Mill Road	admin	04/20/12	37 KB	    
<input type="checkbox"/>		040 (5) Request to Change to a 7 day from 6 day Full Liquor License, Sprig's, 5 Strawberry Hill Road	admin	04/20/12	594 KB	    
<input type="checkbox"/>		050 (6) Book Drop Donation Containers	admin	04/20/12	564 KB	    
<input type="checkbox"/>		060 (7) Exchange Hall CPC Funding Reimbursement	admin	04/20/12	420 KB	    
<input type="checkbox"/>		070 (8) Wheelerbrator Settlement Fund	admin	04/20/12	611 KB	    
<input type="checkbox"/>		080 (9) Acton 2020 Phase III Implementation Committee	admin	04/20/12	189 KB	    
<input type="checkbox"/>		090 (10) Bruce Freeman Trail Update Phase 2B Portion (Route 2 Crossing Segment)	admin	04/20/12	1 MB	    
<input type="checkbox"/>		100 (10) Bruce Freeman Trail Additional Documents	admin	04/20/12	3 MB	    
<input type="checkbox"/>		110 (12) <u>Boy Scout Court of Honor, Peter Skaggs</u>	admin	04/20/12	51 KB	    
<input type="checkbox"/>		120 (13) <u>Boy Scout Court of Honor, Louis Widom</u>	admin	04/20/12	51 KB	    
<input type="checkbox"/>		130 (14) Acton Garden Club Request to Share the Cost of a Sign For Meeting House Hill	admin	04/20/12	1 MB	    
<input type="checkbox"/>		140 (16) Minutes, Board of Selectmen, October 17, 2011	admin	04/20/12	494 KB	    
<input type="checkbox"/>		150 (17) Nagog Trail Easement Endorsement	admin	04/20/12	332 KB	    
<input type="checkbox"/>		160 (18) Committee Appointment,	admin	04/20/12	34	    

		Bruce Friedman, Green Advisory Board				KB					
<input type="checkbox"/>		170 (19) Request for Use of the Commuter Lot as a Rest Stop for the Annual Breakaway Ride	admin	04/20/12	76 KB						
<input type="checkbox"/>		180 (21) Accept Gift, Nursing	admin	04/20/12	22 KB						
<input type="checkbox"/>		190 (22) Accept Gift, Nursing	admin	04/20/12	25 KB						
<input type="checkbox"/>		200 (23) Accept Gift, Council on Aging	admin	04/20/12	87 KB						
<input type="checkbox"/>		210 (24) Accept Gift, Board of Health	admin	04/20/12	25 KB						
<input type="checkbox"/>		220 (25) Accept Gift, Planning Department	admin	04/20/12	36 KB						
<input type="checkbox"/>		230 (26) Accept Gift, Planning Department	admin	04/20/12	46 KB						
<input type="checkbox"/>		240 (27) Accept Gift, Acton 2020	admin	04/20/12	28 KB						
<input type="checkbox"/>		250 (28) Accept Gift, Recreation	admin	04/20/12	91 KB						
<input type="checkbox"/>		260 (29) Accept Gift, Recreation	admin	04/20/12	458 KB						
<input type="checkbox"/>		270 (30) Accept Gift, Recreation	admin	04/20/12	50 KB						
<input type="checkbox"/>		280 (31) Accept Gift, Recreation	admin	04/20/12	91 KB						
<input type="checkbox"/>		290 (32) Accept Gift, Recreation	admin	04/20/12	59 KB						
<input type="checkbox"/>		300 (33) Accept Gift, Recreation	admin	04/20/12	46 KB						
<input type="checkbox"/>		310 (34) Accept Gift, Recreation	admin	04/20/12	35 KB						
<input type="checkbox"/>		320 (35) Accept Gift, Recreation	admin	04/20/12	35 KB						
<input type="checkbox"/>		330 (36) Accept Gift, Recreation	admin	04/20/12	64 KB						
<input type="checkbox"/>		340 (37) Farmer's Market Sale of Winery Products	admin	04/20/12	401 KB						
<input type="checkbox"/>		350 (38) Request from the Local Table for Entertainment at 251 Arlington Street	admin	04/20/12	213 KB						
<input type="checkbox"/>		360 (39) One Day Liquor License	admin	04/20/12	118 KB						
<input type="checkbox"/>		370 (40) One Day Liquor License	admin	04/20/12	70 KB						
<input type="checkbox"/>		380 (41) One Day Liquor License	admin	04/20/12	124 KB						
<input type="checkbox"/>		390 (42) Disposal of Obsolete Materials, Acton Memorial Library	admin	04/20/12	40 KB						