BOARD OF SELECTMEN AND SEWER COMMISIONER'S MEETING

March 24, 2014

Francis Faulkner Hearing Room

Regular Meeting 7:00 p.m.

Members Present: Janet Adachi, Michael Gowing, Katie Green, Dave Clough, John Sonner, Town Manager Ledoux and Lisa Tomyl, recording secretary.

CITIZEN'S CONCERNS

Bob Ingram asked if the Board had thought any more about waiving the fees for non-profits wishing to put up signs advertising events on their own property. He is specifically asking about the West Acton Baptist Church as they would like to advertise for their annual free breakfast on Easter. He noted that they brought up this same issue last year. Ms. Adachi said that she started looking into the issue, but realized that the question of temporary signs for non-profits, or on the Town Common, was a bigger ordeal than previously thought. She's been working to collect and understand the various bylaws that would have to be amended. She noted that the West Acton Baptist Church can ask for the fee to be waved, but that the Board can't do that tonight as it's not on our agenda.

CHAIRMAN'S UPDATE & OPERATIONAL MINUTE

Mr. Ledoux and Special Town Counsel will meet with the Concord Town Manager and their Special Town Counsel on Friday to discuss the changes to Concord's plans regarding Knox Trail. They are now focusing on #37 Knox Trail instead of #55. This would give them access to the Grace site. They would still have to purchase the Grace site, which they hope to use for a solar farm and bus parking. They would not be able to fit all of their buses on #37 Knox Trail. Concord will have a special Town Meeting within their Annual Town Meeting to authorize the purchase of #37 Knox Trail. Mr. Ledoux also met with the Acton Conservation Trust and the Sudbury Valley Trustees regarding the conservation of 6 Piper Lane, the Gable Property.

Ms. Adachi: The pre-Town Meeting meeting will be Thursday, March 27 at the Public Safety Facility at 7:00 pm. The regionalization inter-Municipal Agreement and Memorandum of Understanding are close to being done. The Town of Concord is shifting its attention to the property at 37 Knox Trail. Ms. Adachi heard about the change on March 18, 2014 from Carmen Reiss, Concord Board of Selectman and Town Manager Steve Ledoux heard from Town Manager Chris Whelan. The acquisition of 55 Knox Trail is proving to be a challenge due to uncertainties involving the owners, such as the bankruptcy and the recent notice from the MA Department of Environmental Protection indicating that the owners failed to do required monitoring. 37 Knox Trail is just under 1 acre, has an office building, and would provide

access to the W.R. Grace property in Concord, which Concord has authority to purchase but hasn't yet done.

PUBLIC HEARINGS & APPOINTMENTS

BUENO ACTON, LLC D/B/A BUENO Y SANO, JASON B. BRADY, MANAGER – 263 MAIN STREET COMMON VICTUALLER LICENSE – WINE AND MALT

Steven Graham was present representing the applicant as their attorney. Mr. Graham and Mr. Brady explained that they are requesting a beer and wine license. They have been in business for two years, and feel that it's time to take this step. Mr. Sonner asked Mr. Brady about the carry-in license that Bueno held for two years. Mr. Brady said they had no incidences throughout that time. Mr. Clough asked how they felt the carry-in license worked. Mr. Brady said that they did not do much to promote it, so it wasn't a big part of their business. They decided to let that license go to apply for the malt and wine beverage pour instead. He feels this will increase revenue and will be good for the restaurant. Mr. Gowing asked if this will be an all bottle service. Mr. Bady said that they are exploring the idea of a draft line, but that it would be one or two beers at the most.

Mr. Gowing moved to approve the license. Mr. Sonner seconded.

UNANIMOUS VOTE

AXE BROTHERS – 848 MAIN STREET SITE PLAN SPECIAL PERMIT #10/11/13 – 445S

The applicant requested a new hearing date after April 28th. The hearing was rescheduled for May 19th at 7:35pm. Ms. Green will remain the selectmen representative.

Mr. Clough moved to approve the new hearing date. Mr. Gowing seconded.

UNANIMOUS VOTE

THE SCHOOL COMMITTEE'S DENNIS BRUCE WILL BE AVAILABLE TO ANSWER ANY QUESTIONS REGARDING ACTON-BOXBORO FY15 ASSESSMENT AND BUDGET

Dennis Bruce presented on the proposed Acton Boxborough Regional School District FY'15 budget. Paul Murphy and other members of the School Committee were also on hand to answer any questions.

Mr. Sonner thanked the School Committee for coming and for presenting tonight. He felt as though there needs to be additional explanations for the budget. He would like to see the difference between last year and this year's budget and what the budget would have been without regionalization. He would like to have additional context to understand what this budget means for the long term and not just this year.

Dennis said that they have seen many calculations of what the budget would have been if we hadn't regionalized. It's hard to compare these numbers and so the estimates are all over the map. He said that they tried to look at the long term when creating this budget. He said that they can't predict what will happen going forward, but he believes that Acton's assessment will level off.

Mr. Clough said that reducing the OPEB liability seems to be more important to the town and is a lower priority for the schools. He is concerned about this going forward. In terms of the split in the Acton and Boxborough assessments, he think the gap will level off over time. He asked why, if the studies that Mr. Bruce brought up regarding student drug use, etc., have shown improvement over the last few years, the district is throwing money at the issue now.

Dennis said that the surveys are completed by students and that they are just one data point. There are a number of other assessments done to look at student needs.

Mr. Clough noted that one of the priorities has been lowering class sizes, but he doesn't see money being put towards that effort. He is also concerned about the sustainability of the budget. The town will be paying approximately $900k of the region's costs this year. He wanted to know how this is sustainable.

Dennis said that it is clear that there is no appetite for an override in the future. He also noted that 4-6% increases in the assessment aren't sustainable every year. He said that the school committee recognizes this and understands its responsibility.

Mr. Gowing noted that this has been a tough year for the School Committee. He pointed out some of the things that have inflated the school budget. He also has issues with the sustainability of the budget. He said that Dennis brought up the healthcare/Ch. 69 issue and he noted that we came to a good consensus. However, this will have to be addressed again this year. He recommended that they not pull the trigger on hiring the new assistant principals until the new superintendent comes in.

Ms. Green emphasized many of the points brought up earlier in the evening. She is particularly concerned with the sustainability of this budget. While it has been lowered since Budget Saturday, this was largely done by moving money out of the operating budget, finding one time funds, and shifting costs to the municipal budget. She is very concerned about how they can balance the budget next year without another large increase in Acton's assessment.

Ms. Adachi said that the rollout of the school budget was ugly and confusing. Throughout the process, she has felt that things were being camouflaged. She said that the slides that were presented tonight were better.

Paul Murphy said that he was struck by the complexity of the budget this year. He said that even issues like enrollment are complex. He spoke about the increasing SPED costs, particularly due to additional out of district placements. He noted that it's more complicated than a declining enrollment equating to decreasing taxes. He said that their efforts to fund the OPEB liability so far have helped. He also said that the School Committee's primary role is serving students.

Herman Kabakoff, resident, said that nobody would question the need for the additional staff in this budget. What he's heard a number of people question, however, is the timing of the additions. He also noted that it is not too late for the School Committee to rework the budget and lower the assessment.

SELECTMAN'S BUSINESS

Warrant article discussion –

Chief Futterer - ALS Initiative Article 12

Chief Futterer of the Fire Department presented on Warrant Article 12, which requests funding to expand Acton's ALS program.

Ms. Green thanked the Chief for a great presentation and noted that she had good experience during a ride-along with Chief last year. She said that she was supportive of this proposal and she felt that it was good for the general public to realize what fire departments do now.

Mr. Gowing thanked the Chief and noted that in the age of outsourcing this is an excellent reason for in sourcing. He thinks it is the right way to go.

Mr. Clough said that the enterprise fund seems to be fiscally responsible. He asked if the Chief feels this will be the trend for other communities and if they know Acton's intensions for expanding this program. The Chief said that the other towns are happy about this and noted that we will be maintaining our mutual aid agreements so this will actually benefit neighboring communities.

Mr. Sonner thanked the Chief and said that while the Chief said this program was revenue neutral, it looks like it may actually be revenue positive. Chief Futterer said that they expect the program to produce revenue, but wanted to be cautious in their presentation.

Heather York – Nursing Director/ Doug Halley Board of Health

Heather York and Doug Halley gave a presentation on the financial status and future of the Acton Nursing Service.

Mr. Sonner asked about the role of VNANE in relation to ACO's. He wanted to know if the idea was to try to fight fire with fire. Heather said that was generally the case. Mr. Sonner was wondering if the planned presentation to the Board in May would address some of the unknowns around the future of the ANS. Heather said that was the plan.

Mr. Gowing thanked them for the presentation and asked if the expansion of ACO's continues will continued to have an adverse effect on the ANS. Doug said that if the healthcare system remains the same, that the worry will still be there. There is a lot going on in the healthcare industry however, and the politics around this may start to change.

Ms. Green thanked them for the presentation and spoke about the impact of ACO's on the ANS.

Ms. Adachi said that in the past, Doug and Heather gave a presentation to the Board indicating that a higher percentage of Medicare patients would be good for the ANS. Now, however, it seems like it's the opposite.

Bob Evans asked, if they are taking into account all the various funding they receive, are they expecting a 25% loss for FY'15? Doug said that if they spent all the money proposed, that would be the case.

Article 12 – Mr. Sonner moved to recommend, Ms. Green – Second – UNANIMOUS VOTE

Article 13 – deferred

Article 21* – Mr. Clough moved to Not Recommend, Ms. Green - Second - 4:1, Chairman Adachi - Nay

Article 22 – Mr. Sonner moved to recommend, Mr. Gowing – Second – UNANIMOUS VOTE

Article 23 – Ms. Green – moved to recommend, Mr. Gowing – Second – UNANIMOUS VOTE

Article 24 – Mr. Sonner moved to recommend, Ms. Green – Second – UNANIMOUS VOTE

Article 27 – Mr. Sonner - HOLD

Article 28 – Mr. Sonner moved to take no action, Ms. Green - Second - UNANIMOUS VOTE

Article 29 – Mr. Sonner moved to recommend, Ms. Green – Second – UNANIMOUS VOTE

*There was much discussion before moving not to recommend Article 21. Ms. Green said that she would be voting not to recommend in order to send a message to the School Committee that the Board has serious concerns about the sustainability of the budget. Mr. Gowing said he echoed Ms. Green's concerns. He felt that this was a bad year to lump all of this together and that it's not a fair assessment to the town. Therefore, he will be voting not to recommend. Mr. Clough said that, in his opinion, the things that were supposed to happen with regionalization aren't happening and that he doesn't see this budget as focusing on the students. He said that there are many factors making the budget look better than it is and that they are trying to do too much with too little. He will be voting not to recommend. Mr. Sonner said that the budget development process wasn't good and that if we take out the external factors, this isn't a change in the right direction. He said that he wants to support the fellow town board, but that he doesn't feel that he can vote yes. Ms. Adachi said that it's been a tough decision and that she has not been happy with how the budget has developed. She feels that the savings from regionalization are being spent and that we should be giving deference to the new superintendent and allowing him to prioritize the needs. However, she doesn't think the School Committee will vote a lower budget between now and Town Meeting and voting to not recommend will not have an impact. She fears that voting not to recommend will make it harder to work with the School Committee and the new superintendent. Therefore, while she doesn't like the budget, she will be voting to recommend the article.

AUDUBON HILL

Manager Ledoux met with the Audoubon Hill North and South Associations following their request to the Board last year to pay for a portion of their septic repair. The Board agreed to the request but wanted to memorialize the agreement and provide a better structure going forward. The first document would obligate the town to pay the $40,000 towards the septic repair. The second document is an amendment to our lease agreement which discusses the town's obligations relating to the septic system going forward. The amendment includes a formula in section 1.3 saying the town will pay a septic fee twice the fee of a single family home and that the money will go into a fund to address future capital costs. Section 2.4 in the agreement gives the town the right to tie into the sewer system and to receive all necessary easements if we choose to go that route in the future.

Ms. Green wanted to know what would happen if there's a change of use for the building in the future. Will we continue to pay the septic bill as laid out in this formula or will we revisit the lease? Mr. Ledoux said that we would have to renegotiate the lease.

Mr. Gowing asked where the money we pay will go. Mr. Ledoux said it will go into an escrow account and can be used for future capital costs.

Mr. Sonner felt that we should approve the settlement agreement.

Mr. Sonner moved to approve the settlement agreement. Mr. Clough seconded.

UNANIMOUS VOTE

SELECTMEN'S REPORTS

Mr. Sonner: As a follow up to the reports from earlier tonight on the development of Concord's plans to purchase land at Knox Trail, the Water District will likely move to take no action on the warrant article they previously proposed. SATSAC had previously thought it best to wait for the station construction to be finished before considering raising the parking fees. However, due to the delays, they are revisiting that idea.

Mr. Clough: The EDC is re-engaging with businesses in town. Mr. Clough attended the Finance Committee meeting where they, like us, are focused on the upcoming Town Meeting.

Ms. Adachi: The Acton Water District annual meeting was held on Wednesday, March 19, 2014. The Commissioners' had a meeting before the annual meeting and decided not to pursue the groundwater protection warrant article, for various reasons, including possible unintended consequences, such as an adverse impact on existing businesses. Commissioner Ron Parenti will move at Town Meeting to pass it over. The Water District's warrant had 13 articles, with the 13th involving a proposal to allow AT&T to

place a cell tower on Water District property off Main and Wyndcliff. The Library meeting room was packed with neighbors, who voted down the article. The Land Stewardship Committee is returning to the long-pending draft mission statement, which got stuck due to differences in opinion about liability coverage for non-LSC member volunteers. Ms. Adachi will work with land Steward Tom Arnold after town Meeting to finalize the mission. The Water Resources Advisory Committee needs to submit a statement for the draft Open Space plan about the draft storm water management bylaw. The MMA Legislative Breakfast was held on Friday, March 14, 2014 at the Goodnow Library in Sudbury. Ms. Adachi and Mr. Gowing attended and afterward toured the library. The Acton Conservation Trust annual meeting was held on Sunday, March 23, 2014. Mr. Gowing covered in his liaison report. Jim Snyder-Grant received the Holley award; featured speaker Russ Cohen, MA Fish and Wildlife, talked about foraging foods in the wild, and provided samples of baked goods made with foraged ingredients. An OPEB Forum was held on Monday, April 24, 2014 at 5:00 at Concord Town House, second floor. Mr. Clough covered in his liaison report. Representative Corey Atkins organized and hosted. Speakers included Representative Aaron Michlewitz, Chairman, House Public Service Committee, Michael Widmer of MA Taxpayers foundation, and MMA Executive Director Geoff Beckwith.

Mr. Gowning: The Cable Advisory Board recently met with Acton TV, Comcast, and Brendan Hearn from the regional district to discuss the issue of including the Blanchard school in Boxborough onto the INET. The current Acton contract with Comcast does not support it and some sort of negotiated settlement with Boxborough and the Region will have to be explored. The Comcast rep, Ben Pearlman, will review the Boxborough contract terms and conditions. At the MMA legislative breakfast, OPEB design, state aid, chapter 70 funds and SPED were the topics of discussion. An OPEB workshop was being held earlier today in Concord. The Acton Conservation Trust held their annual meeting and awarded the annual Carol Holley award to Jim Snyder Grant for his efforts in conservation. They also had an interesting speaker talked on Acton wild edibles and how to identify them. The Regional Transportation Advisory Council submitted their freight/rail plan to the MPO. They are currently working on the current TIP plan review. All will be available for public comment in the month of April. The Council on Aging met and discussed the latest effort to streamline the sign-up process for classes at the senior center. The senior center staff, in an effort to reduce the prior confusion, implemented a single phone log source on Google Docs. Although it worked, it was slow. This replaced the past practice of handling both phone calls and physical walk ins. The physical sign up was deleted (which was good, because it was *cold).* Mr. Gowing attending the S. T. A. R.employee recognition awards dinner and helped handout awards to those employees of 10, 20, and 30 year employment with the town of Acton. A good time was had by all.

Ms. Green: The school committee met and voted to reduce their FY'15 budget proposal by $170k. Most of the lower costs, however, were due to a lower MRB assessment because the town is picking up most of those costs this year. The Historic Commission met with nothing to really report, but they are looking at historical, town owned buildings that currently do not have historical plaques on them. They may be interested in purchasing plaques for some of these buildings.

CONSENT AGENDA

Change name of #10 to Kelly's Corner Steering of the Acton 2020 Steering Committee

Mr. Gowing moved to approve the Consent Items. Mr. Sonner– second.

UNANIMOUS VOTE

Mr. Clough moved to adjourn. Mr. Gowing seconded. UNANIMOUS VOTE

Respectfully Submitted,

Lisa Tomyl, Recording Secretary

Katie Green, Clerk