

**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING
February 8, 2010
Acton Town Hall
Francis Faulkner Hearing Room
7:00 P.M.**

Executive Session, 5:30, Room 126

Present: Paulina Knibbe, Peter Berry (late), Lauren Rosenzweig, Terra Friedrichs and Mike Gowing Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

Ms. Knibbe – Moved to open regular session meeting only to go into Executive Session to discuss land negotiations. Ms. Friedrichs - second. Roll Call Taken, All Ayes

Ms. Rosenzweig – Moved to go into Executive Session for the purpose of discussing Land Negotiations and Labor negotiations. Roll Call Taken, All Ayes and to adjourn into Regular Session at 7:00 p.m. in Room 204. Peter Berry was absent from the Executive Session.

CITIZENS' CONCERNS

None expressed

CHAIRPERSON'S UPDATE

Ms. Knibbe noted that she wanted to speak about the domestic violence in Westford and offered her sympathy to Westford and of those involved.

OPERATIONAL MINUTE

Steve spoke about the 4,700 flu vaccinations and that 570 of them were seasonal vaccinations

Police Chief reported to Steve that when we had the snow squalls there were 17 crashes in a couple of hours.

PUBLIC HEARINGS & APPOINTMENTS

PO'S BARBECUE SPECIAL USE PERMIT #12/2/09-424, 624 MAIN STREET

Attorney for Mr. Po, Steve Graham noted the permit to increase seating was needed to move forward. They have installed the additional grease trap in the parking area as required. All other licenses have been granted.

Lauren said the grease trap maintenance is under DEP rules and Board of Health monitors grease trap requirements.

Paulina noted that with the additional seating, it would become a destination not just a take out. She urged they continue to work with the Board of Health with regard to the grease traps.

Ms. Knibbe - Moved to close the hearing. Ms. Rosenzweig – second UNANIMOUS VOTE Mr. Gowing asked that Mr. Berry's name be removed from the decision as he was not present. Ms. Knibbe – Moved to approve the Use Permit with reference to Mr. Berry. Ms. Rosenzweig second. 4-1 Motion passes, Ms. Friedrichs abstain because she did not know what monitoring would be was in place for a grease trap of this type and size.

HIGHGROVE, LLC. 40 B, 18 WOODCHESTER DRIVE AND 16/18 WINDEMERE DRIVE

The Developer's attorney discussed the number of units proposed in Acton and Stow. The Acton portion is 8 units, 6 market and two, affordable units. The engineer outlined the plans and entrances and septic systems.

Ms. Rosenzweig has many concerns and asked if the land was under any protections. Ms. Rosenzweig also noted the parcel's wooded beauty; she asked if they would consider creating single family homes on the land in Acton.

Mr. Gowing asked about the storm water issue and how they plan on handling it and if they would be doing individual septic systems and additionally, asked about traffic mitigation. The developer said they planned on shared septic on each cluster.

Ms. Friedrichs asked who the owners were and were they willing to sell it? He said he would get back to the Board after speaking with them.

Ms. Knibbe spoke about the project and it doesn't fit our comprehensive policy which is to help control development. She was concerned about the traffic and possible no access to Stow traffic and allow only Acton portion to use the roads in Acton. Ms. Knibbe noted that the number of units and the closeness of septic systems.

No one was present to support this project

Dick Calendrella spoke about comments from the neighbors.

Erin Dodge, member of the Stow Planning Board spoke about the plan they reviewed last year. The Planning Board heard from Stow residents who attended the meetings. They had problems with the Plan with water drainage on the hill as a major concern.

Carol Brady expressed her concerns and noted she is not against 40B.

Many spoke about the increased traffic in the neighborhood as well as safety and water issues.

Ms. Friedrichs asked about the Town's policy of accepting roads. Staff was asked to write a letter with our concerns and bring to the attention to Mass Housing. Ms. Knibbe –Moved to have the letter sent by the 10th. Ms. Friedrichs – second. UNANIMOUS VOTE

SAFETY NET DISCUSSION

Marge Kennedy discussed the Safety net committee update. Ms. Knibbe noted the great work they are doing.

PLANNING BOARD PRESENTATION OF ARTICLES FOR ANNUAL TOWN MEETING

Ryan Bettez spoke about the warrant articles they will be bringing to Town Meeting.

They will be bringing a fourth article regarding business sign changes.

The Board asked about the Letter from FEMA to update bylaws to convert to new flood plan mapping system. Mr. Bartl noted that it is really administration changes, no relocation of boundaries.

MILITARY PAY DIFFERENTIAL

Ms. Rosenzweig outlined her proposal to allow town employees who serve on active duty to be reimbursed the differential between military pay and town base pay. Police Officer Dan Silva, who served in Iraq is assisting Selectman Rosenzweig to explore how to offer this to our employees. Different options were discussed and they recommend trying to develop a town policy in the spirit of the statute and to write a policy for discussion at the next meeting. Steve the Manager and HR Director are still looking into a policy.

Mr. Gowing said he feels we can support this and need to find out how we can make it work.

Dan Silva – Noted that what ever they decided he appreciated it their time.

SELECTMEN'S BUSINESS

ALG/BUDGET DISCUSSION

Ms. Knibbe discussed the meeting; meals tax decision was not done at this point, but will be revisited

FY 12 and 14 assumptions were discussed and future assumptions.

Ms. Rosenzweig feels we need to be conservative as this time. For FY12 we hold steady and hope for an improved FY13 and see how this comes out and what it yields.

Mr. Berry said we need to be conservative, Ms. Friedrichs noted she wanted to be conservative.

Ms. Knibbe is comfortable with the reserves use to level the bumps. The percentages are too aggressive.

Mr. Gowing disagrees with Selectman Friedrichs.

Ms. Knibbe discussed Mr. Mullin's Waterfall proposal and asked the Board about his methodology to handle any increases in Chapter 70. Mr. Gowing is in agreement with this methodology.

Ms. Friedrichs could not vote to with out (CHECK)

Mr. Berry said he likes the idea to have a plan in place and the first \$300,000 goes to the schools.

Ms. Rosenzweig noted she agreed in concept and we do need a plan going forward. She is concerned that by reducing the tax rate she worries about the out years and most citizens she has talked to feel they want to pay a steady pace with no jumps and no overrides.

Ms. Knibbe said having a plan is a good idea; as she says she doesn't think the Governor will be able to do this.

Ms. Friedrichs said we need to plan for where the money goes to.

Ms. Knibbe was asked by a member of the school committee to discuss the Health Insurance Trust. We have 2.7 Million surplus and to allow us to draw down \$500,000. Mr. Berry noted the spikes in costs.

Ms. Friedrichs said we need balance sheet. Mr. Kong asked to clarify that the School Committee were not asking the town side this; they have their own Health Trustees.

SELECTMEN'S REPORTS

Mr. Gowing commented on the safety windows installed at the senior center.

Ms. Friedrichs noted that EDC has not been meeting.

Ms. Knibbe spoke about Recreation and Winter Fest. They had 2,000 people who attended. Stretch Code Meeting was very well attended and it is on the WEB PAGE and scheduled for town meeting.

Lauren reported on the School Committee Budget meetings. WRAC is working on getting their bylaw ready for the Annual Town Meeting Warrant.

Planning will be making a presentation on the Articles. There has been a cell tower permit filed that is in the works.

Transportation Advisory will be in later to discuss a possible new Grant proposal that would be in addition to the Suburban Mobility Grant.

2010 ANNUAL TOWN MEETING

The Board discussed the articles and addition of Article 37. The Planning Board asked for Article 30 to be pulled. Ms. Knibbe – Moved to remove Article 30. Ms. Rosenzweig – second. APPROVED UNANIMOUSLY

TRANSPORTATION ADVISORY COMMITTEE, VAN GRANT

Ms. Osman discussed the Van and taxi voucher program.

They have been talking about regional needs and coordinating town to town and agencies to agencies. A grant has been offered with support of TAC, they have filled out the application and asking for \$20,000 to hire a planner, to help to identify funding solutions. She was asked to identify stake holders in the six town area. The Board encouraged communication among the stake holders, create a written guide to livery services and how each town will benefit.

Mr. Gowing noted that they need to get assistance from other towns. They need to get help; we are currently doing all the work. However management of the grant is another thing, it equals more work and he is concerned about the two grants already in line ahead of this one.

Ms. Rosenzweig said the intent of the grant is good, but she is torn, we always underestimate the drain of staff time to follow all the little details. Lauren noted that she is on the phone about the contract for the current Suburban Mobility Grant-- they seem to be just stuck in the contracts department of the DOT.

Ms. Friedrichs supports the Van Grant for the elderly and disabled.

Mr. Berry wanted to hear how they will respond.

Ms. Knibbe noted that we can't overload people to much so that it fails, and adding to existing work load sets us up for failure. She does not want to defuse and she thinking the timing is wrong and would delay grants we have already applied for.

Ms. Osman said this is a small grant and has monies to pay for staff work. It is a cushion of more time with the planner.

It was asked what it would take to support if we don't get help from other towns.

Ms. Rosenzweig - Moved that we are hiring a Transportation Coordinator in Suburban Mobility Grant. We need to start small, we cannot manage and we need to pass on submitting this grant at this time. Mr. Gowing – second. 4-1 Ms. Friedrichs No, she asked to see if the a 501C3 charity such as the United Way would be willing to submit the grant for this project, further to submit a letter to United Way to get their support.

ADVANCED LIFT SUPPORT (ALS) PROPOSAL

Emerson is going out of business of ALS shortly. The surrounding communities have been reviewing ways to provide the service. PRO EMS will be providing this service as of Sunday. They will be charging Medicare plus 200%. Mr. Ledoux's recommendation is also Medicare plus 200%.

Ms. Knibbe - Moved we continue the Town of Acton's planning for a Central Middlesex Emergency Rescue Authority (CMERA) planning process for regional ALS (Advanced Life Support) services through the end of the current agreement with Emerson Hospital expiring September 20, 2010; and to approve the increase of ALS and BLS (Basic Life Support) fees from Medicare + 50% to Medicare + 200% effective February 14, 2010. Ms. Rosenzweig – second. UNANIMOUS VOTE

TOWN MANAGER'S REVIEW

Paulina noted that she consolidated the comments.

Terra said the public have been giving positive comments on his performance

Dick Calendrella said Mr. Ledoux was a pleasure to deal with and is very responsive.

Ms. Knibbe – Moved to accept the summary evaluation of the Town Manger. Ms. Friedrichs – second. UNANIMOUS VOTE

BOY SCOUT COURT OF HONOR, GEORGE KRIKORIAN III AND BENJAMIN SZEWCZK

Ms. Knibbe will represent the Board

99 PARKER STREET, LIP PROJECT

Mr. Ledoux outlined the request for the letter to use the Assessors records for value opposed to an Appraisal. The developer Mark Starr was asked about either putting in sidewalk or making a contribution to the sidewalk fund. Ms. Rosenzweig – Moved to waive the appraisal requirement. Mr. Gowing – second. UNANIMOUS VOTE

OTHER BUSINESS

CONSENT

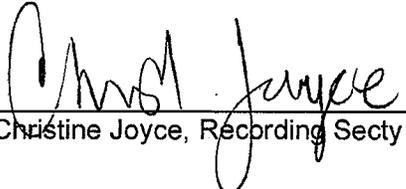
Ms. Friedrichs – held #18

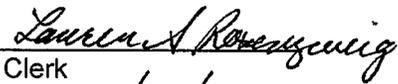
Ms. Rosenzweig – Moved to accept the consent items except for #18 Mr. Gowing – second. UNANIMOUS VOTE.

Ms. Rosenzweig – Moved to approve #18. Mr. Gowing – second. UNANIMOUS VOTE

EXECUTIVE SESSION

Ms. Rosenzweig – Moved to go into Executive Session for the purpose of discussing Land Negotiations and Labor negotiations. Roll Call Taken, All Ayes and to adjourn into Regular Session at 7:00 p.m. in Room 204. Ms. Friedrichs arrived late, Peter Berry was absent from the Executive Session.


Christine Joyce, Recording Secty


Clerk
Date: 3/22/10

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Hearing Room

February 8, 2010

7:00 PM

EXECUTIVE SESSION – 5:30 P.M. Room 126

**EXECUTIVE SESSION – 5:30 – 7:00 TO DISCUSS LAND NEGOTIATIONS
AND LABOR NEGOTIATIONS**

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:05 **CHAIRMAN'S UPDATE**
The Chair will briefly update the Board on topics of interest
2. 7:10 **OPERATIONAL MINUTE**
The Town Manager will provide a brief report on topics of interest
3. 7:25 **PO'S BARBECUE SPECIAL USE PERMIT #12/24/09-424, 624
MAIN STREET**
ISSUE: to increase seating capacity. Enclosed please find materials
in the subject regard.
4. 7:40 **HIGHGROVE ESTATES, 40B, 18 WOODCHESTER DRIVE AND
16/18 WINDERMERE DRIVE**
ISSUE: 40B filing. Enclosed please find materials in the subject
regard
5. 8:00 **SAFETY NET DISCUSSION**
ISSUE: Safety Net presentation, sharing of current information.
Enclosed please find materials in the subject regard
6. 8:15 **PLANNING BOARD, PRESENTATION OF ARTICLES FOR
ANNUAL TOWN MEETING.**
ISSUE: Presentation of Warrant Articles for Town Meeting
7. 8:45 **MILITARY PAY DIFFERENTIAL**
ISSUE: Discussion of potential policy

III. SELECTMEN'S BUSINESS

8. **ALG/BUDGET DISCUSSION**
Please find materials in the subject regard

9. SELECTMEN'S REPORTS

10. 2010 ANNUAL TOWN MEETING WARRANT

11. TRANSPORTATION ADVISORY COMMITTEE, VAN GRANT

Enclosed please find materials in the subject regard

12. ADVANCED LIFE SUPPORT (ALS) PROPOSAL

Enclosed please find materials in the subject regard

13. TOWN MANAGER'S REVIEW

Enclosed please find materials in the subject regard

**14. BOY SCOUT COURT OF HONOR, GEORGE KRIKORIAN III AND
BENJAMIN SZEWCZK, MARCH 7, 2010, SELECTMEN NEED TO BE
ASSIGNED**

Enclosed please find materials in the subject regard

15. 99 PARKER STREET, LIP PROJECT

Enclosed please find materials in the subject regard

16. OTHER BUSINESS

IV. CONSENT AGENDA

**17. REQUEST FROM THE HISTORICAL SOCIETY AND IRON WORK FARM
TO USE THE TOWN HALL AND PARKING LOT ON PATRIOTS DAY**

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

**18. DISPOSAL OF SURPLUS EQUIPMENT AND GENERAL RELEASE, FIRE
DEPARTMENT**

Enclosed please find materials in the subject regard

19. ACCEPT GIFT, POLICE DEPARTMENT

Enclosed please find a gift of \$100.00 from Mr. and Mrs. Wong to be deposited in to the
Youth Services Fund.

20. ACCEPT GIFT, EAST ACTON VILLAGE GREEN, PLANNING DEPARTMENT

Enclosed please find a gift of \$180.00 received from the EAVG Members to be used to
purchase a Memorial Bench in memory of "Micki Williams"

**21. ACCEPT GIFT, ACTON/BOXBOROUGH YOUTH BASEBALL, RECREATION
DEPARTMENT**

Enclosed please find a gift of \$4,700.00 from the ABYB to be used at Veteran's Field to
replace signage

22. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$25.00 received from Barron Chiropractic and Wellness Center, to be used to help fund Acton Day activities

23. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$500.00 from the Huntington Learning Center, to be used to fund various community events at NARA Park

24. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$300.00 from Cultural Care, Inc., to be used to support Winter Carnival at NARA Park

25. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$500.00 from the Lions Club, to be used for food supplies for the Recreation Department Concessions at Winter Carnival at NARA Park

26. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$100.00 from Nashoba Valley Dentists, PC to be used for Summer concert series at NARA Park

27. DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY

Enclosed please find materials in the subject regard

V. EXECUTIVE SESSION

There will be a need for Executive Discussion to discuss Land Contract Negotiations

ADDITIONAL INFORMATION

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

FUTURE AGENDAS

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

**FEBRUARY 22, SENATOR JAMES ELDRIDGE, USE PERMIT
BURGERDROME, 257 MAIN STREET, CHANGE OF LIQUOR MANAGER,
ACTON INDOOR SPORTS, 30 GREAT ROAD. CPC ARTICLE
PRESENTATION**

**MARCH 8, SITE PLAN & USE PERMIT (531 MASS AVE. LLC) VOTE
ARTICLES**

MARCH 22 & 29 (NO PUBLIC HEARINGS SCHEDULED AT THIS TIME)

MINUTES PENDING VOTES

Budget Saturday, January 11, 2010, January 25, 2010, February 1, 2010

PENDING COMMITTEE APPOINTMENTS

David Lutz – working with the VCC to select a committee he would like to serve on.

Mary Spinosa-Wilson – to fill an unexpired term on the Acton Boxborough Cultural Council (ABCC)

Linda Mayer – interested in ABCC, sent to VCC for interview