

3/12/07  
(28)

# Minutes Board of Selectmen and Sewer Commissioner's Meeting

**May 8, 2006**  
Francis Faulkner Hearing Room  
Acton Town Hall

**7:00 P.M.**

**Present:** Walter Foster, Peter Ashton, Dore' Hunter, Lauren Rosenzweig, Andrew Magee, Town Manager and Assistant Town Manager. The meeting was televised.

## **EXECUTIVE SESSION**

There will be a need for an executive session.

## **CITIZENS' CONCERNS**

Several citizens spoke to the Board in regards to Perchlorate in their water and/or migrating to their wells. Henry "Chip" Chapin from Brabrook Road questioned who introduced the chemical to the property? He had to file with his insurance company (someone out of Concord) and they want a meeting with a geologist (Exeter, N.H.). He questions who will reimburse for all the costs of testing. Additionally, he had the ability to hook up to the Town System at cost by agreement with the builder, but it is still an expensive undertaking. Debbie Adams lives at 10 Brabrook Rd. The Water District allegedly told her that there is nothing they could do to help. She would like payment for her continued testing. What as a body will the selectmen do to help and stop blasting? This blasting is on a Public roadway as well as affecting private property. Carole Holly of Flagg Road noted that they do not have an option of hooking up to Town water as the Brabrook folks can. What will they do when the chemical reaches their neighborhood and contaminates their wells? The town needs a new By-Law and a committee to make that happen. Chairman Foster has asked for more education and information. He requested that the item be placed on a timed slot on the Agenda for the next meeting. The Planning Board should be available for a briefing on the subject. It was noted that the Board also needs facts and information from counsel about possible town liability.

On an aside Carole Holly (Who was present to speak about the water issues) asked about a memorial for Micki Williams.\*(Bench for Micki Williams) "In Memory of Micki Williams Tireless Volunteer for the Acton Community" Chairman Foster and the other Board members agreed that it was a nice idea to have a bench for Ms Williams. She was asked to get the Board something in writing (the specific wording) to put on consent at the next meeting.

## **SEWER COMMISSIONERS' BUSINESS**

There was none.

## **PUBLIC HEARINGS & APPOINTMENTS**

**OPERATIONAL MINUTE** – Town Manager Don Johnson gave an update on the Volunteers needed for Town Committees. We are looking at a lack of people the manager noted as he read a list of openings prepared by the Chair of the Volunteer Coordinating Committee. If anyone would like to gather more information please call Nancy Whitcomb at 263-5394 or the Town Manager's office.

**CONSENT ITEMS** 11-17 plus ACHC Memorandum for Willow/Central Street were voted on. Selectman Ashton asked to hold #11. Selectman Magee asked to hold #14.  
**All other consent items were approved.**

**REQUESTS TO SELL ITEMS AT COMMUTER LOT, SOUTH ACTON VILLAGE MARKET** – Rebecca Niles Peretz, a resident of Acton has started a new business at 134 Main Street. South Acton Village Market is now requesting permission to sell flowers, coffee and grocery items at the commuter lot. Chairman Foster noted coffee already approved for another vendor and there seems to be a need for a policy on such things as sales at the commuter lot. Selectman Hunter was contrary to using the town MBTA space with various carts. Selectman Rosenzweig stated that Rebecca came before the Commuter Rail Committee and has spoken to them and they have given her their support. The committee would like to see her get started. Selectman Magee approved the selling of flowers only for 6 months to allow the Board to get staff comments on a policy for others that are sure to follow. Magee stated he would like to approve everything but needs more input from the Health Department and Planning. Approval will be needed from the various departments to put a policy together. Chairman Foster feels it is important to be sure about a clear policy in using the parking spaces and MBTA property. Selectman Rosenzweig asked about the size of cart and/or vehicle and what other equipment would be needed. Rebecca says nothing large (4X4/8x8) for the flowers. Nothing permanent will be left there everything will be wheeled in and wheeled back. Selectman Hunter asked how many vendors can be handled competitively? (That number should be in the policy.) Selectman Magee stated the Board will support S. Acton businesses as a first priority. The rest of the Board agreed.

**It was moved by Selectman Hunter that the Board will take up a policy at next meeting including location and licensing and how many vendors the lot could handle, but flowers are approved starting Friday. A temporary location will need to be found. All other items to be sold will be deferred until the policy is in place. Selectman Rosenzweig seconded. It was agreed that it will be continued.**

## **SELECTMEN'S BUSINESS**

**MAKAHA RESTAURANT LIQUOR SERVICE ISSUES** – Selectman Ashton suggested not to move the stay. Selectman Rosenzweig asked for clarification. Selectman Hunter noted that the appeal if stayed could be 2-3 years being appealed. Selectman Magee asked for clarification from the Town Manager. **Selectman Foster moved to reject the stay. Selectman Hunter seconded the motion. All were in favor. The license has not been handed in. The license will be picked up 5/9/06.**

**FY07 RECREATION BUDGET AND FEE SCHEDULE** – The Town Manager introduced the NARA Park Summer Program. He did a brief history of how the revolving account works in the Recreation Department. Investments made in the program last year were substantial and we did break even. Chairman Foster asked if it wasn't a moot point to set fees not approved as the program is already printed. The Town Manager stated some change would still be possible. Selectman Hunter stated the time to talk about change for next summer is now.

Chairman Foster prefers not to make changes now. (The program is set and the director is leaving.) Selectman Ashton asked why the change to the senior rate? Selectman Rosenzweig stated how wonderful it is that we have the programs available at such low rates. Chairman Foster would still like to address fees because of increase in costs such as vehicles and fuel. Increases should be small and incremental.

**Selectman Ashton moves to retain fees as set for this year, roll back the beach fees to FY 05 level and asks for a recommendation on fees from the recreation department by Nov. 30, 2006 for FY 07. Seconded by Selectman Magee. All agreed.**

**NARA PARK REQUEST FOR FEE WAIVER (CONFIDENTIAL)** – Selectman Hunter moved to approve. Selectman Ashton seconded. All agree to pass.

**NARA PARK REQUEST FOR FEE WAIVER (CONFIDENTIAL)** – Recreation department recommended status quo. No action required

**BOARD OF SELECTMEN'S FY07 MEETING SCHEDULE** – Approved, Chairman Foster stated that it should be on the website.

**ISSUES FROM SELECTMAN ROSENZWEIG**– Chairman Foster request to have added to the Agenda a list of new goals to be carried forward and Committee assignments. Some of Selectman Rosenzweig's concerns should be on that list. They might become the basis for new sub-committees to be formed. Selectman Rosenzweig is an EDC member and reported from the committee that commercial space is back up in Acton. Businesses are having problems with sign by-law, education is needed. Confusion exists on permitting and lighting even though there are regulations available, the town should supply greater support. The town should invest in some outreach programs to help refresh the by-laws in business community which would be people friendly. She would like to schedule an oversight meeting on the future role of the EDC and EDIC. Selectman Ashton stated the committee is on hold until they have a manifest and BOS should sit down with them.

CWRMP-What are the next steps of public outreach from the board after MEPA has approved the report. Acton needs a new committee concerning the MEPA process and beyond.

Sylvia Street has petitioned to be added to Sewer Treatment Plant. What is the process they should use to go forward?

Shuttle Guidelines Committee is being formed, if interested call the Town Manager's office.

Board assignments –As this is being done, Selectman Foster would like to recruit people for waste water treatment.

**BOY SCOUT COURT OF HONOR, ROBERT WILSON** – Selectman Magee is pleased to accept the assignment to attend. Assistant Town Manager stated that Robert worked on the Isaac Davis Trail for his project.

## **OTHER BUSINESS**

Chairman Foster updated the Board on the Morrison Farm Committee. They are going forward and writing up a proposal. The most supported idea at this point is use of the land for an organic farm and to raise small animals, retain the wooded area and create ball fields. The Committee would like the house to have a live-in keeper. They are also talking about some long term plans and solving the parking problem.

Andy Magee reported on the TIP meeting.-we are on schedule and very interested. There are 30 rail trail projects across the state and we should stay on focus.

## CONSENT AGENDA

All items except # 11 and 14 approved. Items 11 and 14 approved separately.

**11. SULLO DOG HEARING – #11 Consent-** Selectman Ashton suggested the Town should take custody of the dogs until the hearing. (Protective Custody) Chairman Foster is concerned because of the behavior of the owner of the dogs. Selectman Magee believes we should go forward with the hearing. Selectman Hunter asked if there is an adequate way to take custody of the dogs. Dore saw them in action in the parking lot in a car. He was scared by the dogs even in an enclosed vehicle. The Town Manager feels that the officer in this situation exercised extraordinary restraint. He questioned if there are alternatives for enforcement in the interim before the hearing. Selectman Hunter would like the last resort to be putting the officer in charge of having to be faced with the danger of having to shoot the dogs, stray bullets etc. Selectman Ashton would like to be better informed about how to take the dogs into custody. If they are taken into custody it will be until the next meeting when the hearing will take place. Selectman Ashton moves to authorize Town Manager to investigate taking custody and do so until a show cause hearing can be arranged a hearing with the Board of Selectmen. The letter was approved. Selectman Hunter seconded. Manager will move on this in the morning. All agreed with the motion.

**12. ONE DAY LIQUOR LICENSE, PELAGIC SAILING CLUB –** at NARA - Approved

**13. PROCLAMATION, LOUISE WOJTKIEWICZ, DISTRICT GOVERNOR, MASSACHUSETTS LIONS DISTRICT 33N –** Approved.

**14. LICENSE REVISION, UNDERGROUND STORAGE TANK, PRO TECH GULF, 408 MASSACHUSETTS AVENUE –** Selectman Magee wanted reassurance on the tank being approved and up to specifications and code. Chief Craig will determine if tank meets current codes before issuance. Selectman Magee moved to approve with conditions and Selectman Hunter seconded. All agreed.

**15. ACCEPT GIFT, CITIZENS' LIBRARY AUXILIARY –** A donation of \$792.00 from the Citizens' Library Auxiliary to be used for the expenses of their Tot Time program. Approved

**16. ACCEPT GIFT, COMCAST –** \$2,500.00 from Comcast, to be used to support the KISS108 concert and Family Fest Day at NARA Park - Approved

**17. ACCEPT GIFT, KATHY SARTORELLI –** a gift in the amount of \$25.00 from Kathy Sartorelli, to be used for the Elm Street Light Replacement Project - Approved

## TOWN MANAGER'S REPORT

None

## EXECUTIVE SESSION

Selectman Rosenzweig moved to go into Executive Session to discuss litigation and disposal of real property. A roll call vote was taken. All members Aye. The Board adjourned the Executive Session and went back into open session only to adjourn the Selectmen's Meeting.

## FUTURE AGENDAS

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

July 24  
August 14  
September 11 & 25

October 16 & 30  
November 13 & 27

### GOALS 2004-2005

1. Produce Morrison Farm Development Master Plan (Walter)
2. NARA Park: Fees

### GOALS carried forward

3. Policy Review/Improve Communication with Town Boards (ALL), Improving Inter-Board Communication (Walter)
4. ALG process be used for purpose of Budget Planning for FY08 (Walter/Andy)
5. Middlesex Pension Alternatives (Peter)
6. Capital Plan for Town Meeting-Reengineering report (Peter/Mullin)

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Recording Secretary

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Lauren Rosenzweig, Clerk

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Date

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

**MAY 8, 2006**

**Francis Faulkner Hearing Room  
Acton Town Hall  
7:00 P.M.**

**I CITIZENS' CONCERNS**

**II SEWER COMMISSIONERS' BUSINESS**

**III PUBLIC HEARINGS & APPOINTMENTS**

1. **7:05 OPERATIONAL MINUTE** – The Town Manager will give the Board a brief update on various topics.
2. **7:15 REQUESTS TO SELL ITEMS AT COMMUTER LOT, SOUTH ACTON VILLAGE MARKET** – Enclosed please find three separate requests from the South Acton Village Market, for Board consideration.

**IV SELECTMEN'S BUSINESS**

3. **MAKAHA RESTAURANT LIQUOR SERVICE ISSUES** – Enclosed please find correspondence from Counsel for the Makaha, for Board consideration.
4. **FY07 RECREATION BUDGET AND FEE SCHEDULE** – Enclosed please find materials in the subject regard, for Board consideration.
5. **NARA PARK REQUEST FOR FEE WAIVER (CONFIDENTIAL)** – Enclosed please find confidential materials in the subject regard, for Board consideration.)
6. **NARA PARK REQUEST FOR FEE WAIVER (CONFIDENTIAL)** – Enclosed please find confidential materials in the subject regard, for Board consideration.)
7. **BOARD OF SELECTMEN'S FY07 MEETING SCHEDULE** – Enclosed please find materials in the subject regard, for Board consideration.
8. **ISSUES FROM SELECTMAN ROSENZWEIG** – Enclosed please find materials in the subject regard, for Board consideration.
9. **BOY SCOUT COURT OF HONOR, ROBERT WILSON** – Enclosed please find an invitation to Mr. Wilson's Court of Honor on May 21, 2006, for Board assignment.
10. **OTHER BUSINESS**

## **VI CONSENT AGENDA**

11. **SULLO DOG HEARING** – Enclosed please find a proposed “Order to Show Cause” letter from Town Counsel in the subject regard, for Board approval.
12. **ONE DAY LIQUOR LICENSE, PELAGIC SAILING CLUB** – Enclosed please find a request in the subject regard, for Board consideration.
13. **RESOLUTION, LOUISE WOJTKIEWICZ, DISTRICT GOVERNOR, MASSACHUSETTS LIONS DISTRICT 33N** – Enclosed please find a request for a proclamation honoring Ms. Wojtkiewicz, for Board consideration.
14. **LICENSE REVISION, UNDERGROUND STORAGE TANK, PRO TECH GULF, 408 MASSACHUSETTS AVENUE** – Enclosed please find a request in the subject regard, for Board consideration.
15. **ACCEPT GIFT, CITIZENS’ LIBRARY AUXILIARY** – Enclosed please find a gift in the amount of \$792.00 from the Citizens’ Library Auxiliary, to be used for the expenses of their Tot Time program, for Board acceptance.
16. **ACCEPT GIFT, COMCAST** – Enclosed please find a gift in the amount of \$2,500.00 from Comcast, to be used to support the KISS108 concert and Family Fest Day at NARA Park, for Board acceptance.
17. **ACCEPT GIFT, KATHY SARTORELLI** – - Enclosed please find a gift in the amount of \$25.00 from Kathy Sartorelli, to be used for the Elm Street Light Replacement Project, for Board acceptance

## **VII TOWN MANAGER’S REPORT**

## **VIII EXECUTIVE SESSION**

**THERE WILL BE A NEED FOR 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.

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### GOALS 2004-2005

1. Produce Morrison Farm Development Master Plan (Walter)
2. NARA Park
3. Pursue Commercial Tax Base
4. Master Plan review meeting once per year

### GOALS carried forward

5. Monitor Labor Negotiations (Peter)
6. Improve Communication with Town Boards (ALL), Improving Inter-Board Communication (Dore')
7. Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision, and to get a first rough cut of what happens next year before school is out for the summer (Peter)
8. ALG process be used for purpose of Budget Planning for FY05 (Dore'/Peter)
9. Process Planning for "Life after NESWC"
10. Middlesex Pension Alternatives (Walter)