

# Minutes

## Board of Selectmen & Sewer Commissioners' Minutes August 14, 2006

Francis Faulkner Room  
Acton Town Hall

7:00 PM

**Present:** Chairman Foster, Andy Magee, Dore Hunter, Peter Ashton, Lauren Rosenzweig, and the Town Manager. The meeting was televised.

### EXECUTIVE SESSION

There will be a need for Executive Session.

### CITIZENS' CONCERNS

None

### SEWER COMMISSIONERS' BUSINESS

NONE

### PUBLIC HEARINGS AND APPOINTMENTS

### OPERATIONAL MINUTE

The Town Manager gave an update on our 1st use of the CTY reverse 911 phone system. It sent calls to 17,500 residents reaching 10,000 in half an hour. The remainders of the calls were either busy signals which were redialed or old numbers. The research is currently being conducted to clean up the system. Overall it was successful and well received by the community. Many citizens called in to thank the town for the thoughtfulness of being aware of the needs of our seniors and children.

### FILL VACANCY, WEST ACTON CITIZENS' LIBRARY TRUSTEE

Nancy Lenicheck gave a short presentation of the roll of the Library Trustees. The Trustees over see, maintain, advocate and plan for the future of West Acton Citizen's Library. The nominee for Library Trustee should: 1. Show an interest in the Library. 2. Have an interest in the community. 3. Possess good business sense. 4. Use advocacy skills. Selectman Hunter moved to approve Gerald F. Browne to the West Acton Citizen's Library Trustees for a term of 2 years to fill the vacancy left by Robert Loomis ending at the end of Town Meeting 2008. Selectman Ashton seconded. The Town Manager stated a roll call vote was needed.

**Selectman Rosenzweig called for a roll call vote and the vote was unanimous.**

### Site Development Plan, 06/09/06-407, 55 Great Road, Mcdonald's USA, LLC (Hunter)

George Dimakarakos of Stamski and McNary Inc. gave a Presentation about the site and plans to build a McDonald's at the old Burger King site. The relocation of the building has allowed for handicapped spaces and sidewalk entry. Selectman Hunter would like to see the site plan approved and moved forward. The applicant has worked with the town staff to improve conditions at this location. Selectmen Hunter questions the reasoning of not hooking up with the fire department alarm system and/or incorporating a sprinkler system into the building.

Although it is not required by the town by-laws the Fire Chief did request that consideration be given to the recommendation as the previous building at that location burned down. George stated he could speak with McDonald's, but code is what will prevail. Selectman Rosenzweig very much likes that the designer worked with the East Acton Village Plan. The pedestrian plaza is village friendly. The slope of the driveway cannot be changed, it is dependent on the septic, which is Title V approved. This is a 69 seat restaurant down from 86. A citizen asked about the town using the space for artistic or performance options. He was told this is a private commercial space. Daniel Wagner, a neighbor, spoke to how Burger King was sued by the town and steps should be taken now to be good neighbors. Lighting, hours of operation, deliveries, parking and water drainage are all issues for a village neighbor. Zoning is for retail and families to live and work side by side successfully. George described how many by-laws have changed in the town since Burger King has used the space making this business space more neighborhood friendly. The requested hours of operations are 5am – midnight (Monday - Friday) and 5am – 1am on the week-ends. Another citizen asked to regulate delivery times. The McDonald's spokesperson stated that there will be less use of the restaurant for school use and training.

**Selectman Hunter moved to take the site plan under advisement, Peter Ashton seconded the move. Chairman Foster was unable to vote, as he arrived late at the hearing, the remainder of the board approved.**

#### **CABLE TELEVISION LICENSE APPLICATION, VERIZON NEW ENGLAND, INC**

Chairman Foster read the Public Hearing notice. Bill Solomon was present to represent the town. Cable Advisory Committee (CAC) was represented by Frits Reip and John Covert. Present also were, Telecommunications Insight representative, Jim Mcgrail, Peter Bowman, Vice President of external affairs at Verizon of New England, Tom Antonucii attorney for Verizon from Wylie Rein Feilding). All have been working to reach an agreement to find an alternative provider. RCA was somewhat interested but due to financial restraints was not able to bid. The level playing field clause says that they can come back at any time and join in future negotiations. The build out and capital expansion time estimate is 5years. Chairman Foster feels that is too long. The state statute allows 6 years. About 70% can be up and running initially in a few days. That would present problems as complete access to all citizens is what is being looked at for fair competition. Verizon is still saying it cannot meet the terms on discounts offered for senior citizens with Comcast. The Chairman wants it understood that Verizon must offer service to municipal/school/government stations. Bill Solomon explained Verizon will give 5% of revenue but will not be here doing filming. Currently Verizon has 13 licenses in the state. Selectman Ashton stated that the level playing field is important, but the selectmen are most serious about getting the senior discount. Secondly, that the Town get service with in a reasonable amount of time. Selectman Hunter thinks that cable connection for the vulnerable elderly at a discounted rate is extremely important. Perhaps bringing competition to Acton is good but ultimately it may cost the town more. Selectman Rosenzweig said customer service is extremely important to citizens. What additional services will be brought to the community? Peter Bowman stated that the fiber based for voice, data and video rarely needs service, Chairman Foster complimented the CAC. The town is proud of the existing license and wants the same level of service from the competition. Chairman Foster will monitor the complaints such as overselling of services and any hidden fees in rental or leasing equipment (such as when CAC helped get box fees returned and credited to your account) and the level of service. The Board will monitor and evaluate the reports. John Covert who worked on the Comcast license, will want to help with the infrastructure of the implementation. The time frame to expand to new developments seems to be lengthy, the Assistant Town Manager wants all of Acton to be offered service by Verizon. He would like to see language about area of coverage in the contract. Many parts of the town are without DSL. Build out becomes very important. Verizon has asked for a

list of where there is no DSL service and then they can provide an accurate answer. **The board moved to continue the hearing on Sept 11th at 8:00. All agreed**

## **SELECTMEN'S BUSINESS**

### **Primary Election Warrant, September 19, 2006**

Two different polling locations for the September 19, 2006 Primary Election were under consideration. One Warrant maintains the current Polling Locations and the other would move all Precincts into the Blanchard Auditorium. Selectman Rosenzweig wanted to be sure the Clerk's office would have adequate notice of 2 weeks. Selectman Hunter did not want to see the options bounce back and forth from one election to the next. Selectman Magee would like assurance that the Fire Department and the Schools can handle the parking with sufficient Police coverage. The Board wanted to maintain enough access for the elderly and handicapped.

**The Board voted not to consolidate the polling places at the Blanchard Auditorium subject to the town and schools reaching an agreement on traffic flow and parking availability. The vote, 4 to 1**

### **5-YEAR CAPITAL BUDGET, PRELIMINARY DISCUSSION OF POTENTIAL ITEMS**

Chairman Foster has asked for a 5 year needs assessment plan. Each department has contributed to the plan with a list of capital improvements. Chairman Foster and the Town Manager will take the recommendations and come back with a clean prioritized list. The Board agreed that there are many issues that are important and have been put off for too long. Staffing becomes very important. When internal and external improvements are made the staffing has to be updated as well. Selectman Ashton tried to match the new list to the old list and wondered why some items aren't on the new list, example (Improvements to 2A and 27). Issues of consistency in dealing with personnel, should it be on or off of the capital list. Chairman Foster would like to see a column for bonded items. Should operating budget also be a factor? Selectman Ashton and Selectman Hunter would like to see the project from 1996 (N Acton Fire Station) become # 1. Chairman Foster would like to streamline the data into a useable format. Selectman Rosenzweig would like to stress infrastructure, things such as the implementation of the CWRP in the budget. Selectman Hunter stated the list is affected greatly by the accuracy of the numbers. Allen Nitschelm, representative from Fincom, warned do not spend as debt period declines.

### **Animal Control on Selected Municipal Properties, Initial Feed-Back**

Chairman Foster discussed various sentiments of citizens through emails being sent. Selectman Magee stated with so much polarization on the item it will need a compromise. Selectman Hunter agreed and added small children need to be the priority. Selectman Ashton would not like to restrict public land. He finds the timed idea restrictive. The Town needs to follow the Bylaws. Selectman Rosenzweig would like to hear ideas from the Dog Officer and the Chair of Recreation as to ways to manage animal control. She would also like to see if town counsel has additional advice. Chairman Foster spoke to the areas where shared space with animals is definitely not working. Belle Choate urged more public outreach as she has heard a lot of controversy. People with allergies to pets are left out of municipal areas if shared areas allowed.

**The Board will continue to monitor citizen's input.**

## **ANIMAL CONTROL ISSUE, REQUEST FOR HEARING**

The Town Manager said the dog officer will not attend but there will be a hearing. Selectman Magee discussed what makes this dog incident require a hearing as opposed to other dog problems. It is required because it is the 3rd offense and the town knows who the owner is. Selectman Rosenzweig read dog law and made motion to schedule a hearing on this dog seconded by Selectman Ashton. All agreed and the motion is passed.

## **TRANSFER STATION FEES**

Recommendations from the DPW Director for Transfer Station Fees increases were presented to become effective October 1, 2006. Peter Ashton moved that a sticker rate increase of \$5.00, with no increase to the Senior Citizen Sticker. All other fees are to remain the same as last year. The Board voted in favor.

FIRST STICKER FEE	\$181.00
SECOND STICKER FEE	\$ 25.00
SENIOR CITIZEN STICKER	\$ 50.00
REPLACEMENT STICKER	\$ 7.00
RECYCLING ONLY STICKER	\$ 70.00
INDIVIDUAL TRIP FEE	\$ 30.00/TRIP
SMALL ITEM	\$ 5.00
LARGE ITEM	\$ 15.00
FREON ITEM	\$ 25.00
FURNACE/INDUSTRIAL AC	\$ 40.00
Piano/Organ	\$ 75.00

## **OTHER BUSINESS**

Selectman Ashton would like an update on the budgeted six new positions.

Selectman Magee would like the fire overtime issue discussed. He would like to look at a full year of data to make an analysis. Allen Nitschelm asked to please add sick time for a comparison. Selectman Hunter asked to do a comparison with other town departments.

Selectman Magee the Bruce Freeman Rail Trail (BFRT) is moved back a year but did not lose any funding yet.

Selectman Rosenzweig needs a member of Water Resources Advisory Committee (WRAC) to come in for an interview or she can interview them. The board affirmed that she can interview. Selectman Magee stated there was a meeting Sept 20th for which a member would be needed for. Selectman Rosenzweig gave a brief notice of the content of MAGIC's last meeting in Acton. Summer water use was the topic. Selectman Rosenzweig's Design Guidelines Committee will start to meet with staff and boards.

Selectman Hunter stated that the project of the Route 2 Corridor Advisory Committee does not look like it will be happening any time soon.

Chairman Foster noted the trouble of staffing and completing town projects that are funded. He would like to address the backlog of projects. (Example, Main Street Corridor.) But with a skeleton staff we can't keep the projects going forward. Selectman Hunter agrees and feels strongly that staffing should be pushed. Selectman Rosenzweig says to support getting projects pushed forward. Selectman Magee agrees and would like to see projects pushed forward.

## **CONSENT AGENDA**

None

## **TOWN MANAGER'S REPORT**

None

## **Executive Session**

Selectman Rosenzweig called for a roll call vote to end the regular meeting for discussion of Collective bargaining and litigation in executive session. The board will return to the regular meeting for the purpose of adjourning. The roll call vote was taken and all agreed.

## **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.

September 11 & 25  
October 16 & 30

November 13 & 27  
December 11 & 18

## **GOALS 2006-2007**

1. Morrison Farm Development Recommendation (Foster)
2. Monitor Labor Negotiations (Ashton)
3. Policy Review/Improve Inter-Board Communication (Foster)
4. ALG process to be used for purpose of Budget Planning for FY08 (Foster/Magee)
5. Middlesex Pension Alternatives (Ashton)

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Recording Secretary

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Lauren Rosenzweig, Clerk

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Date

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'**  
**MEETING AGENDA**  
**AUGUST 14, 2006**

*Francis Faulkner Room, Acton Town Hall*  
*7:00 PM*

**I. CITIZENS' CONCERNS**

**II. SEWER COMMISSIONERS' BUSINESS**

**III. PUBLIC HEARINGS AND APPOINTMENTS**

1. **7:02 OPERATIONAL MINUTE**  
The Town Manager will give the Board a brief update on various topics.
2. **7:10 FILL VACANCY, WEST ACTON CITIZENS' LIBRARY TRUSTEE**  
Enclosed please find materials in the subject regard, for Board consideration.
3. **7:30 SITE DEVELOPMENT PLAN, 06/09/06-407, 55 GREAT ROAD, MCDONALD'S USA, LLC (HUNTER)**  
Enclosed please find materials in the subject regard, for Board consideration.
4. **8:00 CABLE TELEVISION LICENSE APPLICATION, VERIZON NEW ENGLAND, INC**  
Enclosed please find materials in the subject regard, for Board consideration.

**IV. SELECTMEN'S BUSINESS**

5. **PRIMARY ELECTION WARRANT, SEPTEMBER 19, 2006**  
Enclosed please find two different Warrants for the September 19, 2006 Primary Election, for Board consideration. One Warrant maintains the current Polling Locations and the other would move all Precincts into the Blanchard Auditorium.
6. **5-YEAR CAPITAL BUDGET, PRELIMINARY DISCUSSION OF POTENTIAL ITEMS**  
Enclosed please find materials in the subject regard, for Board consideration.
7. **ANIMAL CONTROL ON SELECTED MUNICIPAL PROPERTIES, INITIAL FEED-BACK**  
Enclosed please find materials in the subject regard, for Board consideration.
8. **ANIMAL CONTROL ISSUE, REQUEST FOR HEARING**  
Enclosed please find materials from the Dog Officer in the subject regard, for Board consideration.

**9. TRANSFER STATION FEES**

Enclosed please find a recommendation from the DPW Director for Transfer Station Fees, effective October 1, 2006, for Board consideration.

**10. OTHER BUSINESS**

**V. CONSENT AGENDA**

**VI. TOWN MANAGER'S REPORT**

**VII. EXECUTIVE SESSION**

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