

BOARD OF SELECTMEN & SEWER COMMISSIONERS' MEETING MINUTES

Consent 09/17/07 BoS

Enter Into

Handwritten notes and signatures, including a date 8/10/07.

Deleted: Executive Session, 6:00 P.M., Room 126

Francis Faulkner Meeting Room
Town Hall
August 13, 2007
7:00 PM

Present: Present: Chairman Hunter, Selectmen Rosenzweig, Berry, Knibbe and Temporary Town Manager John Murray

CITIZENS' CONCERNS

Carole Holly passed out a letter on Perchlorate.

PUBLIC HEARINGS AND APPOINTMENTS

FAULKNER MILL REALTY, LLC, REQUEST FOR EXTENSION OF THE PUBLIC SEWER SYSTEM TO 4 HIGH STREET

George Dimakarakos, P.E. from Stamski and McNary, spoke to the Board for Faulkner Mill Realty, LLC. They looked at the original site planned for 30 units. It became unfeasible at this point to complete the development with the Mill building due to financial constraints. The project then changed and was approved for a health club. That also could not be completed as planned and now they request to be approved for 20 residential housing units (duplexes) to be connected to the public sewer system. The Planning Board does echo support for a residential development in South Acton. The fee to tie into the town sewer is \$165 K. They have made the new design fit into the Village and the Historic District Commission called it handsome and tentatively approve of it. Mr. Fenton, an applicant, talked about where he is on the project. Sales of housing units are so far down in some communities that units are being auctioned off. The applicant found it necessary to change the project. Selectmen Rosenzweig noted the original plan came way before the Water Resources Advisory Committee made recommendations and the approval should be grandfathered. The original plan had amenities for the town and what does this new one offer. Selectwoman Rosenzweig still sees the development as an asset to the village and would like to see it approved as the planning and historic committees have given it positive feedback. Selectwoman Knibbe has significant concerns with expanding the sewer district. She feels that the applicant lost its grandfathered status and should go back into the queue. Maybe another project would be better suited. The Temporary Town Manager stated he asked the applicant to come back and present a new plan. Selectman Berry asked if the application needed all new permits. They have already pulled permits for a shared pump station with Erickson Grain. Selectman Berry noted there was no site plan approval for this plan as to sidewalks. It is not historic property but does abut Historic property. Chairman Hunter did vote for the project because it did offer many amenities to the town including sidewalks. Now he is conflicted, yet prepared to give the applicant the go ahead. Selectman Berry wanted staff to check to see that all issues as far as bills and taxes to the town are paid. Selectwoman Knibbe does not think it passes the correct use for this part of town. Selectwoman Rosenzweig does understand we would like to have a community friendly development and the sidewalk is very important for people be able to walk to the train station. Wetland issues might become a factor with where to place these sidewalks. Selectwoman Rosenzweig moved that the applicant be approved to hook up to the public sewer system and that they be required to build a sidewalk along the frontage. The Temporary Town Manager asked for Conservation Commission's approval on the sidewalk. If that is so

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Selectman Berry seconds the motion. Terra Friedrichs asked if there was oversight even if not an official historic district area. Anne Forbes spoke for the Historic District Commission, they would like to make comments but do not have jurisdiction. She also spoke to other benefits the developer could offer such as open space. Frannie Osman would like the developer to consider more length of sidewalk. Carol Holley asked since Exchange Hall is not yet approved, will the project size of this development be affected. The applicant has spoken to the Acton Community Housing Corporation [NOTE: Or Acton Housing Authority??] and they will work with them in developing some housing incentives for 40Bs. Chairman Hunter would like to get these questions answered and suggest holding the approval to the next meeting under Selectmen's Business. Selectwoman Rosenzweig stated that if you don't have any residence then you won't have a village. In agreement with the Chairman, Selectwoman Rosenzweig withdrew the motion. The applicant wanted to know if the Historic District would have time for them before September 10th and were told by Anne Fenton that it is possible but unlikely. The issue was continued to September 10th at 8:15 P.M. with three items to satisfy; 1) sidewalks 2) HDC comments and 3) affordable housing.

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AMEND TRAFFIC RULES AND ORDERS, MAPLE STREET

Jill Gregory spoke about Maple Street on behalf of the neighborhood. In addition to having cars parked on both sides of a residential road, when the train goes by you can not hear any traffic; it becomes very dangerous for residents and children. Frannie Osman read a letter opposing changing the traffic signs. Changing the signs only hurt commuters and clean air. Resident again stated you can't see when the sun is in your eyes or hear if the train idles and with 20 kids on the street it is a problem having cars parked on both sides. A resident of Maple Street read the compromises that South Acton residents have made; extra traffic due to commuter parking, train noise, speeding, parking at Jones field, waiting 10 years for sidewalks, and will now have to deal with a new bridge being built. As residents they will not compromise their safety. A woman came to speak for commuters who need parking, but after listening to the neighbors feels that Acton needs to resolve this issue in a larger way. It is no longer acceptable to fill residential side streets with parked cars. Sidewalks might help. Terra Friedrichs spoke in favor of the residents and stated that parking is a regional problem and that all surrounding communities need to ante-up for a parking solution. Chairman Hunter added that in West Concord space is sometimes available. Selectwoman Knibbe noted that regionally Acton suffers due to having all the burden of parking. Selectman Berry stated Public Safety is the priority. Selectwoman Rosenzweig is working on a shuttle and possible expansion of the commuter lot to make a second level. With a parking garage the problem is loading and unloading traffic onto Central Street. Selectwoman Rosenzweig moved to accept parking changes as stated in the request. Chairman Hunter seconds the motion. A vote was taken to change traffic rules as stated in the request, all voted in favor; it was so ordered to add the new restrictions.

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Parking shall be prohibited at all times on both sides of Maple Street, from a distance of approximately 200 feet in a westerly direction.

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Parking shall be prohibited on the following described street between the hours of 6:00AM and 10:00AM Monday through Friday excluding public holiday.

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Selectwoman Rosenzweig updated the Board on the Fitchburg Line Commuter Rail Study future meetings. The most conveniently located meeting will be August 23 at the Harvey Wheeler Building in West Concord and will be a regional meeting looking at funding.

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ASSABET RIVER RAIL TRAIL DESIGN OPTION DISCUSSION

BSC TerraSphere presented answers to the Board's previous questions regarding options for the Bikeway Bridge Connection design options. They held their meeting with the Historic District Commission, Mr. Chen concerning his easement, and Mass Highway to discuss ramp options and advance cost estimates. The Historic District Commission preferred the lighter bridge and the switchback ramping down. The grading of the ramping down is dependent on the switchback being

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handicapped accessible. One version would require rebuilding the lot. Ramping using Mr. Chen's land eliminates 1 switchback. (Not really enough for land swap value.) Selectwoman Rosenzweig complimented the group on great preparation and visuals for BOS to review. She prefers the switchbacks. Selectman Berry also is in favor of the switchbacks. Maple St is within 200 feet. Selectwomen Knibbe wanted to echo Lauren's comments; she is disappointed that the MBTA won't give some easements. Mass Highway will be giving the funding. Anne Forbes thanked the group for accurate reporting on the status of the project with the Historical District Commission, noting that the approval is not a vote but in the spirit of brainstorming is in approval at this time. Terra Friedrich's thanked all and is concerned with how to present the station so that commuters are encouraged to get off and go into the village. Chairman Hunter would like to accept the consultant's recommendations of the 2nd to the last slide (the summary page, see attached) incorporating the switchbacks. All agreed to that recommendation.

VOLUNTEER COORDINATING COMMITTEE AND COMMUNITY PRESERVATION COMMITTEE MEETING TO DISCUSS FILLING OF OPEN POSITIONS

Chairman Hunter thanked Nancy Whitcomb for all her volunteer work in town and stated her committee makes a good fit of those who simply want to volunteer and are not sure where. This year the change is that the Board of Selectmen liaison interviews the candidate and then puts their request on consent. James Synder-Grant stated that they have issues with the timeliness in getting positions filled and a standard process that they can tell people on how to apply for a position. John Benson who was appointed in a 2005 meeting said that it took him 6 months to get before the Selectmen. The Chairman replied that it is not appropriate for a committee to fill its own replacements. Selectman Berry had no intention of by-passing the VCC; he is concerned that 3 people applied and only 1 request made it to the VCC for an interview. What happened to the other 2 people? Selectwoman Knibbe asked how we generally advertise; why not have the committees advertise themselves, still forwarding all leads through the VCC Committee. Chairman Hunter stated they do have to go through the VCC. Nancy Whitcomb stated that this past year a bunch of paperwork was held up and then it just appeared. The Manager's Office lets her know when it is time to move people and Nancy just issues an OK at that point. If Nancy Whitcomb has lists of candidates, other committees might need to reach out to those people and she might share that information. Anne Forbes noted that on the HDC website – under positions open, it says None. The other committees must also have errors and again it makes the process very confusing for volunteers. The Chairman moved to incorporate the following policy. Selectwoman Rosenzweig agreed with this motion and would like the new policy to go out to the Committees and Boards.

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POLICY - Board of Selectman Volunteer Process – 8/13/07

1. Each Board and Committee Chairperson as well as the Volunteer Coordinating Committee (VCC) may advertise through their staff liaison, or the Manager's Office if there is no staff liaison; membership vacancies. All advertisements must comply with all local, state and federal requirements, including compliance with all purchasing procedures. If a Board or Committee chairperson chooses to place such an advertisement through the staff liaison, he/she must: 1) notify the VCC of such intent prior to placing an advertisement and 2) Notify the IT Department so that the vacancy can be listed on the Town website.
2. Committee Chairpersons may obtain blank volunteer applications from either the VCC or print them from the Town's web site.
3. Completed applications must be submitted to the VCC, the Chairperson of the Board of Selectmen (BOS) and the Town Manager's Office.
4. The BOS Chairperson shall distribute completed applications to the appropriate BOS liaison.
5. The Town Manager's Office shall provide a status report of all pending applications on each BOS Meeting Agenda.
6. The VCC shall interview all applicants in order to fill Board or Committee vacancies on a timely basis. A Board or Committee Chairperson may request VCC to conduct an expedited interview process for extenuating circumstances.
7. The VCC shall submit a recommendation with supporting documentation on each applicant to the Town Manager's office on a timely basis.
8. Upon receipt of the VCC's recommendation, the Town Manager's Office will submit the VCC recommendation and supporting documentation to the appropriate BOS liaison within two business days.
9. The Town Manager's office shall place the volunteer's application before the entire BOS as directed by the BOS liaison.
10. The Town manager's Office shall notify the Committee chairperson, the VCC chairperson, the Town Clerk and the IT department of any action taken by the BOS within 2 business days of said BOS meeting.

KEYSPAN REQUEST TO INSTALL CATHODIC PROTECTION FACILITIES AND REPLACEMENT OF ANODE BEDS AT VARIOUS ACTON LOCATIONS

Ethan Hess, of 49 Wood Lane stated that the replacements infringed on his property. The Chairman asked the gentleman from Keyspan to conference with Mr. Hess and try to resolve the issue. Leigh Davis- Honn of 105-School Street is an abutter of one of the installations and all pertinent information has been sent to the old owners. The Chairman stated that this item will need to be continued to the next meeting because of the non-notice to Davis-Honn. The Selectmen additionally noted concern over the partial poles left hanging on new poles. Chairman Hunter would like to continue at next meeting and to be sure to have a Keyspan representative.

ACTON LEADERSHIP GROUP MODEL DISCUSSION

Jonathan Chinitz, a current member of the school committee and past member of the finance committee, briefed the Board on a new model for the ALG. He wanted to address three areas of change: A) the ALG process B) Use of the Stone formula and C) Financial modeling; all in regard to working with the free cash, tax levis and excise tax. Selectman Berry inquired at what point is the split decided. Mr. Chinitz would like to see a timeline that would go along with the new model. Selectman Berry thought it was beneficial to use a spread sheet with set formulas, common for both the Town and Schools. The Chairman noted a lot depends on trust. Mr. Chinitz suggested that this model could be adopted as a trial to use until it needs to be changed again. Selectwoman Rosenzweig likes the plan, but there are no allowances for cost that fluctuate so greatly. She questioned if there are any incentives for saving free cash. Chairman Hunter will make comments later and thanked Mr. Chinitz for coming in. It is possible to try this for a year. Selectman Rosenzweig and Mr. Murray are to meet with Mr. Chinitz for more detail.

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SELECTMEN'S BUSINESS

ACTON LEADERSHIP GROUP UPDATE

Chairman Hunter updated ALG's discussion of capital override. Pat Clifford was in favor of a capital override. The list for the schools consists of boilers and roofs and on the municipal side, the Fire station. October 29th is the special town meeting for fire station approval. Selectwoman Rosenzweig appointed Selectwoman Knibbe to be on the capital override group; she will contact Pat Easterly. The Chairman requested Mr. Murray to distribute the ALG Calendar.

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WIRELESS COMMUNICATIONS FACILITIES BYLAW COMMITTEE UPDATE

Selectman Berry briefed the Board on the status of the WCC deliberations. The Committee has come to the consensus that the most recent annual Town Meeting by-law changes protect residents and neighborhoods. In addition, future tower installation should be by special permit only. The Wireless Committee is debating who should have the granting authority for the special permit; the Board of Selectmen, the Planning Board, or the Zoning Board of Appeals. The committee would like permission to use Tom Schorr for legal opinions. The Chairman granted permission. The Board requested that the committee either submit by-law changes or a summary presentation for the October special Town Meeting.

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TOWN MANAGER SEARCH COMMITTEE

After attending the Public Outreach Forum Selectwoman Rosenzweig thought that there was confusion about the actual role a Town Manager performed for the Town. Chairman Hunter stated the policy is very specific about the way the Town Manager interacts with the Board, the Town and the Staff. It is by charter. The Board of Selectmen hires the Town Manager and the Town Manager

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carries out the Board's policies. Selectwoman Rosenzweig reported that the Forum was interested in inclusion, under represented groups. The message of the search committee should be clear in that the charter describes the role of the Town Manager clearly. Selectman Berry agrees in the message with the exception of personnel issues and that is the Town Manager's authority. He feels strongly that the Selectmen should not undermine this process. Selectmen Rosenzweig will pass the applicable Charter on to the Forum.

CONFIDENTIAL REQUEST FROM THE FINANCE DIRECTOR

Selectwoman Knibbe moves to act as requested. Selectman Rosenzweig seconds the request and all votes are in favor of the request.

ASSABET RIVER RAIL TRAIL INTER-MUNICIPAL AGREEMENT

Chairman Hunter moves to accept the agreement extension and Selectwoman Knibbe seconds. All votes are in favor.

OTHER BUSINESS

Selectman Knibbe would like to investigate further information on the Municipal Coalition of Affordable Housing.

Board of Health is considering asking the town to participate in a recycling plan which would require that the Town agree to buy recycling products. The BOH is meeting tonight to take a vote.

Selectwoman Rosenzweig updated the Board on the 1199 bill before the Senate. The bill would establish a new regulatory planning authority for the Route 128 and 495 suburban communities.

MACP and MAGIC are concerned in regard to the lack of notice and input from those communities. Selectwoman Rosenzweig will take the lead in following these developments.

No Place for Hate has requested a special day honoring their group. They need to put their request in writing and add their request for banners.

Design Review Committee, TAC is working on redesign for the commuter lot and hope to get a shuttle study done on a route system versus a call in system.

Chairman Hunter updated the Board after he met with Selectwoman Rosenzweig on the subject of the ActonForum. The Board reached agreement that the Town does not directly respond to any blog.

Selectwoman Knibbe suggested that some common questions you could draft answers to. The Town Manager agreed that his office would construct a list of commonly asked questions and post the answers on the web page. IT will construct an automated response/confirmation of receipt.

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TOWN MANAGER'S REPORT

CONSENT AGENDA

The Chairman read all Consent items and they were approved with one exception, the Temporary Town Manager held # 20, the Peet Agreement. Mr. Murray had Town Counsel checking one item and was awaiting a reply. He asked that the Selectmen sign the agreement and if there was a problem he would bring it back to the next meeting. They agreed to sign the Peet Agreements.

13. ACCEPT MINUTES

Approved minutes reviewed and edited by Selectman Magee of May 10, 2007, May 21, 2007, June 25, 2007 and July 16, 2007, July 23 and August 9, 2007.

14. SPECIAL STATE PRIMARY ELECTION NOTICE, 5TH DISTRICT REPRESENTATIVE

15. PROPOSED REMOVAL OF ACTON/CONCORD/CARLISLE TOWN BOUND, 394 POPE ROAD, CONCORD

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16. **ACTON COMMUNITY HOUSING CORPORATION, VOTE COMMUNITY SUPPORT FOR LOCAL ACTION UNITS**
17. **VOTE TO SIGN PETITION TO SUPPORT, MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP), RECYCLING PAPER PROCLAMATION**
18. **VOTE TO SUPPORT, MASSHIGHWAY PROJECT REVIEW COMMITTEE, BRUCE FREEMAN RAIL TRAIL**
19. **APPROVE TRANSFER STATION FY08 PROPOSED FEE SCHEDULE**
20. **PEET EASEMENT ITEMS – SINGED BY THE BOARD**
21. **WOODLANDS AT LAUREL HILL, APPROVED CONSERVATION RESTRICTION**
22. **VOTE TO APPROVE SELECTMAN BERRY'S RECOMMENDATION OF CORRINA ROMAN-KREUZE AS AN ASSOCIATE MEMBER OF THE COMMUNITY PRESERVATION COMMITTEE**
23. **ACTON CONGREGATIONAL CHURCH, ANNUAL ANTIQUE SALE PERMIT AND SIGN REQUEST, APPROVED**
24. **ACTON FAMILY NETWORK, USE OF TOWN HALL PARKING LOT AND SIGN REQUEST, APPROVED**
25. **OBSOLETE MATERIALS DISPOSAL APPROVED , WEST ACTON CITIZENS' LIBRARY**
26. **OBSOLETE MATERIALS DISPOSAL APPROVED, ACTON MEMORIAL LIBRARY**
27. **ONE-DAY LIQUOR LICENSE FOR NARA PARK, IBM CORPORATE OUTING - APPROVED**
28. **ACCEPTED GIFT, MUNICIPAL PROPERTIES DEPARTMENT**
A gift of 77 hybrid daylilies valued at \$1,000.00 from Fred Knippel, to be planted in the landscape islands at the Town Hall and Library.
29. **CONFLICT OF INTEREST DISCLOSURE, DON JOHNSON**
30. **ACCEPTED GIFT, RECREATION DEPARTMENT**
Accepted a gift of \$2,500.00 from Comcast Corporation, towards Acton Day Concert
31. **ACCEPT GIFT, RECREATION DEPARTMENT**
Accepted a gift of \$1,000.00 from the Cambridge Savings Bank, to be used to support Acton Day.
32. **ACCEPTED GIFT, RECREATION DEPARTMENT**
A donation of \$900.00 from Acton Toyota for Supporting T-Bone Family Night, Beach Party Blast and Acton Day.
33. **ACCEPTED GIFT, RECREATION DEPARTMENT**
Accepted a gift of \$800.00 from the Cambridge Savings Bank, to be used to offset expenses at the Kids Fun Run at NARA Park.
34. **ACCEPTED GIFT, RECREATION DEPARTMENT**
Accepted a gift of \$25.00 from David and Maura Champigny, to be used for the Elm Street Lighting Replacement Project.
35. **ACCEPT GIFT, RECREATION DEPARTMENT**
Accepted a gift of \$50.00 from Laura B. Dyer, to be used for the Elm Street Lighting

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replacement Project.

36. ACCEPT GIFT, RECREATION DEPARTMENT

Accepted a gift of \$100.00 from Maura Harrigan and Michael Gilronan, to be used for the Elm Street Lighting Replacement Project.

37. ACCEPTED GIFT, RECREATION DEPARTMENT

Accepted a gift of \$100.00 from Jeffrey and Yvonne Poretto, to be used for the Elm Street Lighting Replacement Project.

38. ACCEPTED GIFT, RECREATION DEPARTMENT

Accepted a gift of \$25.00 from Thomas and Ruth Kohls, to be used for the Elm Street Lighting Replacement Project.

39. ACCEPTED GIFT, RECREATION DEPARTMENT

Accepted a gift of \$25.00 from Keith Jones, for the Elm Street Lighting Replacement Project.

40. ACCEPTED GIFT, RECREATION DEPARTMENT

Accepted a gift of \$15.00 from John and Ann-Marie Sweeney, for the Elm Street Lighting Project.

41. ACCEPTED GIFT, RECREATION DEPARTMENT

Accepted a gift of \$100.00 from Locke's Pest Control and Exterminating, to support Acton Day.

42. ACCEPTED GIFT, RECREATION DEPARTMENT

Accepted a gift of \$100.00 from Richard and Jacqueline Gottesman, to be used for the Elm Street Lighting Project.

43. ACCEPTED GIFT, RECREATION DEPARTMENT

Accepted a gift of \$50.00 from James Walsh and Kristine Laping, to be used for the Elm Street Lighting Replacement Project.

44. ACCEPTED GIFT, RECREATION DEPARTMENT

Accepted a gift of \$50.00 from Emily Lavine and Tommy Moberg, to be used for the Elm Street Lighting Replacement Project.

45. ACCEPTED GIFT, RECREATION DEPARTMENT

Accepted a gift of \$2,500.00 of Cambridge Savings Bank, to be used to sponsor a movie night at NARA Park.

Recording Secretary

Andrew D. Magee, Clerk

