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(selectmenLDrive) Minute Cover Sheet

# BOARD OF SELECTMEN MINUTES

## Acton Boxborough Regional High School – Room 115N

April 7, 2009

6:00 P.M.

Present: Town Manager Steve Ledoux, Town Counsel Steve Anderson, Chairman Rosenzweig, Selectmen Magee, Knibbe, Berry and Friedrichs, Zoning Enforcement and Assistant Planner Scott Mutch, Health Director Doug Halley, and Mary Michelman

### CITIZEN'S CONCERNS

None

### SEWER COMMISSIONERS' BUSINESS

### PUBLIC HEARINGS & APPOINTMENTS

1. **Steve Pratt - Associate Member.** Appointment as an Associate Member to the Outdoor Lighting and Education Committee with a term ending June 30, 2010 to fill the spot left by the resignation of John Coane. Chairman Rosenzweig will visit combining this Committee with Green Advisory Board in the near future, but will move for the appointment. Selectmen Friedrichs moved and Selectman Magee seconds; all voted in favor.

### SELECTMEN'S BUSINESS

2. There is a possible amendment to **Article 27**, regarding the Sachus Way development and **Article 32** regarding Gifts and Grants. Mr. Sullivan will want Hold Article 27 and then will make a motion to amend. Steve Anderson advised if approved it will be stricken from the total and not reallocated; if not stricken it will be part of the total package. You must set aside 10% for housing if all housing articles are stricken. You cannot restrict the purpose of the appropriation, but you can strike it. The new motion was just received 10 minutes before this meeting; it calls for the removal \$152K from for Acton Housing Association (H of the CPC Article 27) and removal of \$50K from Community Housing fund (J of the CPC Article 27); reducing the CPC Article 27 by the amount of \$202K. Selectman Magee made a motion not to recommend this amendment and Selectman Knibbe seconded. Selectman Berry adamantly is opposed to the amendment. Selectman Friedrichs feels the entire Housing Committee promotes buying land and not buying existing units; additionally she feels there is no strategic planning. Selectman Friedrichs believes that we can't afford to keep up the affordable units we have then why buy more. Chairman Rosenzweig took the vote on the Selectmen recommending the amendment, 4 agree not to recommend the amendment and Selectman Friedrichs votes for the amendment.

**Article 32**, the proposed amendment states that the town could not accept gifts unless they are appropriated for an expense approved by Town Meeting and shown in the operating budget. Steve Anderson stated that the by laws for the Town allow Selectmen to accept gifts that are not appropriated. As it exists now at Town Meeting there is an article each year to accept gifts. Mr. Anderson stated at first the wording of the grant was so tight it could tie up funds; therefore he had his counsel work to narrow

the language in the motion. There still may be non-intended negative consequences to this current language. It would be better to not accept this motion, as counsel he strongly recommends against the Selectmen accepting this amendment. Selectman Friedrichs this amendment gives power to the voter; she as a Selectman represents the voter. Selectman Knibbe moves to not recommend this amendment, Selectman Berry seconds. Selectman Berry is opposed and not willing to limit the town's ability to deal with grants. The vote was 4 in favor of not recommending the amendment; Selectman Friedrich voted to recommend the amendment.

3. **Amend Article 49, Mr. Gaboury of Assabet Crossing would like to** introduce and amendment that 122 betterment units if released by the settlement be paid back to the district that financed them if the town is able to resell them. Steve Anderson's thought is to present this as a non-binding resolution. Steve Anderson stated that trying to restrict future monies is very difficult. It is a compromise in the spirit of Town Meeting to husband the money and bring to town meeting the use in the spirit that it should go to the tax payer. He added that several years from now if and when funds come in it is possible to have a Town Meeting bring a binding resolution. Mr. Gaboury is worried that the accumulating SBUs will become future privilege fees and help expand the sewers instead of help refund the district payers that exist now. Selectman Magee wanted it noted that it is not the Selectmen driving to expand the Sewer District; we have had two petitions from citizens and one from a business wanting to expand. It was so expensive the Board put it back to the citizens to figure how to accomplish this. Chairman Rosenzweig added the town did a study that shows which areas are areas of need. Selectmen Knibbe stated in the case of (Flint/Tuttle) the unfunded obligation is for the long term obligation, before any super sizing or expanding, so immediately there will not be money available to refund to the district payers. Selectman Magee asked to table the discussion to Monday at 6:00 P.M. as it will not come up at tonight's meeting. Chairman Rosenzweig agreed to end discussion and collect information for Monday April 13th.

4. **WR Grace, Northeast Groundwater Concept Design, Comments by O'Reilly, Talbot and Okun**

There are 2 major concerns with the WR Grace Northeast Area Groundwater Concept Design. The design of the pump station itself, it is not just any flow of 20gpm but rather how efficiently it handles operating at a long period of time at the upper limits of its operating range. To achieve sustainable remediation, it should be designed for a margin of excess capability. The second concern is that the testing come from areas deep enough and varied enough so that it is sure to treat the highest concentration of contamination. It is proposed to install 3 ground water extraction systems in specified areas some of which will require drilling through rocks. It is also recommended that if no contamination is found in the initial well that other extraction sites be required. Selectman Berry moves to approve the comments, Selectman Knibbe seconds. The vote is unanimous to send the comments to DEP.

## **CONSENT**

5. **Water Resources Advisory Reorganized Committee** – Selectman Magee pulled for discussion. The new committee is the result of the spin off of the Sewer Committee. Mr Magee moved the first motion to disband the WRAC as it exists. Then the new WRAC will have seven members (one representative from Conservation or

environmental background not yet named). The terms will be three years for both regular members and alternate members. The motion was seconded by Selectman Friedrichs. 4 voted in favor of the new committee and Chairman Rosenzweig voted against the new committee.

6. **New Date for the 275<sup>th</sup> Anniversary Celebration, July 3-5, 2010**
7. **Planning Dept 30 Sudbury Rd, Use Special Permit, Granted with Conditions**
8. **Donation of \$50.00 From Barron Chiropractic & Wellness Center By Dr. Seth Barron for**
9. **Acton Clean-Up Day, Date Set For April 25, 2009**

Selectman Magee moves to accept all consent with the exception of #5. All agree, Selectman Knibbe seconds, consent passes unanimously.

Additionally the Board needs to rescind the vote approving the March 24, 2009 minutes taken yesterday and vote to approve the March 23, 2009 minutes. Selectman Magee moved and it was agreed by all as part of Extra Consent.

Selectman Berry would like someone on his committee or a separate committee to track and control the MBTA, possibly even an expansion of the charter to the existing committee. Some one needs to follow and report on the double track.

  
Recording Secretary  
Maryjane Kenney

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Andrew D. Magee, Clerk,  
Lauren S. Rosenzweig

\_\_\_\_\_  
4/27/09  
Date

**BOARD OF SELECTMEN AGENDA**  
**Acton Boxborough Regional High School – Room 115N**  
**April 7, 2009**  
**6:00 P.M.**

**I. CITIZEN'S CONCERNS**

**II. SEWER COMMISSIONERS' BUSINESS**

**III. PUBLIC HEARINGS & APPOINTMENTS**

- 1. APPOINTMENT OF STEVE PRATT TO FILL THE TERM OF JOHN COANE AS AN ASSOCIATE MEMBER OF THE OUTDOOR LIGHTING AND EDUCATION COMMITTEE WITH A TERM ENDING JUNE 30, 2010**

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

**IV. SELECTMEN'S BUSINESS**

- 2. GENERAL PRE-TOWN MEETING DISCUSSION AND MATERIALS**

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

- 3. TO AMEND ARTICLE #49 STATING THAT THE SEWER COMMISSION AND TOWN COUNCIL WILL MAKE AN EFFORT TO RECOVER THE VALUE OF 122 BETTERMENT UNITS AND REPORT THE RESULTS TO THE 2010 TOWN MEETING**

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

- 4. W.R. GRACE NORTHEAST AREA GROUNDWATER CONCEPT DESIGN, COMMENTS GENERATED BY O'REILLY, TALBOT AND OKUN FOR DISCUSSION**

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

**V. CONSENT AGENDA**

- 5. WATER RESOURCE AND ADVISORY COMMITTEE, NEWLY RECREATED AND FOCUSED VOTE TO ADD ONE NEW MEMBER**

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

- 6. ACCEPT DATE OF JULY 3-5, 2009 FOR ACTON'S 275<sup>TH</sup> ANNIVERSARY CELEBRATION**

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

- 7. ACCEPT DECISION, PLANNING DEPARTMENT, GRANTED WITH CONDITIONS, USE SPECIAL PERMIT # 02/09/09-418, 30 SUDBURY ROAD REALTY**

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

- 8. ACCEPT DONATION FOR RECREATION DEPARTMENT, A \$50.00 CHECK FROM BARRON CHIROPRACTIC & WELLNESS CENTER BY DR. SETH BARRON, 83 GREAT ROAD, ACTON**

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

- 9. REQUEST PERMISSION FROM THE SELECTMENTO HOLD THE ANNUAL ACTON CLEAN-UP DAY, APRIL 25, 2009**

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

**VI. TOWN MANAGER'S REPORT**

**VII. EXECUTIVE SESSION**

None

**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.

**NEXT MEETING:** April 27, 2009