

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

**October 20, 2008**

**Acton Town Hall, Francis Faulkner Hearing Room**

**7:00 P.M.**

Present: Lauren Rosenzweig, Paulina Knibbe, Terra Friedrichs, Andrew Magee, Peter Berry, Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

## **CITIZENS' CONCERNS**

Tom Michelman spoke about Bruce Freeman Rail Trail – There will be a public meeting about 25% design for Phase 2A from intersection of 225 to Acton Indoor Sports. He invited all to attend the meeting to see the maps and ask questions.

Tom sent a request out for friends of the BFRT to write David Mohler to put the BFRT on the TIP for design in 2010.

## **OPERATIONAL MINUTE**

Steve updated the Board on hiring and spending freeze and that he will be evaluating needs on a need by need basis. He spoke about the Community Services Worker that was approved in April; he is going to move forward and review the applications, and will hire the Community Services Worker. Steve also noted the Highway Department will be doing fall pavement and it will be done under Chapter 90 Funds from the State. This is a good time to bid asphalt because the prices are down. Steve updated the Board about the budget preparations and that he will present it on December 15<sup>th</sup>.

## **PUBLIC HEARINGS & APPOINTMENTS**

### **GROUND RULES FOR SELECTMEN**

Lauren outlined the proposed Ground Rules for Selectmen. Andy said this does not need to be voted. If subsequent Chairmen want to revise the Ground Rules they may. Terra said that she felt that it was inappropriate for the BOS to limit her ability to represent the voters. She felt that if she has the right to ask staff questions and not have to go through the Chairman. Lauren said it is more to keep the information flow so that one person knows what is coming in and what is going out, and not to limit her access to staff. Laurent felt it was important that the town manager go to the staff. Steve needs to know what is going on. Lauren asked the Terra go through the Town Manager to talk to staff.

Paulina said it was good that we all operate through the same rules. Things need to go through the Chair to see if she has already discussed or resolved them. It will help keep the issues down.

Ann Chang spoke and said she believes that going to staff without going to the Manager before staff time is used is an important issue.

Dore' Hunter said that it was always his policy to go through the Manager when he was on the Board.

Terra asked for clarification about the use of the 20 minutes, because she didn't understand how she could limit how much time Lauren spends reading/answering her e-mails. Lauren she could have a meeting face to face. They will try this for the next few months to see how it works. Terra did not understand the 20 minute per week issue, in that she didn't understand how, of Lauren takes a long time to answer one e-mail, why that would then limit Terra from being able to do the job that Terra was elected to do.

Lauren explained that she cannot spend more than 20 minutes per week answering Selectmen's e-mails and phone calls, and this Ground Rule warns her fellow selectmen that after 20 minutes in a given week, Lauren will not be answering those e-mails or phone calls. She is setting a limit.

### **NATIONAL GRID GAS MAIN, 4 HIGH STREET, FAULKNER MILL REALTY**

Pat Lock represented the National Grid Gas Main. He will be the contractor on site in charge of the project.

ANDREW MAGEE – Moved with conditions outlined by the Engineering Department –  
PAULINA KNIBBE – second. UNANIMOUS VOTE.

### **RECREATION ANNUAL OVERSIGHT MEETING**

Andy as the committee liaison spoke about the projects that they have been working on and asked Ron Schagle to report. They have completed the Elm Street Field Project. They have received approval for a playground at Elm Street and the Pavilion at NARA all with CPC funds. Program-wise they have a new teen theater group and they are very active. The town events have been great: the Friday movie nights, July 4<sup>th</sup> and so on. He thanked those who contribute to these events which allow us to enjoy these at no cost to the Town.

The Dog Leash law has worked out well. They have been asked to look at fees and have raised the athletic group fees.

Ron thanked the Youth League's for field development and spoke about field fee increases. They want to obtain control over the fields and have more green control of the fields by controlling the chemicals on them.

Andy spoke about the number of projects they participate in. Andy asked about Committee needs. They need to have replacements. Andy asked about Brendon Cotter as a full member. Peter asked about any upcoming projects for CPA funding.

Paulina thanked them for their work. Paulina asked the Recreation Commission if they have made any progress on a survey of playgrounds in town to determine which areas are most in need of work. Such a list would be very helpful when deciding the order in which projects should be evaluated for possible CPC funding, among other things. Ron said they are currently doing that review and will be ranking playgrounds by need.

Terra asked for a plan for NARA park. She noted that she's asked for this before. Lauren thanked them for their work and applauded the Commission for keeping it going.

## **ALEXAN 40B CONCORD – REQUEST TO PLACE SIGN IN THE PUBLIC WAY, SUDBURY ROAD**

Rob Hewitt spoke about their request to place the sign in the public way and waivers to install the two signs, provided that the signs can't be located on private property. The ZBA is not happy with issuing signs in the public way. They are proposing two signs: one at 62 and Sudbury Road. Each is a wooded sign between granite pillars and has information about rentals on it. They have been working with other property owners and they have been very reasonable. He wanted to have the town approve the signs in the Public Way if they could not negotiate the deal with the property owners. They are also asking for another sign to direct people into the property.

Peter was concerned that we have never approved a sign in the right of way and is concerned about signs in the Public Way. Peter asked if he could wait to see if the negotiations with the private properties were successful. Peter asked if the sign is going to stay there permanently. Rob said yes.

Paulina urged them to get private access to place the signs. We have never allowed signs in the public way and would be very hesitant about granting this and opening a can of worms.

Andy said that this is two signs and the reading of the Sign Bylaw is larger than an approved multi-dwelling and have three times the size allowed.

Dore' Hunter urged them not to approve it. Lauren urged them to put every effort into those negotiations and come back to the Board.

## **CONSERVATION COMMISSION ANNUAL OVERSIGHT MEETING**

Andy introduced Terry Maitland and Jim Snyder-Grant of the Land Steward Committee.

Terry Maitland was glad to say they are at full committee status. He complimented Tom Tidman and Steve Ledoux.

They administer the local Wetlands Bylaw and Massachusetts Wetlands Protection Act. Most frequent requests for relief are for septic replacements and additions to houses. They have not had any very contentious hearings to date. They are seeing that there are more tear-downs happening in Town. Also, the increase in Set Backs that were enacted have a 50 foot no disturb area, and this is working out well.

Jim Snyder-Grant of the Land Stewardship Committee asked what the Board might be interested in speaking about.

Jim spoke about the Land Stewardship Committee and how it was formed in 1996. They had a change six years ago; the Board of Selectmen working with town staff and gave them 14 appointed members and terms of service.

They meet once per month and spend a lot of time in the woods. They maintain the trails and have a steward on each parcel. They work with Tom Tidman and he helps them find town resources to get things done. They have a \$2,000 budget and Tom provides town staff and

equipment. Jim spoke about the Comprehensive Plan and their goals and why we have conservation lands and what helps us understand what we do there.

First they support the creation of large trees. They are protecting bio-diversity. Acton has grass lands and meadows and they require the help once per year with the brush hog. The third goal is to provide things that help people enjoy the land.

Paulina thanked them for their work and recommended that they formalize their organizations structure. This helps to avoid problems later. They need to have a Charter, terms with expirations and a defined leadership structure. They should bring this to the Board of Selectmen for approval at a subsequent meeting.

Peter spoke about a growing green initiative, and thanked Terry for his work. Terry noted that Tom Tidman is a huge asset to the Town.

Terra spoke about the Conservation Commission and if they are going into expanding the charter to speak about ConCom, and can they have more authority in a proactive sense. Terry replied they do discuss this at their meetings and they have a set of duties and then they volunteer for the rest. They have good committee members and people ready to serve.

## **ACTON MEMORIAL LIBRARY TRUSTEES**

Paulina introduced Mr. Surdell, the chair of the Acton Memorial Library Trustees. Mr. Surdell described some of the special services that are currently provided by the library, including the new civil war exhibit, an annual award to a national poet, tours for seniors, reading programs for children, etc. The Trustees have completed a Long Range Plan and are beginning to implement those recommendations.

The Library has an urgent need for more staff. The circulation of the library has risen dramatically during the last four years but the staff has not grown. The library already uses senior tax relief workers and many volunteers but urgently needs more staff. This is a growing problem. Mr. Surdell invited the Selectmen to serve as a library assistant for a day to see first hand the work that occurs at the library.

Mr. Surdell described the success of the civil war exhibit – a CPC funded project – and offered to give the Selectmen a group tour of the exhibit. The exhibit has been very well received. The Library Trustees would like to apply for a further CPC grant to enhance the exhibit. They would like to request \$14,000 to enhance the lighting and add an audio component.

Paulina thanked them for coming in. She will take up the offer to be an assistant. Andy agreed with Paulina's comments, and looks forward to seeing their CPC proposal for this year.

Terra asked about the percentage of Acton users. Marcia Rich said around 80 Percent. Marcia noted that they do receive a small amount of revenue.

Terra asked about payments on line. Marcia said that the fines have gone down due to the reminder notice, and ability to pay on line.

Peter asked about the community demographics and asked if they had been successful getting foreign language speaking staff on Board. Marcia said that they currently have on staff an Indian and a Chinese employee. Peter said that the Board appreciates the efforts of Library but felt that this year they will be looking at cuts in all town services and wanted to make the comment that we will be looking at down sizing.

Lauren noted the responsive to the needs of all ages in the community.

Paulina asked about the process for CPC Requests. The trustees were asked to come back on November 3<sup>rd</sup> where the Board of Selectmen will consider all town-sponsored CPC requests

## **PROGRESS UPDATE ON STUDY OF MUNICIPAL/SCHOOL REVENUE SPLIT (PETER ASHTON)**

Peter noted what he would be presenting. The ALG had asked him to review towns like Acton and how they share the revenues. He was also tasked to examine the approaches taken by other comparable towns. They agreed on 12 comparable towns at the end of July. He noted data collection and talking with some of the town officials about how they handle revenue sharing. He will be following up on this in the near future. Peter outlined the Data issues on an ALG basis. Concord and Sudbury have regional school districts. The DOR data had to treat the Schedule A expenses. There is a focus on general fund budgets and that is a focus of the ALG Model. He also noted that several towns present a Comprehensive Annual Financial Report. Of the communities that did not have information on line he had to use DOR and DOE data as a back up and corroboration. Peter spoke about Town School Splits with other communities on how they do it.

Peter further spoke about the Education Split as we ranked on the chart. Acton is on the low end around 31 percent and 37% is the average town share across the board. He wanted to find out why some splits were higher. Peter then discussed Enrollment per Capita basis of enrollment. Peter then explained the Chart of Enrollment per Capita vs. Education Split or spending. Acton is slightly above the trend line. The next thing he looked at was school spending per pupil basis. The Data from DOE is a little different, which excludes debt. Acton is very efficient on our per pupil costs at \$10,000, 21 % less than comparable towns. Bedford spends higher than average.

Under Town spending per Capita, we are under 21% less expensive.

Possible approaches to Revenue Split chart was explained by Peter: items 1-7 beginning with the Revenue sharing Model, Budget Needs based on approach, Formula based-approach, Town Manager as arbiter, Fin Com as arbiter, Town Meeting as arbiter, and finally Others.

Possible approaches to Revenue Split could be a moot issue. He feels that the town should receive 37%. Peter said he will be following up with discussions with officials from other Towns. He feels they take a much different approach.

Terra asked several questions about comparable communities and test scores and how they relate to taxes. Terra commented on new units per year and per capita spending on children and test scores of those communities. Peter said home values have come up quite a bit and you could not say we have a lot of housing stock.

Peter Berry had no questions.

Andy spoke about the interesting presentation. He noted the real question was the Split on Slide #21, he sees an on-going annual battle unless a formula can be established.

Peter noted that incremental increase was between the 33% and 37% split was \$100,000.

Paulina noted the budget process and we have more pupils per head and that is a significant impact. She feels we need to move in that direction.

Dore' Hunter thanked Peter for his presentation and it was exactly what happened. He said it has been hard to get this slide back once we allowed it to help the schools. He noted the per capita study for town services that was done several years ago. He felt it would be very helpful to have the Town Manager do the per capita for Town Services. He urged some movement back to the former split.

## **SELECTMEN'S BUSINESS**

### **ALG UPDATE**

Lauren spoke about the latest version of the spread sheet. Paulina spoke about the input about the moving of the split issue and we try to move it further forward and asked a range 33%- other than the 31 percent.

Peter is in favor of increasing the towns share. Terra said she appreciates the wonderful work that Peter has done regarding the split and about what comparable towns are doing, but she said she does not care about small increments in the split percentage, because the difference is relatively minor compared to the difference in the costs of other policies. She thinks that we end up spending a lot of time talking about a hundred grand here or there, and no time talking about policies that cost us millions, like housing.

### **SUBURBAN COALITION MEMBERSHIP DUES**

The membership dues are \$250.00 per year. This Coalition advocates for the suburban communities.

Dore' Hunter noted it was a low fee and we assumed that as status quo and we might give them a chance and evaluate at the end of the year.

### **OPEN MEETING POLICY WITH REGARD TO BOARD MEMBERS ATTENDING OTHER MEETINGS**

The Board reviewed Town Counsel's comments. Terra suggested a default to informational meeting being posted. Andy agreed with the default posting that Terra suggested for the ALG meetings. Andy further said it looks like the only committee affected is ALG and that we can have more than one Selectmen present and they could work who is going to stay in a negotiated order.

PAULINA KNIBBE – Moved to approve the policy as revised by Counsel and Peter Berry.  
TERRA FRIEDRICHS – second. UNANIMOUS VOTE

## **LEASE AMENDMENT, TOWNE SCHOOL**

LAUREN ROSENZWEIG - Move to sign the lease agreement. ANDREW MAGEE - Second.  
UNANIMOUS VOTE

## **DRAFT LETTER OF INTEREST TO EXECUTIVE OFFICE OF TRANSPORTATION, "SIP" PROGRAM/CLEAN AIR ACT**

Lauren spoke about the draft letter she prepared. Andy said there were concerns about whether or not we have made a decision to move forward. Paulina is comfortable with the letter as written. Paulina did not agree with the letter written by Terra and felt that Lauren's should be voted. Peter is ok with what Lauren wrote. Peter said sending this letter is not committing him to anything before we have resident meetings.

Lauren will revise the letter if the Board wants. Andy agreed with Peter Berry's opinion'

Terra feels that it's misleading to say that the "town is interested" in a parking garage when it seems that it's a small number of people. She felt that the letter should indicate only that we are interested in having questions answered, not that we are interested in a garage.

ANDREW MAGEE – Moved to send the letter as drafted by the Chair – 4-1. Terra NO. Motion passes.

## **UPDATE ON ACORN PARK / QUAIL RIDGE LAW SUIT**

Several residents of Acorn Park have contacted the Board of Selectmen with concerns about the Planning Board decision regarding access to the Quail Ridge housing complex through Acorn Park. Paulina met with the Acorn Park residents and discussed the situation with several members of the Planning Board. This situation was resolved to the satisfaction of all parties at the Oct 14<sup>th</sup> Planning Board Meeting. The Acorn Park Condo Association has agreed to withdraw its lawsuit.

Terra wants to talk about the costs of accepting streets and whether we want to keep accepting streets. This will be on a future agenda.

## **BOY SCOUT OF HONOR, RYAN CRUMLISH AND MATTHEW ECKLER**

Paulina will represent the Board.

## **SITE PLAN #7/3/08-415, 133 GREAT ROAD, MINI-WAREHOUSE REALTY, LLC**

The Board discussed the draft decision in the packet. The applicant met again with DRB. DRB wanted a more modern design that is more fitting with the existing location. It was noted that the Board of Selectmen have the final vote to approve or disapprove the final document. PAULINA KNIBBE Moved to approve the decision as drafted. ANDREW MAGEE – second. 4 in favor, one abstaining (Terra), as she was not at the initial hearing. Motion passes.

## **OTHER BUSINESS**

Lauren spoke about Mr. Paige's comments about Danvers and that they have not had overrides. Lauren noted that they have in fact asked for Capital and did not receive it. Lauren said that the two towns are not really comparative. They spoke to the Town Manager and they do a lot of stabilization accounts and take monies into an account and pay it forward for Capital expenses. Lauren will let Mr. Paige know of this by letter.

Paulina described the current status of the Senior Center Expansion Committee. The committee is working on three options: expand at the current site, move into a commercial space and build a new center on town owned land. The committee plans to develop the value proposition (cost / benefit) for all of these options. The three options will be presented at public meetings in late January / early February. After public input has been received, the committee will make its recommendation to the Board of Selectmen about which (if any) should be include in the FY10 budget

Paulina updated the sidewalk progress that is happening, including the design stage on Central Street. They are planning to complete it if the weather holds out.

Andy noted Piper Lane Purchase and they need to get house appraised.

Sewer Committee – Andy will have more materials for the packet for board review and will advertise the need for volunteers in the Beacon.

Acton Green Team, Now Green Acton. Terra was very pleased with the number of people interested.

Terra noted the proposed Cemetery notice of no dogs in the cemetery. They will discuss at an upcoming meeting.

Cemetery Commissioners wish to have garage building built to protect equipment. Terra is concerned about the cost and about how projects seem bigger than it need be.

Design Review Board is in a very active mode. Working out how they work with staff and applicants.

Community Planning will be interviewing applications and they are not doing the consultant recruitment because of the Freeze.

Peter spoke about CPA and upcoming applications. Peter suggested they talk to Roland and read the materials.

Lauren reported on the Alexan project which has been approved by Acton's Board of Appeals and noted it was negotiated well.

Lauren reported on the MAGIC Meeting she attended that asked us to know what kind of group homes we have to make sure they are counted as residents.

Lauren thanked Tom Michleman for his work on Bruce Freeman Rail Trail.



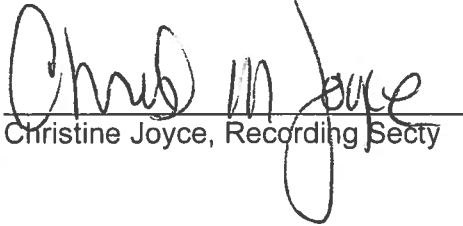
Lauren reported on the properties on School Street owned by the State and thanked all those who helped get this property into protection.


**CONSENT**

PAULINA KNIBBE – Moved to approve. ANDREW MAGEE – second. UNANIMOUS VOTE.

**EXECUTIVE SESSION**

None Needed

  
Christine Joyce, Recording Secty

  
Andrew D. Magee, Clerk  
1 Nov 2008  
Date

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'**

**MEETING AGENDA**

**FAULKNER HEARING ROOM**

*October 20, 2008*

*7:00 PM*

**I. CITIZENS' CONCERNS**

**II. PUBLIC HEARINGS AND APPOINTMENTS**

**1. 7:05 OPERATIONAL MINUTE**

The Town Manager will provide a brief report on topics of interest

**2. 7:00 GROUND RULES FOR SELECTMEN**

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

**3. 7:25 NATIONAL GRID GAS LINE PROJECT, 4 HIGH STREET,  
FAULKNER MILL**

**ISSUE:** National Grid is seeking permission to install a gas line to serve 4 High Street, Faulkner Mill project

**4. 7:30 RECREATION COMMISSION OVERSIGHT MEETING**

**ISSUE:** Annual Oversight Meeting

**5. 7:45 ALEXAN 40B CONCORD**

**ISSUE:** Proposed placement of signs in the Public Way, Sudbury Road

**6. 8:05 CONSERVATION COMMISSION OVERSIGHT MEETING**

**ISSUE:** Annual Oversight Meeting

**7. 8:20 ACTON MEMORIAL LIBRARY TRUSTEES**

**ISSUE:** The Trustee's will be in to discuss the Memorial Library

**8. 8:30 PROGRESS UPDATE ON STUDY OF MUNICIPAL/SCHOOL REVENUE SPLIT  
(PETER ASHTON)**

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

**III. SELECTMEN'S BUSINESS**

**9. SUBURBAN COALITION MEMBERSHIP**

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

**10. OPEN MEETING POLICY WITH REGARD TO BOARD MEMBERS  
ATTENDING OTHER MEETINGS**

Enclosed please find the revised draft suggested by Town Counsel

**11. LEASE AMENDMENT, TOWNE SCHOOL**

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

**12. DISCUSSION OF APPOINTING A SEWER COMMITTEE**

No materials enclosed

**13. DRAFT LETTER OF INTEREST TO THE EXECUTIVE OFFICE OF TRANSPORTATION,  
"SIP" PROGRAM/CLEAN AIR ACT**

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

**14. UPDATE ON ACORN PARK / QUAIL RIDGE LAWSUIT**

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

**15. BOY SCOUT COURT OF HONOR, RYAN CRUMLISH AND MATTHEW ECKLER,  
NOVEMBER 22<sup>ND</sup>**

A Selectmen representative needs to be assigned

**16. SITE PLAN SITE PLAN SPECIAL PERMIT DECISION #07/03/08-415, 133  
GREAT ROAD, MINI-WAREHOUSE REALTY, LLC**

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

**17. OTHER BUSINESS**

**IV. CONSENT AGENDA**

**18. ACCEPT GIFT, MUNICIPAL PROPERTIES**

Enclosed please find a gift of \$750.00 from the Acton Garden Club of an irrigation system at Meeting House Hill

**19. CONFIDENTIAL REQUEST FOR FUNDS FROM THE VARNUM TUTTLE  
FUND**

Enclosed please find a confidential request for assistance, for Board consideration

**20. MAPC & MAGIC REPRESENTATIVE APPOINTMENTS**

Enclosed please find a request to appoint Ray Yacouby as Alternate to MAGIC and Bruce Reichlen as Alternate to MAPC, for Board consideration

**21. ONE DAY LIQUOR LICENSE, ACTON BOXBOROUGH UNITED WAY**

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

**22. DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY**

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

**V. 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.

November 3 & 17    December 1 & 15    January 12, 26

## **MINUTES PENDING VOTES**

September 8, 2008, September 22, 2008, October 2, October 6, and October 9, 2008 Special meeting of October 9, 2008 **(final review before placement on consent for acceptance at the next BOS Mtg)**

September 15, 2008, Joint Boards Meeting

## **PENDING COMMITTEE APPOINTMENTS**

Toros L. Maksoudian, Conservation Commission (One Associate position open) his materials are at VCC for processing.

Brendan Cotter, Recreation Commission Associate position, his materials are at VCC for processing.

Greg Hutchens, TAC, VCC, A/B CULTURAL COUNCIL, COA, his materials are at VCC for processing

Elizabeth J. Payne, Volunteer Coordinating Committee (VCC), her materials have been forwarded to VCC for processing