

SELECTMEN'S MINUTES

March 12, 1996



Present: William C. Mullin, Nancy C. Tavernier, F. Dore' Hunter, Wayne L. Friedrichs, Herman Kabakoff, Town Manager Don Johnson and Assistant Mgr. Murray. (The meeting was televised)

CITIZEN'S CONCERNS

BJ Welborn spoke on behalf of the Parents Alliance of Acton and Boxborough and the activities planned for Awareness Week. She asked the Board to sign a proclamation in support of Awareness Week, and further noted that their group was independent of the school groups. Chairman Mullin thanked them for their efforts and noted he would be attending the Dare To Be Day and was looking forward to the other planned activities. NANCY TAVERNIER- Moved to endorse the Parent Alliance Proclamation of March 29 through April 12 as Awareness Weeks in Acton. DORE' HUNTER - Second. UNANIMOUS VOTE.

PUBLIC HEARINGS AND APPOINTMENTS

Boston Edison Main Street

DORE' HUNTER - Moved to approve the petition with comments noted. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

CONSERVATION COMMISSION BYLAW DISCUSSION

Chairman Mullin asked if the Commission had forwarded a copy to the Chamber of Commerce and what their response had been. Tom Tidman noted that a representative from the Chamber had attended the public hearing and had several questions on vernal pools, but overall all they were most concerned that developers and homeowners would be handled on even ground. Pete Shanahan reminded the Board that these proposed regulations were not new. Homeowners and developers have been working under these regulations for the past five years and that this move to incorporate the Rules and Regulations into a Bylaw as suggested by Town Counsel to avoid potential legal challenges. The State has Regulations and this is in addition to those which gives the Town greater input. Pete then discussed buffers and development rights of the landowners. Currently, the State and Commission regulations require filing Wetlands Protection application if work is done within 100 feet of wetlands. Will Hill explained that the regulations have mirrored the State Regulations 310 CMR with regard to Vernal Pools. Vernal pools were explained to the Board. These are pools which appear near wetlands usually in the spring as the water table rises and allow certain species to breed and then dry up approximately 2 months later, and the cycle begins again the following Spring. If these certain species tried to breed in lakes and ponds, they would not be viable as the fish population would eat them. The preservation of these pools when identified is

important. They have identified several in conjunction with development and have made accommodations with developers and home owners for the preservation of these vernal pools. They noted two recently developed sites in town, Meadow Brook and McKinley Drive in which they worked with developers successfully.

Wayne Friedrichs and Dore' Hunter were concerned about the burden of proof for proving there were vernal pools on properties though out town. Pete Shanahan said that it would require the petitioner to hire a biologist skilled in identifying Vernal Pools and that the State had an extensive check off list to assist in the determination which at least six items out of 22 were to be found before it would qualify. Herman was concerned that as Boards and Commissions change this could be a powerful tool to them, he was not concerned with the current members and staff, however he noted concern with future boards and hoped they would be conservative with their review powers. Pete Shanahan noted that the Board of Selectmen appoints the Commission and that it is hoped that the Commission is not weighted with only Conservationists.

It was noted that most homeowners would be exempt from the permitting process for septic systems.

Dore' Hunter asked that the reference to New be removed in the section regarding septic systems. The Commission concurred.

William Mullin feels that it is very important to protect the Vernal Pools. This will not take away rights of the land owners, or over burden them, but put certainty in the process. He felt that this was moving the regulations into a Bylaw to protect the Town against potential litigation. He was in favor of the Bylaw.

Dore' Hunter wanted to be flexible with the section addressing up land Vernal Pools and if problems were found they could be addressed by re-examining the Bylaw.

WILLIAM MULLIN - Moved to recommend the Article. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

WARRANT DISCUSSION - It was noted that the Warrant had been posted and it was at the printers. NANCY TAVERNIER- Moved to Recommend Article 15, Minuteman Voc Article. DORE' HUNTER - Second. UNANIMOUS VOTE.

SOUTH ACTON BRIDGE - The Board discussed the State's desire to dedicate the Bridge to Norman Lake initiated by Asst. Secty of Transportation Chuch Kostro.. The Board agreed it was a wonderful tribute and that Norm's actions on behalf of the people of Acton and he certainly deserved this recognition. Representative Resor was thanked for working with the State Highway for its implementation. The Groundbreaking will be held on March 19th at 10:00 at the CD Building. Carol Lake will be attending to accept the Plaque in Norm's Memory.

JENKS FUND REQUESTS: The Board reviewed the submittals and voted to fund all requests as submitted. It was noted that the Summer Reading Program request was in

the amount of \$625.00 not \$675.00. That adjustment was made. The balance of the fund was allotted to the Pop Warner Football group in the amount of \$235.30.

HERMAN KABAKOFF - Moved to Approve the Jenks Requests for the full amounts requested and the balance of \$235.30 be awarded to the AB Pop Warner Football League. DORE' HUNTER - Second. UNANIMOUS VOTE.

CHRISTMAS TREE LIGHTS - The Board reviewed Lisa Palmers letter regarding the replacement of the Christmas Tree Lights on the Tree on Wood Lane at Main Street. Staff was asked to try to respond to this request by getting a price for a set of good quality lights for the tree. It was suggested that the Common might be done in white lights. Staff is to consult with the property owners and Historic District regarding this proposed lighting. The Board decided to respond to the initial request and to put this item on the Wish List.

Herman Kabakoff noted that Nancy Tavernier had been recognized for her recycling efforts by the State. The Board thanked and congratulated her on her efforts. Nancy noted that while she was named, it really was the people of Acton and staff that deserved the recognition.

EARTH DAY REQUEST: The Board reviewed the request from the Earth Day Group to close Taylor Road between Minot and Coughlin for Earth Day. They also asked permission to use the Municipal Parking lots for use during the events. Staff was asked to consult with the Police and Fire Chief's for their input and recommendations regarding the street closure.

BOY SCOUT ENCAMPMENT: Chairman Mullin offered to represent the Board at the Sunday Camp Fire.

CONSENT AGENDA

DORE' HUNTER - Moved to Approve as printed. NANCY TAVERNIER- Second. UNANIMOUS VOTE. Chairman Mullin asked that the Minutes of January 16 be modified to correct the spelling of Mr. Eisengrein's name before distribution.

TOWN MANAGER'S REPORT

AGWAY/KRESS SITE: The Board discussed the recent correspondence received from the Board of Health regarding Agway's refusal to cooperate. The Health Director has suggested that the Boards of Health and Selectmen initiate a 10 signature petition process to ensure we are notified of the actions at the site. The Board agreed that it would be beneficial to send the petition.

DORE' HUNTER - Moved to recommend that the Board as individuals sign the petition so that we are notified of the actions at the site. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

NESWC DISCUSSION: John Murray made a presentation to update the Board on the current status of the MOU contract and Trash contract negotiations. Dore' Hunter noted that the MRI deal was looking less desirable after tonight's presentation. William Mullin

was concerned with the unilateral rights of the contract. He felt it should be an Agreement.

Dore' felt that they must have a second phase in mind from the review of the materials he has seen. He felt that there was no need to rush into anything. He felt we should hold out and see what changes Steve Rothstein would come up with, especially in light of Wheelabrator's agreement of 75%.

It was further noted that many communities have not even addressed this problem with their Boards or Manager's. The Board agreed that they were very happy they had conducted the five hour informational meeting held in the Fall. The presentation that Rothstein will be making will not sway Acton's representatives as they have been fully educated as to the process and the impacts of the Agreements. They were concerned that the other member communities would not understand his presentation and believe what he was proposing to be in their best interests.

Dore' Hunter asked Representative Resor what was happening on the State level with regard to Landfill closures. She felt that it was not DEP holding it up and felt that it was more the legislators with the leaderships sympathies on their side. She felt funding would be very hard to get. She and the other legislators have a meeting coming up with Finneran to discuss this, however, she indicated she was not to hopeful of a positive outcome.

She was further asked if she recalled from her tenure as a Selectman if the reason the other three Selectmen had not signed the original agreement was because they did not agree with it. She did not recall, however she doubted that was the case, she felt if it were, she would remember it. She could not offer any reason why she and the other two selectmen had not signed.

John Murray was thanked for his efforts in preparing the Town for this on-going issue.

EXECUTIVE SESSION

DORE' HUNTER - Took roll call - All ayes, the Board will go into executive session to discuss strategy for labor negotiations.

The Board adjourned into Executive Session at 10:45 P.M.

Clerk

4/16/92

Date

Christine M. Joyce
Recording Secty.
Mar12, 1996.DOC

March 8, 1996

TO: Board of Selectmen
FROM: William C. Mullin, Chairman
SUBJECT: Selectmen's Report

**AGENDA
Room 204
MARCH 12, 1996**

I. CITIZEN'S CONCERNs

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 **BOSTON EDISON HEARING - MAIN STREET** - Enclosed please find a petition from Boston Edison and staff comment for Board review and action.
2. 7:35 **CONSERVATION COMMISSION** - The Commission will be present to discuss the proposed changes to Chapter F of the Town Bylaws.

III. SELECTMEN'S BUSINESS

3. TOWN MEETING DISCUSSIONS

4. **ROUTE 27 BRIDGE PROJECT** - Enclosed please find communications regarding important aspects of this project for Board discussion.
5. **JENKS FUND REQUESTS** - Enclosed please find the Annual requests for funds from the Jenks Fund for programs to benefit the Youth of Acton for Board review. Final recommendations are scheduled for the Board meeting of March 26, 1996. Staff has included the current amount available for distribution in the attached memo.

IV. CONSENT AGENDA

6. **PARENT ALLIANCE OF ACTON AND BOXBORO PROCLAMATION** - Enclosed please find a request from Parent Alliance of Acton and Boxboro to proclaim the weeks fo March 29 thorough April 12 Two Weeks of Awareness in Acton, for Board action.
7. **ACCEPT GIFT** - Enclosed please find a request from the Trustees of the West Acton Citizen's Library for acceptance of \$215.00 in money gifts for Books and expenses for Board action.

8. ACTON GARDEN CLUB - FEE WAIVER REQUEST - Enclosed please find a request and staff recommendation from the Acton Garden Club for a waiver from Permit fees for signs and tent permit fees associated with their Annual Plant Sale held on the Memorial Library lawn for Board action.

9. ACTON GARDEN CLUB - Attached please find a request and staff comment regarding the Acton Garden's Club request to use the Town property located in front of the Memorial Library for their Annual Plant Sale to be held on May 11, 1996, for Board action.

10. ACCEPTANCE OF MINUTES - Enclosed please find a the Board of Selectmen's Minutes of January 16, 1996 for Board signature.

V. TOWN MANAGER'S REPORT

11. Agway/Kress Property - Enclosed please find correspondence regarding the subject property. The Town Manager will report to the Board on Tuesday night.

12. NESWC - The Asst. Town Manager will discuss the pending memorandum of agreement with the Board.

VI. EXECUTIVE SESSION

13. There will be a need for Executive Session

MEETINGS

March 27, 7:30 -Joint FinCom, School Budget Hearing

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.

March 26 (after 8:00)

Pcc/mar12.DOC