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TOWN CLERK  
ACTON

## MINUTES

### BOARD OF SELECTMEN & SEWER COMMISSIONERS' MEETING

SEPTEMBER 11, 2006

The Meeting Room  
Lower-level Memorial Library

7:00 PM

**Present:** Chairman Foster, Andy Magee, Dore' Hunter, Peter Ashton, Lauren Rosenzweig and Assistant Town Manager John Murray. The meeting was televised. Chairman Foster made opening comments on 9/11, in particular remembering the Rosenzweig Family and the Sweeney Family.

### EXECUTIVE SESSION

There will be a need for Executive Session.

### CITIZENS' CONCERN

Citizens spoke on Martin/Maple Streets Parking Problems. They petitioned the selectmen to take the Jones Field parking item off the consent agenda. They stated the subject was extremely emotional for the neighbors. Time would be needed to gather the neighbors together to hold a meeting and have everyone informed of actual data. Chairman Foster stated that he would have no problem taking the item off consent and giving it a timed appointment on the following Agenda. The neighbors were concerned with how the temporary parking will work in the winter with plowing. The citizens asked for 4-6 weeks in the neighborhood to gather information. Selectman Rosenzweig stated the time for leasing of spaces has expired. (10/1) The spaces need to be renewed, the Board can grant an extension. Selectman Magee would agree to vote only on spaces not any other issues. The Chairman agreed to take the item off consent and act to give a brief extension of time. Selectman Rosenzweig agreed to be the point person for how to get information back before the board.

Tom Michelman gave a Bruce Freeman Rail Trail (BFRT) update. Tom wanted the Board to know Town Planner, Roland Bartl has worked very hard with getting the RFP out on the 25% design and Sept 20<sup>th</sup> responses are due. The next clean up date for the trail clearing is Oct 14, and the town staff has been very diligent in seeking right of entry agreements for these events. The group is seeking alternative and additional funds at all times such as the AART grant that they are working on currently. The group will coordinate with Selectman Magee to bring information to the board.

### SEWER COMMISSIONERS' BUSINESS

None scheduled

### PUBLIC HEARINGS AND APPOINTMENTS

#### ACCEPTANCE OF A \$1,000 GIFT FROM THE INTEL CORPORATION

Tom Kelleher, Strawberry Hill Road, President of Assabet River Rail Trail, Inc addressed the Board concerning acceptance of \$1,000 gift from the Intel Corporation.

Selectman Ashton moved to approve and Selectman Hunter seconded. The gift was graciously accepted.

**BOSTON EDISON AND VERIZON JOINT POLE HEARING, THE COMPANIES WOULD LIKE TO INSTALL A SINGLE NEW UTILITY POLE ON HIGH STREET TO ACCOMODATE THE NEW PUMP STATION FOR ATLANTIC REALTY AND ACTON FORD.**

Selectman Foster read the public hearing announcement from the Beacon. Selectman Hunter recommended the pole be placed 3' from edge of the pavement as the staff recommended. Selectman Magee had several questions about the pole, but there were no representatives there to brief him. A vote was taken on Selectman Hunter's recommendation and it failed.

**Selectman Magee moved the board not approve installation of the pole until the applicant comes forward to explain why they need the pole exactly where it will be placed and what alternatives might be offered, such as underground cable. The hearing will be continued to September 25<sup>th</sup> at 9:15.**

**SITE PLAN FOR 124 MAIN STREET – # 07/06/06-408 –SELECTPERSON ROSENZWEIG ASSIGNED TO LEAD THE REVIEW PROCESS**

At the request of the applicant, this hearing will be opened and continued to until September 25, 2006 at 8:15 p.m. Selectman Rosenzweig moves to continue the hearing till time stated. The Board agreed. HDC is working on their certificate of appropriateness and will need to extend their deadline also.

**PRESENTATION OF THE MISSION STATEMENT AND PROPOSED MEMBERSHIP FOR THE WATER RESOURCES ADVISORY COMMITTEE**

Selectman Magee read a mission statement (included in minutes) for the Water Resources Advisory Committee (WRAC). On Sept 20<sup>th</sup> they will hold their first meeting. A public notice was placed in the Beacon. Selectman Magee moved the board to approve the membership and move forward with the mission of the committee. Chairman Foster read the membership list. (See attached list in minutes) Selectman Ashton wanted to be very specific about alternates and their voting status; it should be clear to the members' pre the 1<sup>st</sup> meeting. Chairman Foster wants clear guidelines on the committee goals and deliverables. This committee is not strictly sewer oriented. Selectman Rosenzweig stated that they will go look at needs area and go back to priority areas and see what alternatives could be used in each of the needs areas. They envision getting detailed information using targeted subgroups and find study money. Selectman Magee stated the committee's success depended on keeping a very open dialog with citizens. Selectman Hunter reminded the committee that Acton now has telephone access for messages to be delivered town wide. Ann Chang commented that the committee must go to town meeting with its goals. Mary Michelman, inquired if the committee is just working on waste water? Selectman Magee stated not really, "Water Resources" that was a name change recommended by the DEP. Mary would like the mission statement to be clearly stated. Selectman Rosenzweig said it would be hard to separate waste water and water resources. Selectman Foster echoing Selectman Hunter stated there must be extra capacity for sewers. This committee will deal with sewers even if it is just gathering data. Chairman Foster wants more citizen input. What do the neighborhoods want and what would they recommend as goals. Chairman Foster made a motion to approve the membership list and have them work to refine a mission statement and goals.

- This is an Advisory Committee
- Take the MEPA plan and bring it down to a more detailed level
- Include milestone briefings to BOS/Sewer Commission
- Define itself not as a sewer committee: Focus is wastewater, evaluate the impacts on water resources not water supply/wells
- Allocation of extra sewer capacity

**Selectman Hunter moves to approve the language and get a mission statement back to the board. The Town Manager, Mr. Murray requested the committee members be made Special municipal Employees. All moved in favor. Selectman Rosenzweig suggested asking the Town Clerk to be at the first meeting at the Public Safety Building to swear everyone in.**

## **REQUEST FOR AN ENTERTAINMENT LICENSE AT 124 MAIN STREET**

At the request of the applicant, this hearing will be opened and continued to until September 25, 2006 at 8:25 pm. (No material enclosed) Continued motion passes.

## **REVIEW OF DRAFT POLICIES: (1) USE OF EMAIL AND (2) DISTRIBUTION OF PUBLIC MEETING MINUTES**

Selectman Hunter is ready to adopt the policy. Selectman Ashton agrees, most noted is the delay of draft minutes. The concern with board members is that draft minutes are many times incorrect. They need to be approved by their committees. The board members suggested they can be available on request but not to circulate them. Once minutes are approved at a meeting 10 days is a good timeline for circulation. All minutes in draft should be approved at the following meeting. Selectman liaison may request a draft and hand the draft out to citizens if it is requested. Selectman Rosenzweig wanted to look separately at the email policy. It needs more definition that is not so legal, something that would be more understandable to the Board and committees. Selectman Magee absolutely agrees it is too difficult to understand, the concern is that people don't break the open meeting law. Chairman Foster put aside email policy to the next meeting. (If time allows.) A redraft with advice of counsel will be done before it comes before the Board again.

Chairman Foster moves to adopt the Distribution of Public Meeting Minutes Policy (attached to minutes)with exceptions; 1) distribution of draft minutes to the Board of Selectman liaison, 2) draft minutes available upon request from others, 3) draft minutes available for approval by committees with-in 2 scheduled meetings, and 4) Final minutes circulated within 10 days of such meeting. Selectman Hunter seconded the motion and the Board is in full agreement.

## **SITE PLAN FOR 288 MAIN STREET - # 07/11/06-409 -SELECTPERSON ASSIGNED TO LEAD THE REVIEW PROCESS WALTER FOSTER**

At the request of the applicant, this hearing will be opened and continued to until September 25, 2006 at 8:00 p.m.

Chairman Foster opened the hearing and item will be continued. Peter seconds, Motion passes.

## **MEMORIAL LIBRARY**

The Chairperson of the Memorial Library Trustees presented an overview of long range planning efforts and other issues related to the Memorial Library. Mildred Jarvis stated that the Memorial Library Trustees consist of 6 corporate trustees and 3 elected trustees. Ms. Jarvis gave an overview and history of the library which was built 1890 in honor of Acton's Civil War Veterans. (See attached presentation) The trustees are having a meeting to develop the next 5 year plan. The Trustees are counting on the workshop for objectives and goals. This plan is required in order to apply for Federal and State grants. Some ideas they are focusing on are building a civil war exhibit that would be an on going living memorial. The committee will also be examining the demographics in library use. Selectman Ashton would like to know the 5 year plan by budget time, additionally he would like to see the previous 5 year plan. The library has had increased use, measured by circulation of materials. The selectmen wondered if this was due to the fact that the school has cut back on personnel. Meeting rooms have been booked 625 times.

## **VERIZON CABLE TV SERVICE LICENSE HEARING**

At the request of the Cable Committee, this hearing is to be open and continued until September 25, 2006 at 7:15 PM. (No materials enclosed) Move to be continued was unanimous.

## **SELECTMEN'S BUSINESS**

### **FUTURE USE OF THE OLD SOUTH ACTON RAILROAD STATION PARKING LOT**

Selectman Rosenzweig would like to see the repaved lot have a use until such time that a lease (after Exchange Hall renovations) might be put into effect on the lot. The lot has been repaved with the Historic District Commissions' input. Selectman Rosenzweig stated that it should not just sit vacant while the renovations to Exchange Hall take place. It could be used as reserved space, free space or overflow. Her recommendation – there is a lack of parking, allow resident parking with a resident sticker under stipulation that it is TEMPORARY. (Many options are being looked at for commuter parking; private lots with shuttle and expansion of the existing lot.) A yearly sticker does not guarantee a spot. If the lot does get leased to a nearby property then they will have to use the sticker to park in the commuter lot. Be sure a sign states TEMPORARY parking is installed. Jim Yarin spoke on behalf of the Transportation Advisory Committee (TAC); any extra capacity is good.

**Selectman Rosenzweig moved to allow parking in the newly paved parking lot for residents only who have purchased a yearly sticker. There will be an approved TEMPORARY signage. All approved**

## **OTHER BUSINESS**

The Board updated each other and the citizens with committee information about upcoming meetings and events.

## **CONSENT AGENDA**

**CHAIRMAN FOSTER READ ALL THE CONSENT AGENDA ITEMS AND THE BOARD PULLED #13, 14, 15, AND 24. SELECTMAN HUNTER MOVES ALL OTHER CONSENT ITEMS BE PASS, SELECTMAN ASHTON SECONDS, ALL APPROVE.**

**1. REQUEST TO CONSTRUCT A RETAINING WALL WITHIN THE TOWN'S RIGHT OF WAY, 6 ANDERS WAY**

(Approved)

**2. JONES FIELD PARKING**

The request from staff is to continue the reserve parking plan for Jones Field until 6/30/07. (HOLD) After the discussion during citizen's concerns Selectman Hunter moved to extend parking as it currently is for another 2 months to discuss fee structure and winter parking conditions. Selectman Magee stated that opening any parking is inviting trouble. Assistant Town Manager John Murray would like to document the use of parking and the time of heavy parking on this street. At the moment we are dealing with speculation.

**All agreed to extend current parking procedures for 2 more months while data is collected.**

**3. IT DEPARTMENT REQUESTS FOR CABLE GIFT FUND DISTRIBUTION**

Due to the emergency of the ceiling falling in the Faulkner Room, monies needed to be spent to make the library meeting room cable ready. The IT department is requesting funds to additionally make cable ready the meeting room in the Public Safety Building. (HOLD) Selectman Hunter thinks it is a good idea. The Assistant Town Manager, Mr. Murray stated that the next meeting is

at the Public Safety building so a decision should be made prior to that meeting if it is to be televised. Selectman Ashton has several concerns, and suggested taping the meeting if no cable wired rooms were available. It is not the need for the funds but understanding the sources and use of the cable gift fund. The Board has told staff to investigate alternatives for meetings rather than wire the Public Safety Building.

**Approved as to costs already spent or contracted. This item will be continued at the September 25<sup>th</sup> meeting, with a detailed plan as to costs and usage to wire the Public Safety Building.**

4. **SITE PLAN SPECIAL PERMIT & SPECIAL USE PERMIT #11/18/98-366 PHASE 3, ACTON ASSISTED LIVING LLC, 886, 900 MAIN STREET AND 8 EASTERLY ROAD**  
(HOLD) Odor issue is still pending and the developer is required to do an odor analysis and plan of action before they can continue. Selectman Ashton stated the hearing is closed.  
**Selectman Hunter moves to approve with conditions that the odor analysis and plan of action be accomplished and Selectman Magee seconds. All were in favor of the motion.**
5. **SITE PLAN SPECIAL PERMIT #01/22/98-361, JAMES FENTON, 551 GREAT ROAD**  
(Approved)
6. **APPLICATION TO QUALIFY FOR AFFORDABLE UNIT AT AUDUBON HILL**  
(Approved)
7. **REQUEST FROM MUNICIPAL PROPERTIES DIRECTOR TO DISPOSE OF SURPLUS EQUIPMENT**  
(Approved)
8. **REQUEST FROM HIGHWAY DEPARTMENT FOR DISPOSAL OF SURPLUS EQUIPMENT**  
(Approved)
9. **REQUEST FROM THE IT DEPARTMENT TO DISPOSE OF SURPLUS EQUIPMENT**  
(Approved)
10. **REQUEST FOR APPROVAL FOR THE COUNCIL ON AGING'S SENIOR CITIZEN SURVEY**  
(Approved)
11. **ONE DAY LIQUOR LICENSE REQUEST, IRON WORK FARM IN ACTON, INC.**  
(Approved)
12. **ACTON/ATLANTIC-ACTON REALTY LIMITED PARTNERSHIP – POWDER MILL PLAZA SEWER EXTENSION, PUMP STATION EASEMENT AND NON-DISTURBANCE & ATTORNMENT AGREEMENT**  
(Approved)
13. **REQUEST FOR MEMBERSHIP AND BOARD LIASON TO THE SUBURBAN COALITION**  
(HOLD) Selectman Ashton suggested that the board not pass the use of funds to join this coalition. Selectman Magee seconds to not join. The Board was in agreement with the motion.
14. **SCHOOLS REQUEST TO AMEND THE LEVEL OF SPENDING FOR THE DOUGLAS AT DAWN PROGRAM IN FY06 AND FY 07**  
(Approved)
15. **THE ACTON CONGREGATIONAL CHURCH WILL HOLD IT'S 42ND ANNUAL ANTIQUE SHOW OCTOBER 13 AND 14. IT REQUESTS PERMISSION FOR THE SHOW AND NECESSARY TEMPORARY SIGNS WITHIN THE RIGHT OF WAY**  
(Approved)

16. THE UNITED NATIONS ASSOCIATION OF GREATER BOSTON REQUESTS A PROCLAMATION ASKING THE CITIZENS OF ACTON TO OBSERVE THE 61<sup>ST</sup> ANNIVERSARY OF THIS OCCASION  
(Approved)
17. ACCEPT DONATION FROM Ichabod COFFEE HOUSE, ESTIMATED VALUE OF \$150.00 TO BE USED FOR THE 5K ROAD RACE ON AUGUST 26, 2006  
(Approved)
18. ACCEPT DONATION FROM KIMBALL'S FARM, ESTIMATED VALUE OF \$140.00 TO BE USED FOR THE KIDS 5K FUN RIDE ON AUGUST 26, 2006.  
(Approved)
19. ACCEPT DONATION FROM KISS 108, ESTIMATED VALUE OF \$160.00 TO BE USED FOR THE 5K ROAD RACE ON AUGUST 26, 2006  
(Approved)
20. ACCEPT DONATION FROM POLAR BEVERAGES, ESTIMATED VALUE OF \$60.00 TO BE USED AT THE FAMILY FEST DAY EVENT ON AUGUST 26, 2006  
(Approved)
21. ACCEPT DONATION FROM TRADER JOE'S, ESTIMATED VALUE OF \$400.00, FOR THE 5K RACE ON AUGUST 26, 2006  
(Approved)
22. ACCEPT DONATION FROM EASTERN MOUNTAIN SPORTS, ESTIMATED VALUE OF \$100.00, FOR FAMILY FEST DAY ON AUGUST 26, 2006  
(Approved)
23. ACCEPT DONATION FROM DUNKIN DONUTS, ESTIMATED VALUE OF \$100.00, FOR THE 5K KIDS FUN RUN ON AUGUST 26, 2006  
(Approved)
24. ACCEPT DONATION FROM NEW ENGLAND REVOLUTION, ESTIMATED VALUE OF \$136.00, FOR PRIZES ON THE 5K RUN FOR THE BEACH, AUGUST 26, 2006  
(Approved)
25. ACCEPT DONATION FROM SHAW'S SUPERMARKET, ESTIMATED VALUE OF \$50.00, FOR THE RUN FOR THE BEACH ON AUGUST 26, 2006  
(Approved)
26. ACCEPT DONATION FROM NOT YOUR AVERAGE JOE'S, ESTIMATED VALUE OF \$25.00, FOR THE 5K RUN FOR THE BEACH ON AUGUST 26, 2006  
(Approved)
27. ACCEPT DONATION FROM THE NEW ENGLAND 10'S RUGBY, \$200.00, TO BE USED TOWARD THE RESEEDING OF NARA PARK FIELD  
(Approved)
28. ACCEPT A PLEDGED DONATION FROM ROCHE BROTHERS SUPERMARKET, IN THE AMOUNT OF \$2500.00, TO BE USED FOR VARIOUS SPECIAL EVENTS  
(Approved)

## TOWN MANAGER'S REPORT

Enclosed please find materials for Board consideration, additional items found in confidential section. Selectman Rosenzweig moves to go into executive session with a roll call vote for litigation and town land lease only to reconvene to adjourn the regular meeting.

Selectman Rosenzweig called the meeting back to adjourn at 12:00 midnight.

## 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 25

November 27

October 16

December 11

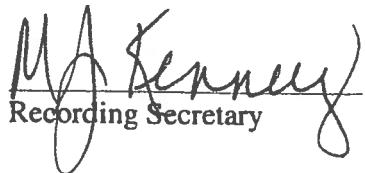
October 30

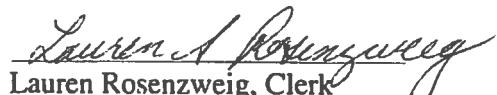
December 18

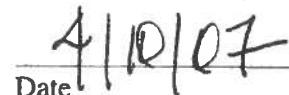
November 13

## 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)

  
Recording Secretary

  
Lauren Rosenzweig, Clerk

  
Date 4/10/07



# Action Water Resources Advisory Committee

## 2006-2007

For AWRC Use Only										
First Name	Last Name	Address	Home	Work	Cell	Fax	e-mail	Original App't	Res-App't	Term Exp.
BoS	Lauren	Rosenzweig	26 Marshall Path	(978) 263-8918			lrs75@comcast.net	11-Sep-06		
BoS	Andrew	Magie	10 Lilac Ct	(978) 263-0683	(978) 461-6248		amagie@villagesocialite.com	11-Sep-06		
Board of Health	Joanne	Bisetta	8 Church Street	(978) 264-1960			joanne.bisetta@comcast.net	11-Sep-06		
(*")										
Conservation Commission	Terry	Malland	100 Marin Street	(978) 263-0440	617-357-8949		malland@aoi.com	11-Sep-06		
ACHC	Nancy	Tavernier	35 Mohawk Drive	(978) 263-9611						
Finance Committee	Allen	Nitschelm	9 Marian Road	(978) 266-2456						
Planning Board	Chris	Schaffner	62 Winder Avenue	(978) 263-4661						
(*")										
School Committee	John	Ryder	10 Isaac Davis Way	(978) 266-9745						
ACES (*")	Eric	Hilfer	16 Orchard Drive	(978) 633-8362	(617) 690-2284					
Water District	Jim	Deming	Mass. Ave.	(978) 544-0196	(978) 263-9107	(978) 815-8152	jdeming@astoria20.com	11-Sep-06		
(*")										
Member At Large	Helen	Probst	9 Puter Drive	(978) 897-9299			helen.probst@verizon.net	11-Sep-06		
Lange	Ann	Chang	8 Bluffings Street	(978) 263-4726						
Business Community	Ken	Sundberg	20 Healey Road	(978) 263-1327						
(*") BoS Alternate	Philip	Alvaro	151 Butternut Hollow	978-263-9456						
(*") ACES Alternate	Carol	Holley	39 Pops Road	(978) 263-1531						
(*") PB Alternate	Michael	Densen	27 Arlington Street	(978) 266-2952						
(*") WD Alternate	Jane	Cetano	39 Ethan Allen Drive	(978) 263-9225	(978) 263-9107		jccetano@action01.com	11-Sep-06		
(*") Alternate										
(*") Member	Ron	Beck	80 Estabrook Road	(978) 264-0001						
All Large Alternate										
Town Staff Support	Doug	Halley	Health Department	(978) 264-9634			dhalley@townofactionma.us	11-Sep-06		
School Staff Support	J.D.	Head	16 Charter Road	(978) 264-4700			jhead@mail.lib.mec.edu	11-Sep-06		

**TOWN OF ACTON  
BOARD OF SELECTMEN**

**POLICY NO. \_\_\_\_\_**

**Date of Adoption: 11-Sep-06**

**SUBJECT: The production and distribution of public meeting minutes**

**DEFINITIONS:**

“Governmental Body” – Every board, commission, committee or subcommittee – however elected, appointed or otherwise constituted, if authorized by the city or town. *Massachusetts General Laws, Chapter 39, Section 23A*

Ad hoc or special committees that include private citizens in addition to “public officials” are governmental bodies, if established by a governmental body pursuant the Charter of the Town of Acton and Bylaws of the Town of Acton constitute a “Governmental Body.”

A committee established by a staff member to assist that individual is not a “Governmental Body”. *Connelly v. School Committee of Hanover, 409 Mass 232 (1991)*

A single member of a governmental body is not a subcommittee, even if acting on behalf of the committee. *Pearson V. Board of Selectmen of Longmeadow, 49 Mass App. Ct. 119 (2000)*

“Meeting of a Governmental Body” – Any convening and deliberation of a “Governmental Body” for which a quorum is required in order to make a decision at which any public business or public policy matter over which the “Governmental Body” has supervision, control, jurisdiction or advisory power is discussed or considered.

In other words, if the matter discussed or opined upon with a quorum of a body or committee involves the body’s public business and would require a quorum to decide, it may only be considered by said quorum in a lawfully convened open public meeting. *MGL C. 39, sec 23 A.*

“Records/Minutes” – The official record of a public meeting of a governmental body.

**1. NEED FOR THIS POLICY:**

Massachusetts General Laws, Chapter 39, Section 23B, the Open Meeting Law, developed from the principle that the democratic process depends on the public having timely knowledge of the considerations upon which governmental action is based. The Open Meeting Law and related statutes are intended to eliminate much of the secrecy surrounding deliberations and decisions on which public policy is based. At its most basic level, the Open Meeting Law requires, with limited exceptions, governmental bodies to do its business in public. The Open meeting law requires that a record of each meeting be maintained for public review.

There is a need to develop a policy to insure that minutes are properly constructed and distributed in a timely basis.

**2. OBJECT OF THIS POLICY:**

To assist members of governmental bodies in Acton to comply with the spirit of the Open Meeting Law and Public Records Law in publication of meeting minutes.

**3. PROJECTED IMPACT OF THIS POLICY:**

None.

**4. STATEMENT OF POLICY:**

**(a) OPEN MEETING LAW**

Massachusetts General Laws, Chapter 39, Section 23B, the Open Meeting Law, requires that “a governmental body shall maintain accurate records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive session.”

“the records [minutes] required to be kept ... shall report the names of all members of such boards and commissions present, the subjects acted upon, and shall record exactly the votes and other official actions taken by such boards and commissions; but ... such records need not include a verbatim record of discussions at such meetings.” *MGL C. 66, sec. 5A*

Please see the attached generic form for the recording of minutes.

Records of a governmental body include the minutes of all meetings, including executive session and subcommittees, and all documents and data made or received by the governmental body or its members in their official capacity. Public records, as well as records exempted from disclosure, are defined by MGL Chapter 4, Section 7, Clause 26.

Draft minutes of all “Public Meetings” shall be sent to the board or committee’s Board of Selectmen liaison e-mail address within 10 working days of the date the meeting was held. A Selectperson’s e-mail address is their first initial combined with their last name followed by “@acton-ma.gov”. For example, Selectman John Smith would be contacted at [jsmith@acton-ma.gov](mailto:jsmith@acton-ma.gov). Please note that the Secretary of State has issued the following opinion:

*Do minutes of open meetings of local boards or commissions have to be approved before they can be made available to the public?*

*No. Minutes of open meetings become public upon creation. There is no requirement that these minutes be approved before they are made available to the public. A board or commission is advised to mark copies of minutes not yet approved as “draft” minutes, however, it cannot withhold those minutes from disclosure. If the minutes are not transcribed at the time a request is made, there is no requirement under the Public Records Law that the board transcribe those minutes in response to a request. However, the audio tape of the meeting or any notes taken by the recording secretary (including shorthand notes) are public records.*

Each Board and Committee shall vote to approve the minutes of a given meeting no later than the second meeting following the given meeting and issue the approved minutes to the Town Clerk and all other interested boards and committees within 10 working days of approval vote.

**(b) PUBLIC RECORDS LAW**

Massachusetts General Laws, Chapter 66, Section 10 the Public Records Law, gives a right of public access to "public records" which is defined to include any document, regardless of physical form or characteristics, made or received by a public official or employee to serve a public purpose, unless subject to a statutory exemption. Government records generated, received or maintained electronically, including electronic mail, constitute "public records" under this standard

Retention and destruction of these records should follow the schedule specified by Massachusetts General Laws, Chapter 66, Section 8. Printed records should be filed with related files of the appropriate office.

**5. MEANS BY WHICH THE POLICY SHALL BE IMPLEMENTED:**

Implementation of this policy shall be the responsibility of the Town Manager and the Town Clerk. Once adopted by the Board of Selectmen, the policy shall be filed with the Town Clerk and kept available for inspection by the public.

**6. EFFECTIVE DATE OF THIS POLICY AND IMPLEMENTATION:**

Immediately upon adoption by the Board of Selectmen.

**7. DATE ON WHICH THE POLICY SHALL EXPIRE:**

Indefinite.

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'  
MEETING AGENDA  
SEPTEMBER 11, 2006**

*The Meeting Room, Lower-level Memorial Library  
7:00 PM*

**I. CITIZENS' CONCERNS**

**II. SEWER COMMISSIONERS' BUSINESS**

(None scheduled)

**III. PUBLIC HEARINGS AND APPOINTMENTS**

- 1. 7:01 ACCEPTANCE OF A \$1,000 GIFT FROM THE INTEL CORPORATION**  
Tom Kelleher, President of Assabet River Rail Trail, Inc will address the Board concerning acceptance of \$1,000 gift from the Intel Corporation.
- 2. 7:05 BOSTON EDISON AND VERIZON JOINT POLE HEARING**  
Company Representatives will be present to seek permission to install a single new utility pole on High Street to accommodate the new pump station for Atlantic Realty and Acton Ford.
- 3. 7:15 SITE PLAN FOR 124 MAIN STREET – # 07/06/06-408 –SELECTPERSON ROSENZWEIG ASSIGNED TO LEAD THE REVIEW PROCESS**  
At the request of the applicant, this hearing will be opened and continued to until September 25, 2006 at 8:15 p.m.
- 4. 7:17 PRESENTATION OF THE MISSION STATEMENT AND PROPOSED MEMBERSHIP FOR THE WATER RESOURCES COMMITTEE**  
Enclosed please find materials for Board Consideration.
- 5. 7:25 REQUEST FOR AN ENTERTAINMENT LICENSE AT 124 MAIN STREET**  
At the request of the applicant, this hearing will be opened and continued to until September 25, 2006 at 8:25 pm. (No material enclosed)
- 6. 7:27 REVIEW OF DRAFT POLICIES: (1)USE OF EMAIL AND (2)DISTRIBUTION OF PUBLIC MEETING MINUTES**  
Enclosed please find a draft of each policy and comments received from Town Board and committees.

7. 7:30 **SITE PLAN FOR 288 MAIN STREET - # 07/11/06-409 --SELECTPERSON ASSIGNED TO LEAD THE REVIEW PROCESS WALTER FOSTER**  
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8. 8:00 **MEMORIAL LIBRARY**  
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9. 8:15 **VERIZON CABLE TV SERVICE LICENSE HEARING**  
At the request of the Cable Committee, this hearing is to be open and continued until September 25, 2006 at 7:15 PM. (No materials enclosed)

#### **IV. SELECTMEN'S BUSINESS**

10. **FUTURE USE OF THE OLD SOUTH ACTON RAILROAD STATION PARKING LOT**  
Enclosed please find materials for Board consideration.

11. **OTHER BUSINESS**

#### **V. CONSENT AGENDA**

12. **REQUEST TO CONSTRUCT A RETAINING WALL WITHIN THE TOWN'S RIGHT OF WAY, 6 ANDERS WAY**  
Enclosed please find materials for Board consideration.

13. **JONES FIELD PARKING**  
Enclosed please find a request from staff to continue the reserve parking plan for Jones Field until 6/30/07

14. **IT DEPARTMENT REQUESTS FOR CABLE GIFT FUND DISTRIBUTION**  
Enclosed please find materials for Board Consideration.

15. **SITE PLAN SPECIAL PERMIT & SPECIAL USE PERMIT #11/18/98-366 PHASE 3, ACTON ASSISTED LIVING LLC, 886, 900 MAIN STREET AND 8 EASTERLY ROAD**  
Enclosed please find materials for Board Consideration.

16. **SITE PLAN SPECIAL PERMIT #01/22/98-361, JAMES FENTON, 551 GREAT ROAD**  
Enclosed please find materials for Board Consideration.

17. **APPLICATION TO QUALIFY FOR AFFORDABLE UNIT AT AUDUBON HILL**  
Enclosed (under the confidential section) please find materials for Board Consideration.

18. **REQUEST FROM MUNICIPAL PROPERTIES DIRECTOR TO DISPOSE OF SURPLUS EQUIPMENT**  
Enclosed please find materials for Board Consideration.

19. **REQUEST FROM HIGHWAY DEPARTMENT FOR DISPOSAL OF SURPLUS EQUIPMENT**  
Enclosed please find materials for Board Consideration.

20. **REQUEST FROM THE IT DEPARTMENT TO DISPOSE OF SURPLUS EQUIPMENT**  
Enclosed please find materials for Board Consideration.
21. **REQUEST FOR APPROVAL FOR THE COUNCIL ON AGING'S SENIOR CITIZEN SURVEY**  
Enclosed please find materials for Board Consideration.
22. **ONE DAY LIQUOR LICENSE REQUEST, IRON WORK FARM IN ACTON, INC.**  
Enclosed please find materials for Board Consideration.
23. **ACTON/ATLANTIC-ACTON REALTY LIMITED PARTNERSHIP – POWDER MILL PLAZA SEWER EXTENSION, PUMP STATION EASEMENT AND NON-DISTURBANCE & ATTORNMENT AGREEMENT**  
Enclosed please find materials for Board Consideration.
24. **REQUEST FOR MEMBERSHIP AND BOARD LIASON TO THE SUBURBAN COALITION**  
Enclosed please find materials for Board Consideration.
25. **SCHOOLS REQUEST TO AMEND THE LEVEL OF SPENDING FOR THE DOUGLAS AT DAWN PROGRAM IN FY06 AND FY 07**  
Enclosed please find materials for Board Consideration.
26. **THE ACTON CONGREGATIONAL CHURCH WILL HOLD IT'S 42 ANNUAL ANTIQUE SHOW OCTOBER 13 AND 14. IT REQUESTS PERMISSION FOR THE SHOW AND NECESSARY TEMPORARY SIGNS WITHIN THE RIGHT OF WAY**  
Enclosed please find materials for Board Consideration.
27. **THE UNITED NATIONS ASSOCIATION OF GREATER BOSTON REQUESTS A PROCLAMATION ASKING THE CITIZENS OF ACTON TO OBSERVE THE 61<sup>ST</sup> ANNIVERSARY OF THIS OCCASION**  
Enclosed please find materials for Board Consideration.
28. **ACCEPT DONATION FROM ICABOD COFFEE HOUSE, ESTIMATED VALUE OF \$150.00 TO BE USED FOR THE 5K ROAD RACE ON AUGUST 26, 2006**  
Enclosed please find materials for Board Consideration.
29. **ACCEPT DONATION FROM KIMBALL'S FARM, ESTIMATED VALUE OF \$140.00 TO BE USED FOR THE KIDS 5K FUN RIDE ON AUGUST 26, 2006.**  
Enclosed please find materials for Board Consideration.
30. **ACCEPT DONATION FROM KISS 108, ESTIMATED VALUE OF \$160.00 TO BE USED FOR THE 5K ROAD RACE ON AUGUST 26, 2006**  
Enclosed please find materials for Board Consideration.
31. **ACCEPT DONATION FROM POLAR BEVERAGES, ESTIMATED VALUE OF \$60.00 TO BE USED AT THE FAMILY FEST DAY EVENT ON AUGUST 26, 2006**  
Enclosed please find materials for Board Consideration.
32. **ACCEPT DONATION FROM TRADER JOE'S, ESTIMATED VALUE OF \$400.00, FOR THE 5K RACE ON AUGUST 26, 2006**  
Enclosed please find materials for Board Consideration.
33. **ACCEPT DONATION FROM EASTERN MOUNTAIN SPORTS, ESTIMATED VALUE OF \$100.00, FOR FAMILY FEST DAY ON AUGUST 26, 2006**  
Enclosed please find materials for Board Consideration.

34. **ACCEPT DONATION FROM DUNKIN DONUTS, ESTIMATED VALUE OF \$100.00, FOR THE 5K KIDS FUN RUN ON AUGUST 26, 2006**  
Enclosed please find materials for Board Consideration.
35. **ACCEPT DONATION FROM NEW ENGLAND REVOLUTION, ESTIMATED VALUE OF \$136.00, FOR PRIZES ON THE 5K RUN FOR THE BEACH, AUGUST 26, 2006**  
Enclosed please find materials for Board Consideration.
36. **ACCEPT DONATION FROM SHAW'S SUPERMARKET, ESTIMATED VALUE OF \$50.00, FOR THE RUN FOR THE BEACH ON AUGUST 26, 2006**  
Enclosed please find materials for Board Consideration.
37. **ACCEPT DONATION FROM NOT YOUR AVERAGE JOE'S, ESTIMATED VALUE OF \$25.00, FOR THE 5K RUN FOR THE BEACH ON AUGUST 26, 2006**  
Enclosed please find materials for Board Consideration.
38. **ACCEPT DONATION FROM THE NEW ENGLAND 10'S RUGBY, \$200.00, TO BE USED TOWARD THE RESEEDING OF NARA PARK FIELD**  
Enclosed please find materials for Board Consideration.
39. **ACCEPT A PLEDGED DONATION FROM ROCHE BROTHERS SUPERMARKET, IN THE AMOUNT OF \$2500.00, TO BE USED FOR VARIOUS SPECIAL EVENTS**  
Enclosed please find materials for Board Consideration.

## **VI. TOWN MANAGER'S REPORT**

## **VII. EXECUTIVE SESSION**

### **There will be a need for Executive Session.**

Enclosed please find materials for Board consideration, additional items found in confidential section.

### **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 25

November 27

October 16

December 11

October 30

December 18

November 13

### **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)