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MAY 25 2006

TOWN CLERK
ACTON

BOARD OF SELECTMEN MINUTES

March 27, 2006

All Board members were present the Town Manager was present, the meeting was televised

CITIZENS' CONCERNS

Carol Holley spoke for her neighborhood regarding the blasting materials that contained percolate had gotten in to their private Wells. She will take this before the Board of Health.

Peter suggested that she be in contact with Planning, she has and they will be seeing the Planning Board.

Eric Hilfer Old Orchard Drive asked about pilot study for potable water reuse. He wanted to talk further about the Potable Water Reuse and if the study was going to take place. Peter suggested that he review Doug Halley's response and noted it would not be in the near future as there are no grants or monies available.

John Covert Flagg Road resident and Cable Committee representative urged that we move forward to make all negotiations done within 90 days. They have set up channel 9 which is on the air now with school items running. Comcast could decrease services because of the requirement of Level ground. Peter noted that we should do this in executive session and have one BOS member sit in on the committee. Don was asked to contact Solomon to clarify the issues.

Carol 16 Orchard Drive – Open Meeting Law she is concerned that the open meeting law has been violated. She will draft a letter of concern to the Board of Selectmen and she is concerned, and thinks the OML is on the books to protect open government. She is concerned that a member of the Finance Committee would not comply and felt it does not lead to clear and healthy communication. She asked the Board to help the Town to uphold the law.

Peter thanked her for her concern and noted that the Board is concerned also. The new email policy will be enforced

Braebrook resident with the Percolate issue said he has two young children and it was his well that the percolate was found.

Shawn Towey – Blanchard Place neighbor and he was interested in the process. Peter noted that the expedited process is for small developments and urged Mr. Towey to write us.

Maya Spies noted that she had a good experience at the South Acton Commuter Task Force Committee. She asked about if they had any quality control guidelines for Committees. Peter said that the Board of Selectmen had written her regarding her complaints and she had returned the letter to the Board without accepting delivery. She continued to complain about the process and the fact that she did not have a response to her issues. Walter said that she has been in attendance at all the Morrison Committee's except two. He outlined the process and the discussion that she participated in. Walter said that we try as best as we can to review every ones concerns. Ms. Spies left the room in the middle of his explanation. Walter noted that this is just the behavior displayed at the MFC meetings when she does not want to listen.

SEWER COMMISSIONERS' BUSINESS

PUBLIC HEARINGS & APPOINTMENTS

OPERATIONAL MINUTE

Don updated the Board on the Town Meeting arrangements. He noted details of where to vote are currently on Channel 9 or 10.

CLASS I DEALER'S LICENSE, ACTON SUZUKI RENT-A-CAR, 50 POWDER MILL ROAD-
Continued at the Applicants request to a meeting in April or May. DORE' HUNTER - Moved to continue to April 24 at 7:15 p.m. WALTER FOSTER – second. UNAMOUSE VOTE

SOUTH ACTON COMMUTER RAIL TASK FORCE (SACRTF) - Dore' discussed interim steps surrounding the parking lot. One proposal was for fees and physical changes to Jones field, the proposal was to increase the commuter lot spaces, and have reserved parking at \$50.00 per month at Jones field. They will stripe and put barriers to keep the cars off the field. Ann Sussman discussed the situation at the parking lot for commuters. We have been told we are the least expensive in the area.

Andy has a problem using Jones Field as a parking lot for anything except for park use. He also was concerned about the Stow Street parking due to the wetlands. He feels it should be used for athletic uses.

Dore' spoke about closing off those areas. Mr. Sonner said they looked at a seasonal level from November through the winter. They also said that they could reserve spaces for the Play ground users. Walter questioned raising the sticker from \$25-\$50 for Acton residents, and also the meter increases. Dore' said we need to provide additional lighting. He also said that \$25 per year is out of date. He noted we should look at the Shuttle option with the increased fees income.

Jim Yarin – He has given his views on the plan. The reserved parking at Jones Field will encourage the commuters go elsewhere. He felt that the increase of fees will be a motivation to get a shuttle. He felt to generate those fees we could guarantee a reserved spot at around \$50.00. He felt it will generate revenue to provide a shuttle bus.

Dore' said they are looking at shuttles and there may be money available. Lexington has a star system and Marlborough is struggling with shuttles.

Frannie Osmond – She agrees with raising fees but did not support the increase from \$25 to \$50 dollars. She wants to encourage the use of the train. She suggested that at all the spaces we should be charging a small daily fee. A shuttle could be used for other types of uses during off peak times.

Peter said that there is no perfect solution. We need to lay some ground work for a couple of months and see what we get. Dore' suggested we focus on Jones Field. It is a situation that needs to be controlled and we currently do not collect any fees. Andy still has the most problems with Jones Field. Lauren wanted to propose that we have staff prepare a sketch and continue to the next meeting. Peter wanted more hard data on what other lots are charging. He wanted to find some lots that were comparable. Peter asked about the lots along the Lowell line.

Dore' asked that staff leaflet the Jones Field area about the proposed changes.

EXCHANGE HALL - Mr. Berger was in to give an update on the plans for the building. He is now in the process of developing a full set of plans for the Exchange Hall and the "MUD" LOT and will have plans in mid-May. He has retained an attorney and has a traffic study in hand and a preservationist to address the Historic preservation portion; he has an engineer and several people to market the property to get a tenant quickly to run parallel with the hearing process. He has two banks that want to write checks for the project. He has a meeting with Garry Rhodes this week and they will address the zoning issues. They have 54 spaces around exchange hall and 22 across the street with a total of 76 spaces. He said that the first two floors could be for restaurant use and is at grade. They will need to put an elevator on the back side to accommodate handicapped. The third and fourth floor for small parties with dancing and jazz music.

Dore' asked about the Mud Lot as it is partly owned by the Town and the other lot was owned by Mr. Porrazzo. He asked if he were dealing with the lot with them. Porrazzo is not willing to lease or sell. Dore' wanted talk about any taxes and asked for a report on the status.

Walter thanked him for coming before them with his proposal. Walter was concerned about retaining the spring floor; Mr. Berger will retain the structure. Berger noted that the bell will ring again once the project is completed.

Lauren asked about time line of when the plans will be submitted for review by this Board. His engineers have promised a full set of plans by the middle of May. He will remain in contact with the town staff.

Dore' asked about the parking at the back of the Hall. Glenn said that this was part of the Mill Corner project and he has the option to have spaces.

Ann Forbes 25 Martin Street spoke about when the last time we had a full site plan review for a project within a Historic District. They will be discussing this concurrently with the HDC.

SEWER ABATEMENT REQUESTS, ASSABET CROSSING

Don Johnson left the table and John Murray replaced him because the Town Manager may have a conflict as an abutter to an abutter. Peter noted that we do not have a signed covenant. Peter said the three options are grant the requests, deny or take no action. It will extend the period of time the requestors have to research this issue. Paul Gaboury presented an overview letter outlining the issues and background.

Peter asked why it took so long to get this issue addressed. John Murray noted that counsel had drafted the covenant. John said that creative financing proposed by Paul for the financing of the common line is not within the board's purview it is under the Board of Health.

Andy asked questions of the Board of Health regarding costs.

Walter asked John the cost for common sewerage per house. Paul's analysis says \$15,000 range.

Peter noted that we have to deny these but the Board needs to give direction regarding any financial negotiations. Andy said the lots are very percolable because of the sand. The likelihood of a failure is small; do we propose a home rule petition to get them out of the district? Peter asked if we deny can we proceed with a home rule petition taking them out and then giving them back the penalties and interest. But in the mean time they would have to pay.

John said that betterments were set to cover just the costs. We would have to appropriate additional money to handle the debt service.

Lauren was concerned with wetlands issues. She said because we were partly responsible we will try to talk more about a solution.

Doug was concerned that the Legislature would view a Home Rule petition as taking a right away from a person. He felt that Legislature may frown on this.

Peter said we let the clock run out. Peter wanted to know if the Home Rule has validity. He also wanted to explore the financing.

Dore' said they may want to put an additional system in to rest the original system.

Walter noted that if we could do it right now we would to help the neighborhood but he wants a financially equal situation.

Peter said we take no action on 4-14 Assabet Crossing. DORE' HUNTER – Moved to take no action on #4-14. WALTER FOSTER – second. UNANIMOUS VOTE

DORE' HUNTER – Moved to take no action on #2 Assabet Crossing. WALTER FOSTER- second. UNANIMOUS VOTE

SEWER ABATEMENT REQUEST, 1 MAILLET DRIVE - The proponent was not at the hearing –DORE' HUNTER – Moved to deny, WALTER FOSTER- second. UNANIMOUS VOTE

SEWER ABATEMENT REQUEST, 276 MAIN STREET – Doug said the owner is out of the country right now but when he returns he wants to talk with the Board. This is an issue that he claims no one told him of the costs and has nothing to do with the estimated benefits. Andy said his option is that it was a problem with the previous owner or real estate broker. DORE' HUNTER – Moved to deny. WALTER FOSTER – second. UNANIMOUS VOTE

SEWER ABATEMENT REQUEST, 66-68 MAPLE STREET - Mr. Curtin said that his family was temporarily there and it is really a two bedroom. He was staying there with his wife and three children until his home being built was finished. The Assessors say that it is listed as a three bedroom for at least five years. Don said that he would like to re inspect and bring it back to us on Monday.

SELECTMEN'S BUSINESS

BOY SCOUT COURT OF HONOR, GREGORY HART – Peter will represent the Board.

HAARTZ CORPORATION, AGREEMENT AND AMENDED CONSIDERATION RESTRICTION – This is a rezoning issue and they are required to put a vast majority of land into a conservation trust. DORE' HUNTER- Moved to approve. WALTER FOSTER – second. UNANIMOUS VOTE

ACTON COMMUNITY HOUSING CORP, (ACHC) LAND ACQUISITION FUNDING REQUEST – Peter said that were issues raised and they are resolved and we are well on our way to obtaining an easement and we can go to Town Meeting for vote DORE' HUNTER- Moved to approve. WALTER FOSTER – second. UNANIMOUS VOTE

EMPLOYEE OF THE YEAR AWARD – Steinberg/Lalli Trust award to a municipal employee for hard work and good performance. We will make the recognition at the Town Meeting. Corey

York of the Engineering Dept was nominated for Municipal Employee of the year. DORE' HUNTER – Moved to award this years award to Cory York. WALTER FOSTER – second. UNANIMOUS VOTE

TOWN MEETING PREPARATION - The neighborhood from Spencer and Tuttle were present to ask that the Board stay the course. The Board will support this article.

Don will have all the submittals for the Selectmen ready for the board as well as for articles that are consent incase they are held.

Walter said that they will be announcing the Capital Planning Committee.

They will start at 6:15 in the faculty dining room at the High School.

AUDUBON HILL BREWSTER LANE - Sale of a unit at below market rate. John explained the issue of the developer and banks went broke. They were to provide affordable units. What we got was a reduced senior center and 4 units. This is the first unit of the four units to turn over, the condo fee is over \$300 and carrying cost would be \$2,700 per month. It is now not an affordable unit with the high condo fees. The problem is the limit of assets. A number of people have been disallowed because of assets.

DORE' HUNTER - Moved to approve the unit being sold at market rate and extra funds be submitted to the town for use of senior citizens. Peter asked about the potential use. The trust can be used for any use for senior citizens' use. WALTER FOSTER – second. UNANIMOUS VOTE.

OTHER BUSINESS

MAPC LETTER ABOUT WOODLANDS - Dore' will hand it to Mark Draisen at a meeting he is to attend. The Board approved the signing of the letter by the Chairman.

Dore' Hunter will be the new Veteran's Agent; he has already obtained his paperwork to begin his position.

Peter wanted to announce a meeting of the Freedom Heritage Landscapes on this Thursday at 7:30. It will give the people in town a voice on what they think about the various properties.

CONSENT AGENDA

DORE' HUNTER – Moved to Approve with a hold on 17 and 30 at Andy's request. – LAUREN ROSENZWEIG –second - UNANIMOUS VOTE.

Andy asked about the Board of Registrars capacity. ANDREW MAGEE – Moved to approve the Appointment of Mr. Seward. WALTER FOSTER – second. UNANIMOUS VOTE

Andy wanted to know if we had funded the Replacement of the light poles for Elm Street this year. We had, but these donations would add to the strength of approval at Town Meeting. ANDREW MAGEE – Moved to approve. WALTER FOSTER – second. UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

No Report

EXECUTIVE SESSION

None Needed

Christine Joyce

Lauren Rosenzweig, Clerk

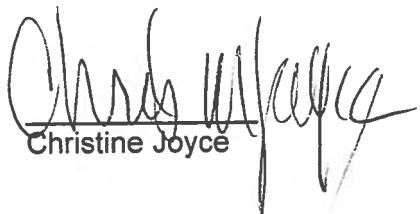
DATE

TOWN MANAGER'S REPORT

No Report

EXECUTIVE SESSION

None Needed



Christine Joyce



Lauren Rosenzweig
Lauren Rosenzweig, Clerk
5/22/06

DATE

BOARD OF SELECTMEN AGENDA

March 27, 2006

**Francis Faulkner Hearing Room
Acton Town Hall
7:00 P.M.**

I CITIZENS' CONCERNS

II SEWER COMMISSIONERS' BUSINESS

III PUBLIC HEARINGS & APPOINTMENTS

1. **7:05 OPERATIONAL MINUTE** – The Town Manager will give the Board a brief update on various topics.
2. **7:15 CLASS I DEALER'S LICENSE, ACTON SUZUKI RENT-A-CAR, 50 POWDER MILL ROAD (continued from March 13, 2006)** - Enclosed please find materials in the subject regard, for Board consideration.
3. **7:30 SOUTH ACTON COMMUTER RAIL TASK FORCE (SACRTF)** – Enclosed please find materials in the subject regard, for Board consideration.
4. **8:00 EXCHANGE HALL** - Mr. Berger will be in to discuss the status of his Exchange Hall Project with the Board.
5. **8:15 SEWER ABATEMENT REQUESTS, ASSABET CROSSING** – Enclosed please find materials in the subject regard, for Board consideration.
6. **8:45 SEWER ABATEMENT REQUEST, 1 MAILLET DRIVE** – Enclosed please find materials in the subject regard, for Board consideration.
7. **8:55 SEWER ABATEMENT REQUEST, 276 MAIN STREET** – Enclosed please find materials in the subject regard, for Board consideration.
8. **9:05 SEWER ABATEMENT REQUEST, 66-68 MAPLE STREET** – Enclosed please find materials in the subject regard, for Board consideration.

IV SELECTMEN'S BUSINESS

9. **BOY SCOUT COURT OF HONOR, GREGORY HART** – Enclosed please find an invitation to Mr. Hart's Court of Honor on April 29, 2006, for Board assignment.
10. **HAARTZ CORPORATION, AGREEMENT AND AMENDED CONSERVATION RESTRICTION** – Enclosed please find the proposed Agreement and Amended Conservation Restriction with respect to Haartz Corporation Land, for Board consideration.

11. **ACTON COMMUNITY HOUSING CORPORATION (ACHC) LAND ACQUISITION FUNDING REQUEST, WILLOW/CENTRAL STREET** – Enclosed please find materials in the subject regard, for Board consideration.
12. **EMPLOYEE OF THE YEAR** – Enclosed please find materials in the subject regard, for Board consideration.
13. **TOWN MEETING PREPARATION** – Enclosed please find materials in the subject regard, for Board consideration.
14. **OTHER BUSINESS**

VI CONSENT AGENDA

15. **ACCEPT SELECTMEN'S MINUTES OF MARCH 13, 2006** – Enclosed please find the subject minutes, for Board acceptance.
16. **W.R. GRACE REMAND AGREEMENT** – Enclosed please find materials in the subject regard, for Board consideration.
17. **BOARD OF REGISTRARS APPOINTMENT, DEWITT SEWARD III** – Enclosed please find materials in the subject regard, for Board Consideration.
18. **SITE PLAN SPECIAL PERMIT #12/29/05-406, MILL CORNER LLC. 140 MAIN STREET** – Enclosed please find a draft decision, for Board consideration.
19. **REQUEST TO DECLARE SURPLUS, PADDLE BOATS** – Enclosed please find a request from the Recreation Director to declare 9 Paddle Boats as Surplus, for Board consideration.
20. **2006 CONCERT FEE SCHEDULE AT NARA PARK** – Enclosed please find materials in the subject regard, for Board consideration.
21. **ACCEPT GIFT, ACTON GARDEN CLUB** – Enclosed please find a gift in the amount of \$300.00 from the Acton Garden Club, to be used for the purchase and planting of trees at NARA Park, for Board acceptance.
22. **ACCEPT GIFT, THOREAU CLUB** – Enclosed please find a gift in the amount of \$250.00 from the Thoreau Club, to be used for concert sponsorship, for Board acceptance.
23. **ACCEPT GIFT, THOMAS L. MATTHEWS** - Enclosed please find a gift in the amount of \$50.00 from Thomas L. Matthews, to be used for the Elm Street Light Replacement Program, for Board acceptance.
24. **ACCEPT GIFT, RICH GOTTESMAN** - Enclosed please find a gift in the amount of \$50.00 from Rich Gottesman, to be used for the Elm Street Light Replacement Program, for Board acceptance.
25. **ACCEPT GIFT, GEORGE FITZGERALD** - Enclosed please find a gift in the amount of \$25.00 from George Fitzgerald, to be used for the Elm Street Light Replacement Program, for Board acceptance.

26. **ACCEPT GIFT, KEITH JONES** - Enclosed please find a gift in the amount of \$25.00, from Keith Jones, to be used for the Elm Street Light Replacement Program, for Board acceptance.
27. **ACCEPT GIFT, JOEY LOBLUNDO** - Enclosed please find a gift in the amount of \$25.00, from Joey Loblundo, to be used for the Elm Street Light Replacement Program, for Board acceptance
28. **ACCEPT GIFT, DANIEL AND INGRID JOYCE** - Enclosed please find a gift in the amount of \$25.00 from Daniel and Ingrid Joyce, to be used for the Elm Street Light Replacement Program, for Board acceptance.
29. **ACCEPT GIFT, GREGORY CATALANO** - Enclosed please find a gift in the amount of \$25.00 from Gregory Catalano, to be used for the Elm Street Light Replacement Program, for Board acceptance.
30. **ACCEPT GIFT, SEAN B. ORILEY** - Enclosed please find a gift in the amount of \$25.00, from Sean B. Oriley, to be used for the Elm Street Light Replacement Program, for Board acceptance.

VII TOWN MANAGER'S REPORT

VIII 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.

April Annual Town Meeting	

GOALS 2004-2005

1. Produce Morrison Farm Development Master Plan (Walter)
2. NARA Park
3. Pursue Commercial Tax Base
4. Master Plan review meeting once per year

GOALS carried forward

5. Monitor Labor Negotiations (Peter)
6. Improve Communication with Town Boards (ALL), Improving Inter-Board Communication (Dore')
7. Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision, and to get a first rough cut of what happens next year before school is out for the summer (Peter)
8. ALG process be used for purpose of Budget Planning for FY05 (Dore'/Peter)
9. Process Planning for "Life after NESWC"
10. Middlesex Pension Alternatives (Walter)