

BOARD OF SELECTMEN & SEWER COMMISSIONERS'

MEETING AGENDA

Francis Faulkner Meeting Room,

Town Hall

September 8, 2008

7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:02 OPERATIONAL MINUTE

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

2. 7:15 LIQUOR OUTLET, INC., REQUEST TO ALTER PREMISES, 305 MAIN STREET

ISSUE: The Liquor Outlet, Inc., is planning on expanding their store into the former Bank

3. 7:20 WATER RESOURCE ADVISORY COMMITTEE (WRAC) OVERSIGHT MEETING

ISSUE: Annual Oversight Meeting

4. 7:35 HISTORICAL COMMISSION OVERSIGHT MEETING

ISSUE: Annual Oversight Meeting

5. 7:50 COMMUNITY PRESERVATION COMMITTEE OVERSIGHT MEETING

ISSUE: Annual Oversight Meeting

6. 8:05 CABLE TELEVISION ADVISORY COMMITTEE OVERSIGHT MEETING

ISSUE: Annual Oversight Meeting

7. 8:30 SITE PLAN # 07/03/08-415, MINI-WAREHOUSE REALTY, LLC., 133 GREAT ROAD

ISSUE: Site Plan presentation for Board Action

8. 8:45 ACTON VOTERS GROUP, SPECIAL TOWN MEETING CITIZEN'S PETITION

ISSUE: Board of Selectmen's position on this Citizen's Petition Article

III. SELECTMEN'S BUSINESS

9. ALG

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

10. QUAIL RIDGE COUNTRY CLUB TRAIL EASEMENT

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

11. THE AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY (ASTDR) ON GRACE PROPERTY

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

12. RAILROAD REALTY TRUST, 19 RAILROAD STREET, REQUEST FOR SEWER BILL ABATEMENT

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

13. WATER SUPPLY DISTRICT OF ACTON, APPLICATION OF FEES POLICY, WAIVE AND REFUND PERMIT FEES ASSOCIATED WITH THE DISTRICT'S CONSTRUCTION OF THE KENNEDY MARSHALL WATER TREATMENT PLANT

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

14. CLOSE SPECIAL TOWN MEETING WARRANT AND VOTE POSITIONS ON ARTICLES

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

15. SELECTMEN TO REVIEW DRAFT PRESS RELEASE ON GRACE TAX ABATEMENT

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

OTHER BUSINESS

IV. CONSENT AGENDA

16. ACCEPT BOARD OF SELECTMEN MINUTES OF MAY 12 & 19, JUNE 9 & 23, JULY 14 & 31 AUGUST 11 & 14

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

17. BRUCE FREEMAN RAILTRAIL INTER-MUNICIPAL AGREEMENT

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

18. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$100.00 from AAA Southern New England to be used to support Acton Day

19. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$100.00 from Nashoba Valley Ski Area, to be used to support Acton Day or Dog Day Jubilee/Family Fun Day

20. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$400.00 from Domino's Pizza to be used to support Acton Day activities

21. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$50.00 from Pet Source to be used to support the Dog Day Jubilee

22. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$100.00 from CBC Fitness Center to support Acton Day activities

23. ROBBINS BROOK RETIREMENT COMMUNITY, 886, 900 MAIN STREET, 8 EASTERN ROAD, REQUEST FOR PERMIT EXTENSION, SITE PLAN SPECIAL PERMIT #11/18/98-366, PHASE 3

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

24. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT LOCAL ACTION UNIT APPLICATION, FAULKNER MILL, 4 HIGH STREET SIGNATURE REQUEST FROM THE ACTON COMMUNITY HOUSING CORPORATION

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

V. 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.

Sept. 22 & October 6 & 20

MINUTES PENDING VOTES

MAY 12 & 19, JUNE 9 & 23, JULY 14 & 31 AUGUST 11 & 14 & 28

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

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**September 8, 2008
Acton Town Hall, Faulkner Hearing Room
7:00 P.M.**

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

CITIZENS' CONCERNS

Bob Guba spoke about trails. Bay Circuit passes through Acton. They have a problem getting from BFRT to Route 27. Mr. Ullman is the point person on this issue, and would have been here tonight, but was away. Robbins Brook management continues to deny passage through their property. He asked that the town work with the Robbins Brook to allow them to use the property. The Manager was asked to follow-up with Robbins Brook folks. He suggested that it be tabled for tonight, until we get more information.

Andy suggested we table it and take it off consent until it is discussed. ANDREW MAGEE – Move to Grant the extension for one months time or until our October 6, meeting for further discussion. PAULINA KNIBBE - second. UNANIMOUS

Michaela Moran asked that the town consider buying land adjacent to Great Hill. People have been using these lands as town property already for walking. Michaela noted that it would increase open space. They have a letter of support for the purchase of the two parcels. It would be an asset to the HDC. Andy stated that these are two owners of property one with the home and one with just land to be sold. The sellers are interested in working toward this purchase. They would like to bring this to the CPC and they will need to recommend this purchase to Community Preservation Committee. One of the subject historical homes on the cultural resource list is outside the district.

Peter supports the purchase, it is a nice parcel and the home was built in the 1840's.

OPERATIONAL MINUTE

Steve announced that Saturday is Acton Day. People are urged to park at Nagog and to walk in. He also noted the upcoming Dog Day Jubilee at NARA

Steve reported on the lease from Blue Bird and the church for Sunday parking. We have a draft sub-lease that has been approved by Town Counsel. He feels now the parking issue is behind him and move forward with his lenders,

Steve reported "On the Hill" budget retreat will be held this week. He noted that it is starting early to get more time to put the budget together.

22 applications for Community Outreach Coordinator have been received. A screening committee will be formed on Friday.

Legislation has passed allowing the Town a 20 year lease at the School Street fields.

PUBLIC HEARINGS & APPOINTMENTS

LIQUOR OUTLET, INC., REQUEST TO ALTER PREMISES, 305 MAIN STREET

Mr. Zeitler is asking to enlarging the store, the space next to him has been empty for over two years and they would like to expand into this space.

Peter had no questions it has been through staff review and there are no objections.

Andy and Paulina were comfortable with the request to expand into the vacant bank.

PAULINA KNIBBE – Moved to approve. PETER BERRY – second. UNANIMOUS VOTE

John Edmonds of Lothrop Road asked if they could purchase alcoholic beverages at the redemption site. Mr. Zeitler replied no.

WATER RESOURCE ADVISORY COMMITTEE, OVERSIGHT MEETING

Andy went over his slide show in the subject regard. He discussed available gallons, preliminary Design Study and cost estimates. Andy also spoke about the current task forces. Andy outlined the recommendations of the WRAC.

Paulina noted the cost and asked if they were going to go forward if they find the prices would be less, or look at other alternatives. Andy said they will be looking at costs and other ways to treat the issue. Andy said that we would have to cut the costs by 100% for Spencer Road project. Peter mentioned the bill that was passed to get a million dollars for the Spencer Road site, and was vetoed by the Governor. Paulina said it is too early to close this down and we have got to solve this issue. We need to establish a Sewer Action Committee. PAULINA KNIBBE- Moved to establish a Sewer Action Committee. ANDREW MAGEE – second. UNANIMOUS VOTE

Ann Chang supported the Committee being formed.

Andy Monroe said we need to have some money for design before they cannot go forward. He is asking for NESWC funds for upfront expenses and then repaid back in to the NESWC Fund.

Don Barren, Lothrop Road offered to serve on the committee

HISTORICAL COMMISSION, OVERSIGHT MEETING

Peter Grover updated the Board on outstanding issues. The Wright Holden House on Route 2 needs to be stabilized and to find a new use for it. The Department of Corrections controls the property. They need to get it sealed and cover the windows. They have a donor willing to supply the plywood and that the gift needs to be accepted by the Selectmen. Peter spoke about updating our Demolitions Delay Bylaw. He also spoke about an Archeological Resources Program for review before sites are demolished, and would like to bring to Annual Town Meeting. He spoke about Morrison Farm to getting on the National Register. They will require a consultant to do this task. They want to preserve both the Wright Holden and Morrison Farm property.

They also want to see something done with the 17 Woodbury Lane property. Peter noted that they have a Cultural List on the Web. They want to get their files into a digital form and suggested a person from the Senior Worker Program.

Lauren suggested they meet with the Town Manager to discuss the funds for the plywood and Senior Worker Program.

They need one alternate position.

COMMUNITY PRESERVATION COMMITTEE – OVERSIGHT MEETING

Ken Siga Hughes Chairmen of the CPC this year reported that the committee is fully staffed with 9 members and 2 associates, as prescribed under the bylaw. They have had another successful year, 1.6 million was provided. We have been fully matched, but this year's matching funds may be lower. They are getting ready to start their new cycle, presenting to the citizens. They will use the same process as in previous years. They thanked the Board for participating in the Amnesty suit with Newton.

They were disappointed that the funding for the rail trail did not come through. It was discussed that they may be able to purchase the Great Hill Land. They have had a site walk and are waiting for the appraisal. Ken suggested amendment to the Bylaw. They would like the Associate Members to be able to vote, and have the Vice Chair called out in the bylaw.

They are requesting we think ahead to get programs. Mary Michleman updated the Board on the meeting here with Senator Resor, Cory Atkins, Jamie Eldridge and they did some brain storming how to get the funding for the Rail Trails and asked for community letters to support the funding.

CABLE TV – OVERSIGHT MEETING

John Covert gave a slide presentation of what they have been doing and the issues they are working on. They have full membership.

Peter asked why we need to form an access group; John replied that who would operate the studio when Comcast ceases to operate it.

Paulina supports the formation of the access group. The committee needs to work with the Town Manager to determine the budget for Atty. Solomon's services

Andy wanted to say appointing the governing board is required and who we hire and what we get from them is also very important.

Charlie Kadlec commented that point out that the quality of the broadcast of these meetings is horrible, he asked that they address it.

John Petersen asked about multiple studios and economy of scale.

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

George Dimakarakos the Project Engineer, outlined the request to increase the commercial area to 9,000 feet and adding four residential units on the second floor.

Lauren asked that the selectmen need to be assigned to site plans in the future.

Paulina said she is happy with the expanding of business and housing. She asked if this abuts to Ellsworth and are there any issues with the owners of Ellsworth, George said just to preserve the tree buffer. The height of the building will be below the site line.

Andy commented on the parking issues and other items that causes him concerned, but knows that they will be addressed. They have worked with the Design Review Board. Lauren said the tree buffer must be maintained. Andy asked Roland if he had any comments. Roland was confident that all issues would be worked out to his satisfaction.

LAUREN ROSENZWEIG – Moved to take under advisement and ask Roland to prepare a draft decision for out next meeting. ANDREW MAGEE –second. UNANIMOUS VOTE

LAUREN ROSENZWEIG – Moved to open the hearing and continue to September 8th at 8:30 pm. PAULINA KNIBBE- second UNANIMOUS

ACTON VOTERS GROUP

Clint Steward spoke about the collection of 1,500 signatures. The group's purpose was as an outreach to the Town and to go get the Board's opinion. People are upset and the economy is in a down turn.

This Special Town Meeting will offer choices with no 4% increase and will leave responsible reserves. Lower property taxes by returning 2.4M

Andy said it was very compelling argument and is it correct. We took a lot of flack at town meeting last year, and even with all the meetings there was not enough transparently. Andy said that we had 20 budget meetings and it was in the paper and on cable, are questioned if they were really going to get the information out in three weeks.

Paullina's problem is with the way it is characterized. She finds they want to spend 2.4M and would make the taxes go up by 6% in FY 09 and 10.

Peter Berry said we are lucky to have this conversation, from his perspective in his service to the Town, we have been financially run very well. Peter said he was concerned about the issues of getting the reserves up again, it uses reserves to maintain services, and taxes will need to go up much higher. Peter outlined the State budget being cut and local aid decreasing again; it is a very difficult question if we spend the reserves down.

Peter Ashton spoke about the NESWC funds and how in the past we held on to the reserves. It is bad policy and bad economics and doesn't think it makes sense. It is not connected to the three year plan. The petition wants to spend 1.3 of our reserves, and in three years we will not have enough money left. We cannot afford to have this plan voted. Peter said some of the uncertainties such as the Ballot question to eliminate the State Income tax with cuts at the State level will have a 40 percent reduction in revenue and State Aid. Peter suggests to use 2.4 M is not fiscally responsible at this time. One fact has been lost in this discussion this will benefit only W. R. Grace, why should we be helping that company, we should not give our legal adversary money.

Peter said it is important to keep a strong reserve in these economic times. He urged that the Board not support this Article.

Tom Michlemen – The DOR's suggested level of reserves is simply a guideline. He supports higher reserves. He spoke about the Ballot initiative by the State. If the State reduces funding the most vulnerable Citizens will be hurt, and wanted to spend time and resources to defeat the abolishment of the income tax.

Alan Nitchelm spoke about reserves and reserve policy that he had asked for when he was on the Finance Committee.

Paulina said that the ALG plan presented at April's Town Meeting showed using the reserves for deferred capital over a period of several years. All of these possible projects would need to come to a future Town Meeting for approval. However, if the economic climate continues to be bad, the reserves can also be used to prevent cuts to essential services.

Summer Hoffman – Commented about the Ashton's Income tax vote. And felt that it would be a long time before the State took action.

SELECTMEN'S BUSINESS

ALG UPDATE

Lauren updated the Board on the last meeting and having a three board joint meeting. They will be talking about the agenda for the meeting is contained in the mail packet. They will be discussing the plan we have to 2012 to show impacts that may occur. Paulina spoke about ALG plan and her memo. Andy noted the ash liability and we have set aside 1M for liability issues down from 3M.

QUAIL RIDGE COUNTRY CLUB TRAIL EASEMENT

Lauren recused herself as she is a member of the Club. Paulina said this is a trail that will go through Quail Ridge property. ANDREW MAGEE - Move to approve. PETER BERRY – second UNANIMOUS VOTE

THE AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY (ASTDR) ON THE GRACE PROPERTY

Andy noted that we wish to have the comment period extended 30 days. Andy said it was an interesting meeting and a lot of material given. There are issues in the report that need to be looked at more closely. Mary Michleman has drafted a joint response. ANDREW MAGEE – Moved to authorize the letter as written and be placed on town letter head. PAULINA KNIBBE - second. Andrew further moved to authorize Jim Okun to prepare a similar review for issuance on the 15th. PAULINA KNIBBE – second. UNANIMOUS VOTE

RAILROAD REALTY TRUST, 19 RAILROAD STREET, REQUEST FOR SEWER ABATEMENT

Steve Ledoux noted that the trustee asked to have the betterment fee waived. Health director suggests that we deny the request.

A resident of 19 Railroad Street, spoke about her being billed for the flow rate before she even bought the unit or moved in. Lauren asked that she meet with the Town Manager. Paulina asked that it be tabled until more information is reviewed. ANDREW MAGEE – Moved to defer

decision until materials have been reviewed further. PAULINA KNIBBE – second.
UNANIMOUS VOTE

WATER SUPPLY DISTRICT APPLICATION FEES POLICY, WAIVE AND REFUND PERMIT FEES ASSOCIATED WITH THE DISTRICTS CONSTRUCTION OF THE KENNEDY MARSHALL WATER TREATMENT PLAN

Water District has asked the town to waive fees of \$6,256. PETER BERRY Moved to waive fees for WD to construct the water treatment plant in the amount of \$6,256.00. ANDREW MAGEE –second UNANIMOUS VOTE

CLOSE SPECIAL TOWN MEETING WARRANT AND VOTE POSITIONS

Piper Lane Article does not have language yet. The appraisal is forthcoming and will be placed on the Warrant as a placeholder.

ANDREW MAGEE – Moved to close the warrant with the two articles on the warrant. PETER BERRY – second UNANIMOUS VOTE

ANDREW MAGEE – Moved to defer until more info is gathered

AVG Board position –Lauren spoke about the need to maintain reserves.

Peter Berry said we do listen to taxpayers, we run for office, he feels he is in tune with taxpayers. There are arguments on both sides. He is opposed to the petition.

Paulina thinks this proposal is irresponsible. She does not support the article.

Andy discussed the Social Worker Position and could not make a decision until he had gotten more. He could not vote for this on the information as presented. He cannot vote as a Selectman with out more information. PAULINA KNIBBE – Moved Not recommend. – LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

Charlie Kadlec said the major reason this came up was because of the poor Annual Meeting. \$30,000 for a Social Worker is not an issue or budget breaker; there are more important Items in the budget.

Piper Road potential land purchases was discussed with the Finance Chairman, Steve Noon. Steve asked how much this will cost. The house was appraised \$340,000 – \$357,000 and the developer was \$700,000 for the parcel and the house. The other lot is narrow until getting toward the back of the property, drive way issues to get to the back of parcel. \$900,000 range.

SELECTMEN TO REVIEW DRAFT PRESS RELEASE ON GRACE TAX ABATEMENT

Lauren announced the Town has decided to settle out of court with Grace. Grace is fully paid up at the 6M level they will be pay up for their sewer betterments and will stay current with the betterment payments. PETER BERRY - Moved to approve the press release. ANDREW MAGEE – second. UNANIMOUS VOTE.

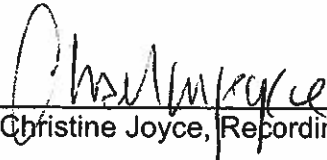
OTHER BUSINESS

NONE


CONSENT

ANDREW MAGEE - Moved to accept the Consent Agenda with item 23 pulled - PAULINA KNIBBE – second. UNANIMOUS VOTE.

EXECUTIVE SESSION



Christine Joyce, Recording Secty



Andrew D. Magee, Clerk
3 November 2008
Date