

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Meeting Room

Town Hall

June 23, 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. 7:05 SITE PLAN #7/1/ 83-234, POWDER MILL PLAZA), ATLANTIC MANAGEMENT, REQUEST TO AMEND SITE PLAN

ISSUE: Atlantic Management would like their site plan amended to delete the exclusion of hairdressers, barbers and dry cleaning uses, as they are now on the town sewer system.

3. 7:25 CABLE TELEVISION ADVISORY COMMITTEE, ANNUAL OVERSIGHT MEETING

ISSUE: The Board will discuss the Cable TV's activities and related topics

4. 7:40 VOLUNTEER COORDINATING COMMITTEE, ANNUAL OVERSIGHT MEETING

ISSUE: The Board will discuss the VCC's activities and related topics.

5. 7:55 40B PRESENTATION TO THE BOARD, 442 MASSACHUSETTS AVE, STEINBERG/LALLI CHARITABLE FOUNDATION

ISSUE: The Foundation would like to give the Board of Selectmen a presentation of their upcoming 40B proposal.

6. 8:10 AUTOPLEX II, LLC, 60 POWDER MILL ROAD SITE PLAN SPECIAL PERMIT #2/19/03-388

ISSUE: The Board will continue to discuss the status of the Ramp to connect 60 and 56 Powder Mill Road required in the Site Plan.

7. 8:25 DORE' HUNTER WILL UPDATE THE BOARD WITH REGARD TO MBTA SITUATION

ISSUE: Mr. Hunter will be presenting the status of the MBTA's financial situation.

III. SELECTMEN'S BUSINESS

8. BOARD OF HEALTH FEE INCREASE REQUEST

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

9. COMMITTEE/BOARD REAPPOINTMENTS FOR 2008

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

10. COMMUNITY SERVICES COORDINATOR JOB DESCRIPTION

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

11. ALG UPDATE

(No Materials)

12. OTHER BUSINESS

IV. TOWN MANAGER'S REPORT

V. CONSENT AGENDA

13. DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST, TOWN MANAGER LEDOUX

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

14. TOWN CLERK REAPPOINTMENT TO EXPIRE 2011

(No Materials)

15. COMMON VICTUALLER REVOCATION, MCDONALD'S, 256 MAIN STREET, AND D'ANGELO'S, 59-61 GREAT ROAD

(No Materials)

16. SENIOR WORK PROGRAM FY09 FUNDING REQUEST

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

17. DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY

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

18. ACCEPT GIFT, CONSERVATION TRAIL MAINTENANCE

Enclosed please find a gift of \$344.00 from Eagle Scout Michael Hatfield to be used to maintain Conservation Trails, for Board consideration

19. ACCEPT GIFTS, PLANNING DEPARTMENT

Enclosed please find a gift of \$14,535.00 from Dakota Drive (Barbara's Way 24&26 Agawam Road) in lieu of sidewalks being installed on site, for Board consideration

VI. EXECUTIVE SESSION

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

FUTURE AGENDAS

June 23, July 14, August 11, September 8 & 22

FUTURE AGENDA ITEMS

July 14th

Sewer O&M Rate Setting, EDC, Historic District, Planning Board Oversight Meetings
Special Permit #05/29/08-414, 452 Great Road, Peter Pippas Karate Center, Steve Joncus,
Community Team Work, Towne School, Bonnie Biochii, Methods Machinery, Morrison Farm
discussion

August 11th

Historical Commission Oversight Meeting

MINUTES PENDING VOTES

May 12 & 19, and June 9

PENDING COMMITTEE APPOINTMENTS

David Honn, DRB, (to be appointed with reappointments)

*Antoinette Hershey Conservation Commission Associate (to be appointed
with reappointments per AM)*

Jeff Clymer, Planning Board (at VCC)

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**June 23, 2008
Acton Town Hall, Faulkner Hearing Room
7:00 P.M.**

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

CITIZENS' CONCERNS

Tom Michleman, 6 Magonlia Drive expressed his concern about the Bruce Freeman and ARRT being bumped off the funding from the State TIP List.

Tom is looking for any suggestions from the Board. Lauren said that she has been following this and that the money will be going forward to three projects. Lauren asked them to write their local legislatives. There is a meeting on Thursday of the MPO at the Transportation Building and the more people come to express their displeasure the better. Andy would comment in letters that both these projects, BFRT and ARRT, are already half built. We have 100 percent of the citizens support and have funded them through town meeting and CPA grants. Lauren has already sent a letter to MPO, David Moller. Tom wanted to work with their data base of 3,000 people off line.

OPERATIONAL MINUTE

Steve reported that the installation of the street lights that were approved at Town Meeting has begun in some areas of town.

Steve updated the Board on the refurbishment of West Acton Library. Steve also noted that the Web site now includes more financial data for Citizens review.

Officer Scott Howe has been appointed Acting Sgt.

Teen Reparatory Group had a production at NARA with the new lights and equipment.

Lauren thanked the anonymous donor of the Selectmen's Concert.

PUBLIC HEARINGS & APPOINTMENTS

SITE PLAN #7/1/83-234, POWDER MILL PLAZA) ATLANTIC MANAGEMENT, REQUEST TO AMEND SITE PLAN

Doug Halley gave an overview of the situation. Doug suggested that we make the situation about consistency with what the Zoning Bylaw says. This will allow hairdressers to occupy this space as they are all over Town. Andy said that last time he wanted to comment on the comment that this material was not allowed but the treated

wastewater was formerly discharged into the Assabet. The Salon has no use restriction and they would fall under the hazardous waste bylaw if they stored over 25 gallons or 25 pounds of chemicals. Andy noted that our Zones do not correspond to DEP's Zones.

Paulina commented that one of the concerns she has is there are a couple of situations in Town where people want to put things near our wells. Quail Ridge is thinking about grass watering with treated wastewater and some of the grass is in a Zone 2 Area. Paulina asked that staff spend time to look into what is appropriate and what is not. She wanted BOH, WRAC to have policy developed for this specific issue before us tonight, and we need to be consistent across the town.

Mary Michleman – ACES is concerned about the issue and concerned with the wastewater and drinking water. Joe Shea said that hazardous materials are separated at the Dry Cleaners and will need to be kept separate and have secondary containment. Because they are contaminants of note they should at no time be mixed with wastewater.

Mary suggested three things be added. No disposal of these products down drains. She also asked that anyone using these products to give list to BOH and Material Handling Data Sheets of what products are on site. She asked that the people working in the business minimize the use and use safer products and to informing workers of what they are working with. In general she wanted to rename our zones to A, B or C. The use regulation in the packet note if the Regulations are silent on a specific use, it is assumed to be ok. Maybe we want to assume it is disallowed if not mentioned.

Lauren asked if Doug or Joe Shea had comments, and what we do now. He agreed with Mary's presentation and said one of the keys is that hazardous materials are used in businesses throughout town. He said that the hazardous Waste Bylaw inspections help to reduce accidents. Joe said that the best management practices would be not dumping chemicals down the toilet.

Lauren would like to entertain a motion for use of Hairdresser and off site Dry Cleaner and that we assign a department to look at reviewing our Zone 1 and 2 and what kinds of discharges are appropriate and allowed.

PAULINA KNIBBE – Moved to remove the existing restriction for Atlantic Management which excludes barber shops, hairdressers and off site dry cleaners, and that the appropriate best management practices be used at the hair salon in the Powder Mill Shopping Center. Material data sheets be given to Board of Health and Public Safety Departments. ANDREW MAGEE – second. Unanimous

Paulina suggested that the Board investigate what is the right policy for hazardous waste in sewer outflow. Doug noted that a committee developed a Ground Water Protection Committee to develop a Bylaw in the 80's. Doug felt the Board of Health was the right board, and to regulate the Planning Board or a dual review of both boards.

Andy felt it should be a task of two boards. Lauren suggested that she and Paulina input from Mary, Carol and the Water District to meet with Doug to address this issue.

VOLUNTEER COORDINATING COMMITTEE, OVER SIGHT MEETING

Bonnie Geithner, Chairman, Jean Lane and Nancy Gerhardt were present. Bonnie wanted to go through the paperwork for new descriptions over the course of the year. They have some legal advisements that they need to adhere to as well as special committee qualifications. They have four members and two associates are needed. One Full member is needed, and they would hope it would be a person with HR or secretarial experience. Bonnie asked the BOS if they have questions. It was suggested that they redesign the application with regard to the Citizenship question. Terra suggested they look into Document Management systems.

40B PRESENTATION TO THE BOARD OF SELECTMEN, 442 MASS AVE. STEINBERG/LALLI CHARITABLE FOUNDATION

The consultant spoke about the project needing to have the BOS support and then go to the Board of Appeals. All 3 units will be affordable. The existing home will be sold to a moderate income family. The consultant described the plans as they have evolved.

Terra asked about the Design Review Board. They are willing to meet with the DRB and understand they need to break up the facades.

Steve Steinberg spoke about the condo buy down program in the past. They have been working on the project for a year and are now before the Board on this project.

Peter said it looks like a great project and we are fortunate to have this project.

Paulina said she liked the scale of it. It has potential to be attractive and is in a good location. Paulina noted the affordable units deed restricted and do they count to the 10%. Paulina wanted to know if the moderate unit count towards our 10%. It would be restricted to local preference and would not count toward the 10% at this time, although there are changes being made to 40B.

ANDREW MAGEE – Moved that the Board recommend this LIP application. PAULINA KNIBBE second. Terra wanted it noted that \$500,000 in condo buy down would serve 10 families and felt we need to review our policy of deed restricting units. 4-1 Terra No Lauren thanked the Foundation for this project.

AUTOPLEX II DRAFT AMENDMENT, SITE PLAN SPECIAL PERMIT, 60 POWDER MILL ROAD

The Board discussed the three options.

First Option would require ramp connection, special restricted lanes for fire and emergency vehicles to have access to the site.

Second compromise a shorter ramp, and the applicant did not seem willing to provide this to accommodate ambulances for entrance into the site for medical emergencies.

Third Option: Allow for no ramp connecting the two sites but would ensure a future connection and fire restricted lanes be installed so that the fire services would be able to get close to the building, and that a historic preservation restriction be placed on the "Doll House" at 56 Powder Mill Road. This restriction was brought forward by the applicant at a previous meeting saying that he would have to take out the Doll House to build the ramp.

Paulina is in favor of Option 1; the Fire Chief has been clear about the safety need and it was part of the original site plan.

Peter asked if Chief Craig was still in favor of a full fire lane with ability to drive through.

Terra asked about the full ramp being part of the first site plan, and asked about the Fire Chief's preference. He would like to see the ramp as originally shown, but gave alternatives, such as an ambulance ramp which is a shorter ramp.

Chief said he could live with it if the fire hydrant was installed and an updated Fire Suppression system in the building at 60.

Terra asked which one was Leo open to doing. Roland said he would probably be least opposed to #3.

Terra asked what Mr. Bertolami was willing to do. Roland said he did not want upgrade to fire system and have a fire hydrant installed. Terra asked about wheel chair ramp. Roland said the wheel chair from 56-60 doesn't serve firefighting safety capability. Terra asked if Fire Chief and Leo would be willing to accept #3.

Peter pointed out that Mark Donhoe's letter that he did not want to spend the money to upgrade the fire suppression in the Suzuki Building. Lauren said that she believes that for optimal fire safety they need the ramp.

TERRA FRIEDRICHS – Moved to offer option three ANDREW MAGEE – second.
Motion passes 3-2 Paulina and Lauren No

MBTA BUDGET UPDATE, DORE' HUNTER

Dore' Hunter was present to update the Board on the status of MBTA. Dore' noted the last meeting of the MBTA Advisory Group there were representatives of all the cities and towns who contribute to MBTA. This Advisory Committee is the watch dog on the budget. The Advisory Board cannot increase but can decrease funding.

MBTA is the largest user of Gas, Oil and Electricity in the State. It is costing the T, but the readership fares don't cover the necessary needs to operate the T. The group asked where they would be next year. They will have to cut service and it would put them in a downward spiral. Several legislators were there and they asked what the Legislation was going to do. They said "nothing" until it is in critical failure. Dore' wants Acton to support working on a solution. The Fitchburg line needs more parking. Dore' said that if the legislature doesn't get to this issue soon, it will become an acute problem.

Andy asked what level we want to be at. We could write letters about the traffic and need for rail. Dore' said that we need to be a squeaky wheel and just keep pushing until they realize this needs to be fixed. Lauren asked if MBTA got Federal Funds; he felt not. The target is to get from Fitchburg to Porter Square in an hour. To do this they will need to eliminate some of the small stops in Lincoln. Lauren proposed a letter to say adding WIF will increase usage. They need to have some forward thinking to fund this service. Dore' wanted the letter sent to every member of the legislature.

In response to Terra, Andy said that the rail road and the bike trails are separate.

Terra wanted to see if we could use gas tax to earmark funds

Dore' and Lauren will get together and write a letter for the Board's review at its next meeting.

SELECTMEN'S BUSINESS

BOARD OF HEALTH FEE INCREASE

Andy noted it was well costed out and appears a complete package. ANDREW MAGEE - Move to approve. PAULINA KNIBBE – second UNANIMOUS VOTE

COMMITTEE REAPPOINTMENTS APPROVED EXCEPT FOR HOLDS

LAUREN ROSENZWEIG – Move to Appoint Planning Board Members. PAULINA KNIBBE – second. UNANIMOUS VOTE

Paul Malchodi appointed as the Town' Rep to the Water District – Land Management Advisory Committee.

Peter Berry as BOS Rep. to CPC as well as the others listed on the document, with Walter Foster being appointed Member At Large, and Nancy Tavernier moved to Associate.

Antoinette Hershey, Associate Member on the Conservation Commission.

All questions resolved on the Hold's, the Committee Appointment List was approved with changes (attached).

COMMUNITY SERVICES JOB DESCRIPTION

Steve discussed the job description and how it was written, by Health, Nursing, Marge Kennedy and others.

Steve proposes this position report to the Nursing Supervisor and be housed there, in addition to report to the Nursing Supervisor and to put together a committee to advise the person who fills this position. He felt we were ready to start the recruitment of this position.

Terra thanked Steve for getting this together for the community.

Andy wanted CPR within 6 months, and a Cory Check.

ALG UPDATE

Lauren reported on the first ALG meeting; it was well attended. They spoke about establishing ground rules and consensus. They entertained questions of substitutions on the Committee; she said no. The morning meeting will remain and they will be looking at the meetings being televised. The facilitator is no longer part of the quorum. Action items we need to start thinking about include revenue sharing, new models,, schools systems, services consensus and a list of comparative towns. Lauren asked BOS e-mail her with 10 towns that are similar size. Lauren spoke about the big costs and how they will come in the next several years.

Steve Noon of the Finance Committee noted we need to have goals, priorities and opinions and how do we find the funds.

CONSENT

ANDREW MAGEE – Moved to accept the Consent Agenda with the added acceptance of trees to West Acton Library from Nstar Electric. PAULINA KNIBBE – second. UNANIMOUS VOTE

OTHER BUSINESS

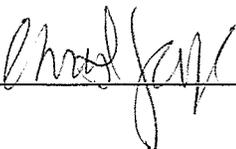
Andy commented on WRAC meeting in library on Wednesday

Senior Center meeting will be rescheduled

Peter reported on Alexan continued to July 14th. He felt that there will be more meetings.

TOWN MANAGER'S REPORT

None




_____ 8 Sept 2008

Christine Joyce, Recording Secty

Andrew D. Magee, Clerk

Date