

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Meeting Room, 204
Town Hall
May 12, 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. **7:10 COMMON VICTUALLER LICENSE AND CARRY IN LICENSE, IL FORNO'S, 508 NAGOG SQUARE**
Enclosed please find materials in the subject regard, for Board consideration.
3. **7:15 ANY TIME FITNESS, SPECIAL PERMIT #04/02/08-413, 5 NAGOG PARK**
Enclosed please find materials in the subject regard, for Board consideration.
4. **7:25 COMMON VICTUALLER LICENSE AND CARRY IN LICENSE, DI CAPRI PIZZERIA AND RESTAURANT, 576 MASSACHUSETTS AVE.**
Enclosed please find materials in the subject regard, for Board consideration.
5. **7:30 FEATG PRESENTATION**
Enclosed please find materials in the subject regard, for Board consideration
6. **7:50 STREET LIGHT REPLACEMENTS**
Enclosed please find materials in the subject regard for Board consideration.
7. **8:10 ACES DISCUSSION ON W.R. GRACE SEDIMENT CLEAN UP REPORT**
Enclosed please find materials in the subject regard, for Board consideration.

III. SELECTMEN'S BUSINESS

8. **SIDEWALK POLICY DISCUSSION**
Enclosed please find materials in the subject regard, for Board consideration.
9. **BOARD OF SELECTMEN, RESULTS OF ANNUAL GOAL SETTING WORKSHOP**
Enclosed please find materials in the subject regard for Board consideration.

10. CONCORD ROTARY, MEPA, NPC REQUEST FOR COMMENT EXTENSION

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

11. MADISON PLACE COMPREHENSIVE PERMIT PROJECT REGULATORY AGREEMENT

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

12. CONFIDENTIAL REQUEST TO WAIVE CEMETERY FEES

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

13. ICHABOD'S CAFÉ, 166 GREAT ROAD, REQUEST TO INCREASE HOURS OF LIQUOR LICENSE AS A COMMON VICTUALLER

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

14. JENKS FUND ANNUAL REVIEW OF REQUESTS FOR FUNDING (A SELECTMAN NEEDS TO BE ASSIGNED TO REVIEW REQUESTS)

No Materials Enclosed.

15. EAGLE SCOUT COURT OF HONOR, JOSHUA CROFTON-MACDONALD

Enclosed please find an invitation to Joshua's Court of Honor to be assigned to a Board Member for representation at the Court of Honor, for Board consideration.

16. DISCUSSION OF MEMORIAL DAY & VETERAN'S DAY CELEBRATION

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

17. REQUEST FOR APPROVAL OF POLE BANNER USE, RECREATION DEPARTMENT

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

18. OTHER BUSINESS

IV. TOWN MANAGER'S REPORT

V. CONSENT AGENDA

19. ACCEPT MINUTES, BOARD OF SELECTMEN

Enclosed please find the minutes of March 3, Regular and Executive Session, March 13 Regular, March 31, Regular and Executive Session, April 22 Regular and Executive Session, May 5, 2008.

20. REQUEST FROM THE MASSACHUSETTS DEPARTMENT OF MENTAL HEALTH, TO PROCLAIM MAY AS MENTAL HEALTH MONTH

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

21. **DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY**
Enclosed please find materials in the subject regard, for Board consideration.
22. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$100.00 from AAA Southern New England, to be used for the support of the Summer Concerts at NARA Park, for Board consideration.
23. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$500.00 from Sorrento's Pizza, to be used to support the Summer Concerts at NARA Park, for Board consideration.
24. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$50.00 from Locke's Pest Control, to be used to support the Summer Concerts at NARA Park, for Board consideration.
25. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$500.00 from Digital Federal Credit Union, to be used to support the Summer Concerts at NARA Park, for Board consideration.
26. **ACCEPT GIFT, PLANNING BOARD**
Enclosed please find a gift of \$6,525.00 from Centennial Lane, LLC, to be accepted in lieu of constructing the Assabet River Rail Trail as required under the Acton Planning Board Decision 06-06, for Board consideration.

VI. EXECUTIVE SESSION

ADDITIONAL INFORMATION

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

FUTURE AGENDAS

May 19 June 9 & 23 July 14 August 11 September 8 & 22

MINUTES PENDING VOTES

March 3, 13 and 31 (on for Vote 5/12)
April 22, Regular and Executive Session, 2008 (on for Vote 5/12)
May 5, 2008 (on for Vote 5/12)

PENDING COMMITTEE APPOINTMENTS

Antoinette Hershey, Conservation Commission, Associate Member
David Honn, Designer Review Board
Vivek Kulkarni, Economic Development Committee

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**May 12, 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

None

OPERATIONAL MINUTE

Steve announced that Sgt. Robert Parisi has been appointed to Acting Lieutenant as of May 18th. Sgt. Parisi is a long time Police Department employee. This is a temporary fill until the Deputy Chief position is worked through.

Steve noted that 25% design for the Bruce Freeman Trail has been completed. The request for state funding has also been filed.

Lauren introduced all the new members and positions. Terra will be along shortly.

PUBLIC HEARINGS & APPOINTMENTS

COMMON VICTUALLER LICENSE AND CARRY IN LICENSE, IL FORNO, 508 NAGOG SQ.

Mike Page reviewed his request. Andy spoke about the seriousness of the liquor service. TERRA FRIEDRICHS - Moved to approve. ANDREW MAGEE - second. UNANIMOUS

ANY TIME FITNESS SPECIAL PERMIT, 04/02/08-413 5 NAGOG PARK

John Cheribenie and his partner James Buck discussed their desire to move their business from Craig Road to Nagog Park. They are currently in an industrial zone. It is better for them to have club in Nagog Park which will be a good location for the proposed 24-hour operation.

Terra noted it is a good area for this type of business. Paulina said she felt it was a good match for the Mall. Andy asked about their hope of getting showers due to the limited capacity available in the site's treatment plant. Andy noted that the the Mall owners were under order to repair the wastewater treatment plant.

Philip Jewels, a Split Rock resident, was excited to have the facility so close to his home. They hope to be up and running by mid July. Andy said that they should prepare rules for the business and post them for members. ANDREW MAGEE - Moved to approve with the comments of the Engineering Department with regard to layout of units within this building with their street addresses being updated and forwarded to Fire, Police in case of a possible 911 call as well as the Engineering Dept. In addition, that they ask patrons that use the facility late at

night not park with headlights facing the residential area and that rules be posted for members regarding excessive noise. PETER BERRY – second. UNANIMOUS VOTE.

TERRA FRIEDRICHS – Moved to Close the Public Hearing and will ask the Building Commissioner to write the decision for Board approval. ANDREW MAGEE – second. UNANIMOUS VOTE.

COMMON VICTUALLER LICENSE AND CARRY IN LICENSE, DI CAPRI PIZZA AND RESTAURANT, 576 MASS AVE.

Gilbert works in the restaurant business currently and works for Papa Gino's. He was advised by Terra that there were sign issues outstanding with the HDC. It was discussed that the license could be approved contingent with their complying any HDC regulations within 90 days.

PAULINA KNIBBE - Moved to grant them a license and require they satisfy the Town Bylaw within 90 days. ANDREW MAGEE – second. UNANIMOUS VOTE

Lauren spoke about seriousness of the carry-in license. He is to work with staff. Paulina asked about the carry-in and liquor license and kids visiting pizza restaurant.

Andy spoke about training program for carry-in licenses. It was decided to hold until the applicant is prepared to receive the license. ANDREW MAGEE – Moved to continue until he creates a carry-in license policy, and bring him back at a later Agenda to review with the Board. PETER BERRY – second. UNANIMOUS VOTE

FEATG PRESENTATION

Dore' gave an overview of the FEATG and the need for a deed restriction for Recreation to be changed and to be acted on to facilitate this building for the future when the economy comes back.

Dore' asked that we have Town Counsel begin to research the deed restriction.

Dore' spoke about his second take on the project as a whole and described the standard to response times within a mile and one half. Dore' said we should meet the time standard to get there. He reviewed the 6 minute standard from the Center Station.

Dore' presented and discussed the first scheme of the Site layout as well as the different site layout schemes. Lauren asked what Dore' wanted to accomplish from this board, Dore' said that he wanted to have the Deed Restriction issue squared away.

Paulina thanked Dore' for his work into safety in the Town. She agrees we have opportunities here and asked that Counsel negotiate with the Trustees. This is a win-win situation, and Paulina feels we should go forward instead of waiting to do it at a later time.

Andy agrees with Paulina that this is an opportunity to put this through with the current trustees of the land.

Terra thanked them for working with DRB to make this building more attractive. She asked about the need and the time information from sites that don't exist. Terra wanted to know how much staff time that has been spent in this last year, as well as the tree removal. She also

asked what the cost to review the Deed Restriction would be. Dore' said that the trustees were friendly to Counsel's inquiry.

ANDREW MAGEE – Moved to direct the Manager to proceed with the discussion with the grantees as to the Deed Restriction issue and to have the Manager report back within the next few meetings. PAULINA KNIBBE second. UNANIMOUS VOTE

Terra asked that it be limited to 10 hours legal fees offered as friendly amendment. Andrew said 10 hours is arbitrary and he doesn't use arbitrary limits. He feels we need to proceed with this and avoid trying to find the trustees at a later date and have to start all over. Terra withdrew the amendment.

Paulina said if it is deemed reasonable we will pursue. They asked the Manager to review and see if we can proceed.

STREET LIGHT REPLACEMENT

Bernie Kosicki Outdoor Lighting Committee – Lauren noted that town meeting voted to fund a street light replacement program. Mr. Kosicki gave an overview of the comments he received and the types and characteristics of the different Street Lights.

Terra asked about reducing the number of street lights and taking bulbs out of some fixtures. The Project at hand does not have the permission from Town Meeting to do this. Terra thought we needed to reduce the number of street lights.

Dean Charter reported on the possible elimination of street lights and he felt that this should not be part of this process. He said it is an ongoing process in neighboring communities. Dean suggested we install and then look it over with the Board to decide whether they can be removed.

Terra asked about the use of the 35 watt bulbs or decommissioned lights. Dean said 35 watt is only available as yellow lights.

Paulina asked about hazard material issues with disposal. They have Mercury in them and metal halide have a small amount, and need to be handled as hazardous materials.

Dean said you need to decide what type will be used. Dean noted that the contractor (LELD) will be responsible for that disposal.

Andy commented on the removal of light poles in general. He is impressed with the work OLAC has done to bring this to Town meeting, and moving forward looking to remove lights at a later date.

Dean said that we only get two or three requests per year for Street lights. If the area has underground utilities it is very expensive. He noted that he gets shielding of lights requests usually when bulbs or lenses have been replaced and it gets brighter.

Andy said we explore the removal, but after we complete the review, and to look at future tasks and possible removing lights at a later time.

Terra noted that the minutes reflect that Dean said that there will be no glaring difference between the technologies.

Paulina asked about energy savings between the two light types. She asked that OLAC review the process. This is the preferred technology, reducing wattage consideration in the context of implementing this project. Paulina said in spite of the fact that 2 dozen people commented there will be calls if we go from white to yellow. Paulina is leaning toward the lower wattage at white light. She felt it is a compromise. Andy said he agreed and noted the yellow is at the schools and business areas. Andy said that if we changed to the yellow we will get the calls. He felt that we go to the lower wattage, but stay with the lights people are used to.

Lauren asked Dean if we would lose safety at the lower wattage. Dean would go with the 50 watt Metal Halide in all residential and stick with the 100 watt in high traffic areas.

Lauren wanted the lighting fixtures in the center to be of period.

ANDREW MAGEE - Move to support the Metal Halide with 50 watt in neighborhoods and collector streets, and 100 Watts on arterial roads. Terra asked that they be given the choice of going 70 if he feels it is the right light. PAULINA KNIBBE – second UNANIMOUS VOTE

ACES DISCUSSION ON W.R. GRACE SEDIMENT CLEAN UP REPORT

Mary Michelson spoke about the contamination and clean-up procedures. Comments to the Sediment Clean-up need to be sent before next Monday. Mary gave an overview of the Sinking Pond report and Grace's changes in the area to be cleaned at Sinking Pond. ACES would like that evaluation of slope be defensible. It should be supplemented by site visits to the areas by the EPA/DEP as we cannot go on site.

Lauren wanted to discuss the draft letter and include ACES comments. Lauren noted that Grace said it would be cleaned up to the human presence level.

Andy asked about the topography lines. They are so steep that in two areas Grace did not have to clean it up to human presence levels. We want EPA to stand on their guns as they call out this area. Andy asked if the slope was known to be an attractive nuisance, and asked if it was happening now in the area. Grace is saying that for someone to stand in the area it would be uncomfortable.

Mary asked that changes and inclusions to the letter be made. Make comments under item one stronger. Andy asked if the Water District is commenting. Mary said they will comment on the next request on the north lagoons.

Paulina wants the letter EPA to be very strong. She said it is an attractive nuisance and feels that people will and do go there.

Peter asked how you get arsenic out of sediment. Excavate sediment and de-water it and remove off site in an appropriate manner. Or they could cover it in place by putting a cover over it.

Terra wanted to know if we are paying our consultant to take samples. She noted she will be asking for the costs at a later date. Terra asked about inhalants and went in to great detail of them on site. She asked if ACES was reviewing this and Mary said she was probably talking

about the volatiles. Mary said she feels the levels have decreased. Terra wanted to put it on an upcoming agenda for discussion regarding testing of samples. Mary said there are checks and balances already in place.

Lauren said that we need to review the letter and make changes to be a stronger Letter.

PETER BERRY – Moved to authorize the chairman to sign letter that is acceptable after staff review. PAULINA KNIBBE second. UNANIMOUS VOTE

Carol Holley asked for the wording “Attractive Nuisance” be noted in the letter.

SELECTMEN’S BUSINESS

MEMORIAL DAY

Terra asked about the process. Gail Sawyer of the Public Ceremonies said they only have three members on staff. Terra suggested we ask for comments from Veterans. Lauren noted that this committee is a Town Manager appointment.

Paulina commented about her goals to get us out of the weeds. She said if there is an issue we will address it. It has to go to the Manager to coordinate the issues.

SIDE WALK POLICY DISCUSSION

Paulina outlined the process of installing sidewalks. Counsel has suggested a change in policy. Paulina asked if we should change the policy and when will it become effective. We can negotiate the easement and get it approved at Town meeting, and we should have the policy reviewed in April 09. Andy is comfortable proceeding this year and to be careful that we are able to get easements at Town Meeting. Peter said we can change the policy and have the change the policy take place in April 09.

Chris Hickey, a Prospect Street resident asked if the Town builds only after they get agreement from all abutters. He questioned the policy.

Richard Callendrella agreed with all the former comments and feels we need to change the policy and to defer implantation until next April.

PAULINA KNIBBE - Move we change the policy for side walk construction to first negotiate the easement, get town meeting to accept the easements as negotiated and then we build the sidewalk with the revised policy to take effect subsequent to the next annual town meeting. PETER BERRY – second. 4 ayes 1 abstain (Friedrichs)

Terra asked that we include design discussion at an upcoming meeting

BOARD OF SELECTMEN, RESULTS OF ANNUAL GOAL SETTING WORKSHOP

Lauren read the list of the Goals that came out of their meeting on May 5, 2008.

1. Focus on greening Acton
2. Develop more open and understandable Budget process

3. Develop 3-5 year financial plan for both capital and operational budgets with buy-in from all parties and utilize such to set fiscal policy
4. Acquisition of Open Space
5. Tie between: Reinstatement of Joint Board meetings with Fin Com and Schools.
Limit residential growth
Expand Senior Relief Program

Steve said we may need to have a discussion on what we want to focus on. Andy suggested we put one goal on each agenda to discuss for 10 minutes as to what we mean by these goals.

ANDREW MAGEE - Moved to ratify the Goals. PETER BERRY – second. UNANIMOUS VOTE.

Terra asked that we have a real plan for action items to look back. Lauren said that is where we are heading.

CONCORD ROTARY MEPA, NPC REQUEST FOR COMMENT EXTENSION

The Board discussed a fly-over at Wetherbee and School Street. Andy felt that the work is at the rotary not at the intersection of Wetherbee and School as a fly-over. He feels that was in Roland's comments to change to get access eastbound from Wetherbee Street and east bound from School Street. There is confusion about this and the Board can continue this discussion.

Andy noted that the memo from Roland needed to be revised. We will ask Roland to review his comments in the latest memo to be clearer. We need to find out if they are planning a fly-over at Wetherbee and School Streets. We agree with the changes to BFRT and the habitat crossover, but with regard to consideration of a fly-over at this location it will not be supported by the Board. Lauren will draft a letter. Andy said he would review the letter. We can fax the letter in to meet the deadline.

MADISON PLACE COMPREHENSIVE PERMIT REGULATORY AGREEMENT

The Board discussed the Regulatory Agreement and the changes are required by the State. Terra noted it is in direct conflict with the condo buy-down program.

PAULINA KNIBBE -Moved to authorize the Chairman to sign the Regulatory Agreement noted above. ANDREW MAGEE – second. 4-1 Terra Friedrichs Abstained. Motion Passed

CONFIDENTIAL REQUEST TO WAIVE CEMETERY FEES

PAULINA KNIBBE – Moved to waive the Cemetery Fees as requested. TERRA FRIEDRICHS – second. UNANIMOUS VOTE

ICHABOD'SCAFÉ 166 GREAT ROAD, REQUEST TO INCREASE HOUSE OF LIQUOR LICENSE AS A COMMON VICTUALLER

TERRA FRIEDRICHS – Moved to approve the extension of hours to 12:00 midnight. PAULINA KNIBBE – second. UNANIMOUS VOTE.

JENKS FUND 2008 GRANT AWARDS

Terra was assigned to review grants for this calendar year.

EAGLE SCOUT COURT OF HONOR

Joshua Croften-Macdonald Court of Honor. The Town Manager will go to represent the Board

REQUEST FOR APPROVAL OF POLE BANNER USE, RECREATION DEPARTMENT

ANDREW MAGEE - Moved to approve (to keep the number displayed on the lighter side).
PAULINA KNIBBE – second. UNANIMOUS VOTE

OTHER BUSINESS

LIASONS TO COMMITTEES LIST

The Board discussed the Liaison list. Terra will be the Water District Liaison and Paulina will be the Acton Memorial Library Liaison and Lauren will work with the West Acton Library. Terra would also like to serve as liaison to the Commission on Disability and the Housing Authority.

PAULINA KNIBBE – Moved to accept the Liaison List as modified. ANDREW MAGEE – second. UNANIMOUS VOTE

TOWN MANAGER’S REPORT

None

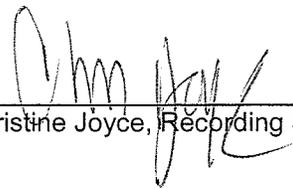
CONSENT AGENDA

ANDREW MAGEE – Moved to approve with items except for the holding of Item number 19 Executive Session Minutes, (to be done in Executive Session) and Item 26, Accept Gifts – Paulina moved to accept gift. PETER BERRY - second. Vote 4-1. Andrew Magee, No.

EXECUTIVE SESSION

Moved into Executive for discussion of Meeting minutes of April 22, 2008, and come out only to adjourn.

All AYES



Christine Joyce, Recording Secty



Clerk, Board of Selectmen
Date 8 Sept 2008