

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**February 4, 2008
Acton Town Hall, Faulkner Hearing Room
7:00 P.M.**

Present: Dore' Hunter, Lauren Rosenzweig, Andrew Magee, Paulina Knibbe and Peter Berry
The Temporary Town Manager, John Murray was present. Recording Secretary; Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

Pat Ellis of 297 High Street asked if the Board was familiar with the property tax article in Globe regarding tax rates. She was concerned about why we have the highest tax rate then the area around Acton. She also asked about a split tax rate and why we don't have it in Acton. Dore' explained the Tax Split and spoke about the newspaper article. Acton turns out to be an expensive place to live. Pat Ellis wanted his comments in writing: Dore' asked her to contact the School Committee and John will prepare a draft response from the Board.

CPC Status presentation made by Walter Foster. Walter presented the spread sheet with the status of CPC funds. Final votes will be taken before the Board's next meeting. The requests will be brought to the BOS and FinCom. Dore' noted the Exchange Hall application. Both Walter and Ed Starzac have been assigned to this request for the application for the preservation and historical renovations. Mr. Berger will be putting \$1 million in the project and \$1 Million for the inside repairs, and is requesting CPC funds. The CPC will go toward the outside renovations. The CPA monies will go to windows, roof, eaves and it is designated for those items only. Andy noted that those pieces will be done early on, but would not get the CPC funding until the entire project is complete in an effort to make sure the whole project gets funded and finished.

Peter spoke about the benefit to the town and would bring back viability to South Acton.

Paulina has concerns about the Exchange Building receiving CPC Funds and would tend to say no at this time. Walter said they have protections in place if the project fails.

Paulina noted the Senior Center Expansion Committee and noted that there was land at Conant that was bought by the Town for a possible school expansion. She does not want us spending money on trails until we see that we might have another use.

OPERATIONAL MINUTE

PUBLIC HEARINGS & APPOINTMENTS

NARA PARK PICNIC PAVILION PRESENTATION - CPA FUND REQUEST

Tom Tidman presented the CPC request for Picnic Pavilion at NARA PARK. Tom said that there was a problem under the Bath House and they were in the works for funding. They feel they could rent the pavilion out to three different parties at one time. Tom said that this may be

the last year we get 100% matching CPC funds. Tom felt we should act while we are getting 100% Funds back.

Tom said that he would like to see the pavilion in place for the Town's 275 Celebration.

Cathy Fochtman spoke about the use of the Park and they have over 100 children using the park and currently use the white tents. The Beach also gets a lot of use during the summer season. Cathy said that many groups use Park for corporate uses, and parties.

Tom felt the modular type unit would be a good choice. It will eliminate the big upfront costs with design. We can also ask others who have used it and see what they offer.

Tom noted that the rough cost for this project would be \$250,000. This plan would require that we contract to get the roofing materials installed as part of the \$250,000.

Peter Berry asked if the CPA would be able to fund it. Tom said yes, it was determined it would be fundable as it is a new building.

Paulina asked if we will be charging. They do now for the other park activities. Tom noted that we could not charge a fee if CPC funds were used. We will be looking into having a Service Charge for this Pavilions.

Lauren felt we need to keep the "Lip" for the pavilion in place if it was not too expensive to do so.

SNOW PLOWING DISCUSSION

David Brown updated the Board on the use and need and problems plowing sidewalks in town. David outlined the priority plowing schedule. Obstacles for the sidewalk plow were discussed. David explained the need for a new sidewalk plow. He requested that the Board consider purchasing a new sidewalk plow at a cost of \$115,000. David discussed T-style roads and the problems with them.

Andy asked about what would be the best practice for constructing a sidewalk; David said it would be a 12 foot right of way for the sidewalk.

Lauren thanked the Highway Team for doing such a great job removing the snow. Lauren understood the trouble with T-style roads.

Paulina echoed Lauren's comments and will keep this in mind during the design of sidewalks as the committee reviews the expansion of sidewalks.

Dore' said Bill Ryan should be notified so he can get a read on it and whether or not the sidewalks are usable.

Dore' talked about snow getting put in the street, and suggested that we put this notice regarding the snow plowing/shoveling and putting the snow on the down side of the driveway in the Municipal Quarterly.

QUAIL RIDGE SETTLEMENT AGREEMENT AND MEPA REQUEST

Lauren Rosenzweig recused herself and left the room. She is a member of the Club.

Attorney Doug Wilkins and Doug Halley gave a summary of where we stand on this issue. Doug Halley noted last spring they became aware that the Club was exceeding the water withdrawals. They asked Quail Ridge to come to the meeting to discuss. Quail Ridge acknowledged their withdrawals and the Board of Health asked them to work with Doug Wilkins to settle this. There is a \$25,000 fine and \$30,000 in an environment project that will go to NARA, and \$5,000 to get assurance that the wells were not impacted during the excessive withdrawal. QR has also filed a housing plan and hopes the MEPA will review it.

Andy asked how we found out that they were taking too much water. DEP noticed it and they then had action to move forward to correct it. Andy asked about how much DEP was awarded.

Paulina said it seems reasonable, but she had a problem with the letter on page 2 Pond Augmentation and needs areas and the Board of Health request work with Developer. She is very concerned with the reuse of the waste water treatment inside Zone II. Doug Halley agreed with her on the use of waste water treatment use and said most of it was outside Zone II.

This is the Selectmen's call on how this is split up, and we could accept a gift if we decide to take it all as cash. Doug Halley said that they could fund a supplemental project.

Andy asked about the ENF drip irrigation on a golf course with waste water. Doug explained it would be under ground. Andy asked if the irrigation permit was in force, and if the Applicant asked for a higher withdrawal amount. They need to see what level they want.

ANDREW MAGEE, - Moved to accept the Settlement Agreement. PETER BERRY- second. Lauren came back into the meeting.

TOWNE SCHOOL BUILDING REDEVELOPMENT, 40B PRESENTATION

Lauren introduced Mr. Joncus from Common Ground Development. They have done other projects in Westford and other communities in Massachusetts.

Steve noted that they were the developer for the Old High School. They have a goal to mix up the affordable and market rates units. They have submitted the paperwork to the State. They will need to go forward to the Appeals. The financing is eligible for listing on the national register and would qualify for funds for rehab. They will be seeking tax credits for affordable housing and housing grants.

Allen Plotkin gave a brief presentation on the floor plan proposed. They want to reuse the existing infrastructure already in the building. That will allow them to use the facades in the building. It will remain basically the same except for new doors and lighting.

They will be putting in a new elevator and laundry room. A Studio will have 450 sq ft, 1 bedroom 675-750 sq ft, 2 bedroom 800-850 sq ft, and 3 bedrooms at 14,000 sq. ft

The State has approved the curb cut. Dore' asked about the amount of light on the site. They said they want one fixture (down facing); they have a lot of spill light on the site.

Andy noted that there is enough spill-over in lighting.

Lauren echoed Selectmen Hunter and lighting suggestions. She wanted ambient path lighting.

Peter noted that he was on the selection committee and noted a management arm of the team would take it over upon completion.

Paulina asked if it would count toward the 10%. Mr. Joncus replied yes.

PLANNING BOARD PRESENTATION OF ZONING ARTICLES FOR 2008 ANNUAL TOWN MEETING

Dore' thanked them for the condition of the Articles and appreciates the Board's efforts and they look like they are fairly mature in form.

Greg gave an executive summary on the articles and the Planning Board's action on these articles.

Greg asked for guidance on the municipal exemption article and if the Board wanted to bring it forward.

Dore' said he liked the article but felt that the citizen's may disagree. He felt we should leave it and address it at that time when we need an exemption.

Lauren spoke about the municipal exemption like driveways are put in for cars and trucks and not fire trucks. Lauren asked that we table it until next year and we will know what is happening with the Senior Center and fire stations.

Andy thanked the Planning Board for the presentation. Andy did not want to bring the municipal exemption to Town Meeting at this time. Andy also expressed concern about the proposed theater overlay of a Conservation Restriction – CR_ - area. This is setting up for an ugly battle as there are many who will strongly oppose a CR conversion – so why bother changing the zoning.

Paulina asked about Article D doubling floor area ratio. Paulina asked if someone was looking for this. EDC have had inquiry for alternative site. Draft Article E, Paulina asked about the current affordable housing.

SELECTMEN'S BUSINESS

2009 BUDGET AND ALG DISCUSSION

Dore' spoke about the items we will be asking for and the issue of the economy decline, and that there is concern noted. Dore' discussed the NESWC funds and their use. Jonathan Chinitz has changed his opinion. He now has changed tack and thinks that is unsettling opening.

John spoke about the plan prepared after his meeting with Dore' and Lauren. The FinCom has reservations in spending down the NESWC monies and that it is not a good move.

John noted that in his discussions with Jonathan we should go back to the old policy and go back to ALG and look at new splits and formulas as we are too late in the process. John asked about flexibility in uncertain times. Instead of the schools taking the first stage of the boilers they would borrow the money. Bill and Jonathan agreed to this. John was concerned how it affected our budget.

Andy spoke about his spreadsheet. Andy said he used Paulina's materials to prepare this suggestion. He spoke about NESWC and some tension about the split and that some felt we should use the funds we have. Then he heard that NESWC should be held in reserve. This is a lose-lose. His plan is to bond the schools boilers and roofs, the ladder and fire pumper within NESWC. The balance in NESWC is currently 4.8 Million and we would use \$1.7 Million this year, leaving a good and fair reserve. Andy noted that this gives us the ability to do the bulk of capital items and still leaves a fair balance in NESWC. We need to address in this budget several things still to be addressed such as the employee compensation, Health Insurance adjustment and the 275th Celebration. Andy said this is a modest budget, and leaves \$3.2 million in NESWC.

John discussed his presentation based on the meeting at noon today. The 275 Celebration request has been lowered. Sidewalks and Health Trust with no numbers and is still under consideration. John was trying to match reoccurring items. The shuttle should be \$20,000 and that flips the number and makes it short. The latest plan calls for bonding the Fire ladder and pumper, compost and street snow blower as well as the new loader, all within NESWC. John said we need a new loader and it would be bonded. Dave and Bruce have begun to cannibalize the Highway budget to keep them going. John suggested that we absorb the Snow deficit in this year's budget.

Paulina said that the chart should be labeled correctly and to rename it NESWC, as of noon time on Feb 4, 2008. Paulina said she was questioning why they would give up the increased split and the schools first staging from NESWC funds.

Paulina is comfortable with bonding the major expenses; she is not comfortable taking the debt service into the operational budget. She said if the economy goes bad it will give us flexibility to turn that debt into an Override.

John noted that bonding takes 2/3 vote.

Paulina felt that the NARA improvements, while she would like to have them; they should be in their budget. She wants some things removed that it is too large at 9 items.

Lauren discussed our concern with sustainability. She noted the list of things that have gone for years without funding. Lauren said we need to be sure the Salary Parity should take place and it is the highest priority. Lauren said Andy's list made it clearer why we need these with the explanation to the right.

Dore' said we may have a consensus around the plan that is sufficiently agree able to make it to the FinCom.

Andy strongly supports the NARA Improvement items, and the reduced 275 Celebration funds to use to get ready for it. Andy felt the Environmental Trust Fund should go, and that we should find a way not to bond the Compost equipment, as it will pay for itself.

Peter did not see the NESWC for just for capital. It is an extraordinary fund and would suggest we move down the list to fund items. He likes the idea of not taxing to the limit and it is important we don't raise taxes to the limit, and we should look to the NESWC fund or reserve for use. Lauren will go back to the FinCom on the 12th; she will give the disks or update them.

John said he was putting composting for \$325,000 on the chart.

2008 TOWN WARRANT DISCUSSION

John spoke to this. He noted that we have the boilerplate articles prepared and are compiling the materials for new articles.

WIRELESS COMMUNICATIONS FACILITY BYLAW COMMITTEE REPORT

Peter reported on the article. He said that Roland put the maps together for set back; the residential areas are very well protected. People on the committee were satisfied with that. They decided to have a super article to get a waiver from setbacks and other issues. It puts a heavy burden on the company to say we really need this and have to show there is no other site available. Peter said that it protects the town from the cell towers installation.

People were concerned about notification and he said that they added 1,000 feet set back. Dore' felt the super exemption should come before the Board of Selectmen as a potential litigation issue. Lauren asked John Murray litigation wise, can't the Planning Board litigate. John said that individual boards can be sued, but the Board of Selectmen is the final arbiter of what will happen with that litigation and works with counsel.

Andy said it is more likely to go into litigation. Paulina said she wanted the Planning Board to handle this. Andy asked if Peter had an opinion. Peter said that people felt they could address the Board of Selectmen instead of Planning. He said we will get just as good a decision from the Planning as the Selectmen doing it.

SENIOR TAX RELIEF

Dore' discussed the legislation and that our staff said the Town should not accept this legislation as it offers less, not more, benefits to seniors. John said we get more money already which can give maximum relief to those in need.

OTHER BUSINESS

Andy updated the Board on the WRAC meetings.

TOWN MANAGER'S REPORT

John updated the Board on the Town warrant and staff work, and asked that items be channeled through him.

Senior Center and COM Plan is doing preliminary planning.

CONSENT AGENDA

John held 14.

ANDREW MAGEE – Moved to accept the Consent Agenda except for item 14, which was held
LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

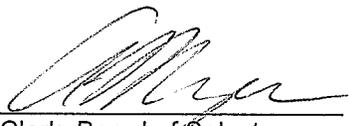
ANDREW MAGEE – Moved to accept the Recreation fee increase #14. LAUREN
ROSENZWEIG – second. UNANIMOUS VOTE

EXECUTIVE SESSION

NONE



Christine Joyce, Recording Secty



Clerk, Board of Selectmen
Date 25 Feb 2008

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Meeting Room

Town Hall

February 4, 2008

7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:10 **NARA PARK PICNIC PAVILION PRESENTATION, COMMUNITY PRESERVATION COMMITTEE, (CPC) FUND REQUEST**
Enclosed please find materials in the subject regard, for Board consideration.
2. 7:25 **SNOW PLOWING DISCUSSION**
Enclosed please find materials in the subject regard, for Board consideration
3. 7:40 **QUAIL RIDGE SETTLEMENT AGREEMENT AND MEPA REQUEST**
Enclosed please find materials in the subject regard, for Board consideration.
4. 8:00 **TOWNE SCHOOL BUILDING REDEVELOPMENT, 40B PRESENTATION**
Enclosed please find materials in the subject regard, for Board consideration.
5. 8:20 **PLANNING BOARD PRESENTATION OF ZONING ARTICLES FOR 2008 ANNUAL TOWN MEETING**
Enclosed please find materials in the subject regard, for Board consideration.

III. SELECTMEN'S BUSINESS

6. **2009 BUDGET AND ALG DISCUSSION**
Enclosed please find materials in the subject regard, for Board consideration.
7. **2008 WARRANT DISCUSSION**
Enclosed please find materials in the subject regard, for Board consideration.

8. **WIRELESS COMMUNICATIONS FACILITY BYLAW COMMITTEE REPORT**
Enclosed please find materials in the subject regard, for Board consideration.

9. **SENIOR TAX RELIEF**
Enclosed please find materials in the subject regard, for Board consideration.

10. **OTHER BUSINESS**

IV. TOWN MANAGER'S REPORT

STAFFING REQUESTS VS. STAFF SHORTAGES

No materials enclosed

V. CONSENT AGENDA

11. **ACCEPT MINUTES, DECEMBER 17 REGULAR AND EXECUTIVE SESSION**
Enclosed please find materials in the subject regard, for Board consideration.

12. **APPOINTMENT OF DOCUMENTED ACTON RESIDENT ALIENS TO TOWN
BOARDS AND COMMITTEES POLICY**
Enclosed please find materials in the subject regard, for Board consideration.

13. **BIKE LOCKER SEASONAL REPORT AND 2008 RENTAL FEES**
Enclosed please find materials in the subject regard, for Board consideration.

14. **FEE RECOMMENDATIONS FOR FIELD FEES, NARA YOUTH AND NARA
BEACH**
Enclosed please find materials in the subject regard, for Board consideration.

15. **DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST, MICHAEL
DENSEN, PLANNING BOARD MEMBER**
Enclosed please find materials in the subject regard, for Board consideration.

16. **APPOINTMENT OF ACTON COMPREHENSIVE COMMUNITY PLAN OUTREACH
STEERING COMMITTEE**
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. **DISPOSAL OF OBSOLETE MATERIALS, WEST ACTON CITIZENS' LIBRARY**
Enclosed please find materials in the subject regard, for Board consideration.

19. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$25.00 from Vincenzo's Restaurant, to be used for Winterfest activities, for Board consideration.

20. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$132.15 from O'Naturals, Inc., to be used to fund Grease production costs, for Board consideration

21. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$200.00 from Acton Boxboro Youth Football to support Winterfest activities, for Board consideration.

22. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of a potted rosemary plant valued at \$75.00 from Butterbrook Organic Farm, to be used in the silent auction at Winterfest, for Board consideration.

23. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$315.00 from Concord Oil Company, to be used for Winterfest activities, for Board consideration.

VI. EXECUTIVE SESSION

ADDITIONAL INFORMATION

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

MINUTES PENDING VOTES

December 17, 2007, January 7, 2008, January 25, January 26, January 28, 2008

PENDING COMMITTEE APPOINTMENTS

Mike Fisher, TAC, Reshma G. Singh, ABCC to fill the unexpired term of Elaine Sisler who has resigned, Rajani Lakhans, ABCC to fill unexpired term of Rixin Li, who has resigned, Barbara Estabrook, ABCC, Les Gerhardt, Cable Advisory Committee, Mr. teDuits, to fill the unexpired term of Charles Smith as Cemetery Commissioner

FUTURE AGENDAS

February 25

March 3 & 17

April 7, Town Meeting Begins