

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**January 28, 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

Dore' noted the continuance of the Hayward Road Main Street Presentation due to the
Consultants inability to attend this evening, but will offer those attending to comment.

OPERATIONAL MINUTE

John reported on the level of money left in snow and ice. He feels we will go over the budget

PUBLIC HEARINGS & APPOINTMENTS

WEST ACTON NEW LONDON STYLE PIZZA, 555 MASSACHUSETTS AVE., 6 GREAT ROAD, CHANGE OF MANAGER ON THE LIQUOR LICENSE TO CASSIE BOTTOS

ANDREW MAGEE - Moved to Approve the Change of Manager to Cassie Bottos – PETER
BERRY – second - UNANIMOUS VOTE

ACTON SUZUKI, 60 POWDER MILL ROAD AND ACTON-RENT A CAR, 56 POWDER MILL ROAD, CLASS I LICENSE/SITE PLAN, LEO BERTOLAMI

Mr. Bertolami was present to discuss the Bond that he felt was due back to him. He is here to
discuss a letter from Roland. He wants to have 56 and 60 Powder Mill Road return back to two
separate business sites. He discussed the history of the connection of the two sites. He also
talked about the smaller lot and landscaping. Mark Donohue spoke about 56 which is used as a
car carrier unloading area. He felt that some landscaping was required to protect the building
from backing up into the house. Mark said that if they did the connection they would need to go
to Appeals Board and Conservation Commission because it is in the 100 year flood plain. He
noted that the time is short to build the ramp in 6 months. Andy noted the plan does outline
some undefined use that is not driveway or parking lot; it is labeled as future landscaping.

Lauren asked that we reserve the portion for a ramp connection. She has safety concerns
noted in the Fire Chief's memo.

Dore' read thorough Roland's memo and his comments #1-6 for Board discussion.

#1. To release the \$5K bond for the restoration work in the conservation restricted area.

2. Not to grant the site plan amendment request, except to allow, as a redline change,
the landscaping and shrubbery at the foot of the westerly retaining in its present location,
and to waive the installation of the bollard.

3. To require a cash bond in the amount of \$15K as performance guarantee for the completion of the outstanding items (i.e. ramp/driveway connection to 56 Powder Mill Road, parking lot striping, signage) which must be posted before the current temporary license expires on January 31, 2008.

4. To issue a new temporary license - subject to receipt of the above bond on or before January 31, 2008 - that is valid until June 1, 2008. (Note: the construction items are difficult / impossible to do in winter)

5. To condition clearly that renewal or extension of that new temporary license, or conversion to a full license, beyond June 1, 2008 shall be contingent upon full compliance of the site at 60 Powder Mill Rd. with the site plan as last approved by 2nd Decision Amendment of July 17, 2007, except as redlined above, and the delivery to the Town Building Department by May 21, 2008 of an as-built plan that proves compliance.

6. To state clearly that there will be no further consideration of the matter and that the dealer licenses will terminate unless there is full compliance with the above.

Leo discussed ramp and he feels it works well. He felt that the iron ramp would require the leveling of the site which would include removal of the Doll House and the Prescott Building. He wants to keep the unloading area and does not want a ramp built.

Dore' noted the difficulty with following this subject and wanted to get it wrapped up and done. Dore' asked John if he had any other suggestions on how to bring to a conclusion and get a compliant site. John said he had nothing further. The real concern it is a site plan that had a ramp and then it didn't but the final issue was noted on the plan.

Dore' said he felt we could release the landscaping bond. Dore' asked the other board members for their comments.

Andy corrected the Bond issue that it was with the Conservation Commission for the fencing that was installed too close to the Assabet River. The fence toward Maynard for a walk way but disagreed with the February date for release of the Bond. Regarding the ramp, we have an email from the Fire Chief in March 2007 he was invited to a meeting with all interested parties. It was fully vetted with engineers and lawyers. Now, Mr. Bertolami says he may have to level the lot and destroy the buildings. Andy cautioned any landscaping on 60 Powder Mill Road with regard to the River Front Act and what was required from DEP. Andy wanted a letter that they are comfortable with it. Leo will get the letter and send a copy to the board.

Lauren said she had no problem with bond release. #2 is fine. #3 to require a cash bond and agrees to hold it until they are addressed. #4 to issue a new temporary license to June, depending on the ramp. #5 renewal or extension of the temporary license.

Leo said that he does not want to construct the ramp. She asked his intention and he said that he will be putting the rental back at 56. She would consider a trade off that they keep the doll house and the Prescott Building in perpetuity in a deed restriction.

Paulina said that she has not been involved and would like two things happen: to have the ramp work it would be better that 56 become a parking lot. She said that the Fire Chief said this is for safety and she puts that before anything else. The Chief said it is needed.

Peter said that it was required on the plan as a potential fire lane. Dore' said the ramp would be put in. Dore' said that too much time is being spent on this and now there is a need for a meeting again about this with all the parties.

Lauren said that fencing that was put in is attractive and the buildings have been upgraded she felt that the Board should look at the site and get together with the Fire Chief and to keep the reserve on the connection. She wants to know why the building would have to be destroyed for construction of a ramp for safety. Paulina said she would like to see the site and she gives a great deal of weight to the Fire Chief's opinion.

Leo said that the Fire Chief wants the Ramp. And he wants to have site plan amendment and have the licenses for both and have it as two properties so the ramp would not be required.

Dore' felt we could release the Bond, we have a site plan amendment request, and the Board would like to make a site visit before addressing this. We need to extend the license for a month to February 28th. We need to put it back on the agenda. Dore' said that we must have a requirement that the applicant make a clear request in writing of what he wants from the Board,

LAUREN ROSENZWEIG – Moved to release the \$5,000 Bond and to further require the applicant to present to the Board a written request of what he is asking the Board to do. And to extend the license to February 28th PETER BERRY –second. UNANIMOUS VOTE

MAIN STREET (Route 27) AND HAYWARD ROAD TRAFFIC IMPROVEMENT STUDY

Dore' noted that we are not getting the main presentation due to the absence of the consultant.

Bill Mullin handed out a memo from TANS and read it to the Board. The Traffic Light was not needed according to the consultant.

The Board discussed the various suggestions made by the consultant.

Bruce Stamski said the cost will be Phase 1 \$150,000 Brook Street in the range of \$60,000 and another \$20,000 for side walks. The impact of the changes doesn't have an impact on the corridor. Lauren asked if the \$150,000 was construction only. Paulina asked about reconfiguration of Brook Street and asked if the design was included in the \$80,000.

Brian Bendig commented on the issue. He does not want a roundabout in Acton Center. Mr. Peterson said that the grade improvement at Brook Street be funded. He said we need to do something at Concord and Newtown.

RICHARDSON'S CROSSING LLC, 113 CENTRAL STREET, MARSH VIEW, LLC, 93 CENTRAL STREET, 40B REQUEST FOR COMMENT

Jim D'Agostine presented the plan of the proposed 40B's. They plan on building four capes on each site. Andy asked about wet land issues on the Richardson's crossing and there is no water on the other site. Lauren asked about sidewalks on Central Street. Andy noted we get two units out of this plan.

SELECTMEN'S BUSINESS

FY09 BUDGET POLICY, ALG DISCUSSION

Franny Osman updated the Board on the activities of TAC and asked how much is budgeted in 2009 for paying for an intern or Consultant. The board said \$10,000. Franny said if we go with a student we would need someone to oversee this person. She said we could hire some one for \$20,000 to do the leg work and to fill out the application.

Paulina discussed her charts for making the recommendations. They began by discussing the Yellow ones. She said it was important how much would be paid out of NESWC and what from taxation.

Dore' noted he has no issues with removing the items in red. Andy agreed to remove all red items.

Dore' said we now need to talk about yellow. Prevention of Family Violence/bullying: Dore' would like to see a written game plan and who can help now. Paulina felt we should cut it and doesn't think the police are the right place to put this. She also noted that if we go ahead with the Deputy Chief and Police Officer they are increasing the safety in this Town. Andy said he would have it deferred to next year. All Agree. Change from Yellow to Red.

Lauren noted that she thinks it is a serious problem and that there are a lot of people who need this Prevention of Family Violence program.

NPDES compliance: Andy spoke to Doug about this and he feels it is important to stay on top of this permit and legally important also. Andy said we are not behind other communities. He asked Doug if he could go forward with less funding. He said Doug said he would do it because it is an important issue. Lauren concurs and felt that we needed to get this done before the State comes. Paulina says we need to do this as it prevents problems and is the right thing to do, and could support \$35,000. Peter thinks it is important environmental issue.

Camp Acton Composting Toilet – Paulina said that she changed her mind and could support and make it available. It would provide a way for the Camp Acton to be used more for camping. It was agreed to keep it at \$30,000.

NARA Pavilion: Pauline asked about the possibility of it being a CPC project. Andy felt that this would be funded under CPC.

Lauren discussed the funding for Community Shuttle. She said that we could fund at \$15,000 and get matching funds from United Way. John did not want staff to pick up another project. We need a professional to prepare this application. Dore' said that we should put this in at \$20,000. Paulina agreed and did not want to lose this and to move forward with the effort to get matching funds.

John spoke about the 275 Anniversary plans. John said that we drop that to \$20,000 he said we need at least a year and a half to plan this event. Paulina after looking at it could support \$20,000. The board felt we should put in \$6,000 for Fireworks.

We had \$2.4 million of cuts made in the beginning. Andy noted his reaction to the statement made by Allen Nitchelm that we were spending. Andy noted that we have done more cutting than spending. Andy noted that the funds available for capital are less than they were last year.

Paulina said she wanted to increase the Sunday Library hours. Dore' also supported this opening on Sunday.

Dore' spoke about Fire Overtime, we need to monitor this and have the Manager keep on top of the issue. Andy noted that there probably was room in this. John suggests it be moved into the Town Manager's Budget and have them monitor this quarterly. Paulina said that she will be much harsher next year if it is not working.

Andy said that he would move the Main Street Traffic project up and ESCO down into NESWC. Andy would consolidate the NARA improvements and move into NESWC.

Paulina wanted a place holder for the \$150,000 for Main Street Traffic and have the \$60,000 Brook Street shaving off to next year.

Peter noted we are in tight economic times and our aid from the State will go down, and thinks back to 2002 and said we may face those same issues at the State. He would be in favor of spending our savings instead of loading it in to the tax base. Peter thinks it is a good idea to lend the money to the Schools for boiler, etc.

ACTON HEALTH INSURANCE TRUST – FISCAL YEAR 2009

Peter wanted to be sure the Board was aware of what is going on with rates. The trust is very healthy and we had a good year and we have \$4 million at this time and will hold the rates flat. We will continue with Blue Cross Master Health Plus, but we would want to increase it by 8% and the school plans will decrease by 3% because the schools negotiated higher co-pays. He said the budget will have a 1.6% increase. Rates will be voted at the end of February.

OTHER BUSINESS

FETAG - Dore' wanted to get the computer generated plans on the Web. The Board said they would like it noted it was a former Board that voted this. He also wanted the article he wrote be in the Beacon and the Web.

Peter spoke about the Wireless Draft and Planning Board will be addressing on Feb 12th. He needs to get the Board's input.

Lauren spoke about EDC and that they are suggesting a change to light industrial districts that will be discussed by the Planning Board on Feb 12th.

Roland drafted a special article to address municipal exemptions.

TOWN MANAGER'S REPORT

NONE

CONSENT AGENDA

Quail Ridge – Lauren removed herself from the room as she is a member. It was held by Andy - Andy questioned the document and wanted to look into it more. Andy noted that 20 million gallons were withdrawn without a permit from State or the Acton Health Department. He felt we should read the MEPA letter which outlines some of their problems.

Quail Ridge, Paulina too wanted to look over this before voting to sign this document.

It was decided to take it up again later. John was asked prepare a brief of the document.

John said they came before the State and admitted the over withdrawal by them. BOH is requiring them to do supplemental items instead of a fine.

LAUREN ROSENZWEIG – Moved to appoint all four volunteers to the VCC as verbally requested by Chairman Hunter. PAULINA KNIBBE – second. UNANIMOUS VOTE

Paulina asked to hold minutes of the December 17 meeting until she had time to review them.

Dore' wanted to hold the appointment of Ms. Friedrichs until he had a chance to speak with her.

Now that he has had a chance to talk with her, DORE' HUNTER – Moved to appoint Terra Freidrichs as an Alternate member of HDC. PETER BERRY – second. UNANIMOUS VOTE.

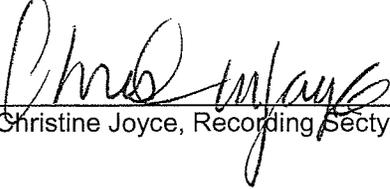
Extra Info Nursing Service – The Board asked for the Manager to explain these requests. The Board approved.

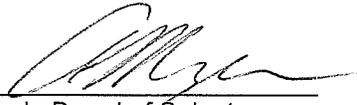
Extra Info, Kate Chung to be appointed to the Sidewalk Advisory Committee. The board approved this appointment

LAUREN ROSENZWEIG – Moved to accept the Consent Agenda except for held items. . ANDREW MAGEE – second. UNANIMOUS VOTE

EXECUTIVE SESSION

NONE


Christine Joyce, Recording Secty


Clerk, Board of Selectmen
Date 25 February 2008

BOARD OF SELECTMEN & SEWER COMMISSIONERS'

MEETING AGENDA

Francis Faulkner Meeting Room

Town Hall

January 28, 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 CHANGE OF LIQUOR LICENSE MANAGER, WEST ACTON NEW LONDON STYLE PIZZA, 555 MASS AVE, FROM NICHOLAS BOTTOS TO CASSIE BOTTOS

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

3. 7:25 ACTON SUZUKI, 60 POWER MILL ROAD AND ACTON RENT A CAR, 56 POWDER MILL ROAD, CLASS I LICENSE/SITE PLAN, LEO BERTOLAMI

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

4. 8:00 MAIN STREET (RTE. 27) AND HAYWARD ROAD TRAFFIC IMPROVEMENT STUDY

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

5. 8:40 RICHARDSON'S CROSSING LLC, 113 CENTRAL STREET, 40B REQUEST FOR COMMENT

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

6. 8:50 MARSH VIEW LLC, 93 CENTRAL STREET, 40B REQUEST FOR COMMENT

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

III. SELECTMEN'S BUSINESS

7. FY09 BUDGET DISCUSSION

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

8. ACTON HEALTH INSURANCE TRUST – FISCAL YEAR 2009 PROJECTIONS

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

9. OTHER BUSINESS

IV. TOWN MANAGER'S REPORT

V. CONSENT AGENDA

10. ACCEPT MINUTES, BOARD OF SELECTMEN, DECEMBER 17, 2007

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

11. FREEDOM'S WAY, HERITAGE ASSOCIATION, INC., 2009 DUES REQUEST

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

12. STREET ACCEPTANCE DOCUMENTS, MAIN STREET AND PARKER STREET

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

13. ONE DAY LIQUOR LICENSE REQUEST, LE LYONNAIS RESTAURANT.

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

14. QUAIL RIDGE SETTLEMENT AGREEMENT, VIOLATIONS OF BOARD OF HEALTH PERMITS

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

15. GEORGIA E. WHITNEY MEMORIAL FUND REQUEST FOR APPROVAL OF EXPENDITURE FOR THE 2008 CREELEY AWARD, ACTON MEMORIAL LIBRARY, JOHN ASHBERY, POET

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

16. APPOINTMENT, ASSOCIATE NON-VOTING MEMBER, BOARD OF HEALTH, JOSEPH R. IANELLI, APPOINTMENT TO EXPIRE 6/31/2011

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 \$200.00 from Huntington Learning Center, to be used to support Winterfest activities, for Board consideration.

20. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$200.00 from Acton Toyota to be used to support Winterfest, for Board consideration.

21. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$75.00 from Serafina Ristorante to be used to support Winterfest, for Board consideration.

22. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$1,000.00 from the Cambridge Savings Bank, to be used to fund the traveling Rainforest Reptiles, for Board consideration.

23. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$25.00 from Applebee's Neighborhood Grill & Bar, to be used in the silent auction at Winterfest, for Board consideration.

24. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of a signed poster of the Patriots Cheerleaders from the New England Patriots Cheerleaders, valued at \$50.00, to be used in the silent auction at Winterfest, for Board consideration

25. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of an Autographed Photo of Red Sox pitcher, Jonathan Papelbon valued at \$150.00, from the Boston Red Sox Community Relations, to be used in the silent auction at Winterfest, for Board consideration.

26. ACCEPT GIFT, POLICE DEPARTMENT

Enclosed please find a gift of \$250.00 from Capizzi and Company to be used to support Youth Programs through the Police Department, for Board consideration.

27. ACCEPT GIFT, WEST ACTON CITIZENS' LIBRARY

Enclosed please find a gift of \$1,750.00 from the Citizens' Auxiliary to be used to pay architectural services related to the exterior of the building, and to reframe the Library Charter, 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 19, 2008

PENDING COMMITTEE APPOINTMENTS

Mike Fisher, TAC (still with VCC), Reshma G. Singh, and ABCC to fill the unexpired term of Elaine Sisler who recently resigned. Barbara Estabrook, ABCC, Sumar Adishesu, ABCC. *(Ms. Estabrook and Ms. Adishesu's applications are at VCC for Interview and recommendation, Joseph R. Ianneli, Interested in several committees, The following applications have been forwarded to VCC for interview and comment: Jean Lane, VCC, Nancy Gerhardt, VCC, Bonnie Giethner, VCC, Les Gerhardt, Cable Advisory Committee, Mary Ann Angle, COA*

FUTURE AGENDAS

February 4 and 25, March 3 and 17, April 7, Town Meeting begins