

# **BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**

**November 3, 2008**

**Acton Town Hall, Francis Faulkner Hearing Room**

**7:00 P.M.**

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

## **CITIZENS' CONCERNS**

Clint Seward of the Acton Voters Group urged that we budget prudently and wants a balanced budget. The group wants to give the voters a choice at Town Meeting. They are going to work to give the voters a budget that is balanced. They are concerned with the three year plan and would like to help the town address this. They commented on the budget and asked if they spending our savings and reserves; and will it lead to the need for a large override in three years. The group wants to protect the employees but have the town seek to work with staff to keep the raises at the same level as Acton citizens are receiving.

AVG wants to budget in the best practices of DOR. They are concerned that the reserves will have been used and what happens when they run out. They discussed a sense of the Town Survey offering Non-Binding questions on the Ballot. Lauren spoke about notices of upcoming Budget meetings that are on the web and in the Beacon.

James Fenton, concerned with the length of time it takes to get public utilities to install services. He asked why we could not buy our electricity from Littleton Electric or Concord for power. Nstar does not care that projects have been stalled and has gone on for 3 months. This is not a new problem; he and other builders are in the same situation and at the mercy of Nstar. He has complained to the State and they suggested that he present his case to the Board. The Board asked the Town Manager to look into Mr. Fenton's requests.

Terra Friedrichs didn't understand why this would be the government's problem. She said that it seemed like a business problem between Mr. Fenton and the utility company, and that it doesn't seem appropriate for the Town to step in and help business people on an issue that is clearly between two companies. She pointed out that the utility is regulated at the state level, not at the Town level, making the Town's involvement seem even more inappropriate to her. The Board asked the Town Manager to help with Mr. Fenton's Citizen Concern. Terra abstained.

Katrina Buck of 18 Faulkner Hill Road has a concern with the special town meeting and is concerned about the way the Special Town Meeting was handled.

## **OPERATIONAL MINUTE**

Steve announced that Russell Robinson has been appointed to the permanent position as Supt. of Streets.

On Wednesday there will be a site visit regarding a multi-year lease at the Soccer field on Route 2.

Steve updated the board on his meeting with the Water District Manager about potential use for some of their property for parking in West Acton. They discussed percholate and proposed the possibility of a bylaw to control this. They discussed the Water Districts request to use the town's Reverse 911. Steve feels that they will be working out the details.

## **CHAIRPERSON'S REPORT**

Lauren spoke about election and urged everyone who can to vote. The numbers will be unprecedented. They have put in place almost every factor that we can and we have as much staff as we can. Poles open at 7:00 a.m. and close at 8:00 p.m. We are looking toward a successful voting day.

Veteran's Day - the observance is on the 11th at the common.

Supt. of Schools search is on and they have hired company to help with in-put as to what citizens want in the new Superintendent.

West Acton Citizens Library renovations have been completed and they have done beautiful work restoring the building.

Lauren spoke about the Cobble Stone and Bricks in front of Town hall. If any one wants to see the paperwork to see the Town Manager.

## **SELECTMEN'S REPORTS**

Peter reported on an email from Andy Monroe about setting up the sewer committee to address the Flint Road/Spenser need for sewers. They want a liaison (Peter) to that committee.

Peter noted that Mr. Berger has begun the repair on Exchange Hall.

Andy spoke about Sewer for Flint Road

Paulina gave an update on the Sr. Center Expansion Project. The Committee has identified three options for deeper consideration. The Committee will hire an architect to provide external sketches and a possible layout for each option. The architect will be paid for with some of the funds that were allocated for this purpose at Town Meeting in April 2007. The cost / benefit analysis for all three options will be presented at two public meeting in January. At that point, the committee will prepare a recommendation for the Board of Selectmen.

Terra spoke about the Green Team and noted we would be discussing this later in the meeting. Terra reported on the Cable negotiations and the costs. She spoke about Mr. Fenton and why we should help his business by getting involved with the utilities. Lauren said she will put this on a future agenda.

## **PUBLIC HEARINGS & APPOINTMENTS**

### **PRIVATE WAY PLOWING**

Bruce Stamski reported on the Private Way Plowing program. In 2004 the Board decided to plow private ways with a fee charged. Bruce has looked at the fees to the current costs and they are now recommending \$1.85 per foot. They have received two petitions, both that we have been plowing since 2004. They are looking for the approval of the fee schedules for the two submittals.

Paulina asked about other people wanting this service, and Bruce noted that some people have dropped out.

Terra asked about private vs. Town and asked the price that the outside vendors are charging. ANDREW MAGEE – Moved to Approve PETER BERRY - second. UNANIMOUS VOTE

### **OPEN SPACE COMMITTEE ANNUAL OVERSIGHT MEETING**

Andy gave a presentation of the Open Space Committee for the Oversight meeting. Andy thanked the members and Susan Mitchell-Hardt. Andy outlined his slide presentation to the Board. Andy reported on the recent special town meeting vote to pursue the Piper Lane property and they have begun negotiations. They will need to update the Open Space and Recreation Plan and according to the State this must be done every five years. Andy discussed the Land opportunities they have been reviewing and they are in early discussions. Andy noted he is looking for a \$350,000 set aside under this year's CPC awards.

Terra asked about the rule that we can only pay the appraised value, and asked if there is anything we can do to change that, so that we can offer a "market price" that is more in line with what a developer would pay. Andy said that all properties are different, and we do not know what the developer is offering. Andy suggested that we could look into how we might be able to pay more, under certain circumstances, so that we don't loose out to a developer.

Under the Community Preservation Act we can only pay the appraised value based on zoning "by right". Andy suggested that there may be ways to fund the difference via other means, such as donations by the land trust, etc. and that we should look further.

Peter mentioned that there have been a lot of questions regarding a land bank in town. They provide a pot of money and charge a transfer tax that goes into a commission to purchase open space fund.

Dore' Hunter asked for an update on Morrison Farm. Andy replied that he has meet with Walter Foster, etc. to discuss the proposals to narrow the architectural review of the house and grounds.

### **GREEN TEAM DISCUSSION**

Dana Snyder-Grant spoke about forming a committee to be named the Green Advisory Board. They presented a proposed charter for the Green Advisory Board. Jim Snyder Grant gave his recommendations about implementing the group. He wants a working

group and suggested it be jointly done with the Schools. He acknowledged that the town and school are already working on projects. They spoke about the charter and recommended that the group include the school and town. Jim prepared and gave an electronic presentation to the Board. The Team asked that the Town Manager look into the cities and towns that are participating in the Community Energy Challenge. Green Acton has presented several more goals. They suggested an Environmental Review Board, Green Procurement Program, Tree City Revival and zoning to allow alternative energy.

Anne Sussman urged them to participate in the EPA Challenge. They have made the same recommendation to the Schools.

Kate Crosby – Spoke about staff initiatives already in place and the good work that is currently being done.

They are there as Green Acton and will assist the board in establishing the Green Advisory Board.

Jim noted that his group meets monthly.

TERRA FRIEDRICHS -Move to approve the draft Charter with one change, Lauren asked that we hold off until we reviewed the materials,

Pauline was also pleased that this initiative is moving forward. She had some thoughts on getting started on the first step. Paulina commented about a charter that allows her to understand what it means. She suggested they start off narrow and get a wider focus as time passes.

Andy thanked them and said it was very exciting and spoke as to why we asked them to get together. He questioned the #2 environmental boards. Jim said the suggested environmental review board was fashioned after Concord's, which forces projects go through the process.

Paulina spoke about her recommendation to look at the programs already being done and to work on other projects that are not currently being addressed. She recommended the OLAC Model and suggested they use it. Peter said he supports these activities and what we need to get there. Lauren asked about their draft charter statement "List of Resources" and asked what they were. Anne said they mean energy, water and air.

Lauren said we should spend some time at a future agenda and to review and advertise for a committee.

Dore' supports most of the items and he said he spoke about Tree City and we need to cancel that retreat.

Andy wanted to have the Town Manager put an ad in the paper to get the people together and to push this Green Advisory Board forward. ANDREW MAGEE - Move to push this forward. PETER BERRY – second. Unanimous Vote

The Green Acton suggested they contact the School and get a representative.

Andy suggested that we move forward on the EPA Energy Challenge and to have the Town Manager look into this program.

### **NON DISPLAY CLASS II CAR DEALERS LICENSE, 292 HIGH STREET, RICHARD DOLAN**

Dick Dolan has held a non-display for a number of years and wishes to move it from Main Street to High Street. ANDREW MAGEE – Moved to approve. PAULINA KNIBBE- second.  
UNANIMOUS VOTE

### **OUTDOOR LIGHTING OVERSIGHT MEETING**

Bernie Kosicki representing OLAC thanked the Board for their support. He highlighted the culmination that led to the modernization of the street lights in Acton. They will be completing this in the next month. Bernie spoke about the Star Parties that they have been conducting. Bernie noted he will be stepping down as Chairman of the Committee. They are planning a town wide activity of an Earth Hour that was begun in Sidney Australia. It takes place the last Saturday in March and urges people to turn off the electricity for one hour in the evening. It is an awareness project. They will probably ask that town government participate in shutting the lights off. The management will demonstrate energy management by doing this one hour shut down.

The committee is also looking at the South Acton Train Station lighting and understands there is a proposal to build a larger lot. Therefore, we should wait until the issue of whether there is going to be an expansion going forward.

Lauren asked them to keep in mind the Police and Fire and asked that they interface with them.

Paulina spoke about issues with interfacing with the School on this and also with the Green Team. She understands that it may be time to think in terms of dividing the Committee to address programs and suggestions.

Lauren agreed to write a letter to the local and regional school committee informing them about the Green Advisory board and asking that they appoint a representative from the S=schools to participate and advise back to the schools on recommendations to save energy and be more environmentally aware.

Lauren agreed to the same to have the School Committee meet with OLEC regarding how the schools can be more aware of appropriate lighting to reduce light pollution and save energy on the school campus.

Andy thanked them for their work and strongly felt we should abide by our rules and regulations as much as possible.

### **COMMUNITY PRESERVATION COMMITTEE PROJECTS**

West Acton Board Walk Group, Pat Easterly noted that the boardwalk is on school property but is an asset to the community and offered to visit the Boardwalk with them. Pat gave an overhead presentation to the Board.

Terra asked about CPA ruling with regard to recreational use. Andy commented that ultimately it is a school project, and it will be the schools that will have to sign off. However, it is a community natural resource; people use it in their walking plan.

Paulina said it needs to be repaired and needs to be fixed. She is set back at the price tag; it seems it is an awfully expensive boardwalk. She suggested a way to do it a little bit less in this current economic climate. Paulina would like to see some funds from the schools put towards this project.

Peter spoke about the fact that we have not been funded at 100% and expects the State matching funds will go down in the coming years. Peter spoke about the SJC ruling.

Mohawk Drive resident was concerned that this surrounds two schools it is important project and hoped that this be moved up. He is concerned with public safety.

The Board supports this worthwhile boardwalk and urged the committee to fund it as cost effectively as possible. ANDREW MAGEE – Moved support and go to CPC. PAULINA KNIBBE – second. Peter abstained 4-1 Motion Passes

Windsor Building – Dean Charter explained the proposed project. He wishes to restore this building. Dean felt it will provide meeting spaces and other uses such as book programs and recreation uses. Andy felt we should move forward and put the elevator in later. Lauren asked that we move forward with the first floor renovations. The Town Manager will be looking into space needs throughout the town.

Richard Callendrella noted that the building was used by the Minuteman and asked about selling it if we don't have a need for it.

Steve Noon spoke about the need for the survey of town wide usages. ANDREW MAGEE – Moved to forward to CPC and it is the sense of the board is to support the phased option. TERRA FRIEDRICHS – second. UNANIMOUS VOTE

Memorial Library – CPC funding to make enhancements to the current Civil War Exhibit. Mr. Joyner outlined the request for the enhancements. PAULINA KNIBBE - Moved to forward to the CPC ANDREW MAGEE – second. UNANIMOUS VOTE

Jim Snyder Grant – reported that we need to have the Open Space Committee to look at it this land and felt we could control it without CPC funds. Andy spoke about this and it was looked at last year and it is a lot that is 95% wetland and there are back taxes on this land. Andy will put it on his next Open Space Committee agenda.

Historical Commission – Cemeteries should be listed on the Historic Register. They also would like Morrison Farm Nominated. Wright Holden Farm owned by the State, they will survey all those lands owned by the State. Vallencourt House, 17 Woodbury Lane – It was felt it could be used for storage, and would be a better use than for meeting rooms. This is a joint request between HDC and HC.

Paulina felt the requests should be separated, her concern is the series of buildings around the Morrison Farm, and would it prohibit the usage if it was designated on the Historic Register. Lauren asked that CPC vet it.

TERRA FRIEDRICHS – Moved that we support the Cemeteries, and to move forward with putting them on the National Register. PAULINA KNIBBE – second. UNANIMOUS VOTE

TERRA FRIEDRICHS - Moved to approve that the Morrison Farm should be forwarded to CPC and wait until on the paperwork until the study is completed. ANDREW MAGEE – second. UNANIMOUS VOTE

Wright Holden Farm - TERRA FRIEDRICHS – Moved to send this to CPC. ANDREW MAGEE – Second. UNANIMOUS VOTE

17 Woodbury Lane - TERRA FRIEDRICHS – Moved that she feels that there is a higher priority as opposed to the National Register paperwork for the Cemeteries. ANDREW MAGEE – second. 4-1 Paulina Abstained. Motion Passes

Acton Housing Authority request — Bob Whittlesey spoke about Housing Authority's Sachem Way's request for 12 additional units and explained that the fund request is to be used for predevelopment activities. PETER BERRY — Moved to go forward with this project and to ask the Fin Com to prepare an analysis of the most cost effective way of complying with Chapter 40B. PAULINA KNIBBE — second. UNANIMOUS VOTE

Kelly Cronin spoke about the need to replace the roofs and other maintenance projects and would like funds to help with these repairs and noted that CPC funds can be used for public housing programs. The Board said they should move forward and submit to CPC

ACHC – Request for affordable housing \$50,000 to utilize different projects that ACHC plans to do as well as condo buy downs and other costs associated with first time home buyers. ANDREW MAGEE – Moved to forward on the CPC. PAULINA KNIBBE – second. UNANIMOUS VOTE

Terra suggested that the Finance committee do a study of the fiscal impacts of the AHA and ACHC proposals and report back to the Board of Selectmen.

Tree planting project – Restoration of historic trees in districts. Dean Charter has asked for funding to replace street trees in past years. We are losing our mature tree stock from road sides, and public areas. It costs \$10,000 to plant new trees that die due to pollution or other causes in the historic districts. The planting will be done by Town Staff. ANDREW MAGEE - Moved to support the requested amount of \$10,000 to CPC to replace the damaged trees. TERRA FRIEDRICHS – second. UNANIMOUS VOTE

## **SELECTMEN'S BUSINESS**

### **ALG UPDATE**

They will look at revenues moving forward. We don't know where the state revenues will be. Steve said he attended the meeting with state legislators and the State Revenue issue is a mess. The Governor will attempt to preserve State Aid to municipalities in FY09. But it is virtually certain that he will not be able to protect those funds in FY10. The School Committee ALG reps feel that Chapter 70 monies may be saved and level funded in FY10. Until there is more clarity on the State piece of the plan it should not be discussed at ALG. Steve noted he is looking at a level service budget and he is

preparing cut scenarios. Lauren recommended that the ALG not meet on Monday since there is no new information from the state.

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST, 53 RIVER STREET, HDC MEMBERS HONN AND ACERBO-BACHMANN STATEMENTS AS REQUIRED UNDER SECTION 19 (B) OF THE STATE ETHICS ACT, M.G.L C. 268A**

Peter Berry said that board members who are abutters to a property under discussion by the HDC may not sit in the hearings regarding that property. Abutter board members are going to be asked to leave the room whenever it is being discussed. HDC will have to operate with their Alternates and Peter said we need to come up with a policy regarding the State Ethics Law. Peter will draft a letter about what to do under the law. He asked Steve to have the Ethics commission come out to have a presentation to the Town Boards. Steve noted that the State requires at least 20 people before they will come out. Terra asked about the rule of the necessity and how it works. HDC should make every effort to use alternates when a project has members are abutters. These two members need to leave the room. PETER BERRY – Moved that we decline to sign the Disclosure and that the Selectmen instruct the members to not participate and to leave the room. Peter asked that this vote go in writing to said parties.

Terra wanted it on record that she was uncomfortable with any BOS policy that tries to force them to leave the room, because she feels that forcing them to leave the room would violate their right to represent themselves. She said that she prefers that the Board "recommend" that they leave the room. She said that if they choose to stay, that if they speak as private citizens, the Chair make it clear to all present before and after they speak that they are speaking as private citizens NOT as members of the Commission.

ANDREW MAGEE – second. -4 -1 Terra Abstained Motion passed

Sumner Hoffman, Request for Street Light Installation at the Intersection of Robbins Brook at Main Street (Eastern Road).

Dean Charter has recommended that we do not install the lights as requested. PAULINA KNIBBE – Moved to deny at staff's recommendation. TERRA FRIEDRICHS –second. UNANIMOUS VOTE. The Town Manager was asked to inform Mr. Hoffman of the Board's action.

**SEWER COMMITTEE DISCUSSION**

Andy presented an overview of what WRAC has been doing since their report of September 8<sup>th</sup>. That report discussed and asked that the Board of Selectmen/Sewer Commissioners to establish a Sewer Action Committee for the purpose of further exploring the viability of introducing sewers to the Spencer/Tuttle/Flint –West Acton Village. The membership is more a suggested membership and Andy took the emails of those interested in this committee and added them to the list for appointment. Andy said Doug Halley is the staff person and the committee in his understanding is pro-sewers. Many of the residents want sewers and they will present a financial plan to be voted at the 2009 Annual Town meeting. Andy asked that we appoint these interested people tonight so they can get started.



PETER BERRY- Moved to accept the Charter and membership as presented by Andy in his memo of October 31<sup>st</sup>. LAUREN ROSENZWEIG – second – 4-1 Terra Abstained.

**OTHER BUSINESS**

**CONSENT**

**QUAIL RIDGE WATER WITHDRAWAL**

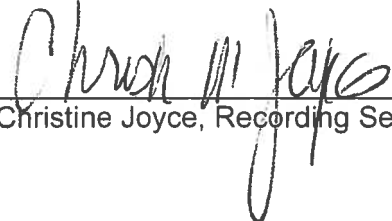
Lauren recused herself and left the hearing room. Paulina noted the problem with withdrawal of water limits and fines from the State and Town. They are paying a fine and other programs on a payment plan. ANDREW MAGEE — Moved to accept the negotiated settlement including the change in the Quail Ridge fine payment schedule. PAULINA KNIBBE — second. 4-0.

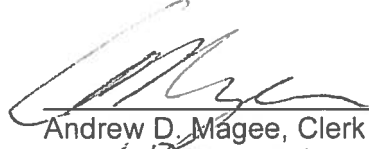
PETER BERRY – Moved to rescind the Board’s previously voted action regarding dues payment for Suburban Collation. ANDREW MAGEE – second. UNANIMOUS VOTE

ANDREW MAGEE – Moved to accept items 14 though 19 and Extra Info Item for approval of sandwich signs under consent. PAULINA KNIBBE – second. UNANIMOUS VOTE

**EXECUTIVE SESSION**

None Required

  
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Christine Joyce, Recording Secty

  
\_\_\_\_\_  
Andrew D. Magee, Clerk  
1 Dec 2008  
Date

## **REVISED # 10**

# **BOARD OF SELECTMEN & SEWER COMMISSIONERS' MEETING AGENDA**

*Francis Faulkner Hearing Room*

*November 3, 2008*

*7:00 PM*

### **I. CITIZENS' CONCERNS**

#### **ACTON VOTERS GROUP PRESENTATION**

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

### **II. PUBLIC HEARINGS AND APPOINTMENTS**

#### **1. 7:05 OPERATIONAL MINUTE**

The Chairman and the Town Manager will provide a brief report on topics of interest

#### **2. 7:08 SELECTMEN'S REPORTS**

The Board will provide brief reports on current issues

#### **3. 7:10 PRIVATE WAY PLOWING FEES**

**ISSUE:** 2008-2009 snow removal, establish fees

#### **4. 7:30 OPEN SPACE COMMITTEE OVERSIGHT MEETING**

**ISSUE:** Annual Oversight meeting

#### **5. 7:45 GREEN TEAM DISCUSSION**

**ISSUE:** Formation of Green Team

#### **6. 8:05 NON-DISPLAY CLASS II CAR DEALERS APPLICATION, RICHARD DOLAN, DOLAN AUTO SALES, 292 HIGH STREET**

**ISSUE:** Non- Display Class II Car Dealer License, moving from Main Street Mini- Storage to ABC Septic

#### **7. 8:10 OUTDOOR LIGHTING OVERSIGHT MEETING**

**ISSUE:** Annual Oversight meeting

#### **8. 8:30 COMMUNITY PRESERVATION COMMITTEE (CPC) PROJECTS**

**ISSUE:** Proponents of CPC funding will update the Board on their request for funding

### **III. SELECTMEN'S BUSINESS**

#### **9. ALG DISCUSSION**

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

#### **10. DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST, 53 RIVER STREET, HISTORIC DISTRICT COMMISSION (HDC), MEMBERS HONN AND ACERBO-BACHMANN STATEMENTS AS REQUIRED UNDER SECTION 19 (B) OF THE STATE ETHICS ACT, M.G.L. C. 268A**

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

#### **11. SUMNER HOFFMAN, REQUEST FOR STREET LIGHT INSTALLATION AT THE INTERSECTION OF ROBBINS BROOK AT MAIN STREET**

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

#### **12. SEWER COMMITTEE DISCUSSION**

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

#### **13. OTHER BUSINESS**

### **IV. CONSENT AGENDA**

#### **14. ACCEPT BOARD OF SELECTMEN MINUTES OF SEPTEMBER 8 & 22, OCTOBER 2, 6, 9, 2008**

Enclosed please find minutes as red lined by Selectmen Friedrichs and Knibbe for Board consideration

#### **15. SUBURBAN COALITION MEMBERSHIP DUES**

The Board wishes to rescind its vote of October 20, 2008 to join and pay the \$250.00 fee.

#### **16. ONE DAY LIQUOR LICENSE, SPRIG'S RESTAURANT**

Enclosed please find a request for a one-day liquor license for Verrill Farm fund raiser, for Board consideration

#### **17. DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST, RACHEL LUCAS, ACTON BOXBOROUGH CULTURAL COUNCIL**

Enclosed please find materials in the subject regard

#### **18. PUBLIC HEALTH EMERGENCY RESPONSE MUTUAL AID AGREEMENT**

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

#### **19. DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY**

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

#### **20. QUAIL RIDGE SETTLEMENT WITH ACTON BOARD OF HEALTH**

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

## **V. EXECUTIVE SESSION**

Up date on Collective Bargaining

### **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.

**NOVEMBER 17    DECEMBER 1 & 15    JANUARY 12 & 26**

\*schedule Cemetery Commissioner's regarding Dog Fines

### **MINUTES PENDING VOTES**

September 8, 2008, September 22, 2008, October 2, October 6, and October 9, and October 20, 2008

September 15, 2008, Joint Boards Meeting

### **PENDING COMMITTEE APPOINTMENTS**

Toros L. Maksoudian, Conservation Commission (One Associate position open) his materials are now with Conservation Commission Chairman for comment

Brendan Cotter, Recreation Commission Regular Member, his materials are at VCC for processing.

Greg Hutchens, TAC, VCC, A/B CULTURAL COUNCIL, COA, he has been interviewed and is now attempting to attend meetings of the Board's he is interested in and will let VCC know of his choice (s)

Elizabeth J. Payne, Volunteer Coordinating Committee (VCC) They are waiting to notify Ms. Payne that she can serve on VCC as well as 275<sup>th</sup> Anniversary Committee. Once she responds, this will be put on consent at the next meeting.

Kimberly Bodnar, Recreation Commission, Regular Member, her materials have been forwarded to VCC for processing