

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**December 1, 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

Rene Robbins, Windsor Ave –she wanted to discuss the letter to the State about rotary options and the favored alternatives. She asked that we revisit our choice Alternative.

Ann Sussman – She discussed the approaches to the Rotary Issue.

Dore' Hunter – There is a meeting CAC later this month at 8:00 am at Highway 4. He will supply the date if any one wants to attend.

OPERATIONAL MINUTE

Steve reported that the Community Services Coordinator selection is complete and we will present an offer once the CORI check is received.

Steve has opted to waive the hiring freeze for two Departments, the Police and a van driver for COA

Steve also noted that the Christmas lights are now LED.

CHAIRPERSON'S REPORT

Lauren noted that at a later meeting the Board will talk about the commuter parking lot

SELECTMEN'S REPORTS

Paulina reported on the School Committee's interest in the Green Advisory Board. There will be an article in the Beacon to ask for people to come forward to be on the Board. The committee will interview and select members in January.

Senior Center Expansion meeting had chosen three sites. The location of the first option for a new building is not a good choice due to wetlands. Second option is at Quarry Road

Peter noted the meeting of the Health Insurance Committee. The percentages are running high, but will probably be a 10% increase. He will send income and charge information to the Board. He asked that it be addressed at the next meeting.

Peter updated the Board on the Agricultural Commission in Acton. Peter will be creating a Charge for the South Acton Commuter Lot Committee.

Terra reported on the Cable Advisory Committee and that they will be making offers to the consultants.

Terra reported that the Mill on River Street has been torn down. She also wanted to talk about community planning if we have time tonight.

Andy reported on a meeting of OAR that was asking for opinions for removal of dams along the river (no removals in Acton).

Andy spoke about WRAC and the need for a separate sewer committee to address Flint/Tuttle and West Acton.

Lauren spoke about the Cemetery and dogs and noted that the Heath Hen Trail will allow walkers with Dogs to keep off the cemetery land with their dogs.

Lauren reported that Terra's coordinated efforts to produce a document out of the Safety Net meeting and she has sent out a resource guide to those interested.

Lauren announced that the Acton Boxborough United Way has begun their fund raising drive.

Lauren noted that we are looking for a new Supt. of Schools and are asking for input from citizens of Acton.

PUBLIC HEARINGS & APPOINTMENTS

TAX CLASSIFICATION HEARING

David Brown, Chairman of the Board of Assessors described the various votes that the Board could adopt and whether or not there is a shift in the Classes.

Andy noted that he did not have any questions but wanted to keep equal tax rate between the two classes.

Paulina asked about the tax levy chart and subtotals.

Peter asked for clarification on the percentage of what is paid by the homeowners and Commercial rate.

Terra asked why we have spent so much time to analyze the shift from residential to business. She wants us to consider analyzing other types of changes that might be more in keeping with incentives for businesses things that we want them to do. She said that the Community Planning effort is finding that residents want certain types of businesses to come to Acton. She wanted the Boards blessing to work with the Assessors for next year.

Charlie Kadlec – asked about cell towers and telephone poles being personal property and the new growth figure of over a million. The Board of Assessors doesn't expect this will be occurring again. The Assessor said that this could be reversed by the courts, but we have planned for that event.

David Didrikson, Resident and business owner in Acton spoke about the shift and noted a change would result in no money coming to the Town.

Dore' Hunter spoke about past hearings and noted there should not be a shift.

PETER BERRY - Moved to have an equal tax rate between commercial and residential TERRA FRIEDRICHS – second. UNANIMOUS VOTE

PAULINA KNIBBE Moved not to adopt an Open Space Discount – PETER BERRY, second. UNANIMOUS VOTE

PAULINA KNIBBE – Moved not to adopt Residential Exemption – PETER BERRY – second. 4-1 motion passes. Terra abstaining

PAULINA KNIBBE Moved to not adopt a Small Commercial Exemption– PETER BERRY – second 4-1 Motion Passes – Terra Abstained

PAULINE KNIBBE – Moved to Adopt a Residential Factor of 1% which will result in a rate \$16.53 ANDREW MAGEE – second. UNANIMOUS VOTE

88 CHAMPS LLC, SITE PLAN #10/2/08-416, 525 MAIN STREET

Chairperson Rosenzweig opened the Site Plan Hearing, and continued to December 15, 2008 at 8:40 P.M. The proponent has signed the extension agreement approving of the rescheduling to December 15, 2008. ANDREW MAGEE – Moved to continue the Hearing to December 15, 2008. PETER BERRY – second. UNANIMOUS VOTE

SELECTMEN'S BUSINESS

EXCHANGE HALL DISCUSSION

Lauren spoke about a possible sale or lease of the Exchange Hall. The group that is forming is concerned that it may never have public access again if it changes hands. The community wants it brought back to be functional. The Citizen's Group is thinking about the possibility of forming a non-profit to raise funds to purchase and continue to renovate the building.

Lauren wanted to know how much the Town could help them.

Terra said she felt it is a worthy cause but should be supported primarily privately of be a foundation.

Peter thinks is it an opportunity we need to follow up and research the issues. Sewers have made a big difference to this property and others in South Acton. Peter noted that simply appearing on the Historic Register does not stop demolition.

Paulina felt it should be privately funded.

Andy agrees with much of those things discussed. He noted the misunderstanding of the vote by CPC and assured that until the building is renovated it will not receive any Town funds from CPA.

Walter Foster spoke about the research to explore what may be feasible. They will be looking toward filing a 5013C to then do an assessment and look at the financial implications.

Dore' Hunter spoke about the sewer system history in South Acton over the past 20 years which brought relief to the Exchange Hall as well as others in South Acton.

Steve Noon spoke about the financial analysis that Berger brought to CPC.

Terra wanted a letter drafted and offered to draft this letter.

2009 LICENSE RENEWALS

Full Liquor as a Common Victualler- PAULINA KNIBBE – Moved to accept. ANDREW MAGEE – second. 4-1 Motion Passes, Lauren Rosenzweig recused as she is a member the Country Club

Common Victualler Wine/Malt -PAULINA KNIBBE – Moved to accept. ANDREW MAGEE – second. UNANIMOUS VOTE

Retail Goods Full Package Store - PAULINA KNIBBE – Moved to accept. ANDREW MAGEE – second. UNANIMOUS VOTE

Retail Good Package Store Wine and Malt Beverages - PAULINA KNIBBE – Moved to accept. ANDREW MAGEE – second. UNANIMOUS VOTE

Carry in liquor license - PAULINA KNIBBE – Moved to accept. ANDREW MAGEE – second. UNANIMOUS VOTE

Entertainment Licenses- PAULINA KNIBBE – Moved to accept. ANDREW MAGEE – second. UNANIMOUS VOTE

Bowling Alley - PAULINA KNIBBE – Moved to accept. ANDREW MAGEE – second. UNANIMOUS VOTE

24 hour Permit CVS - PAULINA KNIBBE – Moved to accept. ANDREW MAGEE – second. UNANIMOUS VOTE

Billard Table License - PAULINA KNIBBE – Moved to accept. ANDREW MAGEE – second. UNANIMOUS VOTE

Automatic Amusement - PAULINA KNIBBE – Moved to accept. ANDREW MAGEE – second. UNANIMOUS VOTE

Taxi Cab License - PAULINA KNIBBE – Moved to accept. ANDREW MAGEE – second. UNANIMOUS VOTE

Taxi Cab Driver - PAULINA KNIBBE – Moved to accept. ANDREW MAGEE – second. UNANIMOUS VOTE

To Tell Fortunes for Money - PAULINA KNIBBE – Moved to accept. ANDREW MAGEE – second. UNANIMOUS VOTE

Common Victualler Licenses - PAULINA KNIBBE – Moved to accept. ANDREW MAGEE – Second. 4-1 Motion passes. Lauren abstained as she is a member of the Country Club

REVIEW DRAFT LETTER TO MASS HIGHWAY REGARDING ROUTE 2 ROTARY

Lauren spoke about her brief draft to have the board look at and to make any changes or edits. Staff has looked at the different plans and has spoken to Earth Tech.

Terra wanted to work with Concord to tell the State what we want. Lauren felt we needed to let the State know our opinions during their review.

Paulina said some have expressed concern about what is being proposed and felt they should look at the presentation that was given at the last meeting, she is willing to send the draft letter as it is written.

It was decided that a redraft will be done by Lauren. Alternative 5 is favorite for traffic, but want to preserve open space. The Wright Holden House should be added as well as the Elm Street merger language.

REVIEW FINANCE COMMITTEE POINT OF VIEW

Lauren thanked the Fincom for their Point of View document.

Peter commented on the Health Insurance Trust.

Terra said it was a good piece of work by Bill Mullin and agreed with Peter. She stressed the importance of preserving out reserves in this uncertain time.

Andy spoke about the comments regarding employee parity issue. He did not feel this year was right time for bonuses but we should not forget to complete the Parity process.

Paulina noted that the municipal side will be hit first by the cuts from the State and Lottery proceeds.

Steve Noon thanked them for their feedback. They will take a position on reserves. They would like to see the governor's budget. They are pursuing some of the ideas such as the Re-Engineering study that is now 10 years old.

QUAIL RIDGE TRAIL EASEMENT

Lauren recused her self as she is a member of the Country Club.

TERRA FRIEDRICHS – Moved to approve the Trail Easement as stated in the prepared Motion. ANDREW MAGEE – second. 4-1 Lauren Abstaining. Motion Passes (language of the vote attached to the minutes).

OTHER BUSINESS

Lauren updated the Board on the Suburban Mobility Grant letter of intent. This is a federally funded program to get people out of their cars out in the suburbs and to use the Train. This will help mitigate pollution. Terra had several changes which Lauren will incorporate into the letter before sending it out.

Terra spoke about her memo regarding issues to give interim guidance. She believes that we have a lot of guidance from the town that came out of the Community Visioning effort and that we should use this to redirect staff effort to be more in keeping with what the town wants. Lauren gave an overview of what the goals for staff are and it is monitored by the Town Manager.

CONSENT

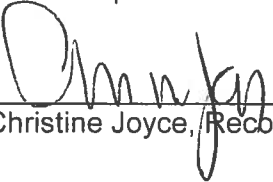
Quail Ridge Settlement Agreement #15 – Lauren recused herself from voting as she is a member of Quail Ridge

PAULINA KNIBBE - Moved to accept Consent with #15 Held. ANDREW MAGEE – second.


PAULINA KNIBBE – Moved to accept #15, PETER BERRY – second. UNANIMOUS VOTE

EXECUTIVE SESSION

None Required



Christine Joyce, Recording Secty



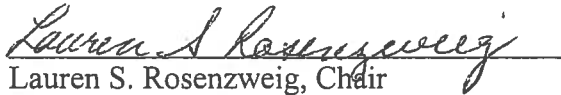
Andrew D. Magee, Clerk
Date: 2 Feb 7 2009

**RECORD OF VOTE OF THE ACTON BOARD OF SELECTMEN
DECEMBER 29, 2008**

At a duly called public meeting of the Acton Board of Selectmen on December 29, 2008, the Board voted _____ as follows with respect to approximately 15 acres of real property located on the east side of School Street, approximately 700 feet southerly of the intersection of Route 2 and School Street in Acton, which real property is the southern portion of Lot 6 on Assessor's Map H-4 (the "Property"):

- a. To approve and execute the license agreement between the Town of Acton and the Commonwealth of Massachusetts, acting by and through its Division of Capital Asset Management and Maintenance on behalf of its Department of Corrections (the "Commonwealth"), that was delivered to the Board on December 29, 2008.
- b. To authorize the Town Manager of the Town of Acton to take all actions and to execute all documents on behalf of the Town that are reasonably necessary, in the judgment of the Town Manager, to complete the execution and delivery of the license agreement between the Town and the Commonwealth.


TOWN OF ACTON
By its Board of Selectmen



Lauren S. Rosenzweig, Chair




Paulina Knibbe, Vice-Chair



Andrew D. Magee, Clerk

Peter Berry, Member



Terra Friedrichs, Member

DATED: December 29, 2008

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Hearing Room
December 1, 2008
7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. **7:05 CHAIRMAN'S UPDATE**
The Chair will briefly update the Board on topics of interest
2. **7:10 OPERATIONAL MINUTE**
The Town Manager will provide a brief report on topics of interest
3. **7:15 SELECTMEN'S REPORTS**
Selectmen will report on meetings and activities they have attended
4. **7:30 TAX CLASSIFICATION HEARING**
ISSUE: Annual Tax Classification Hearing
5. **8:20 88 CHAMPS, LLC, 525 MAIN STREET, SITE PLAN #10/2/08-416**
ISSUE: Site plan was opened and rescheduled to allow the proponent's engineer to address staff comments. (*Chairperson Rosenzweig will ask proponents to continue to December 15th at 8:40 to allow for staff review*)

III. SELECTMEN'S BUSINESS

6. **EXCHANGE HALL DISCUSSION**
No Materials Enclosed
7. **2009 LICENSE RENEWALS**
Enclosed please find materials in the subject regard, for Board consideration.
8. **REVIEW LETTER TO MASS HIGHWAY REGARDING ROUTE 2 ROTARY**
Enclosed please find materials in the subject regard, for Board consideration.
9. **REVIEW FINANCE COMMITTEE POINT OF VIEW**
Enclosed please find materials in the subject regard, for Board consideration.
10. **QUAIL RIDGE TRAIL EASEMENT**
Enclosed please find a sample vote drafted by Counsel for Board consideration
11. **OTHER BUSINESS**

IV. CONSENT AGENDA

- 12. ACCEPT MINUTES, OCTOBER 20, AND NOVEMBER 3, 2008**
Enclosed please find revised minutes with changes made per Board members
- 13. ELIZABETH WHITE FUND CONFIDENTIAL HOLIDAY GRANTS**
Enclosed please find materials in the subject regard, for Board consideration.
- 14. ROBBINS BROOK RETIREMENT, PHASE III SITE PLAN #11/18/98-366 EXTENSION REQUEST**
Enclosed please find staff comment in the subject regard, for Board consideration
- 15. QUAIL RIDGE SETTLEMENT AGREEMENT**
The Manager would like the Board to authorize Town Counsel to process this Agreement regarding the Water Withdrawal violation issued by the Board of Health
- 16. ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$50.00 from Onyx Transportation to be used for the 2009 Summer Concert Series, for Board consideration
- 17. ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find gifts totaling \$235.00 to be used to directly support the Elm Street Playground project
- 18. ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$100.00 from Especially for Pets, to be used to support the 2009 Summer Concert Series
- 19. ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$100.00 from Litchfield Plastering, to be used to support the 2009 Summer Concert Series
- 20. ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$4,000.00 from Roche Brothers to be used to support the 2009 Summer Concert Series
- 21. ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$75.00 from Ruth Lull to be used to support the 2009 Summer Concert Series
- 22. ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$100.00 from Longfellow's Wayside Inn, to be used to support the 2009 Summer Concert Series

23. ACCEPT GIFT, WEST ACTON CITIZENS' LIBRARY

Enclosed please find a gift of \$250.00 from Gerald and Barbara Browne to be deposited in to the Citizens' Library Gift Fund for used by the Librarian and Trustees as they see fit

24. ACCEPT GIFT, WEST ACTON CITIZENS' LIBRARY

Enclosed please find a gift of \$500.00 from the West Acton Merchants and Business & Professional Association, to be used to purchase DVD's

25. ACCEPT GIFT, WEST ACTON CITIZENS' LIBRARY

Enclosed please find a gift of \$1,407.50 from the Citizens' Library Auxiliary, to be used for the purchase of juvenile non-fiction books

26. DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY

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

V. EXECUTIVE SESSION

None Required

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.

DECEMBER 15

FEBRUARY 9 & 23

JANUARY 12 & 26

MARCH 9 & 23

MINUTES PENDING VOTES

September 15, 2008, Joint Board's Meeting, November 17, 2008

PENDING COMMITTEE APPOINTMENTS

Carl Campagna, Commission on Disability, Council on Aging, Cable Advisory Committee, his application is at VCC for processing. (this is a Town Manager Appointment)

Greg Hutchens, TAC, VCC, A/B CULTURAL COUNCIL, COA, he is going to visit committees he feels he would like to be appointed to, we are waiting to hear from him

Elizabeth J. Payne, Volunteer Coordinating Committee (VCC), her materials have been forwarded to VCC, she has been interviewed.

Iliia A. Kurenkov (Alex), VCC has interviewed him for several boards he is interested in. He will visit the various boards and committees and will let the VCC know of his decision.