

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

**December 3, 2007  
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**

Lauren and Dore' announced their intention to run for re-election.

Terra Friedrich's handed out materials to the Board regarding her concern about the WRAC process. She is also is concerned about on site solutions not being discussed. Andy spoke to Terra's concerns. He feels we are going at the process in an appropriate manner. Andy said that we are reviewing the prioritizing and that this has been an ongoing 14 month review. He did not agree that Town Meeting asked us to reprioritize the plan. He also said that they are investigating package treatment plants and the committee is looking at all alternatives. Andy noted that we have many capable people on this committee. Again, Andy assured everyone that they handling this in an appropriate manner. Andy urged Terra to let the committee do their work on this and feels it is the right way to handle it and noted that they are taking a holistic approach.

## **OPERATIONAL MINUTE**

John announced the No Parking on Streets from Nov 1 to April 1.

## **PUBLIC HEARINGS & APPOINTMENTS**

### **MUNICIPAL BOND SIGNING**

Steve Barrett outlined the Title Five Loan and administrative signing of this debt. The loan is a 20 year program that has no interest. The Board of Health helped with the disbursement of \$175,000 in loans. LAUREN ROSENZWEIG - Moved to issue \$174,305 of Bonds at an interest rate of 0 Percent for a term of 20 years for the purpose of septic system repairs and sewer connection to the Massachusetts Water Pollution Abatement Trust (Loan#T5-97-. DORE' HUNTER – second. (Complete Materials attached to minutes)

### **TAX CLASSIFICATION HEARING**

Jim Kotanchik outlined the votes that the Board of Selectmen needed to take under Classification. The Town may shift the classes between Residential and CIP. The Board also needs to vote on the Open Space Discount, Residential Exemption and the Small Commercial Exemption.

Jim further explained the shifting of the classes and its affects on the tax rate. Dore' read Peter Ashton's memo on this subject, we are not taxing to the max and we have had some decrease in residential bills. Average Home's tax bill will go up only 1.75%.

DORE' HUNTER - Moved to recommend a Residential factor of 1.0, which results in a "Uniform Rate" of \$15.39, resulting no shift. ANDREW MAGEE – second. UNANIMOUS VOTE.

DORE' HUNTER – Move not to adopt an Open Space Discount. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

DORE' HUNTER - Move not to adopt a Residential Exemption. ANDREW MAGEE – second. UNANIMOUS VOTE

DORE' HUNTER - Move we do not adopt a Small Commercial Exemption. ANDREW MAGEE - second. UNANIMOUS VOTE

### **SELECTMEN'S BUSINESS**

The Board began a discussion of appointing resident, Non-US Citizens to Town Boards and committees

Dore' outlined the issue of Non-US Citizens being on town committees or Boards. Dore' said that he remembers that they felt they should have citizenship to serve on the line committees that have statutory authority. Dore' said that we adopt a policy regarding service on Planning, Conservation and Board of Appeals as they are Statuary Boards. Paulina felt that you need to be a Legal Resident. She did not feel that they need to be Citizens. Andy agreed with Paulina and liked the Legal Resident concept. Andy also suggested that they be allowed to vote at local elections, as in many towns. It was suggested that we run this through Town Counsel and bring it back the Board for re-consideration at the next meeting.

Xuan Kong, a School Committee member, urged the Board to allow legal residents of Acton to participate.

### **Board discussion of the need to recruit Volunteers for the VCC**

Dore' asked for citizen's help on this committee. He noted that this is an important committee which recruits and interviews potential citizens who wish to serve on Boards and Committees in Town. Paulina noted that her committee will be working with the VCC, and it is a short term solution to the VCC's workload. Lauren felt that we should have a vehicle to ask for members with Human Resource background. She felt we need to do a wide spread request for members. Dore' asked that we continue to advertise in the paper and on the Web site. Lauren felt we need a basic application and other materials to interview. John asked if the Board wanted to have the dept. and committee Chair talk to the VCC about interviewing and following through.

## **2009 License Renewal**

DORE' HUNTER – Moved to approve a temporary license for a period of 30 days with the condition that any license not paid for and issued by December 30, 2007 will be invalid for the following entities and that such time is provided to allow the entity to resolve any open issue(s) with the Town of Acton. If the outstanding issue(s) are not resolved to the satisfaction of the Board of Selectmen by January 28, an annual license will not be issued.

**Acton Ford Rent a Car  
Acton Suzuki  
#5 Strawberry Hill Road  
Jaman Corp.  
James Hryniewicz  
DiCapri Pizza  
Junior Pizza  
Acton Great Road Pizza  
Dionissios Pantzelos**

ANDREW MAGEE – second. UNANIMOUS VOTE

DORE' HUNTER – Moved to approve the Common Victualler License, to sell all kinds of alcoholic beverages to be drunk on the premises. PAULINA KNIBBE – second.  
UNANIMOUS VOTE

DORE' HUNTER – Moved to approve the Retail Package Goods Store License, All kinds of alcoholic beverages. LAUREN ROSENZWEIG – UNANIMOUS VOTE

DORE' HUNTER – Moved to approve Retail Package goods store to sell wine and malt beverages. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

DORE' HUNTER – Moved to approve as a Common Victualler to sell wines and malts to be drunk of the premise. LAUREN ROSENZWEIG – second.

DORE' HUNTER – Moved to approve Carry In Liquor Permit. LAUREN ROSENZWEIG – second. UNANIMOUS Vote

DORE' HUNTER – Moved to approve the Class II Dealers licenses LAUREN ROSENZWEIG – second. UNANIMOUS Vote

DORE' HUNTER – Moved to approve the Class 1 Dealers licenses LAUREN ROSENZWEIG – second. UNANIMOUS Vote

DORE' HUNTER – Moved to approve Entertainment Licensees LAUREN ROSENZWEIG – second. UNANIMOUS Vote

DORE' HUNTER – Moved to approve the Bowling and Billiard Table licenses LAUREN ROSENZWEIG – second. UNANIMOUS Vote

DORE' HUNTER – Moved to approve the 24 Hour Permit LAUREN ROSENZWEIG – second. UNANIMOUS Vote

DORE' HUNTER – Moved to approve the Automated Amusement Devices licenses LAUREN ROSENZWEIG – second. UNANIMOUS Vote

DORE' HUNTER – Moved to approve the Taxi Cab Vehicle LAUREN ROSENZWEIG – second. UNANIMOUS Vote

DORE' HUNTER – Moved to approve the Taxi Cab Drivers License LAUREN ROSENZWEIG – second. UNANIMOUS Vote

DORE' HUNTER – Moved to approve the License to Tell Fortunes LAUREN ROSENZWEIG – second. UNANIMOUS Vote

DORE' HUNTER – Moved to approve the Common Victualler Licenses. LAUREN ROSENZWEIG – second. UNANIMOUS Vote

#### **ALG Process, “Split” and usage of NESWC Funds**

Dore' spoke about the ALG Process and eventual rotation process. Dore' noted that the mantra is repeated that this group cannot legally bind the committee. Dore' spoke about the process. The town has been looking for an increase in the municipal side. The Municipal side gave up quite a large amount of money to help with enrollment problem. People involved, especially the school side, were not on ALG during that time and that we want to have a more equitable split. Dore' put his plan on the table for discussion that after the school side is out of its financial problem in about 4 years, that we get a larger split.

Dore' spoke about the NESWC funds and proposed we take some or all of the funds and go forward with Fire and EMS use. Dore' said that we need to make repairs and to make the Center Station seismic safe. Dore' also noted that there seems to be a very strong foot about against building the new station. Dore' said they will continue and let Town Meeting make the decision.

Paulina spoke about developing a long range plan for NESWC money. She felt that we needed to address not just the Fire station, but to continue with a broad range approach to Capital Planning. Paulina felt it was too early to talk about the split. She suggested that this is a bad year to do that. We are looking for a new town manager and felt that we need to see the budget and begin talking about needs and that is the time to discuss

the split. She said that we don't know the needs on both sides and felt that decisions should be made after review. She asked about binding future boards to a split. Paulina said we need to review the needs and doesn't think it is practical going three years forward.

Andy spoke about the split issue. He felt that some statements have been made and comments about it that are misleading. This is not an old issue. Andy spoke about a 32.0 % split 10 months ago at the ALG and when the current 31.25% split was agreed to it was also agreed at the ALG that we would be revisiting it this year with an eye toward a further increase. Andy also felt it was too soon to discuss the split in detail. Andy noted we do have a plan for NESWC that we have discussed several times. We have a long list of needs. Andy noted that we do have a plan for NESWC funds; we previously discussed setting aside funds for environmental issues and the designation of at least 20% to the North Acton Fire station. We had also discussed utilizing the funds in annual increments of approximately \$500,000 for general capital expenses, thereby not drawing the funds down all at once. He is troubled by some of the comments and implications made. He feels we are in good shape for budgeting this year and are planning well ahead of the "budget Saturday" to be held in January . Andy said it is not too early to talk about the funds, but we can discuss details. Andy spoke about the subject of the Fire Station. Andy feels that the North Acton Fire station may not be approved at Town Meeting; he feels we need more information disseminated.

Lauren agreed with Andy and Paulina's comments. The issue is clear communications and what we as a board said what would happen with the NESWC funds. Lauren wanted to have the information sent to the School and Finance Committee for review so that everyone has the same idea of what is happening. Lauren said we need to prioritize the needs. She asked that the Finance Committee and School Committee have patience to get the information and to wait on the discussion of the split. Lauren and Paulina have toured the existing stations to see the condition and needs. Lauren said that we need to provide more information to the town's people.

Peter asked about including the costs of the other stations rehab. Dore' noted that it is pretty clear that if we keep center it needs to be rehabbed. The public should realize if we don't accept the North Acton Site we could not provide equal response times for the entire town. Dore' noted that if we do keep it, we need to focus more on the issues.

Peter asked for clarification about renovations in the plan. He noted we needed more funds to expand the Center if North Acton Site fails. Peter felt that we should not take all the NESWC funds for this project.

Paulina said we needed to know what problems are we are trying to solve. We only have one ambulance in town. Do we need a second ambulance and we don't have adequate response time to some parts of Acton.

Terra Friedrichs, resident, spoke about saving money, and felt that ALG needed to review all the needs.

## Report on FEATG Developments

Dore' reported on the concept plan. The site has been a big problem. The design has evolved conceptually and has dropped to 3 bays from 4. The site has problems. The ball fields with inadequate parking are next door to the site. Dore' noted that the architect was asked to provide costs and visions of the proposed retaining wall. It was deemed it too much money to provide parking.

## OTHER BUSINESS

Dore' spoke about Town Manager discussion meeting this Thursday.

Dore' asked about the Web information from Jim Snyder Grant.

Paulina noted the ESCO program. The program company will provide expertise and funding for improvements made to town structures. We could hire them to upgrade all our lights and they would pay for themselves over time. It is intended for towns that do not have the money to care for their capital needs. We then sign a contract that we will pay them out of the savings and we are investing in capital and paying it back from budget. Clint Seward suggested that the boilers at the school may be a good project for this and noted that the schools will be bonding it within 2 ½ .

Dore' informed the Board about an upcoming meeting about health insurance with MAPC in Boston. Peter will try to go on the December 13th.

The Board's schedule for the Jan 08 – April 08 will be discussed at the Special Thursday meeting.

John talked about the Budget Saturday and he suggested that it be held on January 26<sup>th</sup>.

Peter noted that the Health Insurance Trust has good news; we met our standards and they are in good shape this year.

Lauren attended the United Way program social and noted there were a lot of people interested in transportation needs and alternatives as well as a need for a Town social worker.

Lauren said that the Outdoor lighting Committee has asked for a map of where the more energy efficient lights are installed and suggested that the Board of Selectmen also look at them while they are on.

Lauren spoke about Nancy Tavernier's attendance at the recent meeting about 40B's. Nancy went as an individual, not representing ACHC or the Town. She will be attending the next steering committee meeting. Nancy felt that once they develop their platform we see where they are going to wait to we see the plan before we get on board.

Andy noted he has done most of his reference checks for the Town Manager candidates.

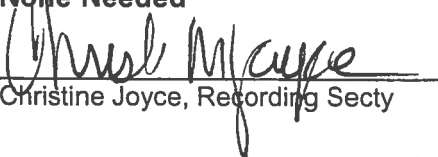
**TOWN MANAGER'S REPORT**


**CONSENT AGENDA**

ANDREW MAGEE – Moved to accept the Consent Agenda. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

**EXECUTIVE SESSION**

None Needed

  
Christine Joyce, Recording Secty

  
Clerk, Board of Selectmen  
Date 7 January 2008

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

REVISED

*Francis Faulkner Meeting Room*

*Town Hall*

November 19, 2007

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. 7:05 STEVE HUGGARD, TOWN MANAGER FINALIST'S BACKGROUND INVESTIGATOR**

No materials are enclosed

**3. 7:30 SEWER EXPANSION -- DISCUSSION WITH ALLEN NITSCHHELM**

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

**4. 7:45 MAIN STREET SIDEWALK -- DISCUSSION OF CONCEPTUAL DESIGN**

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

**III. SELECTMEN'S BUSINESS**

**5. ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDATIONS**

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

**6. MUNICIPAL COALITION FOR AFFORDABLE HOUSING (MCAH)**

Selectwoman Rosenzweig will report to the Board in the subject regard.

**7. OTHER BUSINESS**

**IV. TOWN MANAGER'S REPORT**

**V. CONSENT AGENDA**

**8. ACCEPT MINUTES, BOARD OF SELECTMEN**

Enclosed please find minutes of September 24 and 29, October 9, 11 and 22, 2007, for Board consideration.



- 9. COMMITTEE APPOINTMENT, PLANNING BOARD ASSOCIATE MEMBER, RYAN BETTEZ, TERM TO EXPIRE 6/30/08**  
Enclosed please find material in the subject regard, for Board consideration.
- 10. WITHDRAWAL OF SITE PLAN SPECIAL PERMIT, #10/12/07-412 – RINK DEVELOPMENT CO. LLC, 10B CRAIG ROAD**  
Enclosed please find materials in the subject regard, for Board consideration.
- 11. NSTAR ELECTRIC COMPANY AND NEW ENGLAND TELEPHONE D/B/A/ NYNEX PETITION TO INSTALL JOINT POLES ON JOHN SWIFT ROAD (No public hearing required)**  
Enclosed please find materials in the subject regard, for Board consideration.
- 12. PRIVATE WAY PLOWING PETITIONS – 2007- 08 WINTER SEASON**  
Enclosed please find materials in the subject regard, for Board consideration.
- 13. ACTON COMMUNITY HOUSING CORPORATION (ACHC) CONDO BUY DOWN PROGRAM**  
Enclosed please find materials in the subject regard, for Board consideration.
- 14. REQUEST FROM SUPT. OF SCHOOLS REGARDING THE PURCHASE OF \$15,050.99 FOR THE VIDEO EQUIPMENT FOR THE HIGH SCHOOL STUDIO FROM THE CABLE FUND**  
Enclosed please find materials in the subject regard, for Board consideration.
- 15. CONFIDENTIAL REQUEST FOR FUNDS FROM THE GEORGIA E. WHITNEY FUND**  
Enclosed please find materials in the subject regard, for Board consideration.
- 16. ACCEPT GIFT, RECREATION DEPARTMENT**  
Enclosed please find a CONFIDENTIAL donation from and Acton resident in the amount of \$14,000.00 to be used for the sound and lighting equipment for NARA Park's Amphitheatre, for Board consideration.
- 17. ACCEPT GIFT, WEST ACTON CITIZENS' LIBRARY**  
Enclosed please find a gift of \$1,855.00 from the West Acton Citizens' Auxiliary, to be used to purchase furniture, for Board consideration.
- 18. ACCEPT GIFT, WEST ACTON CITIZENS' LIBRARY**  
Enclosed please find a gift of \$600.00 from the West Acton Citizens; Auxiliary, to be used to renew the Discovery Museum library passes, for Board consideration.
- 19. OBSOLETE MATERIALS DISPOSAL, WEST ACTON CITIZENS' LIBRARY**  
Enclosed please find materials in the subject regard, for Board consideration.
- 20. OBSOLETE MATERIALS DISPOSAL, MEMORIAL LIBRARY**  
Enclosed please find materials in the subject regard, for Board consideration.

**21. ONE DAY LIQUOR LICENSE, FRIENDS OF THE ACTON ARBORETUM**

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

**22. DRAFT LETTER OF RESPONSE, PROSPECT STREET RESIDENT, TRAFFIC ISSUES**

Enclosed please find a letter in the subject regard drafted by Selectwoman Rosenzweig, 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**

September 29, Special Meeting, October 9, Regular and Executive Session, October 11, 2007 Special Meeting, October 22, Regular and Executive Session, November 5 and November 10 Special meeting

**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. Adieshu's applications are at VCC for Interview and recommendation*). Ryan Bettez, Associate Member of the Planning Board, Joseph R. Ianelli, Interested in several committees

**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 3    December 17    January 7 & 28