

# BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

May 21, 2007  
Acton Town Hall, Faulkner Hearing Room  
7:00 P.M.



## EXECUTIVE SESSION AT 6:00 P.M.

Present: Andrew Magee, Lauren Rosenzweig, Peter Berry, Paulina Knibbe and Dore' Hunter. The Town Manager was present. The meeting was not televised.

ANDREW MAGEE – Moved to go into executive Session to discuss Litigation, to adjourn into Regular Session. Roll Call – All Ayes.

## REGULAR SESSION

Present: Andrew Magee, Lauren Rosenzweig, Peter Berry, Paulina Knibbe and Dore' Hunter. The Town Manager was present. The meeting was televised.

### CITIZENS' CONCERNS

None

**OPERATIONAL MINUTE** – Don updated the Board on the closings on the Magee property and the 468 Main Street property this week. ANDREW MAGEE – Moved to approve in the words of the Motion regarding the 468 House. LAUREN ROSENZWEIG - second UNANIMOUS VOTE

Dore' outlined his suggestion to have the Board meet at the Vaillencourt house to take a tour and to also look at the new voting machines at 6:30 P.M. before the next BOS Meeting.

### PUBLIC HEARINGS & APPOINTMENTS

### OVERSIGHT MEETING WITH THE RECREATION COMMISSION

Ron Schlegel spoke about the Recreation Commission and its work. They are at full membership once Frank Calore is elevated to full membership. They want an active athletic field at the Morrison Property. Ron noted that the Concord Road property is the Cemeteries property. They are happy with School Street State property arrangement. Lauren said that she testified at the State House to have a 10 year lease on the property with the prison. Andy noted that it is a 20 year lease they are going for.

Peter asked the Recreation Commission about their role in biking and wanted to make it safer while riding within Acton. Ron spoke about the trial leash law at NARA. They have had complaints about dogs and attacks. They said that NARA is a people park. Dogs have to be on the leash at all times while at NARA. Ron said that maybe the Morrison Property would be better place to let dogs run.

Dore' spoke about those people who spoke to the Board about dogs at NARA Park.

### **60 POWDER MILL ROAD**

Mr. Bertolami and Atty Nylen have come before the Board to discuss 60, 56 and 50 Powder Mill Road. The Petitioner withdrew the 50 Powder Mill Road request for a Class I License. Mr. Nylen, Mr. Bertolami's Attorney requested an Annual Class I License for 60 Powder Mill Road. They have a Class I that was issued by the Board of Selectmen in December 2006, this license was renewed for three months while the issues are resolved. They have been working toward amending the site plan at this location. They would like the license extended to the end of the year. They have built a ramp from 60 and 56 and would like to tie the two together. Mr. Nylen spoke about the number of cars that agreed with the Building Dept, is 18 spaces for customers and employees and 25 for other autos for a total of 43. This will reduce the total number at that site. Andy spoke about the use of cars and it seems to be resolved. He addressed the Engineering Department memo, dated March 7, 2007. Andy asked about the storm captor installed and was it inspected by the Town. Mark Donhoe noted that they are 450l's and they are installed correctly. Garry Rhodes noted that they are comfortable with the items but still are waiting for the information regarding information on the post fill to be sure it is equal to pre fill of 1190 cubic feet. Andy asked if he felt it is a problem, Garry said that he didn't think it was a problem. Mark said this is in regard to the ramp and they have come up with a plan that will have less flood plain filling.

Lauren asked about Fire truck turn around, that has been resolved. She is satisfied.

Paulina questioned the employee cars and on the map there are 9 spots that are not labeled. Mark said they are display cars and used by the employees.

Peter asked about the sidewalk status. Mr. Nylen said it will be part of the amendment to the Site Plan Special Permit. It was noted that Cons Com has approved the location which is 100 feet from the wetlands.

Dore' asked for a motion. LAUREN ROSENZWEIG - Moved to close the hearing and to take under advisement conditional upon the confirmation of fill be provided to the Town. PETER BARRY- second. UNANIMOUS VOTE.

The petitioner has withdrawn the Acton Suzuki Class 1 License requested for 50 Powder Mill Road at this time. Andy asked about the cars being parked at 56 Powder Mill. Mr. Bertolami noted that there are cars parked there and they are not using the building until this issue is resolved.

LAUREN ROSENZWEIG - Moved to approve change of name on 56 Powder Mill Road to Acton Suzuki Rent-a-Car. DORE' HUNTER - second. UNANIMOUS VOTE

### **TREE REMOVAL PUBLIC HEARING, MAIN STREET, POST OFFICE SQ. TO ROUTE 2A**

Dore' noted the Conant's cooperation and contribution with regard to this proposed Side walk construction.

Terra Friedrichs asked about the removal of the large trees. She asked if there were any reason the trees have to be removed. Dean said it is conservative cutting. They will eventually need to remove them over the next couple of years as they die. 117 Nonset Path resident

spoke in favor of the project. She asked why the Meyer Hill side walk not built to 2A, Dore' will look into it.

Corrina Cruz Central Street supports the side walks.

Mr. Swenson asked several questions and made many comments with regard to the building and need of the side walk.

Brian Bendig – He noted that no one is opposed to side walks, however this is a flawed project and safety will not be added by increasing the use of the proposed sidewalk. He read from the Town Report the Municipal Properties note that they are already burdened cutting back the growth and noted this will add another mile.

A resident of 32 Nylander reiterated her view that a side walk needs to be built she wanted to see if we could reduce the number of trees removed.

Dore' noted his observation is there is a lot of trash on this part of Route 27. It should take 20 minutes to walk and a minute and a half to drive it.

Peter spoke about the need for side walks in town. He is in favor of having side walks in town and asked why this one now. Bruce Stamski said this site has always been listed as a high safety for side walks. The 27 Corridor Study noted the need for sidewalks there with potentially Side walks on both sides of the street.

The Police Chief said it is number one area for improvement, it is an arterial road. He felt that to put people in this situation is wrong he believes people will use it. It is his Number one priority. Peter asked about the tree removal and does not see it as a problem with a visual impact. Peter asked about the Historical Bylaw. Dean noted some experimental products for construction which are very expensive. It will look different for a while but in a few years it will have grown the canopy back.

Paulina asked questions about why we need it, and when do we need it. She concludes the person who is best qualified on safety is the Police Chief. He is the one that is versed in this and his strong recommendation makes her feel we need to do it. She asked about funding and the question of the trees. She asked that town staff look at the trees and err on the side of removing fewer trees

Lauren feels this is an area that is a necessary place to have a side walk on this portion of the corridor. She has noted the support for this project. If the Police Chief is in favor then we need to make an effort to accommodate walkers

Andy spoke about the use of side walks and noted the Charter Road incident he observed. He went out and walked the route and thought about the trees and poles. That section will be doable and looked in the forest and said that there will be trees that will make a canopy in a couple of years. Andy drove to Post Office Square and feels that it would be dangerous at that location. The traffic is coming down hill at 40-50 miles per hour and the traffic is coming right at you and only need to have one vehicle that doesn't judge the area correctly and someone would be hurt. He agrees with the sidewalk but not at the area that he says is dangerous. Dore' suggested that we approve the tree cutting and have Andy work with Bruce and come back with a plan that addresses his concerns.

DORE' HUNTER - Moved to approve the tree cutting but to delayed until all selectmen's concerns have been addressed. PETER BERRY – second. Vote 4-1 Andy No

Paulina spoke about the formation of a sidewalk committee. Dore' felt that this group could make a sensible order of the priority for sidewalks. Lauren let them know that Leslie Hogan and Maureen Geer would be willing to work with the committee.

Terra Friedrichs volunteered to serve on the sub-committee.

## **SELECTMEN'S BUSINESS**

### **METHOD MACHINES STATE TAX INCENTIVE PROGRAM**

Dore' spoke about Method Machines State tax incentive Program. The President of Method Machines is anxious to move forward. He will put this to a formal vote at an upcoming meeting. Lauren noted that Kristen Alexander is gathering materials and wants to see what EDC and Planning will provide. Paulina was pleased with the company. She wanted to minimize the taxes we will not be getting. Andy spoke about tax abatements and the benefits associated with them. Andy thinks this is a very clean company and they are expanding on a site they already occupy.

### **SCREENING COMMITTEE FOR THE NEW TOWN MANAGER**

Peter Ashton was present to discuss the Screening Committee for the new Town Manager. Dore' said he wants to get the ad out into the arena and asked if any of the members had any questions. Paulina said we should not say Asian and replace with immigrant population. Paulina questioned Acton as an affluent community. She felt more comfortable with another term. Andy was concerned about the phrase immigrant and affluent community. He suggested an alternative. Paulina suggested Acton enjoys growing economic and cultural diversity

Lauren asked about keeping ALG reference in the ad, it was noted that would be discussed during the interview. Lauren asked about including the Town visions, it too will be discussed during the interview process.

Peter asked to consider the residency requirement. Dore' commented on the requirement and wanted the person to be a resident. Lauren looked into this issue on the internet. Lauren was concerned about the affordability in Acton but agreed with the residency requirement. Peter said he too agreed that the person should reside in Acton. Andy also agreed with the residency requirement, and wanted to make sure we could work with them regarding a time frame for relocating as well as a moving allowance. It was decided that the ad should say Residency is preferred.

Peter Ashton suggested a packet to be sent to candidates. Peter Ashton noted the article in the Selectmen's Handbook addressing the Hiring of a Town Manager.

Peter Ashton presented his timeline. Ads will be placed in trade issues for June 1st and middle of August, is the time we should be getting resumes. The committee will identify questions for the interview process. Peter suggested that the individual committee members ask the same questions with each applicant. The Board will need to decide what materials are to be required from the applicant. The screening of the candidates will begin in early September, and we will notify those we want to interview during middle of September through November. It is a five month process and Peter feels it is doable. He has researched the time frame for filling the position and it is around 5 months.

List of nominations for Manager Screening Committee: Ann Chang, Pat Clifford, Charlie Kadlec, Arthur Gagne', Walter Foster, Linda McElroy, William Mullin, Beth Petr, Ken Sundberg, Nancy Tavernier, Heather Harer, Peter Ashton, Jon Benson. DORE' HUNTER – Moved to appoint the aforementioned people to serve on the Committee. LAUREN ROSENZWEIG-second. UNANIMOUS VOTE.

Interim Town Manager Appointment – The Board discussed the issue and Dore' and Andy supported John Murray as Interim Manager. Paulina disagreed; she felt that it would cut down on the number of applicants we would receive. Lauren did research. While she received feedback that if the assistant is in position it might discourage candidates we have to realize that Don Johnson has **only** 6 weeks left., We need to appoint an experienced person like John. Six weeks is too short to get someone else up to speed (as per Mullin e-mail). She thinks we should still emphasize that we are conducting a serious search and make every effort to keep a level playing field for all candidates internal and external. Peter Berry is concerned about the knowledge of the interim candidates. He felt John had the qualities to step up to the interim position. LAUREN ROSENZWEIG – Moved to appoint John Murray as the Interim Town Manager upon Don Johnson's retirement on July 1<sup>st</sup>. ANDREW MAGEE – second. UNANIMOUS VOTE

Dore' discussed the issue of paying for travel for second interview. Dore' spoke about getting a new car in the year end spending.

#### **ASSABET RIVER RAIL TRAIL (ARRT)**

Dore' asked if we want to do a field visit to the track turnaround in South Acton. Peter said that structure was discussed at CPC.

#### **FIRE TASK GROUP**

Fire Task Group has made its final recommendation regarding the location. The Committee noted that the 2A /27 Site was chosen.

ANDREW MAGEE – Moved to approve the location selected by the Task Force - LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

**POLE BANNER FOR SUMMER CONCERT SERIES** – John Murray asked for Board approval to use half of the poles to advertise the Concert Series at NARA Park concert series. ANDREW MAGEE –Moved to approve at the level requested. LAUREN ROSENZWEIG – second UNANIMOUS

**MARGARET BEDDOE UNIT AT AUDUBON HILL, 18 BREWSTER LANE** – The Beddoe's did not sign the original offer. They now have asked that we pay a share of broker fees and appraisals. Dore' recommends we need to accept this upon looking at the appraisal. Andy noted that the 25% and 75% split of funds was not clear.

ANDREW MAGEE - Move to authorize the Manager to act for the Board and to participate in the closing and to approve our contribution to the Appraisal and Brokers Fee upon seeing the appraisal and Brokers contracts. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

#### **OTHER BUSINESS**

Memorial Day Parade will take place on Monday.

Work shop on MAPC Data Common presentation. Lauren noted that Paulina will represent the Board at the presentation.

Walkable Communities workshop Tuesday June 5<sup>th</sup> at 9:00 a.m.

TAC - Is Acton ready for shuttle bus?

Peter discussed the Wireless Committee

### CONSENT AGENDA

Peter held One Day Liquor License Request for the Annual Rugby Tournament. Andy wanted to hold 28. ANDREW MAGEE – Moved to approve the Consent Agenda with a Hold 14 and 28. PAULINA KNIBBE - second

PETER BERRY – Moved to approve #14 One Day Liquor License. PAULINA KNIBBE – second. UNANIMOUS VOTE

Andy spoke about number 28 (Elm Street Lighting Replacement Project) and asked if it was their matching funds for CPC ANDREW MAGEE – Moved to approve #28. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

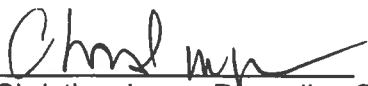
**Year End Budget Update** – Dore' asked Don to outline his list of possible projects to be funded out of the year-end budget. They think we will have \$500,000 more or less. Don wanted to have the Board review this and make their decision after they review it and wait for possible projects.  
The Board will discuss at the next meeting.

**LRTA Representative Appointment - David Sharfarz** – ANDREW MAGEE – Moved to approve David Sharfarz as Acton's Representative to Lowell Regional Transportation Authority. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

### TOWN MANAGER'S REPORT

#### EXECUTIVE SESSION

Andrew Magee –Moved to go into Executive Session for the purpose of discussing collective Bargaining to come out to adjourn. All AYES. UNANIMOUS. All Ayes

  
Christine Joyce, Recording Secty

  
Clerk, Board of Selectmen

8/13/07  
Date

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

**NOTE: SPECIAL EXECUTIVE SESSION BEGINNING AT 6:00 P.M.**

*Francis Faulkner Meeting Room, Town Hall*

May 21, 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. **7:15 OVERSIGHT MEETING, RECREATION COMMISSION**  
No materials enclosed.
3. **7:30 SITE PLAN SPECIAL PERMIT #02/19/03-388, 60 POWDER MILL ROAD, AUTOPLEX REALTY, LLC (CONTINUED FROM MAY 7)**  
Enclosed please find materials in the subject regard, for Board consideration.
4. **8:00 TREE REMOVAL PUBLIC HEARING, MAIN STREET, POST OFFICE SQUARE TO ROUTE 2A, (CONTINUED FROM MAY 7)**  
Enclosed please find materials in the subject regard, for Board consideration.

**III. SELECTMEN'S BUSINESS**

5. **TOWN MANAGER SEARCH**  
Enclosed please find materials in the subject regard, for Board consideration.
6. **ASSABET RIVER RAIL TRAIL (ARRT), HISTORIC RESOURCES**  
Enclosed please find materials in the subject regard, for Board consideration.
7. **FIRE-EMT ADVISORY TASK GROUP (FEATG), SITE SELECTION TASK FORCE RECOMMENDATION**  
Enclosed please find materials in the subject regard, for Board consideration.
8. **POLE BANNER REQUEST FOR SUMMER CONCERT SERIES**  
Enclosed please find materials in the subject regard, for Board consideration.

9. **18 BREWSTER LANE, BEDDOE UNIT, ADDITIONAL REQUESTS OF PETITIONER**  
Enclosed please find materials in the subject regard, for Board consideration.

10. **OTHER BUSINESS**

**IV. CONSENT AGENDA**

11. **ACCEPT BOARD OF SELECTMEN MINUTES**

No minutes enclosed.

12. **OBSOLETE MATERIALS DISPOSAL, ACTON MEMORIAL LIBRARY**

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

13. **ONE DAY LIQUOR LICENSE, NARA PARK**

Enclosed please find a **confidential** request for a One-Day-Liquor License for a private Surprise Birthday Party, for Board consideration.

14. **ONE DAY LIQUOR LICENSE, NARA PARK**

Enclosed please find a request for a One-Day Liquor License for the New England Rugby Tournament, to be held on July 14, 2007, for Board consideration.

15. **ACCEPT GIFT, CITIZENS' LIBRARY**

Enclosed please find a gift of \$20.00 from Marilyn Godfrey, to be used by the Citizens' Library, for Board consideration.

16. **ACCEPT GIFT, CITIZENS' LIBRARY**

Enclosed please find a gift of \$200.00 from Barbara Browne for use by the Citizens' Library for Board consideration.

17. **ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a gift of \$500.00 from Sorrento's Brick Oven Pizzeria to be used by the Recreation Commission for the T.J. O'Grady Memorial Skate Park One-Year Opening Celebration, for Board consideration.

18. **ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a gift of \$100.00 from Mary E. Bassett, Esq., to be used by the Recreation Commission for the T.J. O'Grady Memorial Skate Park One-Year Opening Celebration, for Board consideration.

19. **ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a gift of product and personnel, from Monster Energy Drink valued at \$3,000.00 to be used by the Recreation Commission for the T. J. O'Grady Memorial Skate Park One-Year Opening Celebration Event, for Board consideration.

20. **ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a gift of \$5,000.00 from the T.J. O'Grady Memorial Skate Park Committee to be used by the Recreation Commission to purchase future items for the Skate Park, for Board consideration.



**21. ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a gift of a Pedestal Drinking Fountain (valued at \$2,100.00) from the Acton Water District, to be installed at the T. J. O'Grady Memorial Skate Park, for Board consideration.

**22. ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a gift of coffee and refreshments (valued at \$199.90) from Dunkin Donuts for use at the Recreation Commission's Fundraising Golf Tournament at Quail Ridge Country Club, for Board consideration.

**23. ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a pledge of \$1,000.00 from Acton Boxborough Youth Softball League to be used for the rental cost of tents, tables and chairs used at the Recreation Commission's Fundraising Golf Tournament at Quail Ridge Country Club, for Board consideration.

**24. ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a gift of an area rug valued at \$360.00 from Post Road Carpet of Acton to be used at the Recreation Commission's Fundraising Golf Tournament, at Quail Ridge Country Club, for Board consideration

**25. ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a pledge of \$500.00 from Big Fish Promotions (marketing company for Dunkin Donuts) to be used to help fund Acton Day, as well as free Dunkin Donuts product samples valued at \$2,500.00 to be given away at the event, for Board consideration.

**26. ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a pledge of \$500.00 from Big Fish Promotions (marketing company for Dunkin Donuts) to be used to help fund the T-Bone-Family Fun Night at NARA Park, as well as free Dunkin Donuts product samples valued at \$2,000.00 to be given away at the event, for Board consideration.

**27. ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a pledge of \$500.00 from Big Fish Promotions (marketing company for Dunkin Donuts) to be used to help fund the 2<sup>nd</sup> Story Band Concert at NARA Park, as well as free Dunkin Donuts product samples valued at \$2,000.00 to be given away at the event, for Board consideration.

**28. ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a gift in the amount of \$40,000.00 from Acton/Boxborough Youth Football (Pop Warner) to be used for the Elm Street Lighting Replacement Project, for Board consideration.

**29. ACCEPT GIFT, FIRE DEPARTMENT**

Enclosed please find a gift of \$1,000.00 from the Acton Lions Club to assist the Fire Department with their Student Awareness of Firesafety Education (SAFE) Program, for Board consideration.

## **V. TOWN MANAGER'S REPORT**

### **30. YEAR END BUDGET UPDATE**

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

## **VI. EXECUTIVE SESSION**

There will be a need for Executive Session. Enclosed please find materials in the subject regard, for Board consideration.

### **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.

June 4

June 25

July 16

August 13