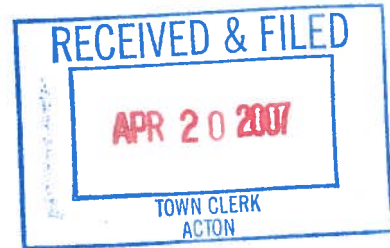


BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

February 12, 2007

Acton Memorial Library
7:00 P.M.



Present: Chairman Foster, Andrew Magee, Lauren Rosenzweig, Peter Ashton and Mr. Hunter. The Town Manager and Assistant Town Manager were present. The meeting was televised.

CITIZENS' CONCERNS

Christopher Hickey spoke about traffic safety and wanted a side walk on lower Prospect Street. They are concerned about the traffic and speed on Prospect Street. The road is narrow with no shoulders. 31 Children use this to walk to the bus or walking to school. All the residents are on board to have this constructed. They feel it should be an easy build. They want the sidewalk installed this spring.

PUBLIC HEARINGS & APPOINTMENTS

OPERATIONAL MINUTE – Don Passed due to the length of the agenda.

SITE PLAN SPECIAL PERMIT #09/15/06-410, 2 SCHOOL STREET, 127-131 MAIN STREET
Peter reviewed the process to be used tonight in considering the application and materials submitted.

Glenn Berger presented some drawings of the buildings. Berger purchased in 1983 and knew it would be difficult. We now have sewer and they can proceed to upgrade this building. Glenn discussed comments and questions that were discussed at the last meeting. Concern about traffic during restaurant operation was discussed at the last meeting. He will have the valet parking for the restaurant made safe for the customers needs.

Wayne Bellick of Waterman Design. They have modified the plans as a result of some of the questions about drainage. He did not think the Board had received them at this time. They now have the study for Drainage and it has been given to the Board. They did encounter water at 8 feet and the drain was raised. Board members had concerns about pedestrian traffic. They were asked to put a buffer on the sidewalk and they have addressed pedestrian traffic to the café. They would like to extend the ornamental gate. HDC approved of the fence.

Ms. Connolly, of Connolly Associates has done the traffic design. They have moved the potential drop off area. Mr. Berger has proposed a valet station for use when the restaurant and rental hall are in use. They will use parking on site and the lot across the road. They will have the Valet parking at the commuter rail lot.

Peter spoke about parking and traffic. Peter had concerns about whether this could work. Dore' was concerned about the traffic flow on the site.

Walter noted that several of his questions have been answered. He is bothered about the density of the site.

Andy had the same concerns; he thinks they are trying to do too much on this site. Andy noted that we do want to save this building.

Lauren noted the effort of making the best of the site. One of the questions was the restaurant size and number of seats. Is there any plan that exists that says they need X amount of seating to make it viable? . Glenn said that if he doesn't get parking then they will have to seek additional parking. He said his site must have more than 26 spaces or the Exchange hall will not be restored. Lauren asked about the turning and site distances on the site and noted it worked.

Christine Hanley spoke about the parking and doesn't think they should use the commuter parking lot to park. She spoke about delivery trucks going to Exchange Hall and suggested that it would be worse when workers and caterers were accessing the site.

Pauline Knibbe asked about Friday night being a week day or weekend. They responded that it is a week day.

Walter discussed the Planning Board's comments about pedestrian safety. Peter asked about fencing in front and asked if the fencing has been determined. HDC was comfortable with the proposed fencing.

PETER ASHTON - Moved to close the Meeting and take under advisement. DORE' HUNTER – second. UNANIMOUS VOTE

COMMITTEE INTERVIEW, BOARD OF ASSESSORS, ALTERNATE MEMBER, CAROL LEIPNER

Carol outlined her background to the Board. She has wanted to get involved and now is a good time for her.

Lauren noted she knew Carol. Lauren said she is a very good candidate. PETER ASHTON – Moved to appoint with a term to expire 6/30/09. DORE' HUNTER – second. UNANIMOUS VOTE

JOINT MEETING WITH THE SCHOOL COMMITTEE TO CONSIDER TEMPORARY APPOINTMENT TO FILL VACANT SCHOOL COMMITTEE POSITION.

John Ryder called the Acton Public School Committee to order noting the time. Walter spoke about the vacant post on the School Committee. Peter will ask questions on behalf of the Selectmen, and Mr. Terry Lindgren for the Schools. Terry Lindgren spoke about the surprise of Marie's resignation, and thought that they should not appoint anyone tonight and thought that the voters should make the decision as it was so close to Town Elections in six weeks.

Heather Hare spoke about her background and is a candidate for the 2 year position.

Mr. Peterson spoke about why he wanted to serve the school committee. He felt the school measures are what matters. He was concerned with 990 and its implementation.

Peter noted that he was impressed with the Candidates, but agreed with Mr. Lindgren that we should have the voters make the decision.

PETER ASHTON - Moved that the Board of Selectmen not appoint either and let the voters decide at the Ballot. DORE' HUNTER –second. UNANIMOUS VOTE.

School Committee Terry Lindgren - Moved not to appoint at this time, and wait for the voters to decide. McManus second– UNANIMOUS

The School Committee discussed the vote on Ashton-Mullin Plan not to tax to the full 2 ½ increase.

Terry Lindgren- Moved to endorse the plan of Not taxing to the Max. Jon Chintz- second. Ms. McManus was not supporting the not taxing to the Max. 3-1 McManus, No.

To adjourn the School Committee. McManus Moved to adjourn the School Committee, Jon Chintz – second. UNANIMOUS VOTE

Herman Kabakoff was speaking as a citizen about the proposal, simply said; completely forego the Prop 2 1/2 increase. Herman suggests that this plan might not be in the best interest to the taxpayer and some rethinking may be appropriate. Jon Chintz said this proposal will not do what Herman said. It will give the tax payers one year tax break that they will not have to pay back.

CLASS I CAR DEALER'S LICENSE, 50 POWDER MILL ROAD, ACTON SUZUKI ANNEX, INC.

Atty. Nylen representing Mr. Bertolami outlined the process of what they wanted. Andy spoke about the submittal and had no major problems. He was concerned about the notation in the application regarding parking of vehicles since 1949. Andy noted that the evidence submitted does not support this statement. Walter spoke about the Building Commissioner's memo and issues. Walter wanted to have the parcels properly numbered. Walter wanted clarity from the Building Commissioner and Engineering. Dore' noted the building numbering is confusing and noted that the town atlas contains the correct information. Dore' spoke about the Building Commissioner's memo about Accessory Uses that may have been on that site in the past. Peter asked about when they are going before ZBA, Mr. Nyland noted that they would file for March. Peter asked that they not make any decision. Dore' asked for correct building numbers.

Don Johnson noted that he has worked in zoning and as Town Manager and has no knowledge of use on this site to park vehicles. The Board asked the Town Manager to have the Building Commissioner present at the next meeting with the Town Atlas.

LAUREN ROSENZWEIG Moved to Continue to March 12, 2007 at 7:25. PETER ASHTON – second. UNANIMOUS VOTE.

SITE PLAN SPECIAL PERMIT #02/19/03-388, 60 POWDER MILL ROAD, ACTON SUZUKI, INC. REQUEST TO AMEND

Atty Nylen spoke about a special permit for a Class I Dealer's license. They have asked to refigure the actual number of parking spaces in this overlay area. They would like to have an increase in parking. They want to amend 1.4 to reconfigure for customers and employees from 25 to 16. Walter outlined that they need to know if they will ask that the meeting be reopened or to treat as amendment or significant change. Peter said he wanted to notice a public hearing

and get staff comments. Dore' felt the same and Andy felt he could go either way. Lauren asked what is being proposed. Mr. Bertolami noted that they were making the fence permanent and wanted to re-arrange the parking on the lot.

PETER ASHTON – Moved to take this amendment request to site plan and open a public hearing as it is significant enough to hold a public hearing. LAUREN ROSENZWEIG– second. UNANIMOUS VOTE

Atty. Nysten asked that his client be allowed to bring more cars on site pending the public hearing due to Presidents Day being an important time in car sales week.. Temporary usage of the lot for the next four weeks LAUREN ROSENZWEIG – Moved that we allow until March 12 the applicant to display 45 vehicles on the exiting lot during the high car sales period. ANDY MAGEE – second. UNANIMOUS VOTE.

COMMITTEE INTERVIEW, BOARD OF APPEALS ALTERNATE MEMBER, FRANCIS MASTROIANNI

Mr. Mastroianni has been a resident for two years. He is an attorney practicing real estate law. He wants to give his time. The Board asked questions about his service on Watertown's Zoning Board of Appeals. Peter asked if he had a chance to read the 40B policy. He had not, but has been following presentations to the Board of Selectmen and Zoning Board. PETER ASHTON – Moved to appoint Mr. Mastroianni as an alternate member to expire 6/30/09. LAUREN ROSENZWEIG- second UNANIMOUS VOTE

COMMITTEE INTERVIEW, HISTORIC DISTRICT COMMISSION, FULL MEMBER, SCOTT D. KUTIL

Mr. Kutil explained his background and has been before the HDC and was excited to be able to serve on the Commission. Lauren asked what he thought he could offer. He felt he could contribute an appreciation of the old houses and architectural buildings. PETER ASHTON - Moved to appoint Scott Kutil as a Regular member for three year term to expire 6/30/09. DORE' HUNTER – second. UNANIMOUS VOTE.

BUDGET and WARRANT DISCUSSION

Peter was asked to speak about the Finance Committee's endorsement, of the Ashton-Mullin Plan. Peter suggested or proposed that we utilized \$600,000 in Free Cash and forego that from taxation. He felt this was the year to do this, we need to thank the citizens for their support. Dore' thought it was going to make a precedent. Dore' felt we should forego some taxation, Dore' asked that the suggestions be made when it is on the table. Looking to future years we can not bind future Boards. Walter spoke about the ALG process to look at out years. Walter noted the vote taken by the Finance Committee he is in favor and feels that there are sufficient gains to allow us to give back to the taxpayer. Andy will support this and noted in Dore's comments he too was disappointed in the process and he thinks we need to be honest to the taxpayers and this is a one year only action. Andy will support this but noted that we are doing this at the same time that we are trying to pay for capital projects. Lauren spoke that State Aid increased this year. Though we have been very prudent with our money she felt that not taxing to the full 2/ ½ percent levy increase would bring the Town closer to needing an operating override in future years. For that reason, she can not support the plan.

Dore' didn't know that there was a sidewalk committee coming in. He feels we need to make sidewalks available. Dore' wants to know what it will cost to contract it out; we can look at it after we get the private proposals. PETER ASHTON - Move that the Board support the plan to tax at \$600,000 below the levy limit for 08 and the assumption will be made up with Free Cash. WALTER FOSTER – second. 4-1 Lauren Nay.

Walter wanted to put back the COA Assistant and Thursday Hours at the Library. Walter feels that they have convinced him it is value for service of our demographic which is growing. Walter felt that the \$29,500 be funded for the Library Thursday hours. Dore' supported the increased hours. Every one supported this. Andy had concerns about the \$600,000 that we just gave back and we are adding things in and he is not fully on board. Lauren would like the hours restored and the COA Assistant and we need to pay for the Warrant Articles for sewer studies..

Capital Plan - Peter suggested we put \$20,000 into the Celebrations Committee budget and to eliminate the Reserve Fund because we have not used it since Bottom Line Budget. Fire overtime reduction of \$100,000 and suggested we take that money and restore the paving budget at \$200,000. Walter spoke about a buy back option of sick time and knew that it would require contract negotiation.

Herman said that the Reserve Fund was used two years ago. The bullet proof vests used Reserve Fund monies. He noted it supplies a moderate source of revenue for those types of purchases.

Walter spoke about the Capital List and we cannot go any lower than item for the Highway Dept. to replace a dump trailer.

Andy spoke about the Morrison Farm money needs. The Board discussed the need for study monies.

Capital Budget Requests Items that they would like to see funded, with the updated inclusion Number 25 Turf Tigers, would be the end of the list. Walter spoke about items that could be bonded.

Peter could support bonding for GIS and North Acton Station.

Peter said the Cemetery building should be taken off.

Andy would like to see 468 Main Street and pass on the Cemetery building. Dore' asked that Dean be consulted to see what we can do, maybe have several smaller buildings. Walter said that he could support GIS, North Acton Fire Station and 468 Main Street. It was consensus of the board to remove the cemetery building.

Peter questioned the length of the Master Plan Project, It was noted we could fund over two years broken down in tasks. Cemetery improvement \$50,000 he felt that we go forward only if the Trust Fund participates financially. If they do not come up with a third or half we remove it from the list.

Dore' felt this a reasonable list.

Andy was comfortable with the list. Lauren suggested we speak with the Planning Board about a two year split for the Master Plan. She agreed with the order with the comments expressed.

She was concerned that it might be difficult to hire a consultant if the Master Plan was not fully funded for the whole process.

Walter agreed with Lauren that the Master Plan be done in one year. Don noted the Health Department Car was self funded.

PETER ASHTON - Move to support and recommend all consent items and Quarry Road Easement. DORE' HUNTER - second. UNANIMOUS VOTE

It was noted that the first night of the Town Meeting, is April 2nd. The Meeting will be opened and continued to April 9th, this action to take place in the Faulkner Room at Town Hall. Lauren asked that the notice be placed on the doors of the Sr. High and that we advertise

SELECTMEN'S BUSINESS

FIRE AND EMS NEEDS TASK GROUP, APPOINTMENT OF MEMBERS

Dore' outlined the people who have volunteered to serve on the Fire/EMS Needs Task Group. Dore' wanted to appoint all those on the list. Robbins Brook and the Acton Center Church have not replied. There will be additional volunteers Dore' does not want to close the membership at this time. Walter noted the e-mails from North Acton residents that urge us to not reinvent the wheel and not to have it studied again.

ECONOMIC DEVELOPMENT COMMITTEE (EDC), REQUEST TO REACTIVATE

Lauren spoke about reactivating the EDC. There have been two requests for expanding uses of existing Businesses that need to be addressed. Business owners need an entity that they can come to town and have someone to interface with. Peter wanted a list of goals and statements of what they wish to accomplish.

ECONOMIC DEVELOPMENT INCENTIVE PROGRAM (EDIP) METHOD MACHINE

Peter will not support the tax incentives. Don noted his meeting with the representatives of Method Machine and the State. Walter wanted this presented to the new EDC members and come back with an informal report to the Board. Peter asked what they are looking for. Don said that they would accept 5% five years. Andy noted that this plan would be better suited for a city, not a bedroom community such as Acton.

FRIENDS OF GREAT ROAD

Walter discussed the e-mail from George Wrenn regarding getting a letter to send to the State to explore the lowering of speed in the EAV corridor. Mr. Wrenn asserted that the State's numbers were incorrect. The Town Manager may have contact with the State to discuss reduced speeds.

FREEDOM'S WAY HERITAGE ASSOCIATION, INC, REQUEST FOR MEMBERSHIP DUES

Walter outlined the Dues request. They have 22 participating communities. The dues are \$50.00 per year. The Board noted the fine product that came out of the Heritage Landscape Report. LAUREN ROSENZWEIG – Moved to pay the \$50.00 dues. WALTER FOSTER – Second. UNANIMOUS VOTE.

COMMISSION ON THE STATUS OF WOMEN, UNSUNG HEROINES 12007, NOMINATION FORM

Walter outlined the request for nomination. Walter asked the Board to look into nominations.

BOY SCOUT OF HONOR – DAVID LOWE

Peter to represent the Board.

OTHER BUSINESS

Lauren reported on Winterfest, it was great.
ACHC the Willow Central going for request for proposals
Towne School story has been written up by Mass Housing
MAGIC – legislation has been submitted to remove MAGIC from MAPC.

Andy noted the Open Space Committee is gearing up for rewrite of Open Space and Recreation plan.

Walter reported on the CPC status. They have passed on the River Street Property.
Morrison Farm Recommendation book has been distributed.

Dore' thanked all who have supported Vanetta

CONSENT AGENDA

Andy held item 19 for discussion. DORE' HUNTER – Moved to Accept with #19 held. PETER ASHTON – second. UNANIMOUS VOTE. Don reported where we stand with the Consultant on the W.R. Grace water clean up.. The Consultant felt it was too much detail at this time. Sediment Study comments were discussed and need to be in by Monday the 19th. DORE' HUNTER – Moved to approve #19. WALTER FOSTER – second. UNANIMOUS VOTE'

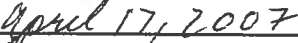
TOWN MANAGER'S REPORT

EXECUTIVE SESSION

LAUREN ROSENZWEIG –Moved to go into Executive Session for the purpose of discussing Litigation. All AYES. UNANIMOUS


Recording Secty


Clerk, Board of Selectmen


Date

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Memorial Library Meeting Room
February 12, 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. **7:10 SITE PLAN SPECIAL PERMIT #09/15/06-410, 2 SCHOOL STREET, 127-131 MAIN STREET, EXCHANGE HALL (ASHTON)**
Enclosed please find materials in the subject regard, for Board consideration.
3. **7:30 COMMITTEE INTERVIEW, BOARD OF ASSESSORS, ALTERNATE MEMBER, CAROL LEIPNER SREBNICK**
Enclosed please find materials in the subject regard, for Board consideration.
4. **7:40 JOINT MEETING WITH THE SCHOOL COMMITTEE TO CONSIDER TEMPORARY APPOINTMENT TO FILL VACANT SCHOOL COMMITTEE POSITION**
Enclosed please find materials in the subject regard, for Board consideration.
5. **8:00 CLASS I CAR DEALER'S LICENSE, 50 POWDER MILL ROAD, ACTON SUZUKI ANNEX, INC.**
Enclosed please find materials in the subject regard, for Board consideration.
6. **8:10 SITE PLAN SPECIAL PERMIT #02/19/03-388, 60 POWDER MILL ROAD, ACTON SUZUKI, INC., REQUEST TO AMEND**
Enclosed please find materials in the subject regard, for Board consideration.
7. **8:15 COMMITTEE INTERVIEW, BOARD OF APPEALS ALTERNATE MEMBER, FRANCIS MASTROIANNI**
Enclosed please find materials in the subject regard, for Board consideration.
8. **8:30 COMMITTEE INTERVIEW, HISTORIC DISTRICT COMMISSION, FULL MEMBER, SCOTT D. KUTIL**
Enclosed please find materials in the subject regard, for Board consideration.
9. **8:40 BUDGET AND WARRANT DISCUSSION**
Enclosed please find materials in the subject regard, for Board consideration.

III. SELECTMEN'S BUSINESS

- 10. FIRE AND EMS NEEDS TASK GROUP, APPOINTMENT OF MEMBERS**
Enclosed please find materials in the subject regard, for Board consideration.
- 11. ECONOMIC DEVELOPMENT COMMITTEE (EDC), REQUEST TO REACTIVATE.**
Enclosed please find materials in the subject regard, for Board consideration.
- 12. ECONOMIC DEVELOPMENT INCENTIVE PROGRAM (EDIP), METHOD MACHINE**
Enclosed please find materials in the subject regard, for Board consideration.
- 13. FRIENDS OF GREAT ROAD, REQUEST FOR LETTER**
Enclosed please find materials in the subject regard, for Board consideration.
- 14. FREEDOM'S WAY HERITAGE ASSOCIATION, INC., REQUEST FOR MEMBERSHIP DUES**
Enclosed please find materials in the subject regard, for Board consideration.
- 15. COMMISSION ON THE STATUS OF WOMEN, UNSUNG HEROINES 2007, NOMINATION FORM**
Enclosed please find materials in the subject regard, for Board consideration.
- 16. BOY SCOUT COURT OF HONOR, DAVID LOWE**
Enclosed please find materials in the subject regard, for Board consideration.
- 17. OTHER BUSINESS**

IV. CONSENT AGENDA

- 18. INITIAL STREET ACCEPTANCE DOCUMENTS, SQUIRREL HILL ROAD, MARIAN ROAD**
Enclosed please find materials in the subject regard, for Board consideration.
- 19. DRAFT REVIEW COMMENTS, W.R. GRACE NORTHEAST AREA GROUNDWATER PRE-DESIGN WORK PLAN**
Enclosed please find materials in the subject regard, for Board consideration.
- 20. LIBRARY PROCLAMATION, VOLUNTEER APPRECIATION WEEK**
Enclosed please find materials in the subject regard, for Board consideration.
- 21. LIBRARY MATERIALS DISPOSAL POLICY**
Enclosed please find materials in the subject regard, for Board consideration.
- 22. ONE DAY LIQUOR LICENSE REQUEST, LE LYONNAIS RESTAURANT**
Enclosed please find materials in the subject regard, for Board consideration.

23. ONE DAY LIQUOR LICENSE REQUEST, ST. ELIZABETH OF HUNGARY YOUTH MINISTRY

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

24. SITE PLAN SPECIAL PERMIT #09/24/04-399, 4 HIGH STREET, REQUEST FOR EXTENSION (HUNTER)

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

25. UNDERGROUND STORAGE TANK LICENSE AMENDMENT, 332-338 GREAT ROAD, CHANGE OF OWNERSHIP

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

26. COMMUTER LOT BIKE LOCKERS, 2006 SEASON REPORT AND 2007 FEE RECOMMENDATION

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

27. ACCEPT GIFT, BOARD OF HEALTH

Enclosed please find a gift of \$3,000.00 from Emerson Hospital for the Wellness University program, for Board consideration.

28. ACCEPT GIFT, RECREATION COMMISSION

Enclosed please find a gift of \$250.00 from Be Well and Beyond to be used for Winterfest 2007, for Board consideration.

29. ACCEPT GIFT, RECREATION COMMISSION

Enclosed please find a pledge of \$12,000.00 from Donelan's Supermarket and Gould's Plaza to be used for the 2007 July 4th fireworks at NARA Park, for Board consideration.

30. ACCEPT GIFT, RECREATION COMMISSION

Enclosed please find a gift of \$100.00 from the Acton Minutemen, Inc. to offset production costs for the Acton Teen Theatre Group's production of Bye Bye Birdie, for Board consideration.

VI TOWN MANAGER'S REPORT

V. EXECUTIVE SESSION

- 31.** There will be a need for an executive session

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.

February 26

March 12 & 26

GOALS:

1. Morrison Farm Development recommendation (Foster)
2. Monitor Labor Negotiations (Peter)
3. Policy Review/Improve Inter-Board Communications (Foster)
4. ALG Process to be used for purpose of Budget Planning for FY08 (Foster/Magee)
5. Middlesex Pension Alternatives (Ashton)