

Final

**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING
March 7, 2011**

**Acton Town Hall
Francis Faulkner Hearing Room
7:00 P.M.**

CITIZENS' CONCERNS

Peter Ashton spoke about the non-binding resolution he wants to go to Town Meeting with regard to Next Generation/Walker Realty, LLC. The resolution provides for the Town to consider negotiations with the developer for the purchase of the land. The proponents would like the resolution to appear in the Warrant.

In response to Ms. Rosenzweig Morton's inquiry, Town Manager Steven Ledoux said that the inclusion of the resolution in the Warrant after the deadline for articles was the Board's prerogative. The Board discussed whether the resolution should be allowed in the Warrant.

Mr. Gowing wondered whether Town Meeting would not realize that the resolution was non-binding; Mr. Ashton said the language would be clear that it is non-binding. Mr. Gowing wondered whether the resolution would color what the Town would pay for this land. Ms. Harding-Barrat asked how the proposed resolution would work with the litigation still ongoing. Ms. Adachi asked what the Town would do with the land if it were to acquire it; Mr. Ashton said the Town could address traffic management issues in the area, create a park, allow houses. Ms. Friedrichs supported including the resolution. Ms. Rosenzweig Morton would prefer a motion from the Town Meeting floor.

Ms. Friedrichs - Move to include the non-binding resolution in the Annual Warrant. Ms. Harting-Barrat – second. 4-1 Ms. Rosenzweig Morton Nay, Motion Passes

CHAIRPERSON'S UPDATE

Ms. Rosenzweig Morton spoke what is being done this time of year with regard to the preparation of the Warrant and Town Meeting. The State has not released the local aid numbers at this time.

She reminded the citizens about the Acton 2020 Burning Issues forum, and urged citizens to participate in the public meetings.

March 29th is Town Election Day. Town Meeting will start Monday April 4th.

OPERATIONAL MINUTE

Mr. Ledoux noted that last Thursday he attended the Massachusetts Planning Organization meeting in Boston where the next year's funding for the commuter shuttle and Dial-a-Ride was discussed. The shuttle began Labor Day, Dial-a-Ride shortly thereafter. Through January we had 199 riders on the shuttle, and 229 using Dial-a-Ride through January.

PUBLIC HEARINGS & APPOINTMENTS

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STREET ACCEPTANCE HEARING, ROBBINS MILLS ESTATES

Ms. Rosenzweig Morton recused herself.

Town Engineer Corey York presented the proposal for the Town to accept as public roads the 1.5 miles of streets in the Robbins Mills subdivision. A related transaction will be the transfer to the Town of 119 acres of open space. The houses were clustered and open space thus preserved.

Ms. Adachi asked if acceptance of the roads was a requirement for receiving the open space. Mr. York said that the Planning Board had said would accept the streets, which were built to subdivision requirements. Ms. Adachi asked if Mr. York would look into the drainage issue that a Canterbury Road resident had brought to the Board's attention; Mr. York said that the Planning Board holds a bond to assure that the developer addresses all issues relating to the development, and he will look into the drainage issue.

Mr. Gowing asked about the bond and if we retained the bond for maintenance; Mr. York said that the Planning Board returns the bond to the builders if any monies are left.

Ms. Friedrichs could not support the Board's automatically accepting the roads and wanted the board to consider not accepting anymore public streets, or dramatically limiting how many it accept.

Ms. Harting-Barrat - Moved to accept. Ms. Adachi - second. 3-1 Terra Nay, Motion Passes

COMMUNITY PRESERVATION COMMITTEE

Chairman Walter Foster and Vice Chairman Roland Bourdon presented the Community Preservation Act warrant article for the Board's approval. The Finance Committee has given its approval. The Open Space Set-Aside will be up to around \$1.7 million after the return of \$170K not used for the Caouette land purchase, and the addition of proceeds from the sale of the Piper Lane house.

Ms. Friedrichs would like a spreadsheet on the set-aside balances, and information on the use of CPA funds for condo buy-downs. She said that the description in the warrant article suggested that the funds mostly were used for landscaping and purchase of new units.

She asked whether the Piper Road property was deed-restricted, and whether it would be affordable housing stock. It was noted that it is in bad shape and needs a lot of work. Ms. Rosenzweig Morton noted that the Board had made a decision to list and try to sell the property for a profit.

Ms. Friedrichs - Moved to recommend all articles, Ms. Pamela Harting-Barrat – second
UNANIMOUS VOTE.

ACTON COMMUNITY ACCESS TELEVISION, BOARD OF DIRECTOR'S, OPEN POSITION

Mr. Gowing explained the process that ACAT is using to find people with technical skills in cable access, broadcasting experience and information technology. There is one active candidate, with others interested. The Board of Selectmen may suggest candidates for consideration. The

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Chair asked that Board members send the names of possible candidates to Mr. Calandrella of ACAT.

STRATEGIC PLANNING, SEWER PRIVILEGE FEES

Ms. Rosenzweig Morton said that she and Ms. Friedrichs met with Health Department Director Doug Halley to discuss a plan for the best use of sewers and to maximize the revenues for sewers to pay off the sewer-related debt. Ms. Friedrichs would like to have Town Counsel explore the issue. Ms. Friedrichs discussed the questions developed by her, Ms. Rosenzweig Morton and Doug Halley.

Ms. Harting-Barrat asked about a one family home and whether the Sewer Commissioners might charge for more than one betterment if the parcel had the potential for more homes to be built. Ms. Friedrichs would like to explore what the Commissioners are legally allowed to do. The Commissioners have not charged upfront to discourage building. Mr. Gowing asked about the potential impact of a zoning change down the road: if we previously charged for 10 units and now the property is valid for only 5 units, do we give the excess money back? Ms. Rosenzweig Morton said we need to have a policy developed and it should be discussed after Town Meeting.

Ms. Adachi spoke about use charges and said the basis should be volume and cost of piping; she did not want to use sewer charges to favor some activities and not others. Ms. Friedrichs said we should limit the number of hours with Counsel and see if there are any volunteers that could help with the research, but that the work needs to get done.

Ms. Friedrichs - Moved to allow \$2,000 to begin research on the questions outlined in the memo. Mr. Gowing asked for a friendly amendment to ask Town Counsel to first provide an estimate of hours to review this. Ms. Friedrichs - second. UNANIMOUS VOTE

ALG DISCUSSION/FINAL VOTE

Ms. Rosenzweig Morton gave an overview of the most recent ALG meeting and changed assumptions about state aid. The new consensus is the Governor's Chapter 70 proposal minus 2%, rather than 5%. Ms. Rosenzweig and Mr. Gowing are bringing back to the Board the recommendation that we vote 2% below HB1 and that we not tax the \$293,000. State aid is level funded in FY12 and FY13 and with a 5% increase in FY14. The proposal for expenditures is 3%, which is a compromise between the 3.5% that the schools proposed and the 2% that the Board proposed.

Mr. Gowing - Moved to change the assumption of Chapter 70 to 2% lower than the HB1 budget, don't tax to full 2.5%, and expenditures at 3%. Ms Harting-Barrat – second. UNANIMOUS VOTE

TOWN MEETING WARRANT FINALIZE WARRANT FOR POSTING

Mr. Gowing - Moved to Set the Town Budget at \$27,997,903. Ms. Harting-Barrat – second UNANIMOUS VOTE.

MIDDLESEX RETIREMENT BOARD – DRAFT WARRANT ARTICLE

Final

Town Counsel Jed Olson explained the purpose of the draft article, which contemplates the Town's leaving the Middlesex Retirement System in a three-step process, with Town Meeting voting to approve the warrant article, the Town petitioning the legislature to allow its withdrawal from the MRS, and the Town also deciding among its options. Mr. Olson felt that starting the process now rather than in one year would be better, as a Home Rule Petition can only be considered when the legislature is in session and the new session has just begun, so there would be two years for the legislature to approve.

Mr. Gowing was concerned about going to Town Meeting this year and getting questions that we cannot yet answer because we do not have enough information; he would prefer to delay until next year. Ms. Adachi shared Mr. Gowing's concerns, given the he is the Selectman who would have to present the article. Ms. Harting-Barrat was not comfortable with moving forward at this time and suggested we wait and asked about any downside. Ms. Rosenzweig would like to have a Special Executive Session to discuss this issue.

Ms. Friedrichs – Moved to put on warrant. Ms. Rosenzweig Morton – second for discussion. Motion fails, 1-3.

TOWN MEETING WARRANT VOTES

Article 1 -Ms. Harting-Barrat – Move to recommend. Mr. Gowing – second. UNANIMOUS VOTE
Article 2 - Ms. Friedrichs - Moved to Defer – Ms. Harting-Barrat – second. UNANIMOUS VOTE
Article 3 - Ms. Friedrichs – Moved to Recommend. Ms. Harting-Barrat – second. UNANIMOUS VOTE
Article 4 - Ms. Friedrichs – Moved to Recommend. Ms. Harting-Barrat – second. UNANIMOUS VOTE
Article 5 - Ms. Friedrichs – Moved to Recommend. Ms. Harting-Barrat – second. UNANIMOUS VOTE
Article 6 - Ms. Friedrichs – Moved to Recommend. Ms. Harting-Barrat – second. UNANIMOUS VOTE
Article 7 - Ms. Friedrichs – Moved to Recommend. Ms. Harting-Barrat – second. UNANIMOUS VOTE
Article 8 - Ms. Friedrichs – Moved to Recommend. Ms. Harting-Barrat – second. UNANIMOUS VOTE
Article 9 - Ms. Friedrichs – Moved to Recommend. Ms. Harting-Barrat – second. UNANIMOUS VOTE
Article 10 -Ms. Friedrichs – Moved– Moved to Recommend Harting-Barrat– second. UNANIMOUS VOTE
Article 11 -Ms. Harting-Barrat –Moved to Recommend. Mr. Gowing – second. UNANIMOUS VOTE
Article 12 -Ms. Friedrichs – Moved to Defer – Mr. Gowing– second. UNANIMOUS VOTE
Article 13 -Mr. Gowing – Moved to Defer. Ms. Friedrichs -second. UNANIMOUS VOTE
Article 14 - Ms. Harting-Barrat – Moved to recommend. Mr. Gowing – second. UNANIMOUS VOTE
Article 15 -Ms. Harting-Barrat – Moved to Recommend Mr. Gowing– second. UNANIMOUS VOTE
Article 16 -Ms. Friedrichs – Moved– Moved to Recommend Mr. Gowing – second. UNANIMOUS VOTE
Article 17 -Mr. Gowing - Moved to Recommend Harting-Barrat– second. UNANIMOUS VOTE
Article 18 - Ms. Rosenzweig Morton – Moved to remove from the warrant. UNANIMOUS VOTE
Article C1 - Ms. Harting-Barrat – Moved to Recommend Mr. Gowing – second UNANIMOUS VOTE
Article C2 -Remove
Article C3 - Ms. Harting-Barrat – Moved to Recommend. Ms. Friedrichs – second. UNANIMOUS VOTE
Article C4 - Ms. Harting-Barrat – Moved to defer. Ms. Friedrichs – second. UNANIMOUS VOTE
Article F1 - Ms. Friedrichs Moved to Defer, Ms. Adachi – second. UNANIMOUS VOTE
Article F2 - Mr. Gowing – Moved to not recommend. Ms. Harting-Barrat – second. UNANIMOUS VOTE
Article H1 –
Article H2 -Ms. Freidrichs – Moved to Recommend. Mr. Gowing – second. UNANIMOUS VOTE
Article H3 -Ms. Friedrichs – Moved to Recommend. Mr. Gowing – second. UNANIMOUS VOTE
Article H4 -Ms. Friedrichs – Moved to Recommend. Mr. Gowing – second. UNANIMOUS VOTE
Article H5
Article H6 -Ms. Friedrichs – Moved to Recommend. Mr. Gowing – second. UNANIMOUS VOTE
Article H7 -Ms. Friedrichs – Moved to Recommend. Mr. Gowing – second. UNANIMOUS VOTE
Article H8 -Moved to Pass Over
Article K1 -Ms. Friedrichs – Moved to Recommend. Mr. Gowing – second. UNANIMOUS VOTE
Article K2 -Ms. Friedrichs – Moved to Defer. Mr. Gowing – second. UNANIMOUS VOTE
Article K3 -Mr. Gowing Moved to Recommend. Ms. Harting-Barrat –second. 4-1 Ms. Friedrichs Abstaining
Article R2 -Ms. Harting-Barrat –Moved to Recommend. Mr. Gowing – second. UNANIMOUS VOTE

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Article R3 -Ms. Harting-Barrat –Moved to Recommend. Mr. Gowing – second. UNANIMOUS VOTE
Article R4 -Ms. Harting Barrat – Moved to Recommend. Mr. Gowing –second. Ms. Rosenzweig Morton – Recused herself and left the room.
Article T1 -Mr. Gowing – Moved to Recommend. Ms. Adachi –second. 4-1 Ms. Friedrichs Nay
Article T2 -Ms. Harting-Barrat –Moved to Recommend. Mr. Gowing – second. UNANIMOUS VOTE
Article T3 -Ms. Harting-Barrat –Moved to Recommend. Mr. Gowing – second. UNANIMOUS VOTE
Article T4, T5, T6, T7, T8, -Ms. Harting-Barrat –Moved to Recommend. Mr. Gowing – second. UNANIMOUS VOTE
Article X1 -Ms. Harting-Barrat –Moved to 0052ecommend. Mr. Gowing – second. UNANIMOUS VOTE
Article X2 -Ms. Harting-Barrat –Moved to Recommend. Mr. Gowing – second. UNANIMOUS VOTE
Article X3, X4, X5, X6, X7, X8 -Ms. Harting-Barrat –Moved to Recommend. Mr. Gowing – second. UNANIMOUS VOTE

APPOINTMENT OF THE CAQUETTE CONSERVATION RESTRICTION COMMITTEE

Ms. Rosenzweig Morton reviewed the proposed appointments for most of the openings; she still is seeking people for two positions. Ms. Friedrichs - Moved to approve the appointments before the Board. Ms. Harting-Barrat – second. UNANIMOUS VOTE

W.R GRACE COMMENTS, NORTHEAST PLUME AREA GROUNDWATER MONITORING FOR 1.30 DIOXANE

Ms. Harting-Barrat recused herself. Ms. Adachi disclosed her husband's possible discretionary pension benefit from Grace, noted that the Clerk's Office had the disclosure that she had filed a while back, and said she feels she can participate in the discussion. Ms. Friedrichs - Moved to approve with amendment with the changes made by the Water District in the third paragraph. UNANIMOUS VOTE

DOGSTAR ACTIVITY CENTER, USE PERMIT, 310B SCHOOL STREET

Ms. Friedrichs – Moved to approve the decision. Mr. Gowing – second. UNANIMOUS VOTE

SELECTMEN' S REPORTS

Ms. Harting-Barrat spoke about the public hearing before the Planning Board on FAR articles. She noted it is very confusing and difficult to understand. The MBTA project is moving along and the MBTA design people are moving ahead

Mr. Gowing reported on TAC. They hope to encourage citizens to use Dial-a-Ride to attend Town Meeting

Ms. Adachi reported on her committees and noted that now that CPC is slowed down she will again be able to attend ACHC meetings.

Ms. Rosenzweig Morton reported her many Regional Planning Committees that she is on. She noted that someone will need to come forward once the Board has reorganized to take over these meetings. She would however like to remain on the MAPC if the Board allows.

CONSENT

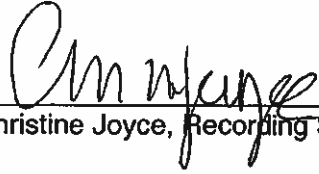
Ms. Friedrichs call a hold on #12

Ms. Harting-Barrat Moved to approve the Consent Agenda minus #12. Mr. Gowing - second. UNANIMOUS VOTE

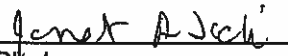
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Ms. Harting-Barrat - Moved to approve the Consent Agenda #12. Mr. Gowing - second.
UNANIMOUS VOTE



Christine Joyce, Recording Secretary



Clerk
Date: 7/25/11 

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Hearing Room

March 7, 2011

7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. **7:05 CHAIRMAN'S UPDATE**
The Chair will briefly update the Board
2. **7:10 OPERATIONAL MINUTE**
The Town Manager will provide a brief report
3. **7:20 STREET ACCEPTANCE HEARING, ROBBINS MILL ESTATES**
Enclosed please find materials in the subject regard
4. **7:50 COMMUNITY PRESERVATION COMMITTEE**
Enclosed please find materials in the subject regard

III. SELECTMEN'S BUSINESS

5. **ACTON COMMUNITY ACCESS TELEVISION, BOARD OF DIRECTORS OPEN POSITION**
Enclosed please find materials in the subject regard
6. **STRATEGIC PLANNING, SEWER PRIVILEGE FEES**
Enclosed please find materials in the subject regard
7. **ALG DISCUSSION / FINAL BUDGET VOTE**
8. **TOWN MEETING WARRANT – SELECTMEN'S POSITIONS, FINALIZE WARRANT FOR POSTING**
Enclosed please find materials in the subject regard
9. **APPOINTMENT OF THE CAQUETTE CONSERVATION RESTRICTION COMMITTEE**
Enclosed please find materials in the subject regard
10. **W.R. GRACE COMMENTS, NORTHEAST PLUME AREA GROUNDWATER MONITORING FOR 1.40 DIOXANE**
Enclosed please find materials in the subject regard

11. DOGSTAR ACTIVITY CENTER, DRAFT DECISION SPECIAL USE PERMIT, 310B SCHOOL STREET

Enclosed please find materials in the subject regard

SELECTMEN'S REPORTS

IV. CONSENT AGENDA

12. DISCLOSURE OF FINANCIAL INTEREST FILING, TERRENCE MAITLAND, CONSERVATION COMMISSION

Enclosed please find materials in the subject regard

13. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$3,000.00 from the Cambridge Savings Bank to be used to support the 4Th of July Family Fun Day at NARA Park

14. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$1,500.00 from Enterprise Savings Bank, to be used to support the 4Th of July activities at NARA Park

15. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$100.00 from James V. Tabner, to be used to support 2011 Summer Concert Series

16. ONE DAY LIQUOR LICENSE REQUEST, IRON WORK FARM

Enclosed please find materials in the subject regard

17. ONE DAY LIQUOR LICENSE REQUEST, PRIVATE PARTY AT EXCHANGE HALL

Enclosed please find materials in the subject regard

18. APPOINTMENT, GREEN ADVISORY BOARD, DAVID KEENE, ALTERNATE MEMBER, TERM TO EXPIRE 6/30/11

Enclosed please find materials in the subject regard

19. REQUEST TO USE LAWN AREA OF 17 WOODBURY LANE FOR A BAKE SALE TO BENEFIT RELAY FOR LIFE, DONATIONS GO TO CANCER RESEARCH

Enclosed please find materials in the subject regard

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 list

MARCH 21

Special use Permit, Dance Studio
930 Main Street- #2/10/11-432
Selectman Gowing assigned

APRIL 4

Annual Town Meeting

MINUTES PENDING VOTES

January 24 &, 31 - February 14, 15 & 28

PENDING COMMITTEE APPOINTMENTS

Remo Politano – Several Committees will come back to VCC with decision 11/8/10

Steven P. Leo – Recreation Commission sent to VCC 11/19/10



Michael A. Luongo - Board of Appeals, Board of Health, and Application sent to VCC

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























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Agenda

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<input type="checkbox"/>	Type	Title	Owner	Edited	Size	Actions
<input type="checkbox"/>		010 Agenda, Board of Selectmen, March 7, 2011	admin	03/04/11	111 KB	    ▼
<input type="checkbox"/>		015 (3) Orders of Taking, Robbins Mill	admin	03/04/11	528 KB	    ▼
<input type="checkbox"/>		016 (3) As Built Plans, Robbins Mills, Definitive SubDivision Plans	admin	03/04/11	3 MB	    ▼
<input type="checkbox"/>		020 (4) Community Preservation Warrant Articles	admin	03/04/11	2 MB	    ▼
<input type="checkbox"/>		030 (5) ACAT Board of Directors Opening	admin	03/04/11	183 KB	    ▼
<input type="checkbox"/>		040 (6) Discussion of Strategic Planning, Sewer Privilege Fees	admin	03/04/11	39 KB	    ▼
<input type="checkbox"/>		050 (10) W. R Grace, Water and Town Letters re: Northeast Plume Area and Groundwater Monitoring, 1.40 Dioxane	admin	03/04/11	242 KB	    ▼
<input type="checkbox"/>		055 (11) Draft Decision, DogStar Special Use Permit, 310B School Street Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	03/04/11	457 KB	    ▼
<input type="checkbox"/>		060 (12) Disclosure of Appearance of Conflict of Interest, Terrence Maitland, Conservation Commission	admin	03/04/11	108 KB	    ▼
<input type="checkbox"/>		070 (13) Accept Gift, Recreation Department	admin	03/04/11	38 KB	    ▼
<input type="checkbox"/>		080 (14) Accept Gift, Recreation Department	admin	03/04/11	36 KB	    ▼
<input type="checkbox"/>		090 (15) Accept Gift, Recreation Department	admin	03/04/11	122 KB	    ▼
<input type="checkbox"/>		100 (16) One Day Liquor License, Iron Work Farm	admin	03/04/11	105 KB	    ▼
<input type="checkbox"/>		110 (17) One Day Liquor License, Private Party	admin	03/04/11	96 KB	    ▼
<input type="checkbox"/>		120 (18) Committee Appointment, David Keene, Alternate member,	admin	03/04/11	90 KB	    ▼

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