

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**May 18, 2009
Acton Town Hall
Francis Faulkner Hearing Room
7:00 P.M.**

Present: Paulina Knibbe, Peter Berry, Lauren Rosenzweig, Terra Friedrichs and Mike Gowing, Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised

CITIZENS' CONCERNS

Wayne Friedrichs spoke about Windsor Ave and the potential building of a house next to 30 Windsor Ave. Wayne said that when the Village Zoning was voted in they didn't realize that there might unintended be consequences. Wayne felt that he would like to suggest that the Board of Selectmen look at this and perhaps purchase so it cannot be developed."

John Benkert, 27 Concord Road was present to talk about Emergency responses to the house next to him. He thinks it is dangerous and that it pulls the staff off other calls and he feels it is abusive. Steve outlined the reason why they go to the calls and noted it was an attempted suicide that evening that he was noting. Paulina said that the police and fire chief make the decision on calls. She is not inclined to support a change of policy in regard to public safety.

Sid Levin spoke about the Next Generation and noted that every one is against it. He asked if he can go to Town Manager or Staff. Paulina asked him to go to the June 1 Board of Appeals meeting and that he should attend and give his opinion.

CHAIRPERSON'S UPDATE

Paulina reported on the Municipal Relief Meeting that she attended. They reviewed two bills about Special Commission and an act to strengthen the Commonwealths partnership. Paulina said they are looking at this and expense side is worth looking at and strongly encouraged regionalizing to see what aspects make sense. Health Insurance, State wants communities to join GIC. They are trying to make it easier in this bill to set a bench mark for insurances, and we need to reach this with unions or they go to GIC in 90 days. MMA and School Superintendent's organizations are expressing how the GIC is structured. This will allow cities and towns set plans with unions.

Lauren felt that it was important that we respond LAUREN ROSENZWEIG – Moved to write letter of support that towns be able to design Health Insurance to their standards to manage our health insurance costs. TERRA FRIEDRICHS - second. UNANIMOUS VOTE. Mike said that the GIC is currently lower; as more join the rates will rise and we have to be able address this.

OPERATIONAL MINUTE

Steve reported on a student who was diagnosed with H1N1 flu virus who attends the Merriam School. The child had been home and not exposed to anyone but we are monitoring this situation.

West Acton Project on Central Street – We have temporally squared off the intersection and have received good input, and we may look into putting this revision to the intersection in place.

State budget for this and next fiscal year we are 6 weeks away from the end of the fiscal year, we know we have \$160,000 less in Local Aid than was originally on the Cherry Sheets. Excise tax has reduced and building Permits are down. Local Aid Cut and loss of income and we are keeping or spending freeze in place. We will not be doing any end of year spending as we have in the past at this point. The Senate budget has eliminated Quinn Bill and others that affect town budgets.

SELECTMEN'S REPORTS

Lauren attended the MAGIC meeting and the main topic was transportation and we put together the priorities in our region which include the ARRT and BFRT rail trails. We are working hard to make sure those go forward as soon as possible.

Lauren spoke about the sewer project being brought to the STM. Lauren asked that all interested parties come to the meeting and find about the financial aspects.

Terra spoke about COD and rail station ramp. EDC is reviewing two items to discuss the proposed FAR changes with the Planning Board. Spoke about the resignations in HDC and Historical Commission.

Mike met with COA and they have requested to stagger the terms on the Board. They currently have one-year appointments that all end at the same time.

PUBLIC HEARINGS & APPOINTMENTS

Common Victualer License, Daniela's Cantina, 5 Nagog Park, Building 103. LAUREN ROSENZWEIG –Moved to approve the Victualer license at that location TERRA FRIEDRICHS – second. UNANIMOUS VOTE

Change of Location, All Alcoholic Beverage Restaurant, Geraldo Miranda, Daniela's Cantina, from 208B Main Street to 5 Nagog Park, Building 103. TERRA FRIEDRICHS – Moved to approve. MICHAEL GOWING – second. UNANIMOUS VOTE

Site Plan Special Permit, #2/20/09-419, Bella Famiglia, 59 Great Road – PAULINA KNIBBE – Moved to Continue the Hearing to June 8, 2009 at 8:30. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE PAULINA KNIBBE – Moved to extend the decision date to July 13th LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

Sewer Acton Committee has come up with a recommendation. The Super sizing will be 43% of the costs of super sizing new proposed area. The residents of the Tuttle/Flint/Spencer Roads will pay 43% of the Super Sizing costs, or around \$4,000 per household. They further want to see if a different formula to include more costs could be reviewed. But they have agreed on the

43%. The second cost is paving of roads. First group paid for the roads. The group felt it would be ok to have patched pavement and have the cost removed from the betterment. Include costs in betterment for police details \$50,000 or less.

The Committee is looking into possible contractual methods for Low Pressure sewer pump maintenance. They also discussed the possibility of seeking funding to utilize solar power for the Middle Fort Pond Brook Sewage Treatment Plant. It was noted that one of the neighborhood representatives, Don Barron of Mallard Road died suddenly this week. LAUREN ROSENZWEIG – Moved to appoint Dick Brewer to fill vacancy left by Don Barron's passing. MICHAEL GOWING – second. 3- 1 Terra Abstain as she did not know any thing about his background.

Helen Probst said that once we get this started if the money is too much, if it goes over the final number and limits borrowing, or if we go for Peer review and if the costs were too high we would not move forward. The risk of the design cost would be rolled into the project if it went forward. Paulina said it was not unreasonable to structure it as discussed. Lauren wanted Town Counsel look into how other communities handle this.

Neighborhood is likely using 21,000 gallons per day and we have 49,000 extra capacity unallocated from current plan equals 43%. Alternative is more referring to the fact that the Super Sizing cost does not capture the plant costs.

Charlie Kadlec asked about the number that is proposed. The betterment will be approximately \$17,000 cost. He noted there may be a way to limit the contractor's charging extra money after construction has begun. Charlie asked that we write the contract to reflect that we get a contract with no escape costs. Andy said we have a 10% overage included. But we have found ledge and it will be around 53,000 to remove it.

Detail is needed and it needs to go through the details of education. Paulina said it was to be discussed at the sewer meetings.

Matt Libman, 27 Tuttle Drive asked about the costs and solutions.

Lauren explained that there is a problem with environment in their neighborhood as well as other neighborhoods. Solution is to use sewers because there are parts of your neighborhood that have been designated at risk because of small lot size, high ground water. Indian Village, North Acton are other locations that want sewers. However, this neighborhood is in close proximity to the line and we are looking for a solution. They need to discuss the need for education. It is a whole neighborhood and town problem and a cost effective one. It will only get worse as people try to comply with Title V. We need to protect our wetlands and it will have affects on streams, we are trying to avoid a bad situation.

Resident of 22 Tuttle Drive – spoke about process and felt they are moving forward to get the stimulus monies and feels that there are other options. He wants to see the data and felt they should evaluate more than one septic system. He felt in the long run it could cost more.

SELECTMEN'S BUSINESS

FARMER'S MARKET LEASE AGREEMENT

Jen Taylor was present to discuss the potential lease agreement. TERRA FRIEDRICHS – Move to approve the lease. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

SPECIAL TOWN MEETING WARRANT DISCUSSION

Steve noted the new potential article for zoning to allow for manufacturing. Paulina said it would be nice to install solar panels on buildings and get the money from the state for those items. She is uncomfortable with changes. Lauren said it is within the same scope that is currently allowed in the districts. The changes in the language that have been made reflect necessary words that must be in there in order to receive stimulus money and other funds under the Green Communities Act.

TERRA FRIEDRICHS - Move to have BOS authorize her to work with Town Counsel to come up with language that would create a fund to purchase Development Rights. MICHAEL GOWING - second

Lauren said we have other things in place CPC and Open Space and could not vote it. Paulina said it was a short timeline of what people can do with their property, and we already have this in place and was not in favor of putting it on the warrant. She would suggest it be on the annual Town Meeting after much review. No Lauren and Paulina and Terra yes and Mike abstained. Motion failed

TREE CANOPY BYLAW

TERRA FRIEDRICHS - Moved to investigate the language that Steve Anderson discussed regarding a Tree Canopy Bylaw. MICHAEL GOWING – second. MG/TF yes, and PK/LR motion fails

Lauren said it felt like an action that would go around the Dover Amendment. Lauren asked Terra to look at other communities that have adopted bylaws.

Dore' noted we used to replace street trees and we don't do it anymore. He cautioned a rush to town meeting.

FINANCE COMMITTEE'S 97% SOLUTION DISCUSSION DRAFT

Terra said she likes the 97% SOLUTION

Paulina said that this was the same process as last year to assist in budget shortages. It is fully expected we will spend less of the budget and endorses the strategy the Manager and School Supt. have agreed upon. Terra asked about the long range solution, she wants long term savings with regard to developers.

WATER RESOURCES ADVISORY COMMITTEE DRAFT MISSION STATEMENT DISCUSSION

Lauren suggested one change the language said and other issues "as needed". Lauren proposed that this be changed to the Committee would address other issues "as requested by the BOS." LAUREN ROSENZWEIG – Move to accept with change made suggested by Lauren. PAULINA KNIBBE – second UNANIMOUS VOTE

EAGLE SCOUT COURTS OF HONOR

Steven Hart and Peter Fairbrother, June 7, 2009 Paulina to attend

Andrew Kappel and Brian Clough, June 14, 2009 Lauren to attend

BOARD OF APPEALS PETITION FOR REVIEW AND COMMENTS, LEARN AND PLAY PRE-SCHOOL, 245 MAIN STREET

Terra is concerned about changes in buildings, character and valuation of buildings. The basement use increases FAR. How do we protect our town, do we catch it before 27 becomes five lanes. She asked to have a process to monitor the traffic now.

Lauren sees this as a smaller scale compared to the Next Generation proposal and it is protected under the State Law. We are going to make the sizes bigger so we are considered reasonable. Mike noted the same restrictions of FAR and the Open Space is applicable. If we increase the size of what is reasonable, will keep in control of growth on 27. Paulina said she felt we don't need to send our comments on this.

TERRA FRIEDRICHS – Moved to send letter to BOA with our concerns and have asked the Planning Board to discuss what is reasonable and important to the town when you review this plan, in regard to day care and size is important on lots. MICHAEL GOWING - second. Lauren said in this case they are not making the building bigger but they are using basement.

Lauren agrees with intent of the current bylaw. It's purpose is to protect nearby properties in residential areas from the impacts of a day care center, by limiting the Floor Area Ratio and requiring open space buffers, as well as parking requirements, etc. The Board of Appeals should take this into consideration in making their decision.

TOWN MANAGER'S EVALUATION PROCESS

Lauren urged them to complete the evaluation and mail to her or Christine by this Friday.

OTHER BUSINESS

Lauren would like the Board to look into the town paying the differential in base salary for those who are town employees and have served in Active Duty in Iraq or Afghanistan since 9/11/01. She would like the Board to authorize that the Town Manager contact other towns such as Concord that have this provision and find out how Acton may adopt it as well. There were no objections.

W. R. GRACE COMMENTS LF AREA SECTION 4 DRAFT ACES COMMENTS

The Town needs to get its response prepared quickly; Mary Michaelman wanted to speak about the model. EPA has extended the due date for that section and she noted we have to develop comments. She has looked at the report and has some issues with it and asks that the town comment on section 4. ACES have submitted draft comments and concerns. Mary feels we should all say we request EPA to increase containment (contaminant?) removal and have a quicker clean up. She asked to have our consultant look at it and comment and that the consultant comes to the conference calls. PAULINA KNIBBE- Move the Town Manager to send a letter to Grace make the points, we are frustrated by receipt of a complicated document on a Friday before our meeting on Monday. The letter to include consultant's comments and specifically to ask W R Grace to increase the removal area. We don't like process, incorporate consultant's comments and increase removal.

Mike asked about the consultant participating in the call. MICHAEL GOWING – second.
UNANIMOUS VOTE

Also ask the Town Manager to participate in call with EPA on this issue.

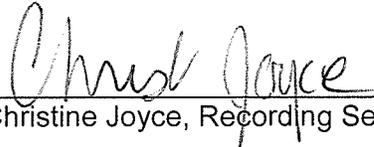
CONSENT

LAUREN ROSENZWEIG – Moved to approve except for #18 MICHAEL GOWING – second
UNANIMOUS VOTE

Hold on #18 Wetherbee Plaza - Terra asked about the adjoining lot. We led the applicant to believe uses; Roland made a mistake in the decision. The other point is it is the applicant who has to be their own tracker and we are under no obligation to keep track of their changes to the project. LAUREN ROSENZWEIG - Move as noted by Selectman Friedrichs. MICHAEL GOWING – second. UNANIMOUS VOTE

EXECUTIVE SESSION

Lauren moved to go in to Executive Session only to adjourn into Regular Session to adjourn.
Roll Call taken. All AYES.


Christine Joyce, Recording Secty


Clerk
Date: August 10, 2009