

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**June 22, 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

Mary Michelman addressed W.R. Grace comments that were sent straight from them, not through EPA. She explained the yearly review of this project from Grace. They have stated their goals have changed in monitoring; they have taken some of the extraction wells out and will be putting in two new areas. She said that they are paying attention of the north east area. Monitoring well in land fill area and is near a new extraction well and has had dramatically different results. She wants Grace to re-sample. They are taking wells off line. They are using a new sampling technique and are getting non-direct where it was higher in the past. TERRA FRIEDRICHS – Moved to direct the Town Manager to ask staff and consultant to review the comments and include them for drafting a letter to Grace and EPA. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

CHAIRPERSON'S UPDATE

Paulina noted the Special Town Meeting on June 23 and urged people to attend.

OPERATIONAL MINUTE

Steve announced the recent AAA Bond Rating upgraded from AA plus. They were encouraged that the Town's unemployment rate was less than the other areas and with the Town's 97%Plan.

PUBLIC HEARINGS & APPOINTMENTS

SHORT TERM BOND DOCUMENTS AND PRESENTATION

Lauren read the required official record. The entire motion will be attached to these minutes. PAULINA KNIBBE - Moved to accept, MICHAEL GOWING – second UNANIMOUS VOTE

TOWNE SCHOOL LEASE

Steve Joncas was present to sign the revised lease. They have received two awards for Historic tax credits and have received National Park Service federal tax Credits which are key to financial structuring. They received two letters from local banks who have expressed interest in the credits. They will submit the application to DHDC on June 25th and will close on the

financial the first quarter of next year and move forward. There is no real guarantee, but they are hopeful.

Lauren attended the meeting and confirmed Mr. Joncas' outline. DHDC indicated it was essential for the Town of Acton to grant a lease extension so that it was clear that the town is behind the project. Due to the economy the issue is the scarcity of funding for housing projects. Lauren recommended a letter of support from the Board of Selectmen could be sent for them to use getting finances.

Steve Ledoux noted that when we extended the lease last year it was predicated on two rounds which is now down to one funding cycle.

Paulina noted her concerns about the project and now the financial world has changed. It is not unreasonable to extend again but is hopeful and there is a point when it is time to stop. She will vote for it.

TERRA FRIEDRICHS – Move to approve Lease Extension. LAUREN ROSENZWEIG – second UNANIMIOUS VOTE. LAUREN ROSENZWIEG - Move to issue letter of support to be used to present to financial organizations. TERRA FREIDRICHS – second. UNANIMOUS VOTE. Terra asked to see the letter before it was sent out.

SITE PLAN SPECIAL USE PERMIT, #4/22/09-420, CONCORD LAND COMPANY, 77 POWDER MILL ROAD (SELECTMAN GOWING)

The proponent stated what they are planning on doing at the building. The Board felt that this could be voted tonight and a Decision signed.

LAUREN ROSENZWEIG –Moved to close Hearing. TERRA FRIEDRICHS - second. UNANIMOUS VOTE

MICHAEL GOWING - Moved to approve site plan decision as drafted. TERRA FRIEDRICHS second. UNANIMOUS VOTE

HISTORICAL COMMISSION OVERSIGHT MEETING

Tory Beyer, Bill Klauer and Brad Maxwell were present to give a presentation to the Board regarding the affairs and duties of the HC.

Mike asked about properties in town we are concerned about. There are properties in demolition status waiting the 6 months. Peter thanked them for their services and it is part of the town character that we enjoy. Peter spoke about the CPC funds available for projects.

Lauren encouraged every one to walk the historic districts, and thanks Peter Grover for all his service to the Town.

CABLE TV COMMITTEE ANNUAL OVERSIGHT MEETING

John Covert spoke about the licensing which expires June 28, 2010. The formal negotiations must begin immediately. The 501 (C) (3) Corporation with 5-7 Members need to be appointed

by the BOS. They have signed the articles of organization. They will need double the space and the schools are interested in accommodating them. The Committee would like to have Verizon in for a meeting before the Board about the problems noted.

Mike spoke about the meetings they are attending and have done a survey of what is needed in town.

Terra asked about the need for money to fund the Access and Technology Corporation.

Lauren asked Steve Ledoux about any potential issue problems that arose in Westford. Steve could not comment except it needs to be a really good working relationship with the town and the Cable Access Board.

Brendan H. Hearn Pres. Peter J, Shafferty, Treasurer, John Covert, Clerk are the officers of the 501C (3).

MICHAEL GOWING - Move we accept the Article of Incorporation as stated. LAUREN ROSENZWEIG – second UNANIMOUS VOTE

They spoke about member need and were asked to speak with Mike Gowing off line. They would like to be allowed one member into an alternate member to avoid quorum problems.

SELECTMEN'S BUSINESS

ALG DISCUSSION

Spoke about FY 09 budget shortfall and how we will use the funds to plug the gap. We will close out the year in the Black

FY10 the situation is undefined and the Senate Budget has been voted and will look at revenues.

SPECIAL TOWN MEETING DISCUSSIONS

Article 1 – Lauren updated the Board on the committee info meeting on June 11th and they were able to answer many more questions and one of the people that sell and distribute low sewer pumps and Woodward and Curren were present to talk about systems. Lauren spoke about the receipt of stimulus monies. She spoke about the survey sent out --93 responded.

Charlie Kadlec asked who was making the amendment change; Lauren said it was a group of citizens in the neighborhood. Charlie asked how this will be repaid. Paulina said that the people who use it will pay.

Peter spoke about the non-binding vote on the Train Station.

5&6 alternate to solar and we will be passing over Article 6 and will ask the Town to approve the ability to enter into long term leases for the purposes of solar panels on Town Buildings.

PETER BERRY – Moved to write a letter asking governor to veto the part of the Budget that includes the MBTA. TERRA FRIEDRICHS – second. UNANIMOUS VOTE

BOARD ANNUAL GOAL SETTING PRIORITIES

Budget tie
Schools tie

Cost savings HIT
Expand Senior Tax relief
Find out from SL
Transportation Planning
Completion of Rail Trails
choices)

(Need to get document from Steve to determine correct

Lauren said it will be helpful if we had the information from the 2020 visioning we conducted in the past regarding Health Insurance. At the time each person was assigned a role in town and were given scenarios to discuss pros and cons. She attended when she was on the Planning Board, and thinks some of that information may be useful in planning the upcoming workshop Peter asked what level people would be asking for. He noted we could have an education process. Mike noted that we would have to run it tight because of all the people attending. Paulina wanted a substantial number of written documents.

BOARD AND COMMITTEE APPOINTMENTS 2009-2010

TERRA FRIEDRICHS -Moved to approved as presented. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

EAGLE SCOUT COURT OF HONOR, ANDREW OSSMANN

Mike Gowing will attend

SEWER PRIVILEGE FEE, 124 PROSPECT STREET, DOUG TAYLOR

The Board discussed the response from the Board of Health. Steve outlined the memo prepared by the Health Director. Lauren spoke about privilege fee and it is required to be paid in a lump sum under the bylaw.

Doug Taylor outlined his understanding of went on between the various town departments. Terra believes we should allow it. Lauren said that she is sympathetic, but worries about setting a precedent. Paulina was reluctant to grant this. Peter thinks it is a difficult situation. Mike too was sympathetic but could not support the request.

PETER BERRY - Moves to deny the request of paying overtime – PAULINA KNIBBE – second.
. 4-1 Terra No. Motion passes

Peter noted we make a lot of difficult decisions. He feels badly that it was not explained when you got your building permit

**BRUCE FREEMAN TRAIL ACCESS EASEMENT FROM LARRY AND KIMBERLY POWERS,
144 GREAT ROAD**

PETER BERRY – Moved to sign the Access Easement as prepared. TERRA FRIEDRICHS second. UNANIMOUS VOTE

SELECTMEN'S REPORTS

Paulina spoke about the meetings with Cory Atkins, Lauren will be the Selectman that will be in attendance.

Lauren said she went to the Walkathon at Gates and West Acton to support the boardwalk.

Peter attended the Acton leadership for the first time and will be continuing work with HIT and will set the rates in the spring. They have accepted vendor to cover claims over \$100,000 to protect the trust. SATAC wanted to thank Steve and John and Steve Barrett on their work on the Bond elevation.

Terra reported on the EDC goings on. Terra wanted to be sure Open Space people are proceeding with ideas. COA is on summer schedule and reported on the volunteer luncheon that was well attended.

OTHER BUSINESS

None

CONSENT

MADISON PLACE #18 AND ONE DAY LIQUOR #25 - HELD BY TERRA

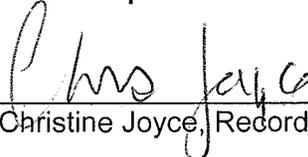
LAUREN ROSENZWEIG – Moved to approve except for items 18 and 25. MICHAEL GOWING – second UNANIMOUS VOTE

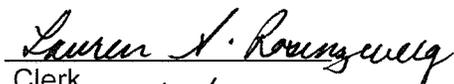
PAULINA KNIBBE - Moved to hold the Madison Place documents for signature until tomorrow at the Pre-Town Meeting. TERRA FRIEDRICHS – second. 4 to 1 Lauren Abstained because of the involvement with the builder and Quail Ridge.

PETER BERRY – Moved to approve #25 the One Day Liquor License request. MICHAEL GOWING – second. UNANIMOUS VOTE

EXECUTIVE SESSION

None Required


Christine Joyce, Recording Secty


Clerk
Date: 8/10/09

VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Acton, Massachusetts, certify that at a meeting of the board held June 22, 2009, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appears upon the official record of the board in my custody:

Voted: to approve the sale of a \$2,130,777 1.50 percent General Obligation Bond Anticipation Note (the "Note") of the town dated June 30, 2009, and payable June 30, 2010, to Janney Montgomery Scott, Inc. at par and accrued interest plus a premium of \$15,852.98.

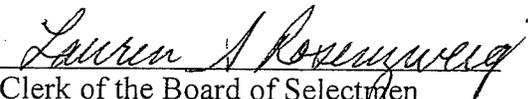
Further Voted: that in connection with the marketing and sale of the Note, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated June 10, 2009, along with the Addendum thereto dated June 10, 2009, and a final Official Statement dated June 16, 2009, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a material events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Note for the benefit of the holders of the Note from time to time.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that notice stating the place, date and time of the meeting was filed with the Town Clerk and a copy thereof posted in the office of the Town Clerk or on the principal official bulletin board of the town at least 48 hours, including Saturdays but not Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Note were taken in executive session, and that the official record of the meeting was made available to the public promptly and remains available to the public, all in accordance with G.L. c.39, s.23B as amended.

Dated: June 22, 2009


Clerk of the Board of Selectmen