

Final

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BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

September 23, 2013

Francis Faulkner Hearing Room

7:00 p.m.

TOWN CLERK, ACTON

Present: Ms. Adachi, Mr. Gowing, Ms. Green, Mr. Clough, Mr. Sonner, Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

None

CHAIRMAN'S UPDATE & OPERATIONAL MINUTE

Mr. Ledoux He is working on finalizing the strategic plan for town departments, a key component of which is the succession plan for staff, and is hoping to present the plan at one of the October BOS meetings. Gower Field Playground will go out to bid on October 2nd. He has formed another tiger team to look at permit fees. FY'15 Budget retreat known as "On the Hill" will be held on October 1st and 2nd He is currently attending the International City Management Association meeting in Boston. Over 4,000 attendees from all over the United States and Europe are present. Tomorrow morning he will make his presentation on Acton's Visitor Code of Conduct.

Ms. Adachi The town held a well attended remembrance ceremony on 9/11 at the Public Safety Building. Janet and Mike joined town staff for the Team Building Day at NARA. One of the two mandatory Open Meeting Law trainings was held and the final one will be held on September 25, 2013. The Morrison Farm Committee has been conducting walks and has more scheduled for Saturday, September 28th at 9:00, October 6 and October 12. She reminded the board about the Ribbon Cutting at Whittlesey Village planed for September 30th.

During the October 7th BOS meeting, Morrison Farm will be discussed and, Nancy Banks, the Board's Representative to Minuteman Tech School Committee, will be in to talk about Minuteman. Ms. Adachi spoke about the sign enforcement issue that began in November 2011 regarding lost dog signs in Acton and other communities for a lost husky dog from Littleton. The town hasn't removed any signs from telephone poles or from private property, but has taken down A-frame signs left on the public right of way. This is not an issue of the town being mean, but it is a bylaw that must be enforced equally. Ms. Adachi read the W. R Grace press release regarding the well's eminent shutdown. She also read the request from the school committee for volunteers to the Superintendent Search Committee. The committee will include three parents and two community members. If you are interested, send a brief statement of interest to the Acton, Boxborough, and Regional school committee chairs.

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PUBLIC HEARINGS & APPOINTMENTS

NSTAR JACKSON DRIVE - CONDUITS AND POLE

The Representative from NSTAR was present and asked that the Board approve the installation of a new pole and conduit to service #2 Jackson Drive. Mr. Clough asked if this was to service a house that was currently being built or if it was for a future planned development. It is for a house currently under construction.

Mr. Gowing asked if the conduit will transverse under the street. It will go under the grassy area and not affect the pavement.

Mr. Gowing Moved to approve. Mr. Clough second. UNANIMOUS VOTE

NON-DISPLAY CLASS II DEALERS LICENSE, 107 GREAT ROAD, SUITE 3, MILL DAM LEASING

Mr. Bertolami was present to discuss his project. He wants to move to a new location in Weatherbee Plaza. The new location is in a building Mr. Bertolami owns and is more than double the square footage than the current location. Mr. Bertolami acknowledged he cannot have any vehicles on site in or outside as he is applying for a Non-Display Internet sales only license. Mr. Sonner Moved to approve. Mr. Gowing second. UNANIMOUS VOTE

NON-DISPLAY CLASS II DEALERS LICENSE, 107 GREAT ROAD, SUITE 1&2, NORTHEAST COLLECTION, INC.

Mr. Bertolami's Counsel, Chip Nyland spoke about the plans to create an automobile museum at this location the first two units would be the museum and the third is for the leasing business for which the Selectmen just approved the non-display license. Mr. Bertolami would like to have a place to display his car collection and hopes to offer some instruction on the site, which is why they are looking at applying for the license under one of the educational bylaws.

Mr. Nyland is working with the Zoning Officer to determine exactly which bylaw applies and to find out whether or not they need to become a 501 C3 nonprofit organization first. However, he pointed out that the non-display license is a separate issue and that is what they are asking for from the Board tonight.

Mr. Sonner asked if the vehicles in the show room would be for sale. Mr. Bertolami said maybe but it is not their intention, it is for his collection and will offer instruction/education about the automobiles. He would like the ability to be able to sell one of the vehicles if he is made a good offer.

Mr. Gowing asked if Suites 1 and 2 would be separated from suite 3. Mr. Bertolami said they would be but that suite 3 may be used for overflow for some of his cars. Mr. Gowing asked how many cars Mr. Bertolami intends to have. He indicated that it would be fifteen cars with five potentially overflowing into suite 3. Mr. Gowing expressed his concerns that this sounds more like a rare car dealership than a museum. Mr. Nyland said that they've

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known it will be perceived as a dealership but that is not their intention and that they have offered to cap the number of cars sold per year, etc.

Ms. Green asked if there would be any cars displayed outside and was told that they would all be inside. She asked how many cars Mr. Bertolami expected to sell a year. He said he would be willing to cap the number at five and only intends to sell as a way to create turn over and keep the museum interesting. Ms. Green asked about the nature of the instruction courses.

They plan to hold lectures, etc. on the history of the cars, the mechanics of the cars, and on how to go about collecting old cars.

Mr. Clough asked if the cars are not primarily for sale, would they be listed on the internet? With this license, the only way they can be sold is through the internet. Mr. Clough expressed his concern that having them always listed on the internet is different than having the license in order to sell only if someone makes an offer Mr. Bertolami can't refuse. Mr. Bertolami explained that it takes years to create this kind of collection so you don't want to sell the cars but as one gets stale, he may want it to be available for sale. He also indicated that they will be listed on the internet for display not for sale. Mr. Clough would like to know more of the specifications of these vehicles. Do they need to be old and have value and what makes it special? Mr. Nyland indicated that it varies but most of the cars were either quite old, the first to come off the line, or a type of car that is no longer manufactured.

Ms. Adachi shares the concerns about having a non-display license but still having these cars for display and potentially for sale. She is concerned and also a connection to a internet license and inventory may turn over and provides incentive for selling the cars or suggest sale is the way they inventory will turn over. She was concerned about the provisions in the bylaws. She is uncomfortable with this use and feels he is looking to get around it. He needs to provide more information.

Scott Mutch, the Zoning Enforcement Officer, said he is not objecting to the non display license, but once there is a vehicle there they cannot allow it. Mr. Bertolami said that he will not put vehicles for display until it has been determined it is allowed.

Mr. Sonner spoke about cars online and where does it switch from display to retail. They said they need to work it out with Planning Department. Mr. Bertolami said it will not be a car dealership. Mr. Clough said he has concerns about the intent of the museum. Mr. Gowing Moved to continue to October 21, 2013 at 7:30. Mr. Sonner- second UNANIMOUS VOTE

ASA PARLIN HOUSE

Dean Charter was present to outline the Asa Parlin House space needs study and CPA study conducted last year. The Space Needs Study revealed no overwhelming public need to retain the house. CPA review of the building recommended possibly retaining a portion of the house to be used for storage or maybe an undetermined use in the future.. The Historic District Commission came to ask for \$283,000 to carry out the work outlined in the report and was denied last year. When the town purchased the house, we wanted the land, not the

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house and for over 20 years it has been deteriorating and we still have no use for it. He recommends that we move forward and declare the building surplus property. He suggested putting it out to REP to see if anyone wants to take the building or parts of it. The goal is to have the house not owned by the town. Neighbors want to retain the green space. We should sell it off and landscape it. Ms. Adachi said that the space study noted it was not useful.

Mr. Sonner asked if the RFP would be looking for someone to take the entire house or just to sell it piece meal. RFP process will allow them to look at bids for both scenarios. He feels we need to look at the traffic study of town common and wait until the building is gone before we decide what to do with the space.

Mr. Clough agreed that putting parking in the area where the house stands isn't a good plan. He also wanted clarification on who would make the final call on which RFP proposal to accept and how the Board will be involved throughout the process. Dean said Town Manager will have the authority. Mr. Clough agrees that it makes sense to dispose of the building and then see what the will of the town is in terms of reusing the land.

Mr. Gowing noted that the Mendors Torry Spencer Study determined we need remediation for the asbestos, which has not yet been done. He asked if we are going to remove it to recycle it, much the way the WAVE is using old building parts.

Ms. Green noted the cost to get it in shape for storage space would be around \$350,000. If no one takes it away the cost would be \$80,000 to demolish. She agreed with disposing of the building and then seeing what the town wants to do with the land.

Ms. Adachi noted that she likes the idea to have it recycled in to a gazebo and have it remain green space. She also asked if the building is exempt from the historic bylaw. The town will still need to file with the HDC but Dean wanted to get the BOS's approval before proceeding with that step.

David Honn wanted to clarify it is in a historic district and noted that the HDC does not generally approve demo unless the building is condemned. The WAVE Project had a fellow remove 75% of the building materials, leaving only 25% to deal with. He would like Dean to come back to the HDC. He said it would be nice to get another house on that property.

Michaela Moran spoke about the demolition and how it is disturbing to her because we are looking at the historic district center and the town who has allowed the house to be demolished by neglect. She feels the town has disrespect for old buildings. She said we need to get a demolish by neglect bylaw in place. She is disappointed that the boards and town managers haven't done anything to preserve the building.

Herman Kabakoff noted he was part of the purchase known as the Valencourt house. Socially, he has been to the house for visits and did not realize it was special. The house was taken for parking and the Valencourt's wanted to sell it for a good price. It would provide more parking and it was later discovered that there was an imbedded area of significance in the house.

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Mr. Sonner wants to move ahead with REP process. Mr. Sonner Moved to authorize Dean Charter to work with the Town Manager and issue REP and evaluate the proposals for doing something with the ASA Parlin House. Ms. Green second. UNANIMOUS VOTE. It was noted that if someone came forward we would entertain the sale of the house. Mr. Sonner - Move to declare the house as Surplus Property and when Dean gets responses to the REP have a joint meeting with HDC to discuss the results. Ms. Green second. UNANIMOUS VOTE

ACTON TV MEMORANDUM OF UNDERSTANDING, PROPOSED REVISION

Simon Bunyard spoke about proposed changes to Acton TV's MOU. They are concerned about revenues in the future. The cable companies give us \$380,000 in fees which flows to Acton TV. They need to expand revenue sources. They want to be allowed to rent the facility and equipment for commercial use and allow memberships by non-Acton residents for higher fees.

Mr. Gowing noted the final language needs to be reviewed by Counsel. They put constraints when they originally drafted the MOU. They have exceeded what they were expected to do. This will allow them to do things they want to do. As cable use has declined they need to do this to continue.

Ms. Green noted that she doesn't have cable and many people her age also do not have cable. They are the reason why Acton TV needs to look at modifying their revenue sources. She asked about what a membership with Acton TV entails. Mr. Bunyard that with membership you have to attend trainings to learn how to use the equipment and then you can use it to make shows, etc. You also have to agree to provide any material you make to Acton TV for broadcast. She also asked how much outside interest they expect. Mr. Bunyard noted that they offer a lot more than surrounding communities and expect there will be interest from non-Acton residents.

Mr. Clough asked about utilization of the studio. Mr. Bunyard said they have 318 members who have gone through 4 day class. Currently there is no renewal fee for memberships so they expect that number would decline some when they institute a renewal fee. They get 7 new members a month. Productions are at 570 and are on demand. They create 250 productions per year with 3 per week in the studio. Mr. Clough asked about the percent of studio time currently being used about 15%. He also asked about the equipment. They currently have 8 cameras and, except during football season, only a few are out at any time. However, on weekends, the cameras are usually tied up but their capital plan does include buying additional cameras. It was noted that the cameras are HD but the studio equipment is SD it is a major upgrade to change everything to HD however that will happen eventually. Mr. Sonner asked if they anticipate any changes to the MOU down the road. Mr. Bunyard thinks this set of changes will take a while to have an effect and doesn't see another need unless these changes lead to a need for greater expansion. Mr. Sonner noted that this was an easy change to support.

Ms. Adachi asked if Acton would remain central to the station as they expand. Mr. Bunyard said yes. Ms. Adachi appreciated the idea of expanding the services as long as we don't lose sight of who the host town is. Ms. Adachi said it makes sense to amend the MOU.

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Mr. Gowing - Moved direct the Town Manager review language with Cable Counsel to allow studio and equipment rentals and to expand outside of Acton membership. Mr. Sonner-second UNANIMOUS VOTE

SELECTMEN'S BUSINESS

None

SELECTMEN'S REPORTS

Ms. Green The School Committees met twice since our last meeting. As Janet mentioned at the beginning of the meeting, Superintendent Mills is resigning at the end of the year. The School Committee is forming a Superintendent Search Committee. If you'd like to volunteer, email the chairs of the Acton, Boxborough, and Regional School Committees with a short statement on your interests and qualifications by October 1st They also expect to hold a number of public forums during the search process.

Mr. Sonner SATSAC continuing to publicize updates on construction at South Acton Station and they are looking at putting up historical signs at the station and plan to work with the HDC on that project. They are also looking into the parking area the MBTA is buying off of Maple St.

Mr. Clough -Jackson Drive subdivision was brought before the Planning Board. They are proposing five houses on a lot that currently has one house. The hearing was continued as this was a very contentious issue. He noted if it meets the bylaw we cannot deny. They also discussed the proposed cell tower and the benefits of the tall tower v. mono pine. The Board wants to do more research and look at their options. Finance Committee had the Town Manager as their guest at their last meeting. He addressed questions re: the FY'14 and FY'15 budgets.

He also discussed town hall construction, OPEB, the space needs study, Kelley's Corner expansion, and the solar panel project. The Committee will discuss the nursing service in October. They are also indicating that they may recommend less than a 2.5% increase next year.

Ms. Adachi - At the ALG meeting the Supt. suggested second joint meeting and need for agenda and will discuss with their boards. Regional Finance Committee met for the first time and affirmed their desire to see concrete evidence of savings, how the savings are being used, and evidence of nonfinancial benefits. Cultural Council is preparing for their new grant year and will be receiving more grant funds from the State this year. Acton Community Housing Corporation met and Mary Ann Ashton from the Morrison Farm Committee spoke to them about the possibility of using the Morrison house for affordable housing. There would need to be changed to the road and driveway. The NPFH offshoot group is still meeting and talking about outreach and what they want to accomplish and how to explain what they want to do. Safety Net met and discussed Increasing numbers of residents needing basic services. Looking at homelessness and put out fact sheet to raise funds.

Mr. Gowing MAGIC Boxborough completed their police contract they got what fire got. They received an application for a 225 rental unit facility at the junctions of 111 and 495.

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Maynard has been contacted by the Concord Mews to explore an additional 200 units on the

Stratus computer property. Hudson, Intel has notified them that they are closing their manufacturing 700 jobs but keeping 400 R&D jobs. Carlisle, will be putting up Blue Jay recording studios for auction, taken for taxes. Sudbury, voted to match the BFRT funding to achieve 100% design. Stow, held a gun control seminar Jamie Eldridge attended that only drew about 40 people. Lexington, will be adding eight portable classrooms to the middle school.

They are considering a bio digester at their transfer station and have begun the medical marijuana zoning process. Concord, the BFRT bridge committee will be delayed on their presentation for the route to crossing to Massdot. I was elected vice chair to complete the term of Jen Bumie (Berlin) who had to resign.

RTAC Beverly Scott, director of the MBTA, addressed the committee on the MBTA's plans for capital improvement and staffing. She indicated that building the teams esteem was her primary goal in coming in. Capital improvements and ongoing operational expenses were her second. Debt reduction was last. I was nominated for, and accepted, vice chair the election will be held at our October meeting. HDC had to call an emergency meeting to address an abutters concern for the building project. The meeting conflicted with another already scheduled meeting.

CAB canceled meeting due to lack of quorum

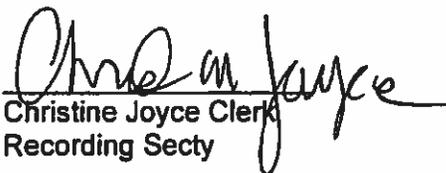
Town staff teambuilding teambuilding drills were held up at NARA last Thursday working on creative ways to solve problems and working as a team to overcome obstacles.

ALG a new spreadsheet format was presented by Fincom as a recommendation for next year's town warrant. It is still in discussion and will be finalized at our next meeting.

MFC Morrison farm committee met to discuss the preliminary costs of each element updated for this year. Their main focus will be on the trails, parking, and the restoration of the Robbins cellar hole/alarm stone.

CONSENT

Mr. Gowing Moved to approve the Consent Items Mr. Sonner second. UNANIMOUS VOTE


Christine Joyce Clerk
Recording Secty


Clerk
Date 4 November 2013

BOARD OF SELECTMEN & SEWER COMMISSIONERS'

MEETING AGENDA

Francis Faulkner Hearing Room

September 23, 2013

7:00 P.M.

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. **7:05 CHAIRMAN'S UPDATE/OPERATIONAL MINUTE**
The Chairman will briefly update the Board. The Town Manager will provide a brief report.
2. **7:10 NSTAR – JACKSON DRIVE, UTILITY POLE AND CONDUITS**
See enclosed materials
3. **7:15 NON-DISPLAY CLASS II CAR DEALER LICENSE, 107 GREAT ROAD, SUITE 3, MILL DAM LEASING COMPANY, INC.**
See enclosed materials
4. **7:25 NON-DISPLAY CLASS II CAR DEALER LICENSE, 107 GREAT ROAD SUITES 1 & 2, NORTHEAST COLLECTION. INC.**
See enclosed materials
5. **7:45 ASA PARLIN HOUSE DISCUSSION**
[See link on memo to materials]
6. **8:10 ACTON TV MEMORANDUM OF UNDERSTANDING, PROPOSED REVISION**
See enclosed materials

SELECTMEN'S BUSINESS

SELECTMEN'S REPORTS

III. CONSENT AGENDA

7. **ACCEPT MINUTES, BOARD OF SELECTMEN, AUGUST 5, 2013
REGULAR AND CONFIDENTIAL**
See enclosed materials

8. **COMMITTEE APPOINTMENT – DESIGN REVIEW BOARD, KIM MONTELLA, ASSOCIATE MEMBER, TERM TO EXPIRE 6/30/14**
See enclosed materials
9. **COMMITTEE APPOINTMENT – SIDEWALK COMMITTEE, K. RANDALL BASHTA, TERM TO EXPIRE 6/30/16**
See enclosed materials
10. **ONE DAY LIQUOR LICENSE, EXCHANGE HALL, 2 SCHOOL STREET**
See enclosed materials
11. **ONE DAY LIQUOR LICENSE, NARA PARK IBM, LITTLETON COMPANY OUTING**
See enclosed materials
12. **DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY**
See enclosed materials
13. **ACCEPT GIFT, PLANNING DEPARTMENT**
See enclosed a gift of \$11,666.67 to be used for affordable housing in the area of the project, off Harris Street and Quarry Road
See enclosed materials

EXECUTIVE SESSION

ADDITIONAL INFORMATION

See enclosed 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

October 7

October 21

Morrison Farm Committee – “Presentation of New Plan”

CVS – Site Plan Continuation from Sept. 9

PENDING MINUTES

PENDING COMMITTEE APPOINTMENTS

May 13, September 9

AWAITING VCC REVIEW AND RECOMMENDATION

Maura Harrington – NA Fire Station Task Force
Malcolm MacGregor – NA Fire Station Task Force
Vandana Sharma – Sustainable Housing – applicant will sit in on
Committee's to see what she feels would be appropriate for her

AWAITING BOS REVIEW AND RECOMMENDATION

H.W. Flood – NA Fire Station Task Force
Robert Puffer – NA Fire Station Task Force
Robert Ingram – NA Fire Station Task Force
Dale Chayes – NA Fire Station Task Force
Peter Bakus - NA Fire Station Task Force
Garry McCarthy – NA Fire Station Task Force

Leslie Johnson - Commission on Disabilities KG
Suzanne Buckmeier –Board of Appeals - JA
Renato Nakagomi - Green Advisory Committee – JS
Aaron Goff – HDC- MG

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<input type="checkbox"/>		020 (2) NStar Petition, Jackson Drive	manager	09/20/13	143 KB	▼
<input type="checkbox"/>		030 (3) Class II Inter-net Car License, Bertolami	manager	09/20/13	514 KB	▼
<input type="checkbox"/>		040 (4) Class II Inter-net Car License, Suite 1&2 Great Road	manager	09/20/13	611 KB	▼
<input type="checkbox"/>		050 (5) Asa Parlin House Materials	manager	09/20/13	28 KB	▼
<input type="checkbox"/>		060 (6) Acton TV Proposed MOU Changes	manager	09/20/13	460 KB	▼
<input type="checkbox"/>		070 (7) Board of Selectmen Minutes, August 5, 2013	manager	09/20/13	95 KB	▼
<input type="checkbox"/>		080 (8) Committee Appointment, Kim Montella, DRB	manager	09/20/13	54 KB	▼
<input type="checkbox"/>		090 (9) Committee Appointment, K. Randall Bashta, Sidewald Committee	manager	09/20/13	55 KB	▼
<input type="checkbox"/>		110 (10) One Day Liquor License, Exchange Hall	manager	09/20/13	64 KB	▼
<input type="checkbox"/>		120 (11) One Day Liquor	manager	09/20/13	66 KB	▼

-  [License, NARA](#)    

-  [130 \(12\) Disposal of Obsolete Materials, AML](#)  manager 09/20/13 13 KB    ▼

-  [140 \(13\) Accept Gift, Planning Department](#)  manager 09/20/13 22 KB    ▼

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