

BOARD OF SELECTMEN & SEWER COMMISSIONERS'

November 16, 2009

7:00 PM

EXECUTIVE SESSION, 6:30 P.M. – 7:00 P.M. ROOM 126

Present: Paulina Knibbe, Peter Berry, Lauren Rosenzweig, Terra Friedrichs and Mike Gowing. Town Manager Ledoux was present. Recording Secty; Christine Joyce, Meeting was televised once the Board moved into Regular Session

Ms. Knibbe - Moved to open regular meeting only to go into Executive Session. Ms. Rosenzweig – second.

Ms. Rosenzweig - Moved to enter Executive Session for the purpose of Real Estate negotiations. ROLL CALL taken – All AYES. and to come out of Executive Session to go into Regular Session in the Faulkner Hearing Room.

CITIZENS' CONCERNS

None stated

PUBLIC HEARINGS AND APPOINTMENTS

CHAIRMAN'S UPDATE

Ms. Knibbe announced that the Water Resource Committee will be conducting a storm water bylaws review meeting.

OPERATIONAL MINUTE

Steve said we are still in holding pattern for H1N1. The nursing service has conducted a young children clinic.

Steve discussed the Suburban Mobility Program for the Shuttle and other services. RFP' have been reviewed and Steve is trying to get this grant facilitated.

BRIAN RICHTER, 9/11 MEMORIAL PLANNING

Ms. Rosenzweig recused herself. Brian Richter outlined the plan to acquire the two pieces of the Trade Center steel. They want to use it to construct a memorial in front of the PSF and Chief Craig and Widmayer and they are in agreement. They hope to have pentagon shape as the base and the steel coming out of it and have spoken to Architectural Board and they feel it did not need to be handicapped accessible.

Mr. Berry - Moved to support the efforts brought forward to obtain the steel from NY and to move forward with the memorial. Ms. Friedrichs - second. UNANIMOUS VOTE

ACTON FARMERS MARKET UPDATE

Ms. Knibbe asked about the Windsor Building shed--it is available and does not see any reason to deny the use for Farmer's Market storage.

Ms. Rosenzweig attended the Market and was very happy with the successfulness of this Market.

Mr. Berry noted that the board had gotten many emails in support of the Market. Both Chiefs have no problem with the Market continuing next year

Mr. Gowing noted that the first day was jammed.

Ms. Friedrichs said congratulations and asked about the reuse of the building at Windsor. Ms. Knibbe - Moved to approve another year as well as the May early market, and further that we approve use of the shed. Ms. Rosenzweig – second. UNANIMOUS VOTE

CONSERVATION COMMISSION/LAND STEWARDSHIP COMMITTEE, OVERSIGHT MEETING

Terry Maitland Chair of ConsCom presented and noted the other members in the audience. The committee needs a Full Member. Tom Tidman is wonderful to work with. They discussed the Open Space Committee that Andy Magee is managing. They have a job to protect wetlands and they have had less activity and fewer projects all year. Terry noted set back distances to wet lands. They do not like to work with 40B projects because the developers don't have to adhere with town regulations.

Ms. Rosenzweig asked about the compliance, they need to meet the States setback. Mr. Maitland discussed that we have a good bylaw that allows us to uphold decisions.

Ms. Friedrichs asked about water runoff and the cumulative effects. Ms. Friedrichs asked that we have an excel sheet for each area.

Mr. Gowing asked about wetlands on the border of two towns, and do the other communities have similar bylaws? Terry replied that we only rule on land within our Town's borders.

Mr. Gowing also noted the storm water issues mandated by the State.

They are down a member and will send note to VCC to look for a member.

The Land Stewardship group is working with 1,600 acres of town owned lands. A slide show was given on the duties of the Committee. Mr. Snyder Grant discussed the Mission Statement they have developed. They need more members. There is some new land at Robbins Mill Land which will come over to the town under the Planning Board decision.

Mr. Berry said they do a great job and the trails are in great shape. Mr. Maitland was asked how they fit in with Town boards. He replied that currently the Land Stewardship Committee was a subcommittee of the Conservation Commission. Mr. Berry said we need to have them go through VCC and adhere to the Open Meeting Law.

Ms. Rosenzweig spoke about the Blue Bird Boxes and the return of the Blue Birds.

Ms. Friedrichs hoped the Trail through Time project will continue. Ms. Friedrichs asked about invasive plants and what we need to do to properly dispose of them. Terra asked about the Powder House and an option was to put it on the canoe landing and did not know about set backs. Jim noted there was a restrictive covenant on the canoe landing which allowed them to maintain the canoe launch but did not allow buildings.

COUNCIL ON AGING OVERSIGHT MEETING

Barbara Tallone and Charlie Arronson presented an overview on what the COA does. They also discussed the expansion committee. It was determined that a new building would be needed. In the interim they have reconfigure space and have moved the computers to the dining room. The old flooring was carpet and had rips and now they have a safe new wood floor. Friends of Council provide aid for trips and activities. They have been trying to open up communication to bring the COA and needs to the public. Carol Steiner and Laura Dusharm have been integral for the elders in Acton.

Mr. Gowing asked about the Wish List and improvements for safety and asked that the list be prioritized.

Ms. Friedrichs asked that we need to have a running tab on what we are spending money on.

Membership is full and they will have an article for Annual Town Meeting to change the charter to allow them to have longer terms to be staggered.

SENIOR TAXATION COMMITTEE OVERSIGHT MEETING

Peter Ashton updated the board on the scope of things that they have been doing over the last year. The primary function is to maintain this Voluntary fund. They fill in some gaps. They bring in 10 to 15 thousand per year. They monitor the senior tax relief and investigate Home Rule Petitions and Bills that are important to the town.

COMMUNITY PRESERVATION COMMITTEE PRESENTATION

Ms. Friedrichs said will leave the room for discussion of the Windsor Building as her father is an abutter to the property. Terra said that she believes that the "leave the room" requirement is a violation of her rights to witness public discussion under the Open Meeting Law, but since she hasn't had time to get a ruling from the state, she'll leave the room. But that she intends to get a formal ruling from the state to make sure that the Town is not violating her rights

Bill Klauer updated the board on the revised estimate and other issues surrounding the moving of the house.

Mr. Berry said it looked like we had \$800,000 available and requests over that amount. We need to know how the house would travel and we need to find that out before we recommend to the CPC. Ms. Knibbe asked about the moving of the building would be eligible for funds. Bill said that foundation would not be covered with CPC funds.

Ms. Friedrichs wanted to wait until we got newer numbers from Bill Klauer.

Ms. Friedrichs – Moved to the next step to send it CPC, Mr. Berry - second for discussion. Mr. Gowing said let it be the CPC as the final decision maker. Ms. Rosenzweig was comfortable supporting sending to CPC. 4-1 Ms. Knibbe, NAY, Motion Passes

Ms. Rosenzweig- Moved to pass the town hall window restoration to CPC. Mr. Gowing - second. UNANIMOUS VOTE

468 Main Street – Windows Project, Mr. Gowing asked about the windows in the second floor. Dean said they will replace the casement windows on the second floor and the windows on the first floor. Ms. Rosenzweig – Moved to pass the 468 Window project to the CPC. Mr. Gowing – second. UNANIMOUS VOTE

After discussion – the Board took a poll to determine order of preference to pass along to the CPC.

- Priority =
1. Town Hall Windows
 2. 468 House Windows
 3. Windsor Building Restoration
 4. Power House relocation

The Board suggested that Open Space set up funds to preserve Open Space
Ms. Rosenzweig recommends acquisition funds be the first priority for CPC

Windsor Building updates – Mr. Berry discussed the meeting room issue with the Schools, he asked if Dean had spoken to the Schools. He thinks we need to focus on the fact this is a historical restoration.

Ms. Rosenzweig outlined the need to save this historical building.

Ms. Knibbe noted she had spoken to the Schools about using their facilities and noted that there is a lot of space at the Schools. Ms. Knibbe said we need to preserve to make it safe; she would be in favor of doing anything we can do to address only things that have deteriorated. Mr. Berry asked about the \$168,000 and electrical and mechanicals, Dean said no they were not included in that amount. Ms. Knibbe asked about the condition of the building. Dean said it needs paint and noted that we need to move ahead and maintain the buildings we have.

Mr. Gowing noted the 468 building was done inexpensively. Mr. Gowing noted we could make the doors faux until later. Ms. Rosenzweig - Moved that we recommend and prioritize with the full \$168,000 exterior restoration and go through the vetting process with CPC. Mr. Gowing – second UNANIMOUS VOTE

ALG UPDATE / BUDGET DISCUSSION

Ms. Knibbe discussed the report of cost savings and we need numbers and we need to sort them out. We are doing many of the things suggested already and many big ticket items are for negotiation, some of these need more review.

Ms. Friedrichs noted this was a great study.

SELECTMEN'S REPORTS

Ms. Friedrichs updated the board on the EDC's questionnaire. It was too large so they will borrow recreations Survey Monkey software to reformat it. Ms. Friedrichs updated the handicapped survey which seeks to find out our needs locally and specifically to help in disaster events.

Ms. Rosenzweig said we were working on planning regional transportation with MAGIC TOWNS and study how best to establish service that would go town to town to serve residents. They are also looking into having a rail trail along the Central Middlesex line that would also be able to accommodate other transportation such as a light rail or other energy efficient shuttle vehicle. Ms. Rosenzweig said it has been working in other states to use these trails for multi-modal uses.

Ms. Rosenzweig attended meetings with Representative Atkins about the situation of State Aid and more cuts possible may be happening and that we should plan our budgets accordingly. Cuts in State Aid in the range of 10-15% are likely. Both schools and town will have to make up for funding that was cut in the 9 C cuts.

Rep Atkins requested that the town list all unfunded mandates and reports that we are required to perform for the state. We should prioritize which ones are the most onerous. She would like this sent to her office by November 30th.

Planning Board is willing to oversee the Comprehensive Community Plan. They will appoint a committee and coordinate and review this process.

TAC wants to come to the BOS regarding train station.

Ms. Rosenzweig discussed the forum at the schools that was conducted by Cory Atkins.

WANT meeting at the senior center at 7:00 brainstorming all the issues septic vs. sewers and they want to get all the items needed for discussion listed so they can plan the best way to proceed toward a solution.

Mr. Berry spoke about the application for demolition of two buildings on School Street. The buildings have been deteriorating and asked how the bylaw handles this in the historic districts.

Tulip tree is going to stay and they have an easement that we will landscape. Mr. Berry thanked Michael Klinger the homeowner for his cooperation and willingness to put the sidewalk on his property, thereby allowing both safe passage, and the saving of the tree.

GAB is working on green issues and expediting certain green company permitting. They want us to approve of the smart growth currently at the State House.

Sidewalk Committee has made 4 more recommendations.

LILLIAN ROAD – BULETTE DRIVE PROPOSED 40B (REVISED)

Nancy Tavernier was present to discuss this 40B, and to give an overview of what is happening. ACHC is noted that the increase in units recommended by Mass Housing. This project has confusion of whether it has been filed, and they don't know who the developer is. This will be filed with the State and need to be ready to jump on it. The site is too dense for four units. Under the current configuration it is time to draw a line in the sand Mass Housing is pushing hard to increase the unit numbers. She asked that the town express surprise that they would ask for more density to Mass Housing. Ms. Rosenzweig said we should appoint someone to speak with Mass Housing and to send them our policy. She noted the Town would be willing to have the housing at the original proposal for number of units, which was 2 units plus the existing house. One house would be designated affordable. Mr. Berry was asked to interface with Mass Housing

W. R. GRACE LATEST ENVIRONMENTAL PROTECTION AGENCY COMMENTS

Mary Michelman reported that WR Grace's report on the levels of manganese in the water remediation contain some data points that are "outliers". The levels measured in the other wells are more reflective of the actual levels, and they should conduct remediation to the level that would produce safe and clean drinking water, following the recommended formula. Mary asked the town (health department) to write a letter supporting ACES' findings that the data for manganese is skewed and should be re-done, as well as insist strongly that they require removal of manganese to safer levels.

OTHER BUSINESS

None

CONSENT AGENDA

Terra hold minutes of the 19th

Ms. Rosenzweig - Moved to approve Consent Agenda with the exception of item 14 (Minutes of 10/19) Mr. Berry – second. UNANIMOUS VOTE

Ms. Rosenzweig – Moved to accept minutes of October 19. Mr. Gowing – Second. UNANIMOUS VOTE
(note: Minutes have been changed to reflect all Ms.Friedrichs additions 11/18/09

Christine Joyce, Recording Secty

Lauren A Rosenzweig
Clerk
Date: 12/21/09