

BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING

August 11, 2015

Room 121

Acton Town Hall

Special Meeting 7:30 AM

Present: Katie Green, Janet Adachi, Franny Osman, Peter J. Berry, Roland Bartl – Town Planner, Kristen Guichard – Assistant Town Planner, Robert Hummel - Assistant Town Planner, Ben Eastwood – Town Counsel, Town Manager Steven Ledoux, and Lisa Tomyl, Recording Secretary

Chairman Green opened the meeting at 7:30 AM

Citizens' Concerns

None

Chairman's Update and Operational Update:

None

Public Hearings and Appointments

Vote on Acceptance and Execution of Temporary and Permanent Easement Agreements and Acquisitions for the Assabet River Rail Trail in Acton:

- Ms. Adachi moved to approve Temporary Easements, Mr. Berry seconded. All Ayes (4-0)
- Ms. Adachi moved to approve Town Owned Easements, Mr. Berry seconded. All Ayes (4-0)
- Mr. Berry moved to approve license agreement with MBTA, Ms. Osman seconded. All Ayes (4-0)

Ms. Guichard gave a brief update about the negotiations with the owner of the property at 20 Main Street where the location of the proposed easement would be in front of the property rather than to the rear, as was the original plan. Mr. Anderson, the property owner, felt that the Avery Associates appraisal price of \$153K was too low. The Town proposed an additional \$15K but Mr. Anderson wanted \$30K. Mr. Anderson also had a concern about snow-clearing; his current practice is to push snow from the parking lot entrance into the proposed rail trail area. The Town is willing to let that practice continue. Mr. Anderson also was concerned about potential liability if trail-users were injured as a result of the piled up snow, but the Town cannot legally indemnify him. Mr. Anderson's attorney currently is on vacation, so coming to terms about an easement agreement will require more time. But the Town is facing an August 27 deadline, so Attorney Eastwood proposed that the Selectmen file for a taking: a traditional taking with no concessions or a "soft" one with provisions such as the one about snow-clearing. In the event of an easement agreement with Mr. Anderson, the Selectmen could vote to rescind the taking.

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Mr. Berry moved to pursue an order of taking without conditions. Ms. Adachi seconded. Mr. Berry moved to amend previous motion and to moved to accept the order of taking without conditions and to sign and record order within 30 days. Ms. Adachi seconded. 3 Ayes, 1 Nay (Ms. Osman).

Vote to Authorize Town Manager Approval of Special Licenses on Behalf of the Board of Selectmen:

Ms. Adachi move to authorizeTown Manager approval of special licenses on behalf of the Board of Selectmen between Selectmen meetings. Mr. Berry seconded. All Ayes (4-0)

Request for Waiver of Fees, Ride for Miracle League, Inc.

Ms. Osman move to approve the request for waiver of fees for the ride for Miracle League, Inc. Ms. Adachi seconded. All Ayes (4-0)

Vote to Pass of Purchase 215 Newtown Road Under 61A:

Town Counsel and the Town of Littleton do not feel the offer of \$1.5M for the entire Acton-Littleton property, with no breakout of the price by town, is a bona fide offer.it. The most valuable portion of the property is in Littleton, and the wishes of Belle Choate were to turn it into an artist colony. An additional complication is that a distant relative is contesting the will. The parcel is a relatively low priority for the Open Space Committee Mr. Berry moved to not exercise the right to the purchase of the property at 215 Newtown road under Chapter 61A. Ms. Adachi seconded. 3 Ayes, 1 Nay (Ms. Osman).

Ms. Adachi move to adjourn, Mr. Berry seconded. All Ayes (4-0) Meeting Adjourned at 9:15 AM.

Respectfully Submitted,



Lisa Tomyl, Recording Secretary



Janet K. Adachi, Clerk