

# **BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**

**December 7 2009  
Acton Town Hall  
Francis Faulkner Hearing Room  
7:00 P.M.**

## **Executive Session at 6:30 p.m. to 7:00 p.m. in Room 126**

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

Ms. Knibbe – Moved to open regular session meeting only to go into Executive Session Ms Rosenzweig second. Roll Call Taken, All Ayes

Ms. Rosenzweig – Moved to go into Executive Session for the purpose of discussing Real Estate Negotiations. Roll Call Taken, All Ayes and to adjourn into Regular Session at 7:00 p.m. in Room 204. Michael Gowing absent from the Executive Session. Michael Gowing came into the Regular meeting at 7:50.

### **CITIZENS' CONCERNS**

### **CHAIRPERSON'S UPDATE**

Ms. Knibbe announced that she will not be running for re-election to the Board of Selectmen. She encouraged people to become active and to run for the openings on the Board.

Mr. Berry will not be running for re-election and thanked the boards and committee's. He will continue to be involved, but demands from his job do not allow time to serve as a Selectman.

### **OPERATIONAL MINUTE**

Steve noted the receipt of doses of H1N1; the nursing service will be inoculating at the day care centers.

December 21<sup>st</sup> he will be presenting the budget. They are finalizing the Budget this week.

## **PUBLIC HEARINGS & APPOINTMENTS**

### **CLASSIFICATION HEARING:**

Assessor David Brown gave the overview of the process of setting the Tax Rate for Residential and Commercial parcels. Ms. Friedrichs wanted to know how many housing units we have.

Ms. Knibbe - Moved to approve the 100% Residential Factor. Ms. Friedrichs – second.

**UNANIMOUS VOTE**

Ms. Friedrichs – Moved not to adopt the Open Space Exemption. Ms. Rosenzweig – second. UNANIMOUS VOTE

Ms. Friedrichs – Moved not to adopt the Residential exemption. UNANIMOUS VOTE

Ms. Friedrichs - Moved not to adopt the Small Commercial exemption. Mr. Gowing – second. UNANIMOUS VOTE

## **TRANSPORTATION ADVISORY COMMITTEE**

The committee outlined their review and suggestions for the Parking Revenue Statute. Ms. Knibbe - Move to send a letter to Senator Eldridge about amendment to use funds from parking lots if they so chose. Ms. Rosenzweig – second. UNANIMOUS VOTE

Franny and Jim discussed the Parking allocations at the train station. They would like to have staff opinion. Jim Yarin spoke about parking issues at the lot for all commuters. He wanted to take out more meters to make it more attractive to commuters who live in Acton. Ms. Rosenzweig – Moved to direct the Town Manager to obtain staff recommendations based on the history of the parking at the station and past agreements with MBTA Lot, further to have staff looking into the current allocation as well as make any recommendations for shifts they see and to take in to any revenues. Mr. Gowing - second. UNANIMOUS VOTE

School Street Parking Lot Spaces – The current Board cannot bind future boards of selectmen. This is part of the lease and there is no time certain for the finalizing of the Lease with the owner of the Exchange Hall.

Station Design – TAC wants the Town to present designs for expanding parking at the station for possible implementation and to have staff prepare any applications for Wetlands filing. Ms. Friedrichs Moved to have staff prepare for applications for Wetland process. Ms. Rosenzweig, second. UNANIMOUS VOTE

Shuttle Access – The shuttle needs to be friendly and easy in and out. There needs to be a design developed to let the shuttle out of the Train Station easily.

Ms. Rosenzweig – Moved to direct Town Manager to have staff create several plans for the Board to look at which would expedite the process, Mr. Gowing, second. UNANIMOUS VOTE

## **SELECTMEN'S BUSINESS**

### **SELECTMEN'S REPORTS**

Mr. Gowing noted that they are working with ComCast to get the contract renewed hopefully at the next meeting. CPC has adopted all Selectmen's recommended projects.

Ms. Friedrichs – Reported on the Test House and her understanding about waiting until January. She also spoke about outside sales and also wants to encourage this, much like the Farmer's Market.

Ms. Knibbe spoke about the Sidewalk Committee and that it will be attending a meeting in January. Green Advisory has been very active.

Mr. Berry talked about train station and that we have received a call that stimulus money has been released and in the pipe line. Staff met with the T and it was not fruitful for the Town. Peter said he has let people know he has in the past worked as an attorney for the T. He will work hard to have them accept our plan.

Ms. Rosenzweig noted that the elevator plan will allow greater access to the station and increase ridership, which will help the MBTA. Ms. Rosenzweig updated the Board on the Design Review Board. WRAC held a hearing for new bylaw regarding storm water and storm water discharge permits. WANT will be sending out a questionnaire asking what the residents want and to give us input. Minute Man Regional High School will be asking us for money for a study for improvements.

### **ALG/BUDGET DISCUSSION**

Ms. Knibbe brought the Board up to date on the last ALG Meeting. At a previous meeting they agreed to carry three different budgets. At the most recent meeting the Dr. Mills and Mr. Ledoux were asked to build a 3% budget and cuts be made to get to down to zero. Ms. Knibbe described the strategies and noted we are in a multi-year recession and we don't know how it will turn out. There are some signs of recovery in the national and international area. However, the State economy will likely recover later than the national economy.

To achieve a 0% increase budget, the Board will review cost saving methods, evaluate budget cuts /service cuts and at what level, define other options for revenue, and consider using overlay account.

Ms. Rosenzweig sat in on the first brush of the School Superintendent's budget presentation and what the cuts will be and their affect on direct services. Ms. Rosenzweig felt it was a good presentation. She found it helpful that they let the community know what the reductions would be at each level.

Mr. Berry agreed with Ms. Rosenzweig's comments and said it is helpful to see what has to be cut. We need to look at efficiencies and other ways to provide services and important decisions. Mr. Berry said once we spend revenues they are gone.

Ms. Friedrichs agreed with Mr. Berry. She noted that she would like to state her strong disagreement that we should be banking or hoping for recovery in the classic sense. She said we really need to go through the list of things done by staff and determine if we can reduce costs by eliminating tasks or using resources more efficiently.

### **FINANCE COMMITTEE COST SAVINGS DISCUSSION**

Ms. Knibbe noted that Mary Ann Ashton had asked that the board forward them the items they wanted the Taskforce to focus on.

Ms. Friedrichs prepared a spread sheet of issues to discuss and weighed them against the different choices, and came up with three major tasks. Staff scoping and need to examine 9, 14. #20 overtime levels police and fire. #27 & #28 combine community education and Recreation backroom. # ASAP analyze in a month and implementing in a few months.

Mr. Berry noted looking at #22 overlay and it is a reserve and if not needed we should be able to use for other needs. He is interested in more information on #38 printing, #3 freeze all salaries.#36-- he oppose holding elections in one place

Ms. Rosenzweig also wants to explore using electronic means to send out town information. However, she would like the committee to explore the legal and ethical ramifications because not everyone owns a computer or knows how to use one. #20 she would like the committee to examine police and fire overtime and ways to give incentives to reduce use of overtime funds but will not compromise safety of citizens or officers #24 and #34 to establish enterprise funds for the commuter parking lot. Create programs to save energy costs—"wear a sweatshirt to school day", etc.

Ms. Knibbe spoke about saving and #38 likes e-mail and WEB the difficulty both legally or practicalities of things we send out. There is a potential and it is worth having the task force look at it. #25 look at fees and fees for service #28 Finance and school—sharing of Back Office functions Regionalization --she thinks it is up to the Schools to investigate it. #29C Police Chief share., and share dispatch function with other towns-- Acton's Dispatch Center is sized to handle Regional Dispatch. #27 Community Ed and Rec Dept. She has concern with Community Ed and Recreation duties -- they both do very different things. She felt we should see about combining the catalogue and we should look at Charging fees or increasing fees for Recreation programs to better cover costs.

Mr. Gowing #27 Community Education/Recreation combining some functions-- he felt he saw a possible win with this and we are cramped for space at town hall. #28 Back Office combining. #24 and #25 Increase parking fees. Commuter lot fees could help drive the shuttle we are looking at. Tie fees to CIP or COL.

Mr. Gowing reported on the cost savings meeting he attended.

Ms. Rosenzweig asked them to look at possible outsourcing for things like electronic newsletters, notices from the town.

#### **BOY SCOUT OF HONOR COURTS, ROBERT ALLEN AND ADAM MORSE**

Ms. Friedrichs may be able to make it; she needs to check her calendar. Mr. Gowing may be available for one of the two if he is free

#### **FAULKNER MILL WASTEWATER CAPACITY REQUEST**

George Dimakarakos presented his clients request to have 12 additional bedrooms at Faulkner Mills. They plan to build three bedrooms per unit instead of two in some of the units, the footprint will not be different than the two bedroom Units. They have determined people want three bedrooms and it gives them more flexibility. This would make the project more sellable and result in completion of the project in a timely manner.

Ms. Rosenzweig noted that now we are seeing renovation of the South Acton Center and this would be a great asset and that we have the capacity. The revenue from the sewerage fees would help. Mr. Berry asked about cost. They want to allow it to be paid as occupancy permits are issued and it will dovetail into the state of the economy. Ms. Friedrichs asked about the number of units and that we would need to educate. She does not think we should not do this.

Mr. Gowing asked several questions about paying as you go. George spoke about a sunset provision which would be a timeline on payment.

Ms. Rosenzweig – Moved to grant up to the additional amount of sewerage capacity they need and that we require that the entire privilege fee be paid in full by December 31, 2010. Mr. Berry – second. Mr. Gowing, Ms. Friedrichs, Ms. Knibbe voted NO. Ms. Rosenzweig and Mr. Berry YES Motion Fails 3-2 Ms. Rosenzweig noted that it could have been a 40B with more density.

## **RENEWAL OF BOARD OF SELECTMEN ISSUED LICENSES FOR 2010**

Ms. Rosenzweig - Moved to approve the Retail Package Store Licenses conditioned upon the resolution of any outstanding issues. Ms. Friedrichs – second. UNANIMOUS VOTE

Ms. Rosenzweig - Moved to approve the Retail Package Store, Wine and Malt conditioned upon the resolution of any outstanding issues. Mr. Gowing, second. UNANIMOUS VOTE

Ms. Rosenzweig - Moved to approve the All Alcoholic as Common Victualler, conditioned upon the resolution of any outstanding issues. UNANIMOUS VOTE

Ms. Rosenzweig – Moved to approve the “Carry In Liquor Permit” Approved the carry in Liquor, conditioned upon the resolution of any outstanding issues. Ms. Friedrich – second. UNANIMOUS VOTE

Ms. Rosenzweig – Moved to approve Class I Licenses, conditioned upon the resolution of any outstanding issues. Ms. Friedrichs – second UNANIMOUS VOTE

Ms. Rosenzweig – Moved to approve Class II Licenses, conditioned upon the resolution of any outstanding issues. Ms. Friedrichs – second UNANIMOUS VOTE

Ms. Rosenzweig – Moved to approve Entertainment Licenses, conditioned upon the resolution of any outstanding issues. Ms. Friedrichs – second UNANIMOUS VOTE

Ms. Rosenzweig – Moved to approve Bowling Alley Licenses, conditioned upon the resolution of any outstanding issues. Ms. Friedrichs – second UNANIMOUS VOTE

Ms. Rosenzweig – Moved to approve 24 Hour License, conditioned upon the resolution of any outstanding issues. Ms. Friedrichs – second UNANIMOUS VOTE

Ms. Rosenzweig – Moved to approve Automatic Amusement Licenses, conditioned upon the resolution of any outstanding issues. Ms. Friedrichs – second UNANIMOUS VOTE

Ms. Rosenzweig – Moved to approve Taxi Cab and Driver License, conditioned upon the resolution of any outstanding issues. Ms. Friedrichs – second UNANIMOUS VOTE

Ms. Rosenzweig – Moved to approve Fortune Telling License, conditioned upon the resolution of any outstanding issues. Mr. Berry – second UNANIMOUS VOTE

Ms. Rosenzweig – Moved to approve Common Victualler Licenses, conditioned upon the resolution of any outstanding issues. Ms. Friedrichs – second UNANIMOUS VOTE

## **NSTAR/VERIZON – KELLEY’S CORNER REMOVE AND RELOCATE POLE**

Corey York of the Town’s Engineering Department spoke about the priority list that was developed several years ago. It was noted that this sidewalk was unable to get it plowed. They were asked to work with the utilities to make this accessible. The proposal from Nstar was to relocate the pole and guy wire. The petition is for pole 3105 that is closest to the intersection. They want to move it five feet. Ms. Rosenzweig asked about the wall and could it be trimmed back for winter. It was noted it is in the town’s right of way. Ms. Knibbe would like to save it and there may be ways to save it. The pole needs to be removed.

The Condo Association said they will have their snow removal contractors do the shoveling of the sidewalk and they can take on that responsibility to shovel the 100 foot portion. Ms. Knibbe – Moved to approve the relocation of the pole, and allow the Redstone Condominiums to take on responsibility and liability for clearing the sidewalk, pending a legal agreement between the parties approved by our Town Counsel. Mr. Berry - second. 4-1 Motion passes – Ms. Rosenzweig No

## **W.R. GRACE UPDATE**

Mary Michleman spoke about Grace and evaluation of the capture zone. We need to comment before next Tuesday. She feels that Grace is falling short with the Capture issues and other issues at the site. She feels we need to be pumping more and addressing these testing areas more.

Ms. Rosenzweig asked about the letter from EPA and Mary noted the comments about it not being adequate.

## **ACCEPT LAND GIFT LOT 4 CONANT STREET**

Ms. Knibbe - Moved to approve and sign the Quit Claim Deed. Mr. Gowing – second. UNANIMOUS VOTE

## **OTHER BUSINESS**

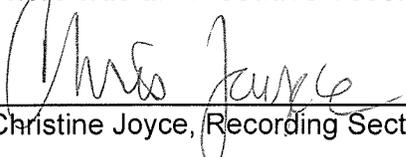
## **CONSENT**

Ms. Rosenzweig – Moved to accept the consent Items except for #14 & #15. Mr. Berry – second. UNANIMOUS VOTE.

Ms. Friedrichs Move to hold #14, Minutes and #15 Declare as surplus. After receiving clarification, Ms. Friedrichs - Moved to accept Consent #14 and #15. UNANIMOUS VOTE

## **EXECUTIVE SESSION**

**There was an Executive Session**

  
Christine Joyce, Recording Secty

  
Clerk  
Date: 1/25/10