

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**January 11, 2010
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.

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CITIZENS' CONCERNS

None

CHAIRPERSON'S UPDATE

Ms. Knibbe noted that we had received good news about the Old High School Common's funding. It has been approved, and we will be able to move ahead on this housing project.

OPERATIONAL MINUTE

Steve noted the positive sign of the approval of funds for the "Old High School Commons" project. Steve updated the Board with the requirement of a Special Act that has been filed to enter into a multi-year lease for the State Land at School Street fields; this action has been bogged down for most of 2009. He said we had to enter into a year lease while we wait until we can get the multi-year lease to keep us legal for continued use of that land. Steve noted we need to resolve the forest associated with Wetherbee Land and we will need to have a forest plan developed. These actions need to resolve so we can enter into the lease for multiple years.

PUBLIC HEARINGS & APPOINTMENTS

BLACKSTONE REALTY, TAX ISSUE

Ms. Rosenzweig noted that she needed to recuse because she did not feel she could be objective, Ms. Rosenzweig left the room. Background was given by the Treasurer with regard to the situation with Blackstone Realty and back taxes. Tom Geagan noted that Regional Consulting Company has been trying to work with the trustees of Trust. Mr. Geagan presented the trust issues and desired to resolve all issues and finally close this issue. It has been an ongoing process and they spoke about the assessments and other data collected. All parcels are under agreement except for the land at Nagog Park which was declared as not build able. John Murray explained his rationale regarding this issue. It has been in the court system since 1993. He noted that there were no filings during the time limit to address overvaluation issues. They did not file for abatements or follow the protocol.

Ms. Friedrichs asked several questions about the transaction.

Mr. Berry asked about eminent domain vs. a town meeting transaction. John Murray said it is under Chapter 60, they give us the land, we write it off. Ms. Knibbe noted she wants consistent

application of the law. She is reluctant not to go with the Treasurer's recommendation. Mr. Murray said there are multiple ways to address back taxes. There is a process for challenging the assessment and it was not done. The owner was aware of the issues regarding back taxes and situation. Mr. Gowing asked about what we would like to do and asked if there was some way that they can come to an agreement or are they at an impasse. Mr. Murray and Mr. Geagan said they could go back to bargaining toward a final solution. Ms. Knibbe was inclined to support Mr. Murray's recommendation to transfer the parcel and not to grant an abatement retroactively, as it would set an undesirable precedent. Mr. Gowing said that we accept the \$40,000 value instead of \$90,000 in taxes and we need to get those back taxes in cash money would help us. Mr. Berry noted we can authorize the deal and go to the town meeting and get \$25,400.00. Mr. Berry - Move to reject the Blackstone proposal and authorize John to continue to negotiate a proposal to bring to town meeting. Mr. Gowing - second. John said he wanted to put it on as a place holder for the Warrant. 4 Yea with conditions from Selectman Terra Friedrichs.

CHANGE OF MANAGER, NOT YOUR AVERAGE JOE'S

Erica Daniel the proposed new manager outlined her training for the employees with regard to serving of alcoholic beverages. Ms. Knibbe – Moved to approve the manager change. Ms. Friedrichs – second. UNANIMOUS VOTE

CROSSROADS CAFÉ ALLEGED LIQUOR OVER SERVING

Liquor Manager did not appear before the Board. The Board asked staff to send a letter more strongly worded re-scheduling an appearance before the Board at the next scheduled meeting.

SIDE WALK COMMITTEE PRESENTATION

Ms. Friedrichs asked about a 0% budget and would there be money to build side walks. Ms. Knibbe noted that there is money in the Sidewalk Fund. Ms. Friedrichs asked for a list of those sidewalks we plow and the costs associated with the ones we maintain. Mr. Gowing noted the fantastic job of identifying the critical locations. Ms. Knibbe – Moved to approve adding the four sidewalks recommended by the Sidewalk Committee to the end of the priority list. Mr. Berry - second. UNANIMOUS VOTE

TAYLOR/MINOT AVE. TRAFFIC DISCUSSION

Residents of the Taylor/Minot came before the Board to discuss traffic on their street. They gave a presentation about the conditions. They don't feel sidewalks will solve the entire problem.

Mr. Gowing spoke about our streets and the need for sidewalk approval from residents on the street. He asked the residents to work with the Side walk Committee to move forward. He would suggest that staff go back and revisit some of the traffic issues to see if changes could be made to make the street more safe. Ms. Friedrichs asked about areas that the traffic numbers could be revised. Mr. Berry noted it would be helpful for more stop signs and truck exclusion. He does not have the ability to know if we could get the State to exclude the roads. Mr. Stamski noted that warrants needed to be met to exclude truck traffic. Mr. Stamski further noted the trucks from the DPW are going to work sites in an efficient manner. The contractor for transfer station would have to go to the rotary to reverse their direction. They have agreed to split the trips to ease the pain. We have four trucks per week going to North Andover.

Ms. Rosenzweig said that side walks are essential and hopes the residents of Taylor Road will grant easements to build one. She asked if traffic was a problem in both directions, they agreed it was both directions. She wanted to know if the stop sign solution was within regulations and allowed.

Ms. Knibbe noted it is a dangerous situation. It is not a safe road to walk on, and the solution is to build sidewalks. As there is no town right of way on this street, it is likely that the sidewalks will need to be built on resident's property and the best way to get it built is to start organizing to get easements granted. She urged them to work with Side walk Committee; Taylor Road is a collector road and will always have a lot of traffic on that street. We can have staff look at the issues that make sense and can legally be done to address this issue. Ms. Knibbe – Moved to direct staff to look at the mitigations and which would make sense to mitigate the traffic concerns. Ms. Rosenzweig -second. UNANIMOUS VOTE

With regard to trucks there are legal issues about trucks and the fairness factor of not pushing trucks into other neighborhoods. Ms. Knibbe noted that she did not want to assume a solution without knowing impact on other neighborhoods. She feels it is a subset of traffic, and have asked staff to come back to the Board.

SELECTMEN'S BUSINESS

LIQUOR LICENSE ANNUAL LICENSE FEE

The Board was asked to grant a local restaurant a waiver from the full liquor license fee and grant a monthly payment plan over a 5 month period.

Ms. Rosenzweig noted she is sympathetic to businesses going through hard times. However, she felt we should not enter into a Payment Plan, and recommended that the Board deny the request so that we are considered to be consistent and fair to all businesses. Ms. Rosenzweig – Moved to deny the request for a payment plan. Mr. Gowing – second. 3-2 – Ms. Knibbe abstaining & Ms. Friedrichs, abstaining

ALG DISCUSSION

Budget Saturday looked at the 3% budget and 0% budget. Mr. Gowing said it was his first Budget Saturday and he thinks the town needs to look at what we need to spend. The board discussed the direction we would move toward. Ms. Friedrichs wanted a -3% Budget she wanted to wait to see what the Finance Committee could come up with. Lauren wants to go to 0% and has concerns about the things taken out, especially protective fire gear. She feels 0% is the amount we need to support. Mr. Berry spoke about the Governor's cuts and is in favor of the 0% increase. Ms. Knibbe said that the different items cut from 3% to 0% would surprise people about how deep the cuts would be. We will be voting the budget on the 25th and what cuts we will need to make and to address trade offs with regard to cuts in the budget.

COPS in Schools Program: Ms. Knibbe noted the fact that if the school did not vote to pay their half we would not be funding the other officer from our budgets. It is tough to cut the program of two police Officers in the schools, but we need to address this. Debt issue with the schools is being discussed. They borrowed money several years ago for roofs and modular's, the town-side picked up the debt last year and will now be paid by the school as discussed at ALG. Town

Meeting Warrant: Paulina and Steve will need to begin scheduling review of all the articles on the Warrant as we will need to begin to vote whether to recommend, not recommend, etc.

QUAIL RIDGE COUNTRY CLUB LIQUOR LICENSE RE-VOTE

Ms. Knibbe – Moved to revote the Quail Ridge Liquor License to reflect Ms. Rosenzweig's recusal. Ms. Friedrichs – second. UNANIMOUS VOTE. Ms. Rosenzweig left the room during the revote

SELECTMEN'S REPORTS

Ms. Knibbe spoke about the Stretch Code meeting which was announced to be held on February 1st in the Faulkner Room (204) in town hall. Mike reported on BOH storm water program and said some language changes are needed

COA Thanks to the Town Manager --Lowell Regional Transit Authority has granted two days additional van transportation for Seniors and persons with disabilities via the Road Runner service. Transportation will now be available on Mondays and Fridays, as well as Tuesday, Wednesday, and Thursday.

Cost Saving Committee reported by Ms. Friedrichs. She is working on back office consolidation with the Schools.

Ms. Friedrichs noted that EDC has several outdoor sales and other articles for the warrant. The Planning Board will handle the statutory requirements and will have the required hearings.

Mr. Berry noted the site visit with the T will be on the 30th of January at 1:00 and further committee meetings will be held. Mr. Berry asked that we allow a sign up to announce the site visit on the 30th. Ms. Knibbe - Moved to authorize a temporary sign at the train station to announce the site visit on January 30th. Ms. Friedrichs – second UNANIMOUS VOTE

COMPREHENSIVE COMMUNITY PLAN COMMITTEE DISCUSSION

Ms. Rosenzweig reviewed the plan results and spoke about the different phases of the project. She discussed the core values and emerging visions. Ms. Rosenzweig noted the statutory requirements from the State and the importance of good Master Planning. The committee will continue the process including implementation. Once developed, there will be a yearly review of the Master Plan. The Planning Board will oversee the Master Plan project. The plan will obtain current conditions, then goals and objectives, which will be further broken down into action items. They had hoped to cover governance and sustainability, but had to narrow the scope. Examining how the town is governed will likely need a separate study, perhaps by the League of Women Voters or another entity. Sustainability will be incorporated into each aspect of the new Master Plan. They feel it is important to bring the Comprehensive Community Master Plan to Town Meeting to approve the goals and objectives and would publicize it as much as possible with the goal of having people buy in to the plan. Multi-year project anticipated to be ready by 2012.

Ms. Friedrichs was pleased that they are suggesting a smaller committee. She wanted the five to be active and shown an interest in Emerging Vision. She said that this is the time to control the town's future and urged the town residents to become involved to make their visions known.

OTHER BUSINESS

Town Manager review, Ms. Knibbe will be sending out a form for board input.

Ms. Friedrichs noted the MMA Water lobbyist article.

CONSENT

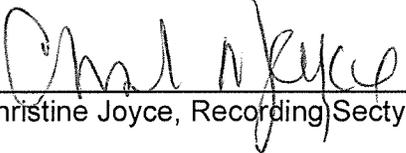
15, 16, 18 19 20 hold / Ms. Friedrichs and

Ms. Rosenzweig – Moved to accept the consent minus 15, 16, 18 19, 20. Mr. Berry – second.
UNANIMOUS VOTE.

Ms. Rosenzweig – Moved approve the following Consent Agenda items that had been held. Mr. Berry – second.

15 approved, 16 approved contingent upon the code professional report and traffic Plan
18 Contingent upon the study and traffic. 19, approved. 20 send letter to State requesting
Bruce Freeman Rail Trail monies - 4-1 Mike Gowing abstaining

EXECUTIVE SESSION


Christine Joyce, Recording Secty


Clerk
Date: 3/8/10

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Hearing Room
January 11, 2010
7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:05 CHAIRMAN'S UPDATE

The Chair will briefly update the Board on Topics of interest

2. 7:10 OPERATIONAL MINUTE

The Town Manager will provide a brief report on topics of interest

3. 7:15 BLACKSTONE LAND FOR TAX ISSUE

Enclosed please find materials in the subject regard.

4. 7:25 CHANGE OF MANAGER, NOT YOUR AVERAGE JOE'S

ISSUE: Change of Manager meeting with the Board as required by ABCC - Enclosed please find materials in the subject regard

5. 7:35 CROSSROADS CAFÉ ALLEGED LIQUOR OVER SERVING

ISSUE: Alleged over serving a customer who was arrested by the Stow Police Department for DWI. Enclosed please find materials in the subject regard

6. 7:45 SIDE WALK COMMITTEE PRESENTATION

ISSUE: Up date on status of sidewalks

7. 8:00 TAYLOR/MINOT AVE TRAFFIC DISCUSSION

ISSUE: Residents of Taylor and Minot @Taylor are asking for mitigation of traffic. Enclosed please find materials in the subject regard.

III. SELECTMEN'S BUSINESS

8. DISCUSSION REGARDING LIQUOR LICENSE PAYMENTS

Enclosed please find materials in the subject regard.

9. ALG DISCUSSION

No Materials Enclosed

10. QUAIL RIDGE COUNTRY CLUB LIQUOR LICENSE REVOTE
Selectman Rosenzweig unintentionally did not recuse herself during the 2010 License Renewal Process in the subject regard.

11. SELECTMEN'S REPORTS

12. COMPREHENSIVE COMMUNITY PLAN COMMITTEE DISCUSSION
Enclosed please find Materials in the subject regard

13. OTHER BUSINESS

IV. CONSENT AGENDA

14. ACCEPT MINUTES, BOARD OF SELECTMEN, NOVEMBER 30, 2009
Enclosed please find materials in the subject regard for Board Approval.

15. 2010 BETSY BALL SCHOLARSHIP FUND REQUEST
Enclosed please find materials in the subject regard for Board Approval.

16. ONE DAY LIQUOR LICENSE, IRON WORK FARM IN ACTON
Enclosed please find a request for a One-Day-Liquor License for 3/20/10.

17. ONE DAY LIQUOR LICENSE, ACTON PUBLIC SCHOOLS AT CHURCH OF THE GOOD SHEPHERD
Enclosed please find a request for a One-Day-Liquor License for 2/ 27/10.

18. ONE DAY LIQUOR LICENSE, ACTON BOXBOROUGH REGIONAL/PTSO AT EXCHANGE HALL
Enclosed please find a request for a One-Day-Liquor License for 2/6/10.

19. YIN AND CREIGHTON PEET, WATER RIGHTS EASEMENT
Enclosed please find materials in the subject regard for Board Approval.

20. BRUCE FREEMAN RAILTRAIL, REQUEST FOR FFY 2010 ENHANCEMENT FUNDING FOR DESIGN, PHASE 2A AND 2C
Enclosed please find materials in the subject regard for Board Approval.

21. ACCEPT GIFT, OIL FUND
Enclosed please find gifts to the Oil Fund Program totaling \$205.00 to be used to assist Acton residents in need of home heating oil.

22. ACCEPT GIFT, SERVE PROGRAM
Enclosed please find gifts to the SERVE Program totaling \$196.25 to be used to assist Acton residents to buy food and gasoline

23. WATER RESOURCES ADVISORY COMMITTEE (WRAC), COMMITTEE MEMBERSHIP

Enclosed please find revised membership terms to facilitate staggered expirations.

24. REQUEST DISPOSAL OF OBSOLETE ITEMS FROM MEMORIAL LIBRARY

Enclosed please find materials in the subject regard for Board Approval.

V. EXECUTIVE SESSION

There will be a need for Executive Discussion to discuss Contract Negotiations

ADDITIONAL INFORMATION

Enclosed please find additional 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.

JANUARY 25

FEBRUARY 8 & 22

MARCH 8, 22 & 20

MINUTES PENDING VOTES

December 7 and 21, 2009

PENDING COMMITTEE APPOINTMENTS

NONE AT THIS TIME