

## BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING

August 7, 2017

Francis Faulkner Room 204

Regular Meeting 7:00 PM

To view the full meeting, please [click here](#)

Present: Janet K. Adachi, Katie Green, Joan Gardner, Chingsung Chang, Peter J. Berry, Town Manager Steve Ledoux, and Lisa Tomy, Recording Secretary

### Citizen Concerns

None

### Chairman Update/Operational Update

Ms. Adachi – Executive Session this evening, 6:00, for update about Nagog Pond project settlement discussions. Longtime resident Clint Seward died over weekend. Serious health challenges in past several years, so hadn't seen him much. Politics very different from mine but always a gentleman, very courtly. Veteran. Distant relative of President Lincoln's Secretary of State/former NY Governor William Seward.

- Recent AB School Committee resignation. See Counsel email in packet. MA law provides that Selectmen and remaining Acton members of School Committee must meet to interview candidates and appoint someone to complete unfinished term. School Committee must formally notify Board of vacancy within 1 month, Board thereafter must provide minimum of 1 weeks' notice of joint meeting.

- MBTA Monopole project: North Shore towns actively protesting for past 2 months now are looking at possible legal challenge involving broader swath of affected communities. Selectmen at some point will need to discuss whether prepared to participate, including in cost of special counsel, whose services wouldn't be pro bono.

- Electric aggregation: Town Manager will provide update. Information will be posted on Town website.

### Future agenda items:

- Special Selectmen executive session on Monday, 8/21 with Concord reps.-Town Manager contract: still need to finalize, maybe on 8/21.

- 9/11 meeting will include discussion of Police Department policy on immigrants and potential Selectmen/Town policy.

Mr. Ledoux – Commence on roll out on Electric Aggregation – mailings going out to residents regarding the electrical aggregation and the opt out option explanation. Several public sessions regarding the electrical aggregation. This Friday recording show with Marlana Patton regarding electric aggregation. Plan to have new aggregation plan on September 17<sup>th</sup>. On separate note, a complaint letter was sent to the Massachusetts Department of Public Utilities regarding a private for-profit energy company posing on the behalf of the Town of Acton.

### **Public Hearings**

Common Victualler License, IC Acton, LLC– representing IC Acton LLC, Mike Aboud. Requesting a change in name on Common Victualler. Ms. Green move to approve the common victualler license for IC Acton, LLC d/b/a 7-Eleven, Mr. Chang second. All Ayes.

Natures Remedy, Medical Marijuana Dispensary – Representing Natures Remedy was Robert Carr, Jr. and gave a slideshow presentation on the history of the company and what the company is requesting from the Board of Selectmen – letter of approval/non-opposition. Ms. Green appreciates the company willing to come to the Board if the company requests to sell recreational marijuana. Asked if taking whole building or sharing it – they are taking 50% and the other business is a laser surgery center. Questioned about having a delivery service similar to another medical marijuana center and would you have to change deliveries from the Grafton location (cultivation) to the Acton distribution center. The president of the company ensured that delivery times will vary along with the routes – security will be very tight. Ms. Gardner inquired about the Acton location – its location is important to have access – estimation that the number of patients that will be prescribed medical marijuana will reach over 100,000 in the next couple of years.

Terra Friedrichs, West Acton – in favor of medical marijuana facility. Questioning big “pot” producers and local growers. Natures Remedy is a small group operating at a small level. It is a very difficult to get into the business, infrastructure is very expensive. Would support local farmers, but cannot accept from outside wholesale sellers – can only sell what they grow. Terra was concerned about growing organic – the company has very strict cultivating requirements. Concerned about the cost of security and transportation and non-profit status. Wanted to know if people can get medical cards on the site – no.

Debra Symes – what version of non-profit – 501C.

Jill Schaeffer (attorney for Mass WellSpring) – 18 Powdermill facility is a full service facility not just delivery service for the indigent, shut in, etc.

Ms. Green in support for either letter of non-opposition or approval. Mr. Berry mentioned about seeing the Town Host Agreement.

Ms. Green moved to approve a letter of non-opposition, Mr. Chang seconded. 4 Aye, 1 nay (Gardner).

Transfer Station Sticker Fee – Corey York, DPW Director, gave an overview of his recommendation of FY18 Transfer sticker fee. Mr. York gave a slideshow presentation of how the program has been doing since its inception in 2015. Only change is a request for a pilot program combining the residential train station sticker and transfer station sticker. Ms. Green inquired if the composting increased – yes from nothing the first three weeks to 4-5 visits per hour and increasing the number of (composting) bins.

Finds the non-resident fee interesting. Mr. Chang questioned about setting a limit on non-resident stickers? Mr. York does not intend to and wants to see how much interest there is. Mr. Berry noted that 189 less all access stickers is probably due to the complaints of the inconvenience. Ms. Adachi commented that composting bins are great, clothes recycling are great. Non-residents would have to use the Acton-specific trash bags.

Terra Freidrichs, West Acton – confused about the non-residential stickers the decrease of revenue. Would like to see the swap shop open more and open to all people and not just stickered vehicles.

Charlie Aaronson, Hosmer Street – most popular size 33 gallon trash can – the 30 gallon bags do not fit into them and they fall through – wonder when that would be fixed. Mr. York is currently working with the vendor to come up an alternative.

Debra Symes, Concord Road - wanted to know if the list for what you can recycle and can't recycle will be updated.

Terra Friedrichs, West Acton – has to drive to Westborough to get rid of Styrofoam and New Hampshire to recycle batteries.

Ms. Green moved to approve the transfer station fees per the memo from the Town Engineer/DPW Director, Ms. Gardner second. All Ayes

SPSP #07/26/00 – 372, 145 Great Road, LLC – Brookside Shops – Lou Levine reviewed the previous hearing and what the owners needed to address with the abutters. Alicia Biscone from the company discussed what transpired regarding conversations between the abutters and the Planning Board. She presented a letter with 3 bullet points of the main concerns and improvements that have been approved by the abutters and the tenants – fencing, lighting, video security, and tree plantings.

Graham Knowland, 29 Esterbrook Road – wanted to thank the management and the company to work everything out – has been a pleasure working with them and would like to be sure this verbiage is included in the SPSP decision. In addition these are mitigation measures and should be referred to as such. Was looking to town government to follow through with enforcement. Plans on going to the company if there are any issues in the future and give them 2 weeks to solve or longer depending on the issue. Wants to be sure the language in the decision is enforceable as it had not been in previous amendments in previous decision.

Mary Jane Silva, 28 Esterbrook Road – echos Graham's sentiments.

Ms. Green commented it was nice to hear there has been a mutual agreement – thanks for the security pictures showing compliance with delivery times. Wanted to be sure the Planning Department would include the conditions in the decision. Ms. Green moved to approve the Site Plan Special Permit #07/26/00 – 372, 145 Great Road with the conditions submitted in the recent memo from Keypoint Partners, Mr. Berry seconded. All Ayes

Review of Kelley's Corner Infastructure Plan – Kristen Guichard gave a recap from the Kelley's Corner Design Meeting. In 2016 at Town Meeting, Kelley's Corner Steering Committee brought forward a preliminary design plan. Town Meeting approved the design plan. Been meeting with individual property owners regarding the ROW lines. Received a lot of response and feedback from property owners. Proposing 2 articles for fall Town Meeting to authorize the BOS for property acquisitions, and a

second to approve the funds for compensation for property owners or by eminent domain. Looking for guidance from the Board regarding the property at the Hosmer House/Historical Commission. Ms. Green inquired about the Charter Rd realignment and if there would there be a light there making a full traffic signal – it would be 3 cars away from needing a traffic warrant – need MassDOT approval for that. Would lean to the last 2 options, but would like to hear from the Chair of the Acton Historical Society Bill Klauer. MR. Berry questioned if any revised plans will have a bike lane – all plans must meet complete streets policy.

Terra Friedrichs, West Acton – no discussion about not having any sidewalk at the Hosmer House. Traffic data indicates it (traffic) is not increasing. Should not put in more lights – not convinced it's needed. Feels the traffic has gone down in the past years. Doesn't think the Kmart site will close before its lease is up and the Town should buy it at market value for use of a community center and low cost housing. Inquired about how many hours per week staff spends working on Kelley's Corner – Ms. Guichard stated maybe about an hour more or less per day. Ms. Freidrichs requested to keep the garden at Redstone Garden Apartment.

Franny Osman, 16 Half Moon Hill – questioned if all the proposed changes are going to speed up or slow down the amount of cars through the intersection.

Bill Klauer, Acton Historical Society – disappointed that the presentation tonight is different as what was presented to the Acton Historical Society. Requests definitive plans for the Historical Society to review. Ms. Adachi agrees that Planning to get them definitive plans. Planning would be willing to sit down or meet on site. Ms. Guichard will go back and look at the revised plans with the Acton Historical Society.

Terra Friedrichs, West Acton - requests that there be a public hearing regarding staff pursuing installing traffic lights at Community Way and Charter Road.

Bill Klauer, Acton Historical Society – asked about the stone wall property line, and about a vernal pool. Ms. Guichard clarified the stone wall location and property lines, and confirmed by Natural Resource Director Tom Tidman that there is no vernal pool located on the property.

### **Selectmen Business**

Insulet Corporation Building Fees – John Narcum representing Insulet is requesting a waiver of building fees. Would like to know who would be the proper party to go to understand the building fees and feels he has not gone through the proper procedures and have not done their due diligence following up. Ms. Adachi suggests going to the Town Manager who would set meeting date with town staff. Ms. Guichard commented to understand that the fees are set up to cover costs for town staff with inspections, etc. Ms. Green mentioned that she was disappointed regarding the emails that the town was difficult to work with and was threatening to go to Gov. Baker with the complaint. Ms. Green stressed her displeasure and how the CFO is requesting a waiver of building fees. Ms. Green was corrected that the email was from the Sr. VP.

Amendment of Charge, West Acton Sewer Action Advisory Committee – Mr. Berry moved to approve the amendment of charge, Ms. Gardner seconded. All Ayes.

Terra Friedrichs, West Acton – wanted to know if there was West Acton residents were represented on the Board. Ms. Adachi listed members that are both residents and business/school representatives.

Energy Efficiency Fund Usage – Mr. Ledoux gave an overview of the Energy Efficiency Fund and made his suggestions. Suggests funding for gas leak study and the carbon study. Ms. Green moved to authorize the Town Manager to use funds from the Energy Efficiency Funds for the gas leak study and carbon study, Ms. Gardner seconded. All Ayes.

Naming Rights for Senior Center and Human Services Facility – Mr. Berry attended a meeting with the COA and had an updated email from the Steinberg Lalli Foundation. The COA unanimously accepted the gift for \$100,000 and recommends the Board of Selectmen to approve the proposal for the brass plaque. Mr. Steinberg came up with a quote for the dedication wording on the brass plaque that the foundation would pay for. Feels the whole discussion on the wording should be done with Mr. Steinberg and other Department Heads and the Town Manager to agree on the wording of the brass plaque. The Board is not accepting the gift tonight just furthering the discussion on the language.

Terra Friedrichs, West Acton - objects to the pay as you play for the rich. Wanted to know if the plaque is permanent. Mr. Ledoux stated it was not.

**Consent Agenda**

Ms. Green moved to approve consent items 10-19, Ms. Gardner second. All Ayes

Ms. Green moved to adjourn, Ms. Gardner second. Meeting adjourned at 10:00

  
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Lisa Tomyl, Recording Secretary

  
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Joan Gardner, Clerk