

Final

**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**  
**May 10, 2010**  
**Acton Town Hall**  
**Francis Faulkner Hearing Room**  
**7:00 P.M.**

Present: Lauren Rosenzweig, Terra Friedrichs, Mike Gowing, Janet Adachi, Pamela Harting-Barrat, Town Manager Ledoux, Recording Secretary; Christine Joyce. The Meeting was televised

6:00 PM - The Selectmen will initiate an open public meeting only for the purpose of calling an EXECUTIVE SESSION for the purpose of Labor Negotiation Strategy Development. At the end of the Executive Session, the Board will adjourn the public session until 7 PM in the Faulkner Meeting Room of Town Hall. Non-executive session (public) business will not take place until 7 PM in the Faulkner Meeting Room

Ms. Rosenzweig – Moved to open regular session meeting only to go into Executive Session to discuss Labor negotiations. Mr. Gowing - second. Roll Call Taken, All Ayes

Ms. Rosenzweig – Moved to go into Executive Session for the purpose of discussing Labor Negotiations. Roll Call Taken, All Ayes and to adjourn into Regular Session at 7:00 p.m. in Room 204.

**CITIZENS' CONCERNS**

None

**CHAIRPERSON'S UPDATE**

Ms. Rosenzweig attended the United Way for Acton Boxboro meeting that spoke about needs of the communities and how Acton's Community Services Coordinator, Laura Ducharme is addressing these needs. They spoke about Domestic Violence and how to address it in our communities.

Ms. Rosenzweig spoke about the upcoming Community Water Forum event by Green Acton that will take place tomorrow night at 7:00 at the Library.

**OPERATIONAL MINUTE**

Mr. Ledoux noted he is working implementing the Shuttle and Dial-A-Ride project. They will meet with the vendor tomorrow to discuss satellite parking lots and branding of the shuttle. Counsel has opined that we can use the uniqueness rule for parking lots for the shuttle.

Mr. Ledoux announced the town has reached a tentative agreement with the firefighter's union for 3 year contracts. Once they ratify we will prepare a Press Release announcing the need for calling a Special town Meeting to vote the first year under 150E

## **PUBLIC HEARINGS & APPOINTMENTS**

Mr. Bertolami, Powder Mill Road discussion and presentation to the Board regarding 60 Powder Mill Road. Mr. Bertolami is looking for direction from the Board. Mark Donohoe said they were here regarding a drainage and catch basin that do not collect the water, and fills into the Subaru dealer's parking lot. Mr. Donohoe noted that town staff has not responded to these requests and that Mr. Donohoe wanted staff to be instructed to respond to his questions.

#56 and #60 and cannot rent at this point-- it can only be used for a car dealer. Staff said 56 is involved and the ramp has to be installed. It would be an expense that they feel is not necessary.

Lauren said her neighbor is owner of Subaru and she feels she can act on behalf of the town without a conflict.

Mr. Donohoe described the issues with the drainage easement to the River and drainage at Village Subaru. Lauren asked staff to look into the two drainages issues.

Mr. Gowing spoke about the Storm Water Bylaw as it could affect the request. Ms. Adachi asked about maintenance of the catch basins. Mr. Donohoe noted that when 62 was repaved the problem appeared.

Ms. Harting-Barrat asked about the culvert and 12 inch concrete drain pipe.

The Board is in agreement that the Town Manager contact the engineering dept to research the history and any legal storm water cleanliness issues.

Would staff be willing to prepare easement language, and would there be a need for it to be brought to a Town Meeting for approval?

Ms. Friedrichs asked about retaining wall and location to the river.

Mr. Donohoe noted that this grading would trigger the ramp between 56 and 60 Powder Mill Road. #56 is involved because some of the grade runs over to 60. Ms. Rosenzweig asked if the plans had been submitted to the Board of Appeals.

Ms. Adachi noted that she wanted to have more time to study this and did not want to give up any rights we may have.

Mrs. Rosenzweig asked Mr. Ledoux was to seek guidance from town engineer and have him come back with comments on the 50 Powder Mill Road site. She wants to see the materials from the Board of Appeals hearing, particularly the proposed re-design of the Prescott Interiors building.

## **SELECTMEN'S BUSINESS**

### **EAGLE SCOUT COURTS OF HONOR**

Mr. Gowing will represent the Board

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## **INTER-MUNICIPAL AGREEMENT – BUILDING INSPECTOR SERVICES, TOWN OF BOXBORO**

Mr. Ledoux was asked to update the Board. Mr. Ledoux has been discussing building inspection services to the town of Boxborough. The concept was that an inter-municipal agreement could be reached. However they needed to cost out the providing of services to Boxboro. It costed out to be \$55.00 per hour. Boxboro was figuring on \$45.00 per hour. Mr. Ledoux noted that we could not charge them less than what we charge contractors and others. This agreement will be in affect until July 10, 2010 and they will try to solve their vacancy problem. He recommended the board to sign it and can be extended at the agreement of both parties.

Mr. Gowing noted that this goes to the regionalization issue and asked what if the dollars would work.

Ms. Rosenzweig asked that Mr. Ledoux report back to the Board of Selectmen to report how the agreement is working

Mr. Gowing – Moved to approve. Ms. Friedrichs – second UNANIMOUS VOTE

## **LILLIAN / BULETTE ROAD PROJECT, MASS HOUSING COMPREHENSIVE PERMIT**

The draft letter to MassHousing was discussed. Ms. Harting-Barrat noted that it was a great letter and covered all the points of concern. Changes to page 3 paragraph 6, were noted

Ms. Friedrichs - Moved that we ask Ms. Adachi to provide comments to Mr. Ledoux, but not to make any contextual changes. Mr. Gowing - second. UNANIMOUS VOTE

Ms. Friedrichs – Moved to send the edited letter out. Ms. Adachi – second. UNANIMOUS VOTE

## **SOLAR FARM ON TOWN LANDFILL**

The Green Advisory Board presented its proposal to enter into a bid to locate a solar farm on the town landfill. We can get funding once we are a Green Community. Mr. Ledoux discussed whether we would get benefits. It was decided to move forward on the three sites. Mr. Gowing discussed his thoughts on the three locations. He feels we need to weigh each plan and layout design and wattage output as well as the neighbors, savings and the manufacturer's plan of preference. Ms Friedrichs wanted to see sketches of what the panels would look like from the road. Ms. Friedrichs – Moved to instruct the Town Manager to move forward. Mr. Gowing – second. UNANIMOUS

## **TRADITIONS NOTE BOOK ACCEPTANCE**

Ms. Rosenzweig updated the board on the Draft document, and how it was developed. The drafters looked at other towns to see what other towns gave out to new Board members. This book goes into how Acton has been operating. It should be a living document and changed if needed.

Ms. Harting-Barrat is interested in whether Mr. Ledoux felt the Board is living up to this document. She wanted to check in with him to see where we might want to improve.

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Ms. Friedrich spoke about the Board's access to staff and if it is a quick question or if it would require filing research or longer time. Ms. Friedrichs wanted more specifics on when it is ok to use staff time and to cc Mr. Ledoux on e-mail. Ms. Friedrichs was asked to draft something for board review.

Mr. Gowing noted it is a good document and its ease in reading. He asked for more time and will review for the next meeting.

Ms. Adachi also wanted to have an electronic copy to review. Mr. Ledoux was asked to send an electronic copy to the BOS.

Ms. Harting-Barrat noted that we could send it out to former Selectmen to comment.

Ms. Friedrichs commented on the word protocol and felt that the use of the word suggested that it is a way to control people. She said that while it's good to try to work "as a team" that it's also important for each of us to act as individuals, even if it takes more time. That democracy takes time. She pointed out that this can not be a legally binding document or "rules", but can only be considered "guidance".

#### **COMPREHENSIVE COMMUNITY PLAN STEERING COMMITTEE**

Ms. Rosenzweig spoke about the appointments to that committee. The next step is to see where we have gone since the last Master Plan. Ms. Rosenzweig noted that there was an RFP to find a consultant. Efforts to have staff and town boards do the work themselves to help us keep the cost low were met with resistance, as it would interfere with their regular duties. The town of Lincoln used a model of utilizing volunteers to work collaboratively with consultants. This approach saved costs and led to a good product without over-burdening staff. Only drawback was that it took longer to complete.

The interview team recommends the individuals listed for the Steering Committee. They are recommending 5 full members and 2 associates, rather than 3, and request that the charge be changed accordingly. First they will lead the collection of the data for the Existing Conditions Inventory and Analysis, and then begin work on the Goals and Objectives utilizing the work from the Acton Outreach.

Ms. Friedrichs asked about the time range and Ms. Rosenzweig noted that this committee will decide on sub committees and may take 6 months.

Mr. Gowing noted that the focus was to manage the process not to direct it.

Ms. Adachi – Moved to approve the appointments and to the reduction of associates members.  
Ms. Harting-Barrat – second UNIMOUSE VOTE.

Ms. Friedrichs spoke about social justice and what we feel is nice and right but wanted a balance of what is needed. That we need to decide between "needs" and "wants". She also spoke about the RFP and that the CCP1 committee had directed staff to look at the RFP and make sure that more consultants knew that we wanted their proposals. There were issues with Planner's Collaborative's response, and staff had been directed to find other consultants with specific skills and ask them to respond to our RFP.

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Mr. Gowing asked for the RFP for the next meeting.

### **ACTON COMMUNITY HOUSING CORPORATION, APPROVAL FOR COMMUNITY HOUSING FUNDS**

Ms. Adachi as the liaison outlined the request and need of monies and preservation of affordable housing.

Mr. Gowing was concerned with down payment issue and not requiring them to have a down payment. Nancy Tavernier said there is eligibility process. These funds are used for first time buyers for closing costs that may be as high as \$5,000.00

Ms. Friedrichs objected to the use of public monies to buy down new units or recently built units, because it artificially subsidizes an open market for units. That subsidy goes into the pocket of the developer, either directly or indirectly. She said that she considered this to be "Developer Welfare". She said that we already allow the developer to by-pass our local zoning rules, allowing him or her to make profits that he or she couldn't otherwise. Then we are going to "buy down" the price, as well, she asked. She said that buying down these new units or giving money for the down payment or closing costs is the "same thing", but using a different name for it. It's all money into the pocket of the developer, she said.

Ms. Adachi – Moved to approve – Ms. Harting-Barrat – second. 4-1 Ms. Friedrichs, Nay.

### **ACTON COMMUNITY HOUSING CORPORATION, APPROVAL OF SPENDING FOR HOUSING ELEMENT OF COMPREHENSIVE COMMUNITY PLAN**

Ms. Adachi outlined the process and that ACHC had wanted to get their own consultant but now they would like to use the same consultant as the one used by the CCP, and will fund it with \$7,100.00 of ACHC funds.

Ms. Friedrichs asked where the \$7,100.00 Community Housing Fund monies came from. It was noted that it is CPA money. Ms. Friedrichs wants to study what other communities do. Ms. Friedrichs pointed out that the Preservation Community should get a consultant, too. Steve Ledoux said that they would. Mr. Gowing – Moved to accept as noted in this document. Ms. Harting-Barrat – second. UNANIMOUS VOTE

### **SELECTMEN'S REPORTS**

Ms. Adachi reported on her visits to her committees that she is liaison to.

Ms. Harting-Barrat updated the Board on her visit with the Acton Housing Authority Meeting.

Ms. Friedrichs reported on cost saving committee. She asked about the Safety Net and lack of dental and medical coverage for low income people.

Mr. Gowing updated the Board on the Caouette Project and are waiting for the consultant's review of phase 2.

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COD – there is an appeal to the Architectural Access Board for a decision on approving a ramp variance that was denied by Building Commissioner.

BOH – Successful medicine collection at Hazardous Waste Day

Ms. Friedrichs – Moved to Schedule a Special Town Meeting within 30 days and schedule for Monday June 14<sup>th</sup> contingent on Fire Union's ratifying the contract. Mr. Gowing – second. UNANIMOUS VOTE

Ms. Friedrichs – Moved to open and close the Warrant for the Special Town Meeting at the conclusion of the Board of Selectmen's Meeting and to include the two place holders. Mr. Gowing – second. UNANIMOUS VOTE

### UPDATE ON SIGN ENFORCEMENT

Mr. Ledoux noted we have put together the panel and they want to have two alternates, one a citizen and one business person.

Ms. Rosenzweig said we need to do outreach and have a simplified version of the Sign Bylaw to hand out to people, and review with them whenever they are opening a business, building or renovating, or changing a sign. . It was suggested a Check List for people opening a business establishment in Acton be drafted.

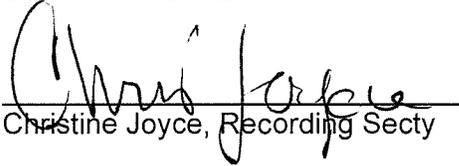
### OTHER BUSINESS

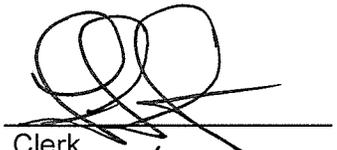
#### CONSENT

Mr. Gowing – Moved to accept the consent items. Ms. Friedrichs – second. UNANIMOUS VOTE.

Extra Information #24 – Ms. Harting–Barrat – Moved to accept Mr. Gowing resignation and appoint Ms. Adachi as replacement on the CPA

#### EXECUTIVE SESSION

  
Christine Joyce, Recording Secty

  
Clerk  
Date: 7/1