

AMENDED BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Meeting Room

October 6, 2008

7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:15 **MICHAEL GURTNER, TRUSTEE, RAILROAD REALTY TRUST, 19 RAILROAD STREET, REQUEST FOR SEWER BETTERMENT RELIEF (CONTINUED FROM 9/12)**
ISSUE: Mr. Gurtner has asked to appear before the Board to speak to his request for Betterment relief.
2. 7:30 **TRANSPORTATION ADVISORY COMMITTEE, OVERSIGHT MEETING**
ISSUE: Yearly Oversight Meeting
3. 7:45 **VALENTINE CONSERVATION RESTRICTION, 566 ACTON STREET, CARLISLE, TEN ACRES IN ACTON, PROPOSED BAY CIRCUIT TRAIL ACCESS**
ISSUE: The Valentine's Attorney has requested the Board accept the trail easement portion of the land in Acton
4. 8:05 **SIDEWALK COMMITTEE, OVERSIGHT MEETING**
ISSUE: Yearly Oversight Meeting

III. SELECTMEN'S BUSINESS

5. **ALG UPDATE**
No materials enclosed
6. **REQUEST TO ESTABLISH A POLICY REGARDING QUORUMS OF THE BOARD WHEN CONDUCTING TOWN BUSINESS WITHOUT A MEETING BEING POSTED**
No materials enclosed
7. **ROBBINS BROOK RETIREMENT COMMUNITY – 888, 900 MAIN STREET, 8 EASTERN ROAD SITE PLAN SPECIAL PERMIT #11/18/98-366, PHASE 3. (CONTINUED DISCUSSION REGARDING WALKING TRAILS FROM 9/12)**
Enclosed please find materials in the subject regard, for Board consideration

8. OTHER BUSINESS

IV. CONSENT AGENDA

9. **AMEND SITE PLAN #10/22/85-268 (59 GREAT ROAD) FORMER D'ANGELO'S SITE, PROPOSED BELLA FAMIGLIA RESTAURANT**
Enclosed please find materials in the subject regard, for Board consideration.
10. **SITE PLAN SPECIAL PERMIT DECISION #07/03/08-415, 133 GREAT ROAD, MINI-WAREHOUSE REALTY, LLC**
Enclosed please find materials in the subject regard, for Board consideration
11. **BON FIRE PEP RALLY PERMISSION, AB MONDAY NIGHT QUARTERBACKS**
Enclosed please find materials in the subject regard, for Board consideration
12. **ONE DAY LIQUOR LICENSE REQUEST, CONGREGATION BETH ELOHIM**
Enclosed please find materials in the subject regard, for Board consideration
13. **ACCEPT GIFT, COMMISSION ON DISABILITY**
Enclosed please find a gift of \$237.47 from the Friends Group, for Board consideration
14. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$450.00 from Not Your Average Joe's to help fund the Acton Adult Softball League expenses, for Board consideration
15. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$50.00 from Patrick and Abby O'Brien to be used to fund Elm Street Improvements, for Board consideration
16. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$100.00 gift card from Roche Bros. to be used as a raffle prizes at the Monsterbash at NARA Park
17. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$40.00 of candy and chips from Benjarong Restaurant to be used at the Monsterbash at NARA Park
18. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$500.00 from the Middlesex Savings Bank to support Winterfest activities
19. **DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY**
Enclosed please find materials in the subject regard, for Board consideration

V. EXECUTIVE SESSION

There will not be a need for Executive Session.

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.

October 20

November 3 & 17

December 1 & 15

January 12, 2010

MINUTES PENDING VOTES

September 8, 2008, September 22, 2008

September 15, 2008, Joint Boards Meeting

PENDING COMMITTEE APPOINTMENTS

Toros L. Maksoudian, Conservation Commission (One Associate position open) his materials are at VCC for processing.

Brendan Cotter, Recreation Commission Associate position, his materials are at VCC for processing.

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

October 6, 2008

Acton Town Hall, Francis Faulkner Hearing Room

7:00 P.M.

Present: Lauren Rosenzweig, Paulina Knibbe, Terra Friedrichs, Andrew Magee, Peter Berry, Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

Jim Snyder Grant – updated the Board on the brainstorming about environmental projects, as well as a proposed Charter for the Committee.

Staff was asked to put this subject on an upcoming Agenda for Board review.

Tom Michleman, Magnolia Drive – spoke about the negotiations regarding the police details and flagging. Tom objects to the payment of relatively unskilled flagmen on details. On one hand the average police salary is not very good and he understands why they are protective of the details. He suggests an alternative by giving the officers the right of first refusal to take any road details as flaggers.

Richard Calendrella, wanted to thank the Board for a very successful Special Town Meeting.

Bryant Page, Concord Road, he questioned the Board's reaction to his letter. Lauren spoke about Danver's and that they have never asked for and override.

Dore' Hunter, Veterans Services Officer noted that it has come to his attention that the Silver Star Committee is trying to get proclamations for those wounded while serving in the military, from all governmental entities. He urged the Board approve this Proclamation.

OPERATIONAL MINUTE

Steve updated the Board on the financial state of the Commonwealth. We may find ourselves back 1991 and local aid is cut in mid-year. Steve met with staff to enact a spending and hiring freeze. Public Safety and health issues will be decided on a case by case review. He has asked the department heads to come back with what they would cut from operational budgets for this year if we get a cut of 5% from the State. It is a very a serious position to find ourselves in.

Lauren echoed Steve's concerns and thanked all who helped make town meeting so successful.

PUBLIC HEARINGS & APPOINTMENTS

MICHAEL GURTLE, 19 RAILROAD STREET, SEWER BETTERMENT RELIEF REQUEST

Mr. Gurtler owns several units and is asking for relief as those units were vacant and he does not agree with the calculations. Mr. Gurtler says it is unfair when there was no usage, and noted that he pays his betterment.

Steve said the key issue is the occupancy permit triggers the charges and that once Mr. Gurtler obtained the occupancy permit the charges began. Mr. Gurtler stated that he did not want to wait and go to a closing without an occupancy permit.

Peter noted Doug Halley's memo about water flow and what triggers it. He noted that to abate one person it could affect the calculation of monies into the system. He asked if Mr. Gurtler had a response to Doug's memo. Mr. Gurtler asserted that the Water District knows when some one moves in and that the Board should consider this and could have gotten the meter readings to prove it.

Andy asked about what we do for others who go out of town for a couple of months each year and would ask that the numbers be changed to reflect the actual usage?

Terra noted that the business risk is understood and that the market works out. Mr. Gurtler disagreed and his understanding is a matter of fairness of what actually goes into the sewer.

Terra felt it was not possible to recalculate and is sympathetic, but would not support adjusting the bill.

PETER BERRY - Moved to deny Mr. Gurtler's request. ANDREW MAGEE – second.
UNANIMOUS VOTE

Andy asked about an occupancy permit A and B to address this and have the Manager look into it.

TRANSPORTATION ADVISORY COMMITTEE, OVERSIGHT MEETING

Franny Osmond talked about what the committee as been working on this past year. They are reviewing Site plans and MBTA Garage and shuttle possibilities. She noted that during the last couple of years they kept applying for funding and what would happen is that they needed money to plan because they would only fund service not planning. They asked town meeting for \$20,000 to fund a planner to actually complete the application for funds. The applications will be complete by the due date in February and then they support service in the fall of 2009. Franny spoke about the on-line survey and urged people to go on line and fill it out.

They also helped to get us a new bus in addition to Road Runner we now have a new bus for the Council on Aging, thanks to David Sharfarz, our Representative to LRTA.

TAC applied for a grant in July through MAPC and MPO and they are trying to coordinate a better way to transport people all over the place. They will have a funding round and that in June asked for Grants and she was able to put together an application to ask for \$10,000 to be matched by the Town. Franny spoke about a plan to issue a voucher system with a taxi cab company. We received the grant and will report as she finds out more. This will help people who currently use the vans such as the elderly and handicapped persons.

They will have openings and are looking for volunteers.

In the future applying for the Suburban Mobility Grant. She felt we need to know what we want from transportation, and what we need. Franny said that there is support for transportation. Franny said we need to speak with other communities and noted some have already joined Montachusets Group, another regional organization.

Peter asked about the Globe NW and that MAPC is providing bike racks and asked if she was aware of this. Peter was a supporter for biking. Lauren noted the requirements. Franny will bring it to the committee for review. Peter asked about the status of the State Sponsored lot expansion. Franny said that they have discussed it and asked for people to bring questions for the Board of Selectmen to ask the State. Lauren noted the current status is Paul Hadley from the State is looking toward the platform as it is reconfigured for double tracks. Lauren felt we need to have a task force made up of residents, BOS and pose some of these questions and studies that need to be done.

Paulina thanked Franny for her work and noted that whenever we get monies we want to be sure what we are trying to accomplish. Paulina noted the big picture is setting up the shuttle. Paulina urged Franny to try to stay focused and not to delay other projects.

Andy agreed with Paulina about grants and matching funds and to let us know as soon as possible as we are budget building. Andy noted that they are down 3 members; he felt she could find members as soon as possible from all the people interested in transportation issues.

Terra felt that our tendency to accommodate the moving people needs to be rethought. It seems that we should think about how not to move people, instead of always focusing on how to move people around. Why not make Acton a great place to live and work and play and stay, and create ways that we can walk to the things that we need, so that we're not in an ever ending cycle of transportation, which even if it's mass transit, it burns carbon. She suggested using technology funds and our free access to internet service through the cable

companies for teleconferencing facilities. Terra made the point that we should separate "need" from "want" when doing our market studies, including the transportation study. Terra made the point that there aren't a lot of letters asking for shuttle services. She noted only one letter asking for specific help since she'd been elected; a blind person who needed to get transportation from the train to his work and she offered to drive the person anytime, day/night, every day, if necessary and the Board never heard back from him. She noted that the voucher program could help someone like him.

VALENTINE CONSERVATION RESTRICTION, 566 ACTON STREET, CARLISLE, 10 ACRES IN ACTON

Robert Tuchmann representing the Valentine's came before the Board to discuss his clients offer. They are currently doing estate planning and are hoping to keep open spaces when they create building lots. They will reduce the number of units to be built. And wanted to speak about the 10 acres. They have submitted the Conservation Restriction and will have 17 house lots; hopefully they will not be seen from the Road. They want the Town to accept the 10 acres which will not be built on.

Andy said the Open Space Committee had looked at this land.

Terra spoke about sending a letter to the Valentine's to thank them for the offer.

Peter said he had no problems and asked about the path and it was indeed private land.

Paulina spoke in favor of accepting this gift.

Jim Snyder spoke about the walking of the easement and connection to the Bay Circuit Trail easement. The trail avoids the water in the area and may need a small board walk at the connection to the Bay Circuit Trail.

ANDREW MAGEE – Moved that we accept and sign the restriction documents, and further to write a letter to the Valentine's thanking them for their generous gift.
PAULINA KNIBEE – second **UNANIMOUS VOTE**

SIDEWALK COMMITTEE, OVERSIGHT MEETING

Paulina outlined the committee's accomplishments and plans. Central Street is the highest importance at this time. Paulina noted the attached sheets with the status of projects and hoped that they will get all the easements. Paulina spoke about funding and asked town staff to look over the costs for funding the projects. Paulina noted that it will be 25% less if the town crew builds them, but they will need to have time for the Town to construct them.

They are working on design guidelines and hope to have a document on how we feel sidewalks are to be built. The committee will look at four different types of sidewalks.

They have worked with the Town Departments and spoke about interfacing with the other Boards on sidewalk issues.

Peter noted that when he was running for the Board sidewalks were the issues that were brought to his attention.

Terra expressed the hopes that the Sidewalk Committee can increase the importance of "residential density" so it becomes the highest criteria for sidewalks. She noted the recent accidents on route 2A where there are thousands of people living within a mile.

Terra asked about Paulina's continuing to serve as the Chair. Paulina outlined her plans to gradually step down. She founded the committee in as the Chair for the first year (2007-2008); she is currently co-chair with Kate Chung (2008 – 2009); she plans to step down to liaison next year (2009- 2010)

Terra expressed a concern that the list be looked at periodically to make sure that it still meets with the town's priorities, given new information, such as accidents on Route 2A. Dore' Hunter, Foster Street, urged them not to change the list.

Franny Osmond thanked the Sidewalk Committee for their work. Franny asked about berms and granite curbs and urged them to install them to make the sidewalk safer.

SELECTMEN'S BUSINESS

ALG UPDATE

Next meeting is this Friday, 7:00 am. Lauren said she feels we need to review our items for discussion at the ALG and asked the Board for input. FY10 is looking quite bleak. Lauren asked Steve for an update on the town budgets and sharing revenue between town and schools. Steve said they have had the meeting to discuss the budgets and capital projects. Steve said we need to look at our assumptions and to look at our reserves and not using any funds for FY10 until we see what is going to happen. Steve noted that staff requests are legitimate.

Terra recommend that we consider as a board recommending to voters that we not assume salaries are going up 4.5 percent, and freeze critical services and teachers hiring. Terra also wanted a grounds-up with employees of were the town could be saving money and cost savings. Steve said he had a program in Sudbury and did reward good ideas. Terra asked that a line item in the spreadsheet be added for Senior tax Relief.

Dick Calendrella asked how to participate in the ALG Process. Lauren said they consist of representatives and they go and they do not vote, they have a facilitator to get a win win way to address the issues. Public input is accepted. This is an open and transparent group.

Dore' Hunter, Foster Street, noted that ALG has been going on for 20 years and it is not new. Dore' felt Steve's move to freeze budgets was a good decision and asked what happens at 5%, 10% or 15%. Dore' is concerned about public comments that we are going the violate the collective bargaining. We have an obligation to the units to bargain fairly. Peter spoke about

Mr. Calendrella's request to find out more about budgets and suggested that the press let people know and perhaps have some charts on the Cable channel. Lauren will draft an article to that affect.

Lauren noted a clear need for those on fixed incomes need help and we might look at donations and other charities especially this year with the increased need for fuel assistance.

REQUEST TO ESTABLISH A POLICY REGARDING QUORUMS OF THE BOARD WHEN CONDUCTING TOWN BUSINESS WITHOUT A MEETING BEING POSTED

Paulina drafted a summary motion based on our last meeting. Lauren discussed the policy point by point. (add the draft motion from Paulina)

Andy noted the difficult situation of what happened at these meetings. If that meeting is a posted meeting the public gets the same info they the committee attendees get. Andy liked posting as an informational meeting and asked that Town Counsel review this to make sure it is legal.

Peter noted his concerns about the Open Meeting, post the meeting, and that no Board of Selectmen business discussed.

Lauren talked about the 48 hour notice, and with the whole idea of so many meetings thinks that the informational meetings that leave the person who did not attend as at a disadvantage. Steve was asked to write Counsel

TERRA FRIEDRICHS – Moved to approve this policy pending counsel review. PETER BERRY – second. Paulina wanted to know the policy is reviewed by counsel before we vote this policy. *Terra withdrew her motion.*

ROBBINS BROOK RETIREMENT COMMUNITY, 888, 900 MAIN STREET, EXTENSION OF SITE PLAN, #11/18/98-366

The request will be continued for 3 months because of the need to review further and to negotiate an easement. Jim Snyder looks forward to continuing this to a successful completion. ANDREW MAGEE - Moved to extend to December 15, 2008. TERRA FREIDRICHS – second. UNANIMOUS VOTE

OTHER BUSINESS

Town projects for CPC Draft of what we will be looking at

April Town Meeting consider a proposal to have legislation to pay the difference of salary of military persons if they served overseas. Veteran's Day was also noted.

Andy spoke about the Wednesday presentation of the 25% design on BFRT.

Terra asked about having the unnumbered mail packet available on line. She also spoke about Verril Farm.

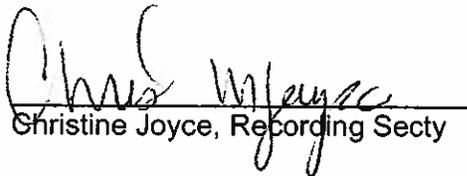
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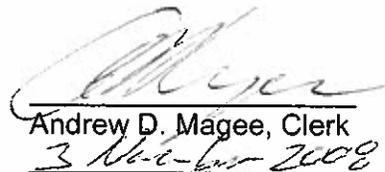
9 hold 10 hold – ANDREW MAGEE - Moved to accept the Consent Agenda with the exception of numbers 9 and 10. TERRA FRIEDRICHS – second. UNANIMOUS VOTE

#9 Bella Familia site plan draft decision. Paulia wanted to note the removal of the next step of the new site plan. The Board wants Mr. Motzi to come in to discuss this. Staff to Copy Mr. Motzi further to have him come to the before the BOS at a time specific and ask him to get DRB recommendation on the way the building will look if he takes their suggestions.

#10 3.2. the Board wanted the modified Design Review Board wording changed. Andy wants to review it and handle it in the same fashion as Bella Familia Amendment. The Board asked the proponent of 133 Great Road get the DRB's feedback and come back before the BOS.

EXECUTIVE SESSION


Christine Joyce, Recording Secty


Andrew D. Magee, Clerk
3 Nov - 6 Nov 2008
Date