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

**March 23, 2009**

**Acton Town Hall, Francis Faulkner Hearing Room**

**7:00 P.M.**

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

## **CITIZENS' CONCERNS**

Mr. Calendrella, Notre Dame Road spoke about a letter from Senator Eldridge. He wanted to go on record he does not agree with the contents of this letter.

## **CHAIRPERSON'S REPORT**

Town Meeting will begin at 7:00 April 6, and to probably continue to April 7<sup>th</sup>. Town Meeting will be continued to April 13<sup>th</sup> so as to address W.R. Grace Articles.

Staff has met with the proponents of Next Generation Day Care regarding their proposal for the Kennedy nursery parcel.

West Acton Office of Michael Rosenfeld (OMR) will be expanding on their property.

Lauren reminded every one that we are one town and that spirited debate is encouraged if it is respectfully done.

## **OPERATIONAL MINUTE**

Steve wanted to report on his meeting with Lauren and Steve Joncus. We have agreed to extend the lease to 2010. They offered to set up meetings with banks that may be interested in investing in the project and community.

ESP is a new funding program for Police (CHIPS); it is like the Cops Fast Grant. It would pay the base salary for three years and any steps or other costs we would pay. We are obligated to hire the person after the third year. He and the Chief are looking into this and they have questions on how this will impact Acton as we have the Quinn Bill.

## **SELECTMEN'S REPORTS**

Andy reported that WRAC is a now a new 7 person board and will be meeting Wednesday to get a mission statement prepared.

Paulina noted that there will be a public information meeting on potential negotiations with W.R. Grace.

Terra noted the Green Advisory Board is scheduled to meet April 1. She reported on EDC.

South Acton Parking Deck Committee - Peter noted that the committee will gather information regarding the parking deck; they have met and they have put together a lot of questions. There will be representatives from MBTA attending the meeting in this room on Thursday.

## **PUBLIC HEARINGS & APPOINTMENTS**

### **SCHOOL COMMITTEE BUDGET PRESENTATION**

Jon Chinitz, Heather Hare and Bill Ryan were present to discuss the School budget. Bill went through the handout of assumptions they had prepared. Bill discussed the budgets, Stimulus money and that Chapter 70 money may be increasing. They are hoping that the money from SPED will become a base for the Grant and that it will be for the base moving forward. Bill also went over the structural improvements. Bill asked that the Board recommend their budget.

Lauren thanked Bill for his years of service.

Peter asked about the enrollment and Boxboro's keeps going down.

Andy asked about SPED assessment and the Level one reductions.  
Andy asked about Slide 23 - proposed increase for SPED Grant.

Terra doesn't feel it is the BOS role to recommend School Budgets. She said she cannot vote to recommend the budget unless she does more work.

**PAULINA KNIBBE** – Moved to Recommend the Acton Public Schools Budget. **ANDREW MAGEE** – second. 4-1 Terra Abstained, Motion Passes. Paulina said that Town Meeting expects us to vote on Article 16 School Budget. Terra wanted to begin in May discuss long range planning.

**ABRSD BUDGET** – **PAULA KNIBBE** – Moved to recommend the Acton Boxborough Regional School District Budget. **ANDREW MAGEE** – second. 4-1 Terra Abstained. Motion passes.

Andy commented that to answer every question we would need to be a School Committee Member and we need to trust their decision. There have been many discussions regarding the budget.

Peter said we have the best school system with the size of our budget.

Douglas Roof Project - **PAULINA KNIBBE** – Moved to recommend. **ANDREW MAGEE**-second. **UNANIMOUS VOTE**

### **SPECIAL USE PERMIT, 02/09/09-418, 30 SUDBURY ROAD, SUDBURY ROAD REALTY TRUST**

Lauren read the notice and opened the hearing. She had asked the applicant to let the meeting with the School continue and that they would take up his appointment at the conclusion of that meeting. Mr. Orcutt agreed.

Mr. Orcutt outlined the request for a Special Use Permit at the proposed Training facility. Andy spoke about hours of operation for the proposed facility. Mr. Orcutt said that he did not want to tie the hands of the tenant by limiting hours at this time, but noted it would be mainly an early morning operation. Lauren said we could address this and amend latter if it became an issue. TERRA FRIEDRICHS – Moved to close the hearing and take under advisement. ANDREW MAGEE – second. TERRA FRIEDRICHS – Moved to have a draft for the Consent Agenda on April 7<sup>th</sup> for signature. ANDREW MAGEE – second. UNANIMOUS VOTE.

### **TREE REMOVAL HEARING, SPRUCE STREET**

Lauren read the hearing notice and asked Dean Charter to outline the purpose of the hearing. Dean said that the initial hearing is held by the Tree Warden. If any objections are raised it gets turned over the Board of Selectmen for disposition. There was an objection on the removal of a tulip tree, so the Board is to make the final decision.

Lauren said that we need to have safety. The Sidewalk Committee reviewed this last year and it was decided that it needed to be the made safe. She encouraged people to ask the land owner to let the sidewalk be built behind the tree.

Elizabeth Franklin said the side walk violates ADA regulations and it needs to be fixed. The Commission on Disability is in support of the repair.

Mike Klinger said it would be too close to their house if the sidewalk was removed behind the tree. He spoke about the Mr. Doolittle's review of the situation. Mr. Smith asked about any other alternatives to make improvements to the sidewalks. Dean said they had discussed this with Bruce Stamski. Mr. Smith asked that they research any ways.

TERRA FRIEDRICHS – Moved to continue this until more alternatives can be researched and to continue to May 4<sup>th</sup> at 7:30. ANDREW MAGEE. UNANIMOUS VOTE

Peter asked Dean for a cost for the removal. He said it would cost \$500.00

Andy noted that he supports that we look at the different options.

Paulina is in support of continuing the research into exploring whether we can keep the tree.

### **SITE PLAN SPECIAL PERMIT, 02/20/419-2/20/09-419, 59 GREAT ROAD, BELLA FAMIGLIA**

Lauren read the legal announcement and opened the hearing. It was then rescheduled at the Applicants request to April 27, at 8:40. ANDREW MAGEE – Moved to approve. PAULINA KNIBBE – second. UNANIMOUS VOTE.

### **MINUTEMAN REGIONAL VOCATIONAL SCHOOL ASSESSMENT PRESENTATION**

Charles Olmstead presented the Minutemen Vocational School Assessment Article for Board's vote. The Assessment will go down this year because of lower enrollment. The assessment is expected to be \$710, 730.00. They have reduced their budget by trimming the budget. The ESCO contract for Boiler and windows will be an agreement with Sieman's and we will not have to pay for these replacements and improvements.

Peter asked if any stimulus monies for regional schools have been received. Mr. Olmstead said no.

PAULINA KNIBBE – Moved to Recommend the Minuteman Budget. ANDREW MAGEE-second. UNANIMOUS VOTE

## **FARMERS MARKET REQUEST TO USE PEARL STREET**

Jennifer Taylor spoke about starting a Farmers Market and has chosen West Acton as their primary location. She asked about fees and possibility of tiered fees. She felt it will bring the town together.

Lauren spoke about Doug Halley's comments from the Board of Health's standpoint.

Paulina said it was a great idea. She said that looking at it as a Selectman, she asked about the farmers coming to Acton? Jennifer said that they have received a lot of interest in working with the group.

Andy noted a concern from farmers in Acton. He is also concerned with Haymarket effect. Jennifer said the rules state that you have to grow it.

Peter said it is an asset to the community. He supports this proposal to keep us sustainable.

Terra spoke about parking on Sunday and people are not expecting all the detail to be figured out and that they feel comfortable letting it go forward. She has draft motion to present and discussed it. Lauren said it is a good start and we can make a recommendation regarding Board of Health fees after further review. Lauren said one thing we need to do is see rules and regulations. She asked that a list of Board members be submitted to us. Lauren asked about the liability insurance and can the town be named on the policy. Jen said they have insurance and they require at least one million to participate in the market and it includes the Town of Acton the have the insurance through the Organization for Farmers Markets.

Sean Toweey supports this and commented this is a very well researched.

Lauren spoke about the need for police details. Lauren asked if they had spoken with the business owners in W. Acton in regard to parking. They have reached out and have spoken to the businesses. Lauren said the Board of Health fees concern her. ANDREW MAGEE – Moved to Recommend in principal and approve this farmers market for the start up dates with Terra's amendment to close Pearl Street. TERRA FRIEDRICHS – second. UNANIMOUS VOTE

Suburban Mobility Grant Application – Lauren discussed the application proposal to MAPC, and the main object is for cleaner air and how we will reduce pollution.

Terra wanted to hear about carbon foot print and calculations of how much we are saving.

Paulina said that it is a project that has been in the works for years and has no concerns in supporting this. PAULINA KNIBBE – Moved to submit ANDREW MAGEE –second. 4-1 Motion Passes, Terra abstained and she does not believe the claims in the application.

**WARRANT DISCUSSION**

**SELECTMEN'S BUSINESS**

**ALG UPDATE**

**BUDGET DISCUSSION**

**OTHER BUSINESS**

**WATER DISTRICT INTERDEPARTMENTAL AGREEMENT**

This request reflects a change in the State Law which allows us to enter in to Inter-Municipal Agreements. This agreement is for the use of the Town's Automated Call system so that the District could give notice of water outages and repairs. The cost has been negotiated to \$5,000 per year, and would have the Town receiving no payments until the fourth year as we have outstanding liability of \$15,000 with the Water District. ANDREW MAGEE – Moved to approve. TERRA FRIEDRICHS – second. UNANIMOUS VOTE

**CONSENT**

ANDREW MAGEE – Moved to approve. PAULINA KNIBBE – second.

Terra noted that she wanted #18 held. She noted that the DRB objects to the statement in the decision saying the site plan was in compliance with the Master Plan. PAULINA KNIBBE – Moved to approve with #18, and the inclusion of Terra's comments. PETER BERRY – second. 4-1 Motion passes. Terra Abstained.

Extra Consent ANDREW MAGEE – Moved to appoint Conor Nagle to the Design Review Board with a term to expire 6/30/11. TERRA FRIEDRICHS – second. UNANIMOUS VOTE

**EXECUTIVE SESSION**

ANDREW MAGEE - Move to enter in to executive session to discuss Collective Bargaining negotiations

Roll-Call taken, All Ayes, Regular Meeting adjourned only to return to regular session to adjourn.

  
Christine Joyce/Recording Secty

  
Andrew D. Magee, Clerk  
Date: 17 Apr. 7 2009