

Final

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

**December 20, 2010**

**TOWN CLERK, ACTON**

**Acton Town Hall  
Francis Faulkner Hearing Room  
Meeting begins at 7:00 P.M.**

**CITIZENS' CONCERNS**

Tom Michelman thanked the Board for allowing the use of Room 204 for Mary's Memorial on the 29th.

He also came in to speak about the Bruce Freeman Rail Trail Route 2 crossing that the Board will hear about later in the meeting. Between the options of bridge and tunnel, he personally supports the bridge option. He said the tunnel would cost millions more than the bridge. He added that the members of the Friends of BFRT were in support of the bridge.

**CHAIRPERSON'S UPDATE**

Ms. Rosenzweig Morton announced Mary Michelman's death on the 17<sup>th</sup> and requested a moment of silence to reflect upon Mary's good deeds and volunteering in the community.

Ms. Rosenzweig Morton announced that she will not be running for re-election and would be happy to speak to anyone about serving

**OPERATIONAL MINUTE**

Mr. Ledoux said that the tax rate has been approved

**PUBLIC HEARINGS & APPOINTMENTS**

**ALBERT KONG – ENERGY PRESENTATION**

Students Albert Kong, Vrinda Agarpal and Shilpa Bhat did a slide presentation on Phantom Load, which was part of the Siemens challenge. Ms. Rosenzweig Morton thanked them for the very good presentation.

Ms. Friedrichs asked about how they came to know of the Siemens challenge. She had provided suggestions on what to study and was interested in how they came to pick the topic.

Mr. Gowing suggested a baseline for the wattage that is used today and comparing the wattage next year.

Final

Ms. Adachi asked about the labeling on items that produce phantom loads. They said such information is not yet on most labels.

Ms. Harting-Barrat suggested they contact EPA to discuss this project.

### **HANNA RAY, ACTON COFFEE HOUSE, INC., 340 GREAT ROAD, COMMON VICTUALLER LICENSE**

Ms. Ray currently is allowed to open with 18 seats if she uses paper products. Board members discussed the Title 5 limit on the number of seats and the Board of Health requirement of paper plates and plastic service ware in lieu of the ceramic mugs that predecessor Café Ziba used. Ms. Ray will be installing water-conserving toilets and taking other action to conserve water. She said she would not exceed the water use of the prior licensee. She will not make food on-site. The Board suggested that Ms. Ray track actual water usage and provide the information to the BOH to see if the BOH would allow an increase in seats.

Joanne Bissetta of the BOH explained that Café Ziba was found to have been operating with excess seats in violation of its permit; the new owner sought 24 seats, but the BOH limited seating to 18.

Ms. Harting-Barrat suggested that Ms. Ray could sell mugs that customers could re-use.

At Ms. Friedrichs' suggestion, the Board voted to ask that the BOH at some point revisit the permit based on actual water usage.

Ms. Friedrichs - Moved to approve the Common Victualler License. Ms. Harting-Barrat – second. UNANIMOUS VOTE

### **TOWN MANAGER PRESENTATION OF BUDGET**

The Town Manager made his budget presentation.

John Peterson asked about classification of expenses and wanted the departments' total costs in one place.

Herman Kabakoff asked about the personnel assumption with regard to increases for current employees. Mr. Ledoux said it is 2.75 increase overall

Mr. Kabakoff asked about putting the slide presentation and budget on the Web. It will be done in the next few days. Ms. Friedrichs asked if it would be in Excel. Steve Barrett noted that the budget will be provided in Excel format, if you want a line by line. She also asked for a trending of FTEs like we got last year and felt that should be available from Human Resources. She is looking for percent of revenues spent on capital over time. Mr. Ledoux explained that the first year of labor is defined as capital. Ms Friedrichs said that she wanted to see the capital investment by year, over time, only including things that are considered capital by generally agreed on accounting principles. Mr. Ledoux said we don't cut it that way.

Final

Ms. Friedrichs would like to revisit the "comparable communities." Mr. Barrett said they were selected by ALB based on their tax structure, as opposed to other qualities that the Town may want to emulate.

#### **VOTE TO CLOSE THE 2011 ANNUAL TOWN MEETING WARRANT**

Ms. Adachi – Moved to close the annual warrant on December 31<sup>st</sup> at the close of the business day. Mr. Gowing –second. UNANIMOUS VOTE

#### **CAPIZZI SITE PLAN DECISION REQUEST FOR AMENDMENT TO SIDEWALK CONTRIBUTION. – MUSHROOM INVESTMENTS, INC. LETTER DECLINING CONTRIBUTION TO BUILD SIDEWALKS IN FRONT OF THEIR BUILDING**

There are two issues: one involves the Capizzi site, and the other involves the property next-door, whose former owners agreed to install a sidewalk but never did. The property next-door is not on the agenda.

Amendment to Capizzi Site Plan – The Applicant has asked to reduce the sidewalk contribution under paragraph 3.2.1. The options were to build the sidewalk or donate the money to the Town, which would have it built, but the owner wanted to give less money.

Mr. Gowing felt it was not a good idea to make an exception. This applicant could build it himself at cost as he is in the business and could save money. All agreed  
Mr. Gowing - Moved to deny the request. Ms. Friedrichs - second UNANIMOUS VOTE

The Board decided to defer discussion of the next-door property to another meeting once Town Counsel reviews. Mr. Gowing would like to discuss at the next meeting and invite the owner of the property to be present (Ms. Rosenzweig Morton said she had called the property owner to let him know we would be talking about this tonight). Ms. Harting-Barrat – second. UNANIMOUS VOTE

#### **COUNCIL ON AGING REQUEST FOR DIRECTIONAL SIGNAGE, HIGH STREET AND HIGH AND AUDUBON HILL.**

Sharon Mercurio, the Director of COA spoke about the need for signage to direct people from Main Street to High Street. They also want one at High and Audubon Hill, and one at the driveway entrance to the Senior Center off Audubon Drive. It will help to bring attention to the fact we have a senior center.

Ms. Rosenzweig Morton said that she was contacted by a person about the sign at High and Main Street. Ms. Harting-Barrat said they need better lighting so that drivers can turn more safely. Ms Friedrichs agreed that signs were required, and hoped that they would be wooden signs approved by the Historic District Commission, even though not all of them would be in the historic district. She was interested in all of the signs looking alike and added that three might be more appropriate, including one before the bridge going south on Route 27, one after the bridge at High St.

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She said a friend had visited Acton. The friend said we had too many metal signs, seemingly three for every crosswalk, one warning that a crosswalk was coming, one giving a second warning, and then one at the crosswalk pointing to the crosswalk. She said that she agreed with the friend that we have too many signs. But felt that the Senior Center directional signs could be unobtrusive, if designed out of wood and looked like the plaques in the Historical Commission's new plaque program.

The Board is in favor of lighting and HDC input for the signs in the district and it would be good to have additional lighting for the left turn in to the COA .

Ms. Friedrichs - Move to approve installation of signs and to include a light at the drive way. Ms. Harting-Barrat – second UNANIMOUS VOTE

### **SOUTH ACTON TRAIN STATION UPDATE**

Ms. Rosenzweig outlined the South Acton Train Station progress and need to get funding. The MBTA was willing to accommodate the Town's preference for the dual platforms, to upgrade the train station and bridge going over to the other platform, and to have elevators.

Senator Eldridge worked with the MBTA Manager to separate the track schedule from the station improvements to allow more time for consideration of more historically correct fixtures for the station.

Ms. Rosenzweig Morton would like the Board to Issue a letter showing appreciation that the MBTA made changes in response to the Town's requests and to express the hope that the MBTA will continue to work with HDC and HC going forward.

Ms. Harting-Barrat said that Senator Eldridge had worked very hard on this issue with the MBTA, which responded that they can't fund it. She noted the beautiful renderings by Ron Rose and David Honn of the station by as it could look.

Mr. Gowing said that the MBTA could separate the station design from the rest of the project but still needs a funding grant to continue the double tracking. The Board in its letter should support the double tracking effort and continued MBTA work on the station design, which meet the Town's needs on station design while also allowing the MBTA to move forward with the double-tracking project. Ms. Adachi said if the MBTA says it does not have the money for the preferred station design, Town residents may need to consider finding additional funding—not from the Town but grants, etc.—if they really want the preferred design.

Michaela Moran wished to address misconceptions that may be floating around. The Section 106 review is done by the State. HDC was appointed by MHC to be the local representative on this issue. She feels we are looking at a station that we will have for the next 50 or 100 years and noted it must be accessible.

Ms. Rosenzweig Morton suggested that maybe the MBTA Architects could meet with the local architects Rose and Honn .and with HDC to have a dialog as to what can be accommodated within the MBTA's budget and ways to get funding and change the design to be more compatible with the neighborhood.

Final

The Board agreed that its letter should address the following points:

1. Accessible
2. Project moving forward
3. We encourage continuing dialog with our HDC and MBTA architect to make changes as feasible
4. Look into funding from the Historic District

Mr. Gowing - Moved to include the four issues Town Manager to prepare a letter for the Chair's Signature. Ms. Friedrichs - second and wanted to be sure that we continued to include HDC in the process. UNANIMOUS VOTE

### **BRUCE FREEMAN LETTER REGARDING PHASE B.**

Mr. Bartl did a slide presentation on the two options for crossing Route 2: bridge or a tunnel. The tunnel would be very expensive, but was the Board's preference when the Board considered the issue earlier.

Ms. Adachi asked why the Board previously had preferred the underground tunnel—to serve as a wildlife passage? Ms. Rosenzweig Morton said there was concern about the visual impact of the bridge. Mr. Bartl said that a wildlife tunnel must be separate from a tunnel for people. He said he State Police were concerned about the security of the tunnel. Ms. Adachi said that a portion of the finished BFRT was a short tunnel, and that biking through it, even in broad daylight in the company of other bicyclists, had made her a bit uncomfortable.

Ms. Harting-Barrat preferred the overpass and felt that she would not want to go through the tunnel with the animals that might use it. The terrain of the dip on Route 2 makes it more viable for the overpass. She liked the red-railing photo-shopped bridge shown in one of Mr. Bartl's slides.

Ms. Friedrichs spoke about view of coming up the hill and around to see the fields, she wanted to see the bridge photo-shopped into different locations. Roland said he did not have photo shopping capabilities, nor the budget for it.

Ms. Friedrichs felt we do not need to make any decision this evening, and wanted to have the input of residents from that area. She felt that we should not be telling the state that we want an overhead without seeing a commitment on design. Or we'll end up in a situation like the train station again, where they have a different idea of what a bridge would look like, and they proceed on design and making contracts and budgets without asking us if we like their ideas.

Ms. Friedrichs noted a wildlife crossing in Boston that needed moonlight, and wondered if the wildlife crossing costs would be less if the underground option were chosen.

Ms. Rosenzweig Morton wanted the proponents to come to us before they begin their drawings, and maybe have officials and others from Concord join us for a Joint public meeting to discuss this.

Final

Ms. Adachi – Move to write letter we are in favor of bridge plan for BFRT and request joint meetings of Concord and Acton and Designers of the project. Ms. Harting-Barrat – second 4-1- Ms. Friedrich, Nay, Motion Passes

The State is waiting for the towns' opinions. Mr. Bartl will update the Board

## **LETTER TO THE WATER INFRASTRUCTURE FINANCE COMMISSION**

The letter has been redrafted to list issues separately. Barry Rosen summarized the issues in a separate communication and his comments will be an attachment to the Board's letter.

Ms. Adachi said we need to communicate with a broad brush about what we have observed in Town and the fundamental concerns that the Town has. She suggested modifications to the first page of the draft letter in response to some of Ms. Friedrich's written comments..

Mr. Gowing noted that as Barry Rosen's letter says, we need to look at this as a multi town approach

Ms. Adachi – Move to submit with changes to the discussion of septic tsystems. 4-1 Ms. Friedrichs –Nay, Motion Passes

## **SELECTMEN' S REPORTS**

Ms. Friedrichs – updated the Board on the Cemetery and potential use of the Fish and Wild Life building. Mr. Ledoux also updated the Board on this subject. EDC thanked the Board for the uniform tax rate vote. HC and HDC – Parlin House to appear before CPC. Demolition delay, Robbins Street

Mr. Gowing reported TAC is developing marketing issues around the shuttle and will use the newspaper to expand the knowledge base on the shuttle. He reported on a web-based transportation scheduling tool they went to see. COA Charter changes. HDC scanning project is done for now. Frank Ramsbottem was thanked for taking the lead. HDC minutes are done Health Trust backed off 9% To 8%.

Ms. Rosenzweig noted the Route 2 Rotary meeting was cancelled. At MAPC she has signed on to be on the Committee. She mentioned CLURPA and said that communities need master plans but the cost is burdensome to small communities. Ms. Harting-Barrat and Ms. Friedrichs will look into scheduling CLURPA meetings/workshops in Town.

Ms. Harting-Barrat provided an update on the Sidewalk Committee.

Ms. Adachi reported that the Green Advisory Board is in the process of collecting data on energy usage in Town buildings.

On Sunday, Ms. Adachi attended a breakfast presentation on hate and hate crimes at Temple Beth Elohim. The lecturer was Prof. Jack Levin of Northeastern. Ms. Adachi will attend the Eagle Scout Court of Honor for Matthew Hoatling on Wednesday.

Final

**CONSENT**

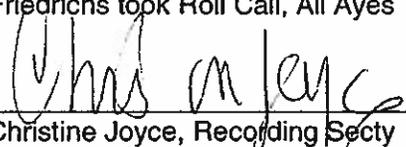
Ms. Friedrichs asked to hold #15 – Satellite Lot

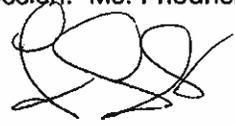
Ms. Friedrichs asked about the use of the lot by residents and non-residents. It is currently split between residents and non-residents. It is only for those holding a sticker for the service.

Ms. Harting-Barrat Moved to approve including #15, Mr. Gowing - second.  
UNANIMOUS VOTE

**EXECUTIVE SESSION: THERE WILL BE A NEED FOR AN EXECUTIVE SESSION AT THE CONCLUSION OF THE MEETING REGARDING QUAIL RIDGE COUNTRY CLUB**

Ms. Harting-Barrat - Moved to go in to Executive Session. Ms. Friedrichs – second. Ms, Friedrichs took Roll Call, All Ayes

  
\_\_\_\_\_  
Christine Joyce, Recording Secty

  
\_\_\_\_\_  
Clerk

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'**  
**MEETING AGENDA**

*Francis Faulkner Hearing Room*  
*December 20, 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
2. 7:10 **OPERATIONAL MINUTE**  
The Town Manager will provide a brief report
3. 7:20 **ALBERT KONG, SIEMEN'S CHALLENGE, ENERGY PRESENTATION**  
Enclosed please find materials in the subject regard
4. 7:40 **HANNA RAY, D/B/A ACTON COFFEE HOUSE INC. (FORMER CAFÉ ZIBA) FOR A COMMON VICTUALLER, 340 GREAT ROAD**  
Enclosed please find materials in the subject regard
5. 7:55 **TOWN MANAGER WILL PRESENT HIS BUDGET**

**III. SELECTMEN'S BUSINESS**

6. **VOTE TO CLOSE THE ANNUAL TOWN MEETING WARRANT AT THE CLOSE OF BUSINESS, DECEMBER 31, 2010**
7. **CAPIZZI SITE PLAN DECISION REQUEST FOR AMENDMENT TO SIDEWALK CONTRIBUTION**  
Enclosed please find materials in the subject regard
8. **COUNCIL ON AGING REQUEST FOR DIRECTIONAL SIGNAGE ON MAIN AND HIGH AS WELL AS HIGH AND AUDUBON HILL**  
Enclosed please find materials in the subject regard
9. **SOUTH ACTON TRAIN STATION UPDATE**  
Enclosed please find materials in the subject regard

10. **LETTER FROM THE CONCORD BOARD OF SELECTMEN REGARDING PHASE B OF THE BFRT (ROUTE 2 CROSSING)**  
Enclosed please find materials in the subject regard
11. **LETTER TO THE WATER INFRASTRUCTURE FINANCE COMMISSION**  
Enclosed please find materials in the subject regard
12. **SELECTMEN'S REPORTS**

#### **IV. CONSENT AGENDA**

13. **ACCEPT MINUTES, BOARD OF SELECTMEN, JULY 26, SEPTEMBER 27, OCTOBER 18**  
Enclosed please find materials in the subject regard
14. **NATIONAL GRID GAS MAIN QUARRY ROAD/GRANITE ROAD PERMISSION TO INSTALL GAS MAIN TO SERVICE THE NEW RENTAL HOMES ON THAT CUL-DE-SAC**  
Enclosed please find materials in the subject regard. No Hearing required
15. **LICENSE AGREEMENT, MT. CALVARY LUTHERAN CHURCH, SATELLITE SHUTTLE LOT LEASE**  
Enclosed please find materials in the subject regard (added after posting to allow plowing of the lot due to impending snow)
16. **COMMITTEE APPOINTMENT, BRUCE RACHMAN, ASSOCIATE MEMBER, LAND STEWARDSHIP COMMITTEE, TERM TO EXPIRE 6/30/11**  
Enclosed please find materials in the subject regard
17. **ACCEPT GIFT, NURSING SERVICE**  
Enclosed please find a gift \$1,000.00 from Bernard and Helen Strauss to be used by the Acton Nursing Service
18. **ACCEPT GIFT, NURSING SERVICE**  
Enclosed please find gifts totaling \$75.00 received in memory of Donald Spencer to be used by the Acton Nursing Service
19. **ACCEPT GIFT, RECREATION DEPARTMENT**  
Enclosed please find a gift of \$4,000.00 from Roche Bros., Inc. to be used to support the Summer Concert Series Beach Party
20. **ACCEPT GIFT, WEST ACTON CITIZENS' LIBRARY**  
Enclosed please find a gift of \$2,200 from the Friends of the Acton Libraries, and \$50.00 from Edith Hill to be used by the Director and Trustees
21. **DISPOSAL OF OBSOLETE MATERIALS MEMORIAL LIBRARY**  
Enclosed please find materials in the subject regard

## **V. EXECUTIVE SESSION**

There will be a need for an Executive Session to discuss Real Property, Quail Ridge Country Club

## **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

### **JAN 10**

Amy Barnett Dog Hearing (*Continued*)  
Liquor License Transfer, Savoury Lane

### **JAN 8, BUDGET SATURDAY**

## **MINUTES PENDING VOTES**

September 13, October 25, November 1, 8 and 22, December 6 & 13

## **PENDING COMMITTEE APPOINTMENTS**

David Keene – Green Advisory Committee – sent to VCC 9/28 (out with Selectmen Liaison JA)  
Brad Friedman – Green Advisory committee Sent to VCC (out with Selectmen Liaison JA)  
Pam Lynn – Historic District Commission-- sent to VCC 9/16 (out with Selectmen liaison MG)  
Remo Politano – Several Committees will come back to VCC with decision 11/8/10  
Steven P. Leo – Recreation Commission sent to VCC 11/19/10  
Michael A. Luongo - Board of Appeals, Board of Health, Application sent to VCC

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## Agenda

- Properties
- Add to Favorites

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<input type="checkbox"/>	Type	Title	Owner	Edited	Size	Actions
<input type="checkbox"/>	PDF	<b>010 Agenda, Board of Selectmen, December 20, 2010</b> Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	12/17/10	130 KB	
<input type="checkbox"/>	PDF	<b>020 (3) Albert Kong, Presentation Phantom Load</b> Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	12/17/10	561 KB	
<input type="checkbox"/>	PDF	<b>030 (4) Common Victualler License, Hanna Ray d/b/a Cafe Ziba, 340 Great Road,</b> Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	12/17/10	316 KB	
<input type="checkbox"/>	PDF	<b>040 (7) Capizzi Site Plan Request to Reduce Sidewalk Contribution</b> Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	12/17/10	707 KB	
<input type="checkbox"/>	PDF	<b>050 (7) Materials from Mushroom Investments, Inc. Regarding Site Plan Requirment to Build a Sidewalk at 836-838 Main Street</b> Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	12/17/10	867 KB	
<input type="checkbox"/>	PDF	<b>060 (8) Request from the COA Director for Directional Siganage at the Senior Center</b> Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	12/17/10	159 KB	
<input type="checkbox"/>	PDF	<b>070 (9) Estimated Costs for Proposed Changes to Acton Station</b> Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	12/17/10	616 KB	
<input type="checkbox"/>	PDF	<b>080 (10) Town of Concord's Letter and Staff Response, Bruce Freeman Rail Trail - Phase 2B - Bridge vs. Tunnel</b> Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	12/17/10	348 KB	
<input type="checkbox"/>	PDF	<b>090 (11) Acton Water District's</b>	admin	12/17/10	183	

		Testomony to the Water Infrastructure Finance Commission Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet				KB	
<input type="checkbox"/>		100 (13) Minutes, Board of Selectmen, July 26, September 27 and October 18, 2010 Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	12/17/10	977 KB		
<input type="checkbox"/>		110 (14) Request and Staff Comment, National Grid, Gas Main Petition, 29 Quarry Road Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	12/17/10	241 KB		
<input type="checkbox"/>		120 (15) Shuttle Lease Agreement, Mt. Calvary Lutheran Church, 462 Mass Ave. Shuttle Parking Lot Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	12/17/10	276 KB		
<input type="checkbox"/>		130 (16) Committee Appointment, Bruce Rachman, Associate Member, Land Stewardship Committee Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	12/17/10	120 KB		
<input type="checkbox"/>		140 (17) Accept Gift, Nursing Service Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	12/17/10	22 KB		
<input type="checkbox"/>		150 (18) Accept Gift, Nursing Service Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	12/17/10	25 KB		
<input type="checkbox"/>		160 (19) Accept Gift, Recreation Department Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	12/17/10	30 KB		
<input type="checkbox"/>		170 (20) Accept Gifts, West Acton Citizens' Library Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	12/17/10	114 KB		
<input type="checkbox"/>		180 (21) Disposal of Obsolete Materials, Acton Memorial Library Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	12/17/10	39 KB		