

Final

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**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING
December 6, 2010**

TOWN CLERK, ACTON

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

CITIZENS' CONCERNS

Bob Ingram questioned the status of the Board of Selectmen's Minutes. Ms. Rosenzweig Morton said that they were very close to getting all the back minutes approved by the Board.

CHAIRPERSON'S UPDATE

Ms. Rosenzweig Morton – reminded Committees and Boards about the need to have minutes filed on time. Staff was asked to send a notice to all Board and committees. Ms. Rosenzweig Morton mentioned that there will be a Listening Tour event for State Senator Eldridge Dec. 14th at the Public Safety Building

OPERATIONAL MINUTE

Mr. Ledoux noted that he is close to finalizing the Town Manager's budget for presentation at the Board's December 20th meeting. It was agreed to hold Budget Saturday on January 8, 2011 which gives the Board two meetings for review. The dog hearing may continue to December 20th if we receive the report from the doctor. Mr. Ledoux noted that the Caouette property purchase will close tomorrow.

PUBLIC HEARINGS & APPOINTMENTS

ANNUAL TAX CLASSIFICATION HEARING

Assessor Brian McMullen presented a slideshow about Classification. The State has not certified the numbers as is necessary for the Board to be able to take action this evening. The Board will meet on December 13th at 5:00 p.m.

Ms. Adachi asked whether there is a generally accepted point among area towns at which the commercial base is sufficient that shifting more of the burden to commercial properties, is considered reasonable. Mr. McMullen said that there is no measurable standard and that it is a political decision

Ms. Friedrichs asked about the time that was spent on preparing the presentation. Mr. McMullen could not really say, but it is the presentation used each year and he updates it. The State requires this presentation/hearing each year. Ms. Friedrichs noted the EDC was asking to keep the tax rate the same. Ms. Friedrichs asked about Senior Tax Credits. Mr. McMullen noted that the Senior/Disabled Tax Relief Committee will be

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meeting tomorrow to discuss the Hamilton Legislative Bill Home Rule Petition. The requests for tax relief are up this year. Ms. Friedrichs asked about the assessed value of vacant, undeveloped land. Mr. McMullen said it is assessed at the optimal use under current zoning, without special allowances or anything requiring special permits.

Ms. Rosenzweig Morton asked whether commercial value was affected by the tenants. Mr. McMullen said that a quality tenant and longer-term tenancy enhances value. Vacancies have a negative effect on value. Mr. Gowing - Move to continue this discussion to December 13, at 5:00 pm. in Room 204. Ms. Friedrichs – second. UNANIMOUS VOTE.

Mr. Gowing suggested a straw vote on all four classification decisions:

- 1) No shift from Residential to Commercial/Industrial. All yes.
- 2) Open Space discount – Mr. McMullen said there is no eligible property. All no.
- 3) Residential Exemption – All no
- 4) Small Commercial Exemption – Ms. Rosenzweig Morton noted that in past, the Board has heard that the cost of administering this would make this not worthwhile, and that the incentive for one business would be a cost to another. All no.

BUILDING DEPARTMENT REQUEST TO INCREASE FEES

Frank Ramsbottom presented his request to increase fees, increasing to \$14/1K from \$12/1K. Mr. Gowing asked why not jump up to the \$14.75 requested last year. Mr. Gowing said that the proposed increase appeared not to cover the budget and felt that the Board should bump it up closer to the \$20.00 full cost. Mr. Ramsbottom said that he was more comfortable with the \$14 request and expressed some concern about charging too much and having to return funds. Ms. Adachi questioned the Board's trying to increase the request Mr. Ramsbottom was making based on his own calculations. Mr. Gowing that setting the rate was the Board's job.

Herman Kabakoff said the rate is now \$12.00 and to increase it to \$14.00 would be a 16% increase. Mr. Gowing said the fees increased by 60% last year.

Mr. Gowing - Moved to raise the rate to \$14.75. Ms. Friedrichs – second. Ms. Harting-Barrat YEA. Ms. Adachi and Ms. Rosenzweig Morton – NAY, Motion passes 3-2

HEALTH DIRECTOR WILL SPEAK ON THE ISSUE OF SEWER BETTERMENT FEES

Mr. Halley gave a slide presentation about the proposed policy to charge interest, on an unpaid betterment, of \$15/month.. Ms. Friedrichs asked why the \$15.00 fee, which was awkward and suggested the use of 1½% over prime, or the like, as we don't want to short ourselves if the going rate would be higher than \$15/month. She said that we should pay our "cost of money". Mr. Halley explained that the cost of our money is fixed at 1%, because that's what the supersizing loan is. And therefore the \$15.00/month

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amount wouldn't change. Ms. Adachi suggested that the proposed policy include an explanation of the derivation of the \$15 number so others would not wonder.

Ms Friedrichs suggested that, if we decide to charge more than just the "old" betterment rate at 2000 dollars, then we should pay the cost of "new" money at our "current" cost of money. That's because we could use the "extra" money for "new" expenditures, not just to pay off the old loan. And the cost of money is about "avoided" costs. She will look forward to the future discussion about what we "can" charge for "extra" betterments.

Ron Beck of Esterbrook Road was concerned that these decisions were on a case- by- case r basis, and felt the process was one- sided and that in all cases the requests would be approved and would create an artificial incentive for development. He proposed language to reflect his proposed changes which would have this looked at in a more balanced way. Small changes were adopted to address some of his concerns.

Ms. Rosenzweig Morton ~ Moved add water and wetlands language to #2, after "affordable housing, historic preservation, protection of open space." Ms. Harting-Barrat – second. Ms. Harting-Barrat - Moved to include in #2 "Intensified environmental protection and affordable housing and open space or other benefit by the Sewer Commissioners." Mr. Gowing - second, Ms. Friedrichs, Abstained 4-1 Motion Passes

Ms. Rosenzweig Morton added "subject to change depending on prevailing rates. Finance Department to review yearly."

Mr. Gowing - Moved to change #3 from "rate" to "charge." Ms. Harting-Barrat – second.

Mr. Gowing – Moved to adopt the policy as amended tonight. Ms. Harting-Barrat – second. 4-1 Ms. Friedrichs Abstained. 4-1 Motion Passes

99 PARKER STREET, MARK STARR REQUEST TO DEFER PAYMENT OF SEWER BETTERMENT FEES (CONTINUATION)

Mr. Gowing suggested we apply the criteria as modified tonight. Mr. Gowing read the 4 criteria and noted Mr. Starr met the criteria.

- #1 Yes
- #2 Yes
- #3 Yes
- #4 Yes

Mr. Starr meets the criteria and this relief should be extended to him. Ms. Harting-Barrat -Moved to approve. Mr. Gowing - second. UNANIMOUS VOTE Mr. Gowing – Moved that we apply the Policy as accepted to Mr. Starr - Ms. Harting-Barrat – second. UNANIMOUS VOTE

HEALTH DIRECTOR GAVE A HISTORY OF SEWERS IN ACTON

Mr. Halley presented a "History of Sewers in Acton" slide presentation.

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Ms. Friedrichs asked several questions with regard to capacity levels.

ALG DISCUSSION

The Board discussed today's ALG meeting: the reduced assessment for Minuteman Tech; the Regional School Committee's reduced assessment that may allow a refund under the waterfall; the spreadsheet being used and how the changes are made to the spreadsheet. We have not received DOR certification. Ms. Rosenzweig Morton said one issue for discussion is whether the Town should fund a third person for the Cops in Schools program. .

WEST ACTON TRIO, LLC, 232 ARLINGTON STREET "SPRUCE CORNER" DRAFT DECISION, SITE PLAN 07/26/10-428

Mr. Gowing gave an overview of the draft decision and changes that were made. Ms. Harting-Barrat - Moved to approve. Mr. Gowing - second. Ms. Friedrichs, Nay 4-1
Motion passes

PROPOSED LEGISLATIVE AMENDMENTS TO AUTHORIZE THE USE OF PARKING METER REVENUES AND MBTA TO ENTER INTO INTER-GOVERNMENTAL UNIT AGREEMENTS WITH THE TOWN REGARDING THE COMMUTER SHUTTLE PROGRAM

Mr. Ledoux said there are two proposed amendments. The first one came from TAC to expand the definition of what parking meter fees can be used for and allow their use to the commuter shuttle . The other amendment would allow the Town to enter into an agreement with the MBTA about the elevators at the train station. .

Ms. Harting-Barrat - Moved to submit to our Senator and Representatives for a Special Act. Mr. Gowing – second.

The Board discussed the sidewalk issue and safety of commuters. Ms. Harting–Barrat suggested we have the Sidewalk Committee look at it. Mr. Gowing asked if we can craft this as broadly as possible. Ms Friedrichs agreed, because we may want to use the meter money for other things besides the shuttle, like sidewalks to the train station.

Ms. Friedrichs wants to hold off on this until we can research and other communities that might want to add to the list of things we could spend the money on. Mr. Gowing – second. Motion Failed 4 1

Ms. Harting-Barrat - Moved to send these legislative amendments and our State Reps for processing. 4-1 Ms. Friedrichs - Nay

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AMENDED ORDER OF TAKING, CAQUETTE PROPERTY

Mr. Ledoux explained that the lot boundaries have changed since the October Special Town Meeting and need to be added. Mr. Gowing – Moved to approve and sign the Amended Order of Taking. Ms. Friedrichs – second. UNANIMOUS VOTE

HAZARDOUS MITIGATION PLAN FOR BOARD APPROVAL

Ms. Harting-Barrat – Moved to Approve the Hazardous Mitigation Plan. Ms. Adachi – second. UNANIMOUS VOTE

BOY SCOUT COURT OF HONOR, THOMAS CURTIS

Mr. Gowing assigned.

TOWN MANAGER CONTRACT REVISIONS

Mr. Gowing - Moved to approve the contract with revisions. Ms. Harting-Barrat – second. UNANIMOUS VOTE

SELECTMEN'S REPORTS

Ms. Rosenzweig Morton spoke about the Comprehensive Community Plan committee, which is reviewing the data that were discussed at the open meetings. The schools have been addressing the issues of bullying and stress on students.

Ms. Friedrichs noted that EDC is still working on sign enforcement. They are going to start up a Local First sub-committee to identify stores that are owned locally, as part of a "Buy-Local" campaign. Ms. Friedrichs spoke about the Finance Committee meeting. HC – working on 57 Robbins Street

Mr. Gowing – COA having annual Christmas tea with Santa in attendance. HDC records are digitized and he thanked those involved in getting this project complete. Cable Committee new members have been brought on board.

Ms. Harting-Barrat noted that Sen. Eldridge has asked us to hold off writing letters to MBTA until he has his meetings. Side walk committee will be meeting this week

Ms. Adachi reported on Conservation Commission meeting she attended. Jim Snyder Grant and she have hashed out the latest version of the Charter of the Land Stewards

CONSENT

Ms. Harting-Barrat – Moved to accept the items listed under Consent Ms. Friedrichs – second. UNANIMOUS VOTE

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LICENSE RENEWALS, 2011

Mr. Gowing – Moved to approve All Alcohol Package Store Licenses as they appear in the Master Document, pending resolution of any outstanding issues. Ms. Friedrichs-second. UNANIMOUS VOTE

Mr. Gowing – Moved to approve Class I and II Car Dealers Licenses as they appear in the Master Document, pending resolution of any outstanding issues. Ms. Friedrichs-second. UNANIMOUS VOTE

Mr. Gowing – Moved to approve Wine and Malt Package Store Licenses as they appear in the Master Document, pending resolution of any outstanding issues. Ms. Friedrichs-second. UNANIMOUS VOTE

Mr. Gowing – Moved to approve Full Liquor as a Common Vic. Licenses as they appear in the Master Document, pending resolution of any outstanding issues. Ms. Friedrichs-second. UNANIMOUS VOTE

Mr. Gowing – Moved to approve Carry in Liquor Licenses as they appear in the Master Document, pending resolution of any outstanding issues. Ms. Friedrichs- second. UNANIMOUS VOTE

Mr. Gowing – Moved to approve Wine and Malt as a Common Victualler Licenses as they appear in the Master Document, pending resolution of any outstanding issues. Ms. Friedrichs- second. UNANIMOUS VOTE

Mr. Gowing – Moved to approve Entertainment Licenses as they appear in the Master Document, pending resolution of any outstanding issues. Ms. Friedrichs- second. UNANIMOUS VOTE

Mr. Gowing – Moved to approve Billiard Table/Bowling Alley License as they appear in the Master Document, pending resolution of any outstanding issues. Ms. Friedrichs-second. UNANIMOUS VOTE

Mr. Gowing – Moved to approve 24 Hour Opening as they appear in the Master Document, pending resolution of any outstanding issues. Ms. Friedrichs- second. UNANIMOUS VOTE

Mr. Gowing – Moved to approve Automated Amusement Licenses as they appear in the Master Document, pending resolution of any outstanding issues. Ms. Friedrichs-second. UNANIMOUS VOTE

Mr. Gowing – Moved to approve Taxi License as they appear in the Master Document, pending resolution of any outstanding issues. Ms. Friedrichs- second. UNANIMOUS VOTE

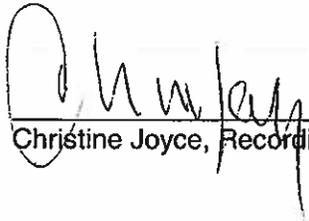
Mr. Gowing – Moved to approve Taxi Car Licenses as it appears in the Master Document, pending resolution of any outstanding issues. Ms. Friedrichs- second. UNANIMOUS VOTE

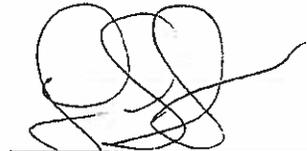
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Mr. Gowing – Moved to approve Telling of Fortunes License as it appears in the Master Document, pending resolution of any outstanding issues. Ms. Friedrichs- second.
UNANIMOUS VOTE

Mr. Gowing – Moved to approve Automated Amusement Licenses as they appear in the Master Document, pending resolution of any outstanding issues. Ms. Friedrichs- second. UNANIMOUS VOTE


Christine Joyce, Recording Secty


Clerk

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA
Francis Faulkner Hearing Room
December 6, 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. **7:25 ANNUAL CLASSIFICATION HEARING, BOARD OF ASSESSORS**
Enclosed please find materials in the subject regard
4. **7:55 BUILDING DEPARTMENT FEE INCREASE REQUEST**
Enclosed please find materials in the subject regard
5. **8:05 HEALTH DIRECTOR DOUG HALLEY WILL SPEAK TO THE
ISSUE OF A SEWER BETTERMENT FEES POLICY**
Enclosed please find Materials in the subject regard

III. SELECTMEN'S BUSINESS

6. **ALG DISCUSSION**
Enclosed please find the
7. **AMENDED ORDER OF TAKING, CAQUETTE PROPERTY**
Enclosed please find a request for the Selectmen to sign the amended
Order of Taking in the subject regard.
8. **HAZARDOUS MITIGATION PLAN FOR BOARD APPROVAL**
Enclosed please find materials in the subject regard
9. **BOY SCOUT COURT OF HONOR, THOMAS CURTIS**
Enclosed please find materials in the subject regard
10. **SELECTMEN'S REPORTS**

IV. CONSENT AGENDA

- 11. ACCEPT GIFTS IN THE AMOUNT OF \$650.00 RECEIVED IN MEMORY OF DONALD SPENCER, TO BE USED BY THE NURSING SERVICE**
Enclosed please find materials in the subject regard
- 12. BOARD OF SELECTMEN'S 2011 LICENSE / PERMIT APPROVAL**
Enclosed please find materials in the subject regard
- 13. CONFIDENTIAL REQUEST FROM ACTON COMMUNITY HOUSING CORPORATION (ACHC) FOR REFINANCING OF A LIP UNIT AT WESTSIDE VILLAGE**
Enclosed please find materials in the subject regard
- 14. DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY**
Enclosed please find materials in the subject regard
- 15. DECLARATION OF SURPLUS PROPERTY, WEST ACTON CITIZENS' LIBRARY CARD FILES**
Enclosed please find materials in the subject regard

V. 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

<u>DEC 6</u>	<u>DEC 20</u>	<u>JAN 10</u>
Classification Hearing	Town Manager's Budget Presentation	
BOS Vote to renew licenses for 2011	Albert Kong – Energy Conservation Presentation	

MINUTES PENDING VOTES

July 26, September 13 & 27 October 18 & 25, November 1, 8 and 22

PENDING COMMITTEE APPOINTMENTS

David Keene – Green Advisory Committee – sent to VCC 9/28 (out with Selectmen Liaison)
Pam Lynn – Historic District Commission– sent to VCC 9/16 (out with Selectmen liaison)
Michael A. Luongo - Board of Appeals, Board of Health, Application sent to VCC
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

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<input type="checkbox"/>	PDF	015 (3) Classification Materials Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	12/03/10	4 MB	    
<input type="checkbox"/>	PDF	020 (4) Building Department Fee Increase	admin	12/03/10	446 KB	    
<input type="checkbox"/>	PDF	030 (5) Sewer Commissioners Policy	admin	12/03/10	104 KB	    
<input type="checkbox"/>	PDF	040 (5) Request from Mark Starr For Deferral of Betterment Fees, 99 Parker Street	admin	12/03/10	167 KB	    
<input type="checkbox"/>	PDF	050 (6) First Half of Wastewater Treatment Facility Monthly Operating Report	admin	12/03/10	2 MB	    
<input type="checkbox"/>	PDF	060 (6) Second Half of the Wasterwater Treatment Facility Monthly Operating Report	admin	12/03/10	1 MB	    
<input type="checkbox"/>	PDF	070 (8) Draft Decision, West Acton Trio, LLC "Spruce Corner" 232 Arlington Steet	admin	12/03/10	624 KB	    
<input type="checkbox"/>	PDF	080 (9) Proposed Legislative Amendment re: Commuter Shuttle Program	admin	12/03/10	181 KB	    
<input type="checkbox"/>	PDF	090 (10) Amend Order of Taking, Caouette Property	admin	12/03/10	230 KB	    
<input type="checkbox"/>	PDF	100 (11) Hazardous Mitigation Plan for Board Approval	admin	12/03/10	197 KB	    
<input type="checkbox"/>	PDF	110 (12) Boy Scout Court of Honor, Thomas Curtis	admin	12/03/10	59 KB	    
<input type="checkbox"/>	PDF	120 (15) Accept Gift, Nursing in Remberance of Donald Spencer	admin	12/03/10	63 KB	    
<input type="checkbox"/>	PDF	130 (16) License Renewals for 2011 Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	12/03/10	478 KB	    
		140 (18) Continuation of 275th	admin	12/03/10	79	

<input type="checkbox"/>		Celebration				KB					▼
<input type="checkbox"/>		150 (19) Disposal of Obsolete Materials, Memorial Library	admin	12/03/10	38 KB						▼
<input type="checkbox"/>		160 (20) Declare Surplus Request from West Acton Citizens' Library	admin	12/03/10	36 KB						▼

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