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**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**  
November 1, 2010

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

TOWN CLERK, ACTON

**Executive Session – Room 126 @ 6:00 to discuss Litigation, Walker Realty Trust**

Present: Lauren Rosenzweig Morton, Michael J. Gowing, Terra Friedrichs, Janet K. Adachi, Pamela Harting-Barrat, Town Manager Steven Ledoux. Recording Secretary: Christine Joyce. The Meeting was televised

Ms. Rosenzweig Morton – Moved to open into public session only to go into Executive Session to discuss strategy with respect to litigation, Walker Realty Trust, and declared that an open meeting may have a detrimental effect on the negotiation position of the Board of Selectmen; further, that Nina Pickering Cook and Art Kreiger attorney's from Anderson & Kreiger, be allowed in the Executive Session. Mr. Gowing took Roll Call, All AYES

**CITIZENS' CONCERNS**

Jim Snyder Grant spoke about the impending auction of the Quail Ridge golf course and the existing building permits for development.. Ms. Rosenzweig Morton recused herself as she is a club member. Mr. Gowing will act as Chairman.

Mr. Snyder-Grant said that existing facilities could be the base for a combined senior center / community center. He wanted the Town to do what it can to support development with the least impact, meaning as few new homes as possible on the smallest footprint possible, and encouraging continued operation of the entire 18 hole golf course, or at least 9 holes. And protecting some or all of the land with additional Conservation Restrictions.

Mr. Gowing noted he has reviewed the issue with Planning and Town Counsel. The Town would need more time to consider the possibility of purchase. The pro shop indicated that the auction might be delayed a week. Mr. Ledoux said that perhaps we could get them to delay. Ms. Friedrichs suggested payment of monies to for them to wait like the Caouette property. Ms. Adachi said that was different because the Town had a purchase and sale agreement with the Caouettes.

Mr. Ledoux noted that in the town where his wife is the Town Administrator, the town was able to delay the auction and have a Special Town Meeting. Acton could have it appraised and declare it a unique acquisition.

Mr. Gowing said we need to know if they would consider an extension and the Town Manager should speak with them. Planning Director Roland Bartl advises that the property is 150 acres with a special permit approved for senior homes and nine holes with 50% common land; standard sub-dividing would have 50-60 homes; a PCRC would have up to 80 with 60 % open space; or Chapter 40b would result in 100 units. If the Town wants to purchase this, the question is how long they would wait while we looked for funding sources, as it will be in the millions of dollars and has a golf course on it. The

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Board agreed to have the Town Manager contact the bank that is the mortgage-holder. The Town Manager will look into the possibility of delaying the auction, as well as financing options.

### **CHAIRPERSON'S UPDATE**

Ms. Rosenzweig Morton thanked staff for the work done on preparing for the Special Town Meeting. She reminded everyone that tomorrow is Election Day, so please vote

### **OPERATIONAL MINUTE**

Mr. Ledoux announced the new Director of COA. The committee interviewed candidates and sent him three. He has appointed Sharon Mercurio of Pepperell and she will start next week.

Mr. Ledoux updated the Board on his recent ICMA Conference.

### **PUBLIC HEARINGS & APPOINTMENTS**

#### **COMMUNITY PRESERVATION COMMITTEE SUBMISSIONS FROM TOWN DEPARTMENTS**

The Board will decide on November 8 which Town projects to recommend to the Community Preservation Committee.

Dean Charter, Municipal Properties Department, outlined the Memorial Library CPA project to restore the arched window at the end of the wing. The window is original to the building and never has been restored in any fashion. He thinks it meets all the criteria and is on the Historic Building List.

Lauren asked about any drawback to doing it next year. He said it would be better now as repairing will become more expensive and it will further deteriorate

Dean also spoke about the application for continued Town Hall window restoration.

Mr. Gowing asked if it was possible to combine the two window repairs. Dean said he could consider it.

Kristin Alexander, Planning Department, presented the East Acton Village Green Project. The project received CPA funds in 2007 but work did not start in order to let the Bruce Freeman Trail and Morrison Farm projects to develop.

Kimberly Connor and Michaela Moran of the Historical Commission presented the 17 Woodbury Lane project. The request is for CPA funding to remove the 20<sup>th</sup> century addition, make the interior a meeting space for 30 people, add a wing with an accessible bathroom, and create a garden space outside. Ms. Friedrichs noted that she attended several meetings as HDC member, liaison and citizen and asked about phasing the project. The landscaping would not be funded under CPA. Phase I, the wing-removal and "buttoning up," will cost \$60,000-\$80,000 and Phase 2, \$200,000-\$360,000.

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Mr. Gowing asked whether the Design Review Board had provided input. Ms. Moran noted that the project to reuse this building and design aspects were taken on by two of the architects on HDC and HC and one architect from the Design Review Board.

Ms. Adachi felt it would be a good project and would add more meeting space and a garden that would enhance the area if it were done creatively.

Ms. Rosenzweig Morton agreed with Ms. Adachi.

Trail through Time Request for CPA Funding – Linda McElroy gave an overview of the development of the TTT, and her latest proposal, which includes restoration of the sluice gate and, replacement of the red shack with an open structure that could accommodate a small gathering and provide good views. The cost would be estimated as \$95,000

Open Space Request of CPA Funding – Peter Ashton for the Open Space Committee is asking for \$300,000-\$500,000 for the CPA Open Space set aside, which is in keeping with the standard request every year.

**COLONIAL SPIRITS, RETAIL FULL PACKAGE STORE TRANSFERS OF STOCK, NEW DIRECTORS AND LIQUOR LICENSE MANAGER, PLEDGE OF LICENSE TO MR. STEINBERG**

Mr. Steinberg outlined the proposed changes to Colonial Spirits stockholders. He will be teaming up with Tim Bush as a 50/50 stock holder and Director.

Mr. Gowing - Moved to approve the materials as submitted. Ms. Friedrichs – second. UNANIMOUS VOTE

**SELECTMEN'S BUSINESS**

**COLLABORATIVE PROCUREMENT AGREEMENT FOR ADVANCED LIFE SUPPORT**

Mr. Ledoux summarized the Agreement and said that if the Board voted to approve tonight, Acton will become the fifth Town to join. He recommended that the Board approve. Ms. Harting-Barrat – Moved to authorize and sign the Agreement. Ms. Friedrichs – second. UNANIMOUS VOTE

**REQUEST FOR TOWN COUNSEL'S OPINION, ABILITY TO ADJUST PRIVILEGE FEES**

Ms. Friedrichs asked about getting Town Counsel's opinion as to how much the Sewer Commissioners can charge, whether the Commissioners may reserve capacity for future use, and the process for doing so. She said that if we give capacity away then we don't have for other purposes.

Ms. Adachi said that she has spent a lot of time in liaison board work on wastewater issues. She felt we need to get the Board educated on the fundamentals of being Sewer Commissioners, including this issue, schedules and fees, and then have Town Counsel provide further guidance about fee increases.

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Mr. Gowing agreed and wanted to look into offering discounted rates (low use). Ms. Rosenzweig Morton noted the need for a policy. She summarized the issues the Board had identified:

1. Need briefing as Sewer Commissioners and who gets capacity. It was suggested that we have someone come in and give us a tutorial on this issue.
2. Find out the need for flexibility of basic charges
3. Issue of reserving capacity and fairness and when you zone this is considered.

Ms. Rosenzweig Morton will set up a meeting in December and have someone come in to educate the Commissioners and the Board also may prepare a list of questions for Town Counsel.

Mr. Gowing requested a map of where the sewers were in the ground as of today.

Ms. Rosenzweig Morton – Moved to schedule an educational meeting to the Commissioners. Ms. Adachi – second. UNANIMOUS VOTE

#### **APPOINTMENT, ACTING TOWN ACCOUNTANT, LISA KRAUSE**

Mr. Ledoux outlined that Lisa had been the Asst. Town Accountant and would fill this Acting position until it was permanently filled. Ms. Friedrichs – Moved to appoint Ms Krause's appointment. Mr. Gowing – second. UNANIMOUS VOTE

#### **ALG DISCUSSION**

Ms. Rosenzweig Morton said that the ALG has proposed a new format for the Town Meeting spreadsheet. The schools and Town will alternate custody of the spreadsheet. Mr. Ledoux spoke about staff comments on the ALG Plan.

ALG discussed going in to FY12 what happens at the end of FY11, and if we have money what would we do with those funds. ALG took into consideration the "waterfall" proposal by Bill Mullin Mr. Ledoux noted an issue as to whether the "waterfall" applied only to Chapter 70 funds or included other revenue sources. He added that the Department of Revenue is basing the 2011 tax rate on 2010 numbers, which can be a problem.

Herman Kabakoff noted the way the waterfall proposal is worded \$300,000 goes to the schools, and the next \$700,000, if that much remains, will go to the split 70/30. If there is a \$150,000 shortfall in revenue, should the Town still give something back to the taxpayers as the waterfall provides. It isn't much out of an \$80 million budget. Mr. Ledoux said it isn't much but be an issue if the tax FY11 rate is based on FY10 numbers.

Mr. Ledoux noted if a new Governor is elected he would have until next year to present the budget. The next ALG meeting is 11/18.

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**COMMON GROUND DEVELOPMENT, TOWN SCHOOL, REQUEST TO WAIVE BUILDING PERMIT FEES**

*Withdrawn by requestor*

**CONSENT**

# 11 Hold Ms. Friedrichs – BonFire Permit. The State allows only one bonfire permit a year to cities and towns and suggested the Ms. Friedrichs speak with the Fire Chief.

Mr. Gowing – Moved to accept the items listed under Consent except for #11 Ms. Harting-Barrat – second UNANIMOUS VOTE

Ms. Friedrichs – Moved to approve #11 Ms. Harting-Barrat – second. UNANIMOUS VOTE

Resident Bob Ingram – asked the Board if they needed signatures on the One Day Liquor Licenses in order to approve them, and asked about the lateness of some of the Board's Minutes. Christine noted that a GENERAL APPLICATION was in fact general and used for many transactions and that the Height/Weight and other personal questions do not have to be filled out on a one Day Liquor License.

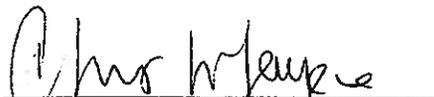
Mr. Ingram also expressed concern about the Board minutes not yet on file. Ms. Rosenzweig Morton she was working on getting the minutes filed.

**EXECUTIVE SESSION**

There will be a need for an Executive Session at the conclusion of the Meeting.

Ms. Rosenzweig Morton - Moved to enter into Executive Session to consider the purchase, exchange, lease or value of property. The Chair further notes that "an open meeting may have a detrimental effect on the negotiation position" of the Board. And to allow Attorney Anderson be allowed in Executive Session.

Ms. Friedrichs – Moved to adjourn. Mr. Gowing – second.  
Roll Call All Ayes

  
Christine Joyce, Recording Secty

  
Clerk

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

*Francis Faulkner Hearing Room*

*November 1, 2010*

*7:00 PM*

**EXECUTIVE SESSION 6:00 – 7:00P.M. Room #126**

**EXECUTIVE SESSION AT 6:00 P.M.**

**DISCUSS LITIGATION STRATEGY, WALKER REALTY, MAIN STREET AT ROUTE 2**

**I. CITIZENS' CONCERNS**

**II. PUBLIC HEARINGS AND APPOINTMENTS**

**1. 7:05 CHAIRMAN'S UPDATE**

**2. 7:10 OPERATIONAL MINUTE**

**3. 7:35 COMMUNITY PRESERVATION COMMITTEE SUBMISSIONS**

Enclosed please find materials in the subject regard

**4. 8:10 COLONIAL SPIRITS, RETAIL FULL PACKAGE STORE LICENSE,  
TRANSFER OF STOCK REQUEST NEW STOCK HOLDER, 87  
GREAT ROAD**

Enclosed please find materials in the subject regard

**III. SELECTMEN'S BUSINESS**

**5. COLLABORATIVE PROCUREMENT AGREEMENT FOR ADVANCED  
LIFE SUPPORT**

Enclosed please find materials in the subject regard

**6. REQUEST FOR TOWN COUNSEL'S OPINION, ABILITY TO ADJUST  
PRIVILEGE FEES**

**7. APPOINTMENT, ACTING TOWN ACCOUNTANT, LISA KRAUSE**

**8. ALG DISCUSSION**

**9. COMMON GROUND DEVELOPMENT, TOWNE SCHOOL, REQUEST TO WAIVE  
BUILDING PERMIT FEE, TOWN MANAGER RECOMMENDS**

Enclosed please find materials in the subject regard

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

10. **ACCEPT MINUTES, BOARD OF SELECTMEN, AUGUST 23, 2010, REGULAR AND CONFIDENTIAL MINUTES**  
Enclosed please find materials in the subject regard
11. **ANNUAL THANKSGIVING BONFIRE REQUEST AT THE HIGH SCHOOL**  
Enclosed please find materials in the subject regard
12. **COMMITTEE APPOINTMENT, BETSY MERCIER, REGULAR MEMBER, RECREATION COMMISSION TO FILL AN UNEXPIRED TERM TO 6/30/12**  
Enclosed please find materials in the subject regard
13. **COMMITTEE APPOINTMENT, BRIDGET MCKEEVER MATZ, REGULAR MEMBER, RECREATION COMMISSION, TERM TO 6/30/13**  
Enclosed please find materials in the subject regard
14. **DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY**  
Enclosed please find materials in the subject regard
15. **ORDER OF TAKING, CAQUETTE – SIMEONE PROPERTY, STOW STREET**  
Enclosed please find materials in the subject regard

#### **SELECTMEN'S REPORTS**

#### **V. EXECUTIVE SESSION**

There will be a need for an Executive Session at the conclusion of the Regular Meeting to discuss Real Property

#### **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.

**NOV.8**

Acton Memorial Library Overview

**NOV 22**

Private Way Plowing  
Continued Dog Hearing (tentative)

#### **MINUTES PENDING VOTES**

July 26, September 13 & 27 October 8, 18 & 25

## **PENDING COMMITTEE APPOINTMENTS**

William Jastromb – Green Advisory Committee -sent to VCC

David Green – Green Advisory Committee – sent to VCC 9/28

Ann D. Corcoran – COA – sent to VCC

James Chiarelli, Associate, Historical Commission – sent to VCC

Terence Lobo, Cable TV Advisory Committee – sent to VCC

Amy Green, Conservation – sent to VCC 10/4

Pam Lynn – Historic District Commission– sent to VCC 9/16

Michael A. Luongo - Board of Appeals, Board of Health, Application sent to VCC

Ahmed Hilmy - Design Review Board, Finance Committee, EDC –Application sent to VCC and Town Moderator

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## Agenda

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| <input type="checkbox"/> | PDF  | 020 (3) CPC Proposal, Memorial Library Window Restoration                                     | admin | 10/29/10 | 4 MB   | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> | PDF  | 030 (3) CPC Proposal, Town Hall Window Restoration Project, Town Hall Second Floor            | admin | 10/29/10 | 444 KB | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> | PDF  | 040 (3) CPC Proposal, East Acton Village Green  | admin | 10/29/10 | 3 MB   | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> | PDF  | 050 (3) CPC Proposal, Open Space Committee, Set Aside Fund For Open Space                     | admin | 10/29/10 | 620 KB | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> | PDF  | 060 (3) CPC Proposal, Trail Through Time Project  | admin | 10/29/10 | 163 KB | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> | PDF  | 061 (3) CPC Proposal, Historic District Commission  | admin | 10/29/10 | 2 MB   | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> | PDF  | 062 (3) CPC Proposal, Historic District Commission, Woodbury Lane Power Point                 | admin | 10/29/10 | 2 MB   | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> | PDF  | 070 (4) Colonial Spirits, Transfer of Stock and New Stock Holder, 87 Great Road               | admin | 10/29/10 | 985 KB | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> | PDF  | 080 (5) Collaborative Procurement Agreement for Advanced Life Support                         | admin | 10/29/10 | 1 MB   | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> | PDF  | 090 (6) Request for Town Counsel's Opinion, Ability to Adjust Sewer Privilege Fees            | admin | 10/29/10 | 3 MB   | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> | PDF  | 095 (8) ALG Materials Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet | admin | 10/29/10 | 353 KB | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> | PDF  | 100 (9) Common Ground Development, Town School, Request to Waive Building Permit Fee          | admin | 10/29/10 | 78 KB  | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> | PDF  | 110 (10) Minutes, Board of Selectmen, August 23, 2010   | admin | 10/29/10 | 501 KB | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
|                          |      | 120 (11) Annual Thanksgiving Foot Ball  | admin | 10/29/10 | 99     |  |

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|--|---|-------|----------|--------|----|--|--|--|--|---|
|  | Bonfire Application   |       |          |        | KB |  |  |  |  | ▼ |
|  | 130 (12) Committee Appointment, Betsy Mercier, Recreation Commission                                    | admin | 10/29/10 | 345 KB |    |  |  |  |  | ▼ |
|  | 140 (13) Committee Appointment, Bridget McKeever Matz, Recreation Commission                            | admin | 10/29/10 | 106 KB |    |  |  |  |  | ▼ |
|  | 150 (14) Two Requests for Disposal of Obsolete Materials, Memorial Library                              | admin | 10/29/10 | 74 KB  |    |  |  |  |  | ▼ |
|  | 160 (16) One Day Liquor License, (added under the Necessity Rule, as BOS do not meet until after event) | admin | 10/29/10 | 128 KB |    |  |  |  |  | ▼ |

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