

Final

**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING
August 8, 2011**

**Acton Town Hall
Francis Faulkner Hearing Room
Meeting begins at 7:00 P.M.
Executive Session, 6:00, Room 126**

Executive Session, 6:00 p.m., Room 126 - Discussion of Collective Bargaining Strategy, AFSME, Highway Union; Discussion of Real Property.

Present: Mr. Gowing, Ms. Adachi, Mr. Clough, Mr. Sonner; Town Manager Steven Ledoux and Recording Secretary Christine Joyce. The meeting was televised during open meeting

Mr. Gowing announced the opening of the meeting of the Board of Selectmen in open session at 6:00 and said he would entertain a motion to enter into Executive Session for the discussion of collective bargaining strategy, AFSME, Highway Union, and the discussion of real property.

Before the roll call vote to enter Executive Session Mr. Gowing stated:

- a. In the executive session, the Selectmen will discuss Collective Bargaining and Real Property
- b. An open meeting may have a detrimental effect on the position of the Town.
- c. At the conclusion of the Executive Session, the Board will reconvene in open session.

Moved to go into Executive Session. Seconded. Roll call taken by the Clerk, all Ayes

CITIZENS' CONCERNS

None

CHAIRMAN'S UPDATE

The Caouette Conservation Restriction Committee has closed the public input portion of the process and will issue a final report in September.

Franny Osman has approached the Schools for funding for the Minute Van.

Congresswoman Niki Tsongas will be holding a public meeting to discuss redistricting plans.

A newly formed, six-member committee will explore K-6 regionalization with Boxborough. The members will include representatives of both school systems and the Finance Committee, but not the Selectmen.

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Some Town boards have not yet responded to the request for goals, so their liaisons will have to follow up. The next meeting of the chairmen of all boards and committees will be November 14th.

OPERATIONAL MINUTE

Mr. Ledoux reported his attendance at the July 25 kick-off meeting for the Old High School Commons project which will provide 15 affordable rental units. The aim is to have the building ready for move-in by May 2012. The developer is planning a formal groundbreaking in September.

In late July, Town staff participated in a tabletop exercise for disaster planning; their disaster was a Stage 4 hurricane hitting Acton. Mr. Ledoux said it was a worthwhile exercise.

Mr. Ledoux noted that we had a mosquito test positive for West Nile Virus in the Spencer/Flint Road area. Spraying was done.

PUBLIC HEARINGS & APPOINTMENTS

DAVID HARDT AND SUSAN MITCHELL-HARDT, ACTON CONSERVATION TRUST; SUSAN CRANE, SUDBURY VALLEY TRUSTEES

David Hardt reviewed the conservation restriction (CR) monitoring process and costs associated with CRs. It is very important to monitor conservation restrictions yearly to ensure that the owners of those properties are not violating the restrictions. Acton Conservation Trust (ACT) has no paid staff and learns a lot as issues come up. Sudbury Valley Trustees (SVT) is a regional land trust covering a broader area. AVT and SVT will be co-monitors with respect to the Caouette Land CR. The costs associated with CRs include creating the baseline documentation representing what the land looked like when the parties agreed to the CR; monitoring; and, rarely, preparing for litigation, for which ACT and SVT have set aside reserves. In the future the Town should ask the landowner to endow the CR in order to cover the costs.

Mr. Sonner asked about the partnership and whether it might become a two-headed beast with regarding legal issues and costs. Mr. Hardt said the main issue was whether to challenge an encroachment.

Mr. Clough asked about violations and how they handle those issues.

Ms. Adachi asked about enforcement and legal costs to remedy those violations. She asked where the SVT's funding came from, whether donations, grants, gifts. Ms. Crane said all three.

ACT and SVT urge the Town's financial assistance for the co-holding and monitoring of the Caouette/Simeone farm land and, eventually, other lands purchased with CPA funds for conservation purposes.

DESIGN REVIEW BOARD, REVISED GUIDELINES

Ann Sussman, David Honn and Holly Ben-Joseph of the Design Review Board (DRB) explained that the DRB would like to update the DRB charter to allow review of multi-family residences of more than four units and Town buildings, and would like to update the design guidelines to

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make them more streamlined and easier to use. Ms. Sussman presented a slides outlining what the changes will do for the Town.

Ms. Adachi noted that the DRB had been before the Selectmen a year ago with a proposal to revise the 2007 charter/charge to allow review of multi-family residences of more than four units. At that time, the Board had agreed to expanding the authority to multi-family residential, but DRB also was supposed to develop appropriate design standards. Ms. Adachi added that the changes the DRB currently was proposing did not reflect the substantial editing that she had done and the Selectmen had approved a year ago. Ms. Sussman said she was unaware of the Board's revisions.

Mr. Gowing said he had requested but not received a "redlined" version of the DRB's proposed changes so it was difficult to identify the many changes in the document before them.

Mr. Clough, as DRB liaison, spoke about the Charter and guidelines. He sees their motives to be genuine and expressed concern that he was not fully informed of the past and therefore perhaps he had misled them. He feels they are doing a good job.

Mr. Sonner asked how many towns with design review standards have legally binding standards as opposed to guidelines. He said that the DRB guidelines sometimes said "should" and sometimes said "may." Ms. Sussman felt that some of the guidelines should be binding, but noted that they are guidelines, not bylaws

Ms. Adachi said she would forward the 2010 revisions to Ms. Sussman and Mr. Gowing.

BULETTE/LILLIAN ROAD PROPOSED 40B DEVELOPMENT

The Town Manager sent an invitation to the developer to attend the Selectmen's meeting and answer questions. The letters went by Federal Express to two locations were delivered last Thursday. But the developer is not present tonight.

Mr. Gowing said that the Board should reject the application out of hand for lack of information, and it was an insult that no one had come before the Board to answer questions. Mr. Gowing— Moved to authorize the Town Manager to prepare a letter for the Chairman's signature to MassHousing, strongly recommending the denial of the application for insufficient information. Mr. Sonner – second. UNANIMOUS VOTE. Ms. Adachi will work with the Town Manager on the draft.

HEALTH INSURANCE REFORM, CHAPTER 69 OF THE ACTS OF 2011

Ms. Fleckner and Mr. Ledoux presented a slide show that provided an overview of the Health Insurance Reform Law and options and regulations under the new law. They requested that the Selectmen recommend that the Health Insurance Trust (HIT) do a study of potential savings under the new law. The School Committee already has voted to recommend the study. If the Selectmen also approve, the HIT will report back within 30 days. The Town must compare itself to the Fallon Community Health Plan, which is the most popular plan in the Group Insurance Commission (GIC). The Town must provide notice to unions five days before the Selectmen are to vote on whether to change benefits as provided under the new law.

Ms. Adachi - Moved to request that the Acton Health Insurance Trust conduct the evaluation of the Town's health insurance coverage and determine the savings that may be realized as

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described in the Act Relative to Municipal Health Insurance, Chapter 69 of the Acts of 2011 and its implementing regulations (in the sections to be codified at M.G.L. c. 32B, § 21(b) and 801 CMR 52.02(2)), and to authorize the Town Manager or his designee to work with the Trust on the details of that evaluation. Mr. Gowing – second. UNANIMOUS VOTE

Mr. Gowing – Moved that HIT is authorized to engage with Segal Company and to authorize the Chairman of the Board of Selectmen to send the Advance Notice of Intent to Vote (substantially in the form of the attached letter) notifying the Town's collective bargaining units, RSCME and the Executive Office for Administration & Finance that, on behalf of the Town of Acton, the Board of Selectmen intends to vote on whether to engage in the process under the 2011 Act Relative to Municipal Health Insurance to change health insurance benefits, said vote to occur at the Board's meeting on September 12, 2011 provided that the results of the Health Insurance Trust evaluation are available at that time, or at the Board's meeting on September 26, 2011 provided that said results are available at that later time. Ms. Adachi – second. UNANIMOUS VOTE

SELECTMEN'S BUSINESS

TOWN CLERK REAPPOINTMENT

Ms. Adachi - Move to reappoint the Town Clerk, Eva Szkaradek for a term to expire June 30, 2014 – Mr. Sonner second. UNANIMOUS VOTE

ATTORNEY GENERAL'S PROPOSED RULES FOR REMOTE PARTICIPATION IN OPEN MEETINGS

Mr. Ledoux spoke about Town Counsel's July 17 memorandum, responding to Mark Hald's detailed questions and comments about the proposed remote participation regulations. The Selectmen noted that Mr. Hald had analyzed the issues very well, which made the Board's job easier.

Mr. Sonner spoke about the practical side of this issue.

Mr. Clough addressed the issue of someone's being away and wanting to participate in the meeting remotely but not counting toward a quorum. He also wondered about limiting the number of times you can participate remotely, for example, to three times.

Mr. Sonner liked Town Counsel's and Mark Hald's review and agreed with the three-times limit on remote participation, with the remote member counting toward a quorum.

Ms. Adachi said that the reference to "personal disability" needed clarification.

UNANIMOUS VOTE on the following issues in Town Counsel's memorandum:

- Selectmen should have express authority to reconsider and revoke the vote to allow remote participation.
- Selectmen should not be able to "pick and choose" which local public bodies can and cannot have remote participation.
- Remote participation should not extend beyond board members to citizens.

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- The standards allowing remote participation based on geographical distance should be the same for local board members, for example, traveling for business or vacation.
- The Attorney General should clarify the relationship between the proposed remote participation rule and M.G.L. c. 39, § 23D.
- The regulations should not restrict the technology that may be used for remote participation, but allow for a range of technology as long as “all participations are clearly audible to one another.”
- A physical quorum must continue to be present.
- For reasons of privacy and other concerns, the chairman or member running the meeting should not have to disclose the reason for remote participation or the participant’s location.

Mr. Ledoux will advise Town Counsel of the Board’s positions.

TRANSFER STATION STICKER FEE RECOMMENDATIONS

Mr. Ledoux said that the Town has not increased fees in the past 2 years. The proposal is to raise the cost of annual stickers by \$20.00 to provide sufficient funds to replace equipment. Mr. Clough expressed concern about going over \$200 and asked about increases in other sticker categories. Mr. Ledoux will discuss the alternatives with the Public Works Director. Mr. Sonner – Moved to authorize the Public Works Director and Town Manager to increase fees. Ms. Adachi Second. UNANIMOUS VOTE

SELECTMEN’S REPORTS

Mr. Sonner reported that the South Acton Train Station Committee will be coming before the Board to present the plan, and issues with landscaping and lighting as well as tighter parking during the construction. The Acton 2020 Committee will approve the master plan and start work on the next level of action required in October and November.

Mr. Clough reported on the Finance Committee meeting he attended. The Economic Development Committee is moving forward with work on a new database and survey. The Selectmen might consider provided some funding, with the Chamber of Commerce paying part of the costs.

Mr. Gowing reported on draft legislation. The Historic District Commission elected new officers. He visited the senior center in Townsend, where a local businessman donated at least 20 million to build it.

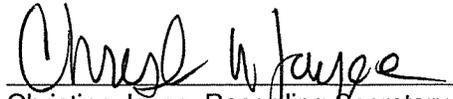
Ms. Adachi reported that the Acton Boxborough Cultural Council will be have a workshop and exhibition on the art of recycling. The exhibition will be October 14 at the Sergeant Memorial Library in Boxborough. The submission deadline is October 1st. Ms. Adachi attended a Commission on Disability outing in Gardner, where there was a celebration of the anniversary of the Americans with Disabilities Act. She will attend a second meeting in Boston about the proposed Bruce Freeman Rail Trail crossing of Route 2. She attended her first Water District Commissioners meeting, which was lively due to problems that residents in the “Woods” neighborhood have been having with brown water.

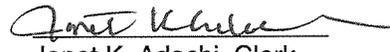
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CONSENT AGENDA

Mr. Gowing – Moved to accept the Consent Agenda. Mr. Clough - second. UNANIMOUS VOTE

Ms. Adachi - Moved to adjourn. Mr. Sonner Second. The meeting adjourned at 10:30 pm


Christine Joyce, Recording Secretary


Janet K. Adachi, Clerk
26 September 2011
Date

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Hearing Room

August 8, 2011

7:00 PM

Executive Session

6:00 p.m. Room 126

6:00 – Executive Session – (1) Discussion of Collective Bargaining Strategy, AFSME, Highway Union. (2) Discussion of Real Properties

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. 7:15 **SUSAN MITCHELL-HARDT – SUDBURY VALLEY TRUSTEES AND ACTON CONSERVATION TRUST**
Enclosed please find materials in the subject regard
4. 7:25 **DESIGN REVIEW BOARD, REVISED GUIDELINES**
Enclosed please find materials in the subject regard
5. 7:45 **BULETTE/LILLIAN ROAD PROPOSED 40B DEVELOPMENT**
Enclosed please find materials in the subject regard

III. SELECTMEN'S BUSINESS

6. **TOWN CLERK REAPPOINTMENT- TERM TO EXPIRE 6/30/14**
7. **ATTORNEY GENERAL'S PROPOSED RULES FOR REMOTE PARTICIPATION IN OPEN MEETINGS**
Enclosed please find materials in the subject regard

8. TRANSFER STATION STICKER FEE RECOMMENDATIONS

Enclosed please find materials in the subject regard

9. HEALTH INSURANCE REFORM, CHAPTER 69 OF THE ACTS OF 2011

Enclosed please find materials in the subject regard

10. SELECTMEN'S REPORTS

IV. CONSENT AGENDA

11. ACCEPT MINUTES, BOARD OF SELECTMEN, MAY 23, REGULAR SESSION AND EXECUTIVE SESSION, MAY 31, EXECUTIVE SESSION, JUNE 6, AND JUNE 20TH REGULAR SESSIONS, JULY 11, REGULAR AND EXECUTIVE SESSION

Enclosed please find materials in the subject regard

12. COMMITTEE APPOINTMENT, DANIEL BRUNELLE, VOLUNTEER COORDINATING COMMITTEE

Enclosed please find materials in the subject regard

13. ONE DAY LIQUOR LICENSE, NARA PARK, SMALL FRIENDS AND FAMILY PARTY.

Enclosed please find materials in the subject regard

14. DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY

Enclosed please find materials in the subject regard

15. THIRD ANNUAL ACTON TURKEY TROT FOR CHARITY

Enclosed please find materials in the subject regard

16. ACCEPT GIFT, CONSERVATION DEPARTMENT

Enclosed please find a gift of \$20.00 from Malcolm Fitzpatrick for use in maintaining Conservation trails

17. ACCEPT GIFT, MATT SMITH EAGLE SCOUT ARBORETUM PROJECT

Enclosed please find a gift of \$170.00 from Matt Smith to be used to fund future arboretum maintenance projects

EXECUTIVE SESSION

There will be an Executive Session at 6:00 p.m. in room 126

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.

September 12

Site Plan, 65 Powder Mill Road
Use, Special Permit, 32 Nagog Park
National Grid – Gas Line/Beacon Place
Twin Seafood, Acton, Common Vic
and Carry in License 541 Mass Ave.

September 26

Class I @ 60 Powder Mill
Class II @ 54 Powder Mill

MINUTES PENDING VOTES

Budget Saturday

PENDING COMMITTEE APPOINTMENTS

TSE-MING WANG – ACTON BOXBOROUGH CULTURAL COUNCIL – SENT TO VCC 7/19

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<input type="checkbox"/>	Type	Title	Owner	Edited	Size	Actions
<input type="checkbox"/>		010 Agenda, Board of Selectmen, August 8, 2011 Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	08/05/11	102 KB	    
<input type="checkbox"/>		020 (3) Susan Mitchell-Hardt, Sudbury Valley Trustees and Acton Conservation Trust Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	08/05/11	80 KB	    
<input type="checkbox"/>		025 (3) Sudbury Valley Trustees Expense Sheet, Caouette co hold with Acton Conservation Trust Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	08/05/11	142 KB	    
<input type="checkbox"/>		030 (4) Design Review Board, Revised Guidelines Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	08/05/11	911 KB	    
<input type="checkbox"/>		040 (5) Bulette/Lillian Road Proposed 40B Development Correspondence and Staff Comment Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	08/05/11	1 MB	    
<input type="checkbox"/>		050 (6) Town Clerk Reappointment Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	08/05/11	48 KB	    
<input type="checkbox"/>		060 (7) Proposed Rules for Remote Participation in Open Meetings Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	08/05/11	647 KB	    
<input type="checkbox"/>		070 (8) FY12 Transfer Station Sticker Fee Recommendations Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	08/05/11	143 KB	    
<input type="checkbox"/>		080 (9) Health Insurance Reform, Chapter 69 of the Acts of 2011 Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	08/05/11	305 KB	    

-  **090 (9) Slide Presentation, Health Insurance Reform (Revised slide show will be available on 8/8/11**
 admin 08/05/11 2 MB     

Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet
-  **100 (11) Minutes, Board of Selectmen, May 23, June 6 & 20, July 11, 2011**
 admin 08/05/11 3 MB     

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-  **110 (12) Committee Appointment, Daniel Brunelle, VCC**
 admin 08/05/11 79 KB     

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-  **120 (13) One Day Liquor License, NARA Park, Family/Friends small group**
 admin 08/05/11 120 KB     

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-  **130 (14) Disposal of Obsolete Materials, Books and Sofa**
 admin 08/05/11 57 KB     

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-  **140 (15) Third Annual Turkey Trot for Charity**
 admin 08/05/11 129 KB     

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-  **150 (16) Accept Gift, Conservation Department**
 admin 08/05/11 48 KB     

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-  **160 (17) Accept Gift, Arboretum Project**
 admin 08/05/11 23 KB     

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