

Final

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING
January 9, 2012

Acton Town Hall
Francis Faulkner Hearing Room
7:00 P.M.

RECEIVED
MAY - 8 2012
TOWN CLERK, ACTON

Present: Mr. Gowing, Ms. Harting-Barrat, Ms. Adachi, Mr. Sonner and Mr. Clough. Town Manager Ledoux, Recording Secretary Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

Ann Chang reminded Town boards to submit their reports to the Town Report Committee for inclusion in the 2011 Annual Town Report.

CHAIRMAN'S UPDATE

Mr. Gowing noted that 2/2 was the deadline for the Selectmen to approve the FY13 budget for the Town warrant, so if the Board needed more information, additional meetings might be necessary.

OPERATIONAL MINUTE

Mr. Ledoux reported that the Health Insurance Working Group has been meeting every Wednesday, 3-5 p.m. The last two meetings included presentations by health insurers; discussion of plan design will begin at the next meeting. The Human Resources directors for the Town and Schools met this morning and put together three potential designs to stimulate discussion. On Thursday the Fire Chief will be attending a meeting about the final report on the regional dispatch study. The Acton Leadership Group has not achieved consensus on a number of issues—revenues, expenditures, split, etc.; it will be difficult for the Selectmen to decide on the budget without that guidance. Dore Hunter, the Town's representative to the MBTA Advisory Committee, reported that at this morning's meeting, the Executive Director outlined possible service changes, including the possible discontinuation of service after 10:00 p.m. and on weekends, and substantial fare increases.

PUBLIC HEARINGS & APPOINTMENTS

BEYOND BORDER TEX MEX RESTAURANT, Inc., 103 Nagog Park

Application by restaurant-owner Mr. Josely Nogueira for a common victualler's license. The restaurant is at the location of the former Daniela's Cantina. He has over 24 years' experience in the restaurant business. The business hours will be the same as for Daniela's but Mr. Nogeira intends a family restaurant and currently does not plan to have entertainment. Mr. Sonner – Moved to approve. Ms. Harting-Barrat – second. UNANIMOUS VOTE

GREEN ACTON

Debby Andell, Sue Cudmore and other Green Acton representatives discussed the Drop Swap event in May. The event provides citizens with a way to “re-purpose” items that they no longer need. Vendors also are present to take items away to services such as Household Goods. The event keeps a lot of items out of the waste stream. Green Acton would like the event to be Town-sponsored, with promotions via the Town’s e-mail list, Lamplighter, Housing Authority, and provision of a truck at the end of the event for hauling leftover materials to the Transfer Station.

Mr. Ledoux said the Town could send out a press release and the Highway Department Superintendent was prepared to drop a roll-off container at the Drop Swap site and pick it up later.

Mr. Sonner – Moved to make the Drop Swap an annual Town-sponsored activity. Ms. Harting-Barrat – second. UNANIMOUS VOTE

REPORT OF THE SENIOR CENTER BUILDING COMMITTEE

Peter Ashton, Committee Chairman, and Sharon Mercurio, the Senior Center Director, provided a report on the work of the Committee since it was reconstituted in 2011. The senior population is the most rapidly growing segment of Acton’s population and will number 6,000 by 2030, representing 25% of the population. The Selectmen formed the Senior Center Expansion Committee in 2007 to study the future needs of seniors. The Expansion Committee decided that the current Senior Center could not meet the Town’s long-term needs and evaluated potential sites for a new center, ultimately selecting a site on the left side of Quarry Road, next to NARA; the Expansion Committee also considered leasing space, expanding the existing Center or collaborating with other towns. The Expansion Commission issued a report in January 2009. Further work was suspended during the economic downturn, with the Selectmen reconstituting the Committee as the Senior Center Building Committee last summer. The Building Committee has been meeting regularly since June, and has updated its data and collected public input via the Acton 2020 process.

Other municipalities have completed new centers or recently approved plans for design or design and construction work. In Acton, use of the center has increased about 4% a year with 1,200 seniors served. The current building is ill-suited for the current uses, the septic system limits the ability to provide hot meals, and parking can be a problem. The Building Committee has considered other sites, the possibility of satellite locations for activities. Public outreach regarding possible community use continues. The Center is doing an updated survey of the senior population. The updated cost of a new center would be \$7.7 million; operating costs would be in the \$200K range. The Town Manager’s budget includes a request for \$140K at Town Meeting for a design-feasibility study, including \$15K to explore possible layouts. The request for construction funding tentatively would be at 2014 Town Meeting.

Public feedback about potential community use has covered a wide-range of potential uses. The Building Committee needs more guidance about what community use should be, and suggests the formation of a subcommittee focusing on the community-use issue.

Final

The Building Committee also would like guidance as to what outreach the Committee should be doing in the next couple of months. The Committee has discussed having a public forum.

Alan Nitschelm presented his own analysis on the Senior Center issue, starting with his examination of the 2009 report, which did not convince him of the need to go forward with the project. The oversubscription of the parking area is a justification for moving forward, but the data indicate that 10% of the time, the lot is busy, but 90% of the time it is not. Plus the report indicated that two additional lots could be built, so if parking is the problem, it would be better to build two parking lots than relocate the space. The need must be demonstrated before we move forward. If the Center is very busy, there are other options for mitigating the problem, such as using other space for activities.

Mr. Gowing asked for comments. Ms. Harting-Barrat asked for Sharon's thoughts on Mr. Nitschelm's report.

Mr. Sonner asked for additional data on use. He asked how the use by one-third of the senior population compared to other towns; Ms. Mercurio said that it compares favorably to other towns, where if you build it, they will come. He asked about packaging the proposal for design and construction as part of an override at Town Meeting; Mr. Ashton said that the Town's normal approach is do the design component first.

Mr. Clough was in favor of a community center, noting the benefit when the high school agreed to open up the gym. He asked about the capacity of the large room, and about the locations of the parking at the top and bottom.

Mr. Gowing asked Mr. Sonner whether any Acton 2020 member could help in evaluating possible community use. He asked if the 2009 data had been updated: yes. Mr. Gowing agreed that there needs to be a better sense of what a community center is.

Ms. Adachi asked whether the users in the charts were collective users or unique users: collective. She asked whether the ongoing survey was reaching out to the 2/3 of seniors who are not currently using the Senior Center: yes. She suggested that a center appealing to a broader range of people could be more appealing.

Ms. Harting-Barrat emphasized the importance of the wording of the survey. She expressed concern about what seniors currently using the Center would think about driving to NARA, mixing with other generations. She asked about alternatives to taxing for funding the project. She asked about the size of the proposed site: about 12 acres.

Mr. Sonner asked about the impact on the capital and operating expenses if the project expanded from a senior center to a community center. Ms. Mercurio said that the idea of expanding the users was quite new but an initial concern was with staffing. Mr. Sonner recommended including a skeptic on the new subcommittee.

Mr. Calendrella agreed that there should be a public forum. He added that ActonTV has a lot of useful space at its new facility. He noted finally that seniors like him do not use the center because they are very busy with other things.

Mr. Gowing suggested that some public service announcements at ActonTV would be a good idea.

WALKER REALTY TRUST

Mr. Gowing provided an overview of the dispute. Walker Realty most recently has presented a new proposal that does not comply with the zoning bylaw in three respects and is before the Zoning Board of Appeals for a waiver. Town Counsel Nina Pickering Cook explained that the proposal involves Walker Realty's purchasing the Kennedy Landscaping property and flipping the location of the proposed one-story childcare to the Kennedy parcel. The Zoning Enforcement Officer has found that the proposal does not comply with three sections of the zoning bylaw. If the ZBA were to grant Walker Realty waiver, there would be no reason for Walker Realty to continue the pending dispute in Land Court. Mr. Ledoux said that the ZBA is seeking guidance from numerous boards, including the Selectmen.

The Selectmen agreed that traffic management remains a significant concern, the latest proposal is not significantly different from prior proposals and they are not inclined to support the new proposal. Ms. Pickering Cook noted that the Selectmen are addressing the best interests of the Town, while the ZBA's focus will be far narrower.

Alan Nitschelm said the latest proposal is quite different, the applicant is trying to be flexible, and the Selectmen should consider having an Executive Session to work out a compromise.

Sid Levin said the area is zoned residential and state law allows daycare centers in residences. He said the zoning bylaw square-footage limitation is reasonable, Walker Realty is proposing to put a commercial development on a residential property, which is wrong. If the developer can do that, there is no point in having zoning requirements.

Amy Yadav, 4 Smart Road, works with pre-school facilities that are facing low enrollment and have serious concerns about the prospect of a large facility opening up.

Matt Post, 6 Isaac Davis Way, which abuts the Walker site, said he tried to work with Walker but the fence and trees are not as promised.

Peter Ashton asked about the possibility that the two appeals would be combined. Ms. Pickering Cook said that was technically possible but unlikely; it is more likely that the original proposal would go to trial in March. Mr. Ashton asked whether the Town had explored purchasing the land, as the resolution approved at 2011 Town Meeting had urged. Ms. Pickering Cook said the Town had determined that purchase by eminent domain was not feasible. He said the resolution made clear that the Town did not support the project, the Town had modified the zoning bylaw to address childcare facilities, and the Selectmen should make those points to the ZBA. The new proposal is little different from the prior proposal and, as one story, has a larger footprint, with three curb cuts. He also sees issues with the proposed transfer of the Kennedy land. Kennedy operates two businesses, a nursery and landscaping business and the agricultural exemption applied to the nursery, not the landscaping business.

Kim Meusal, 11 Jackson Drive asked the Board not to support this.

Charlie Kadlec urged residents watching on television to send their comments to the ZBA.

Final

Ms. Harting-Barrat – Moved that the Board of Selectmen send a letter to ZBA stating that the Board oppose the proposal for the reasons noted in its 2009 letter. Mr. Sonner – second – UNANIMOUS VOTE

SELECTMEN'S BUSINESS

BOARD OF SELECTMEN'S BUDGET SATURDAY RECAP

Mr. Gowing asked Board members for comments. Ms. Adachi said we have some difficult choices to make. Ms. Harting-Barrat noted the need for more policemen. Mr. Clough said we have a lot of work to do and are just beginning. Mr. Sonner said the most interesting part was the discussion of Other Post Employment Benefits (OPEB). Mr. Gowing expressed concern that Town staff members were not requesting items that they really needed; Mr. Ledoux agreed.

The Board agreed on an additional meeting later in the week and after the 1/23 meeting. Mr. Ledoux noted that the Governor's budget will be announced at the upcoming Massachusetts Municipal Association annual meeting. The extra meeting will be either 1/25 or Monday, 1/30.

REMOTE PARTICIPATION RULING – CONTINUED DISCUSSION

Mr. Gowing circulated a "straw man" draft set of guidelines for input from the Board. Mr. Sonner asked about the suitability of locales other than Town Hall for remote participation. The Library, Public Safety Facility and other municipal buildings can handle remote participation. Mr. Sonner asked which of the proposed guidelines were from the state regulations and which were options that would apply to Acton only. Ms. Adachi suggested stripping out most of the legal references. Mr. Sonner suggested that the Board take another look at the issue in six months, perhaps at the next All-Boards-Chairmen meeting. The Selectmen agreed with the draft conceptually.

Ms. Harting-Barrat – Moved to accept the Remote Participation Guidelines. Mr. Sonner - second UNANIMOUS VOTE

SELECTMEN'S REPORTS

Mr. Sonner – SATSAC issued a press release outlining plans; groundbreaking is in June. He noted with respect to OPEB that the issue is how much we should be setting aside; the Finance Committee has recommended \$500K for FY13, but the Segal report suggests \$5 million, which would have a significant impact on the operating budget.

Mr. Clough –The Finance Committee has been discussing OPEB and has issued its Point of View document. The Design Review Board would like to weigh in on the "friendly" Chapter 40B project, The Meadows, on Great Road. The Historic District Commission and Economic Development Committee will be scheduling a joint meeting on the sign bylaw. The Open Space Committee is looking for a part-time conservation-restriction observer (2-4 hours/week).

Mr. Gowing – There already has been discussion of the Senior Center. He will be attending a commuter-rail meeting in Fitchburg on Friday and would like a copy of the SATSAC press release. He will be attending an RTAC meeting tomorrow, where the latest TIP list will be under review. The big project in our area is the Crosby's corner 65M start next yr, other two projects are ARRT—TIP 2016-2020 and BFRT 20-24.

Board of Selectmen Minutes
January 9, 2012

Final

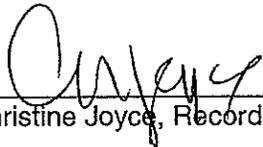
Ms. Harting-Barrat –Planning Board is looking at a CVS proposal for new facility with drive-through windows.

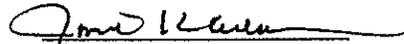
Ms. Adachi – The Acton-Boxborough Cultural Council is meeting tonight to continue its review of grant applications. The Acton Community Housing Corporation and the Commission on Disability both will meet on 1/12. The Community Preservation Committee will meet on 1/19 and 1/26 to hear project presentations, after which the committee will deliberate and decide its recommendations for the Town Meeting warrant; Ms. Adachi has had several meetings with Town management and the HDC Chairman Kathy Acerbo-Bachmann about the HDC loan proposal, which everyone agrees is conceptually very appealing but perhaps not ready to move forward this year. Mr. Ledoux already has reported on the HIWG. In response to Mr. Clough's report, Ms. Adachi said the DRB's review required a permitting board's authorization, and probably was unnecessary with respect to the Acton Meadows.

CONSENT

Ms. Adachi – Moved to approve. Mr. Sonner – second. UNANIMOUS VOTE

Move to adjourn 10:00 p.m.


Christine Joyce, Recording Secretary


Janet K. Adachi, Clerk

Date: 7 May 2012

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Hearing Room
January 9, 2012
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 **BEYOND BORDER TEX MEX RESTAURANT - COMMON VICTUALLER LICENSE, 103 NAGOG PARK (AN APPLICATION WILL BE FILED SHORTLY FOR THE LIQUOR LICENSE)**
Enclosed please find materials in the subject regard
4. 7:25 **GREEN ACTON, DEBBY ANDELL**
Enclosed please find materials in the subject regard
5. 7:35 **REPORT OF THE SENIOR CENTER BUILDING COMMITTEE**
6. 8:10 **WALKER REALITY TRUST, NEXT GENERATION CHILD CARE CENTER**
Enclosed please find materials in the subject regard

III. SELECTMEN'S BUSINESS

7. **BOARD OF SELECTMEN'S BUDGET SATURDAY RECAP**
8. **GUIDELINES FOR REMOTE PARTICIPATION**
9. **SELECTMEN'S REPORTS**

IV. CONSENT AGENDA

10. DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY

Enclosed please find materials in the subject regard

**11. APPROVAL OF EXPENDITURE FROM GEORGIA E. WHITNEY
MEMORIAL FUND, TO SUPPORT THE 2012 ROBERT CREELEY
POETRY READING, THOMAS LUX, POET**

Enclosed please find materials in the subject regard

12. ACCEPT GIFT, COMMUNITY SERVICES COORDINATOR

Enclosed please find a gift of \$1,000.00 from Orion Industries Inc. to be used for the Emergency SERVE-Fuel Assistance program

13. ACCEPT GIFT, COMMUNITY SERVICES COORDINATOR

Enclosed please find a gift of \$500.00 from Orion Industries, Inc. to be used for the Emergency Fuel SERVE-Fuel Assistance Program

14. ACCEPT GIFT, CEMETERY DEPARTMENT

Enclosed please find a gift of a tree valued at \$225.00 from Jean Murphy-Gifford in honor of her late husband's memory to be planted at the Woodlawn Cemetery

15. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$5,600.00 from Dunkin Donuts to be used at Winter Carnival and July 4th Fireworks and concert

16. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$889.90 from Dunkin Donuts for Winter Carnival and Halloween Cemetery Tour, 2012

17. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$100.00 from AAA Southern New England to be used for the 2012 Concert Series

18. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$50.00 from Barron Chiropractic & Wellness Center to be used for the 2012 Concert Series

19. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$500.00 from Life Care Center of Acton to be used to support the Winter Carnival and Summer Concert Series

20. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$70.00 from Mr. & Mrs. Krajewski to be used for support of 2012 events and Park Improvements

21. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift totaling \$2,145.00 from various people to be used for the Goward Field Playground project

22. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$4,150.00 from various people to be used for the Goward Field Playground project

23. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$1000.00 from Middlesex Bank to be used for the Goward Field Playground Project

24. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$1,089.00 from various people to be used for the Goward Field Playground project

25. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift valued at \$12,225.00 from Redmond Corp. to be used for NARA Park Playground Surfacing Renovation

26. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$6,000.00 from Gould's Clothing to be used for the July 4th Fire Works

27. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$6,000.00 from Donelan's Market to be used for the July 4th Fire Works

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 agenda.

JANUARY 7

Budget Saturday

JANUARY 23

Site Plan Continuation
Powder Mill Road
Design Review Board
Eric Gilfix – Non Display Class I

FEBRUARY 6

Subway Special Use Permit
255 Main Street
Health Insurance Update
Beyond Border Tex Mex Liquor
Seimans Challenge

MINUTES PENDING VOTES

January 8, October 17, November 7, 21 & December 5, 19

PENDING COMMITTEE APPOINTMENTS

Rob Bukowski – various – sent to VCC 12/15

Sophy Chang – open to suggestions and needs sent to vcc 12/29

Xerox DocuShare® Home | Content Map | What's New | Help

manager Logout My DocuShare My Tasks Search In: This Collection

Advanced

Location: Home » Public Meetings » Board of Selectmen » 2012 » 01-09 » Agenda Listing

Agenda

- Properties
- Add to Favorites

Edit Selected... Add... Refresh

<input type="checkbox"/>	Type	Title	Owner	Edited	Size	Actions
<input type="checkbox"/>		010 Agenda, Board of Selectmen, January 9, 2012 Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	01/06/12	149 KB	
<input type="checkbox"/>		020 (3) Common Victuller License, Beyond Border Mex Tex Restaurant, Inc. Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	01/06/12	212 KB	
<input type="checkbox"/>		030 (4) Green Acton Materials Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	01/06/12	66 KB	
<input type="checkbox"/>		<u>040 (6) - Walker Realty Trust LLC - Link to Board of Appeals Information, 348-364 Main Street</u>	admin	01/06/12	0	
<input type="checkbox"/>		050 (10) Disposal of Obsolete Materials, Memorial Library Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	01/06/12	40 KB	
<input type="checkbox"/>		060 (11) Request for Expenditure from the Georgia Whitney Memorial Fund, Robert Creely Poetry Reading, Thomas Lux Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	01/06/12	348 KB	
<input type="checkbox"/>		070 (12) Accept Gift, Community Services Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	01/06/12	23 KB	
<input type="checkbox"/>		080 (13) Accept Gift, Community Services Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	01/06/12	51 KB	
<input type="checkbox"/>		090 (14) Accept Gift, Cemetery Department Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	01/06/12	21 KB	

<input type="checkbox"/>		110 (15) Accept Gift, Recreation Department Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	01/06/12	44 KB	    ▾
<input type="checkbox"/>		120 (16) Accept Gift, Recreation Department Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	01/06/12	45 KB	    ▾
<input type="checkbox"/>		130 (17) Accept Gift, Recreation Department Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	01/06/12	57 KB	    ▾
<input type="checkbox"/>		140 (18) Accept Gift, Recreation Department Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	01/06/12	100 KB	    ▾
<input type="checkbox"/>		150 (19) Accept Gift, Recreation Department Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	01/06/12	36 KB	    ▾
<input type="checkbox"/>		160 (20) Accept Gift, Recreation Department Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	01/06/12	76 KB	    ▾
<input type="checkbox"/>		170 (21) Accept Gift, Recreation Department Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	01/06/12	583 KB	    ▾
<input type="checkbox"/>		180 (22) Accept Gift, Recreation Department Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	01/06/12	181 KB	    ▾
<input type="checkbox"/>		190 (23) Accept Gift, Recreation Department Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	01/06/12	142 KB	    ▾
<input type="checkbox"/>		200 (24) Accept Gift, Recreation Department Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	01/06/12	245 KB	    ▾
<input type="checkbox"/>		210 (25) Accept Gift, Recreation Department Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	01/06/12	48 KB	    ▾
<input type="checkbox"/>		220 (26) Accept Gift, Recreation Department Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	01/06/12	37 KB	    ▾
<input type="checkbox"/>		230 (27) Accept Gift, Recreation Department Scanned with FlowPort '2012 Meeting Week Cover Sheet' Cover Sheet	admin	01/06/12	37 KB	    ▾

