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BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

May 6, 2013

Francis Faulkner Hearing Room 7:00 p.m.

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

CITIZENS' CONCERNS

Bob Ingram – Member of the West Acton Baptist Church spoke about temporary sign requests. He was directed to the Board by planning as the Board of Selectmen are the only ones that can waive fees. He asked the Board to waive the fees for Churches. The Board discussed the issue and that the Board could have the Town Manager designated to waive these fees for churches and non-profits. The Board will follow-up with the Town Manager

CHAIRMAN'S UPDATE & OPERATIONAL MINUTE

Ms. Adachi – There is an upcoming joint meeting with fincom 7:30 in Jr. High Library to hear presentation for school regionalization. Noted public outreach meetings coming up in May. Outlined the issues that will be coming up in the next months. She also discussed the new OML and 3 part presentation about sewers by Doug Halley. Upcoming meetings will also address the Morrison Farm project and what the role of the Morrison Farm Committee will be going forward, as well as the space needs study and town common policy.

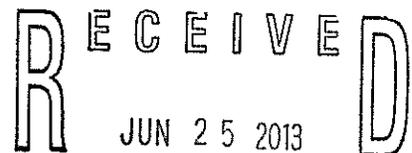
Mr. Ledoux –received a bona fide offer for the Anderson Parcel on Arlington Street. The clock started last Monday. We received a memo that Amerisco contracts are signed and they will be moving forward. Train station and bike racks removed and replaced, dealing with issues with condominiums on Railroad Street, neighbors want a buffer between the lot and their condominiums. There will be a Site meeting there with MBTA and Condo association. Groener Conservation Restriction will be back this week. He will attend the Post Office Square site at 8:30 tomorrow morning.

PUBLIC HEARINGS & APPOINTMENTS

REQUEST FROM THE LOCAL TABLE, 251 ARLINGTON TO ADD CORDIALS AND LIQUEURS TO THEIR BEER AND WINE LICENSE.

Rose Saia of the Local Table, Arlington Street came before the Board to add a license to add cordials and liqueurs to their Beer and Wine license.

Mr. Gowing – Moved to approve. Mr. Clough – second. UNANIMOUS VOTE



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CLASS II CAR DEALER'S NON-DISPLAY LICENSE AT 930 MAIN STREET, KEVIN CARROLL

Mr. Carroll said he was requesting a Class II non-display License. Nina Pickering Cook asked questions about his previous businesses. He was a contractor and in 2006 he closed his business Better Built. Asked if he held any licenses by state and town, he had a contractor supervisors license and it was revoked. She asked why suspended and he said because of a build in Boxborough. Counsel asked about his criminal record in 1994. Asked about suing and what how many times he had been sued. Counsel said she had dockets for 18 court cases and asked had he been present on the 18 cases, he replied no. Most were about contracting and from when he filed bankruptcy. Two of those were cases against Better Built (Boxboro suit) and the owners were awarded \$400,000. He was asked if he appeared in court. He said he did not appear in court. Counsel asked about another suit in 2005 by Christopher Carmody who was awarded \$24,000. Asked if he has paid off the judgments in the Boxboro cases, he said no. He was asked if he had a criminal record, he noted he has not been convicted of any act.

Ms. Adachi recommended that we not approve his application - it is unusual and one of the concerns of issuing a license goes to the character of the applicant and it is a privilege to be granted a license, and further, we want to protect the citizens.

Mr. Clough wanted to know if he takes a deposit for work, he said no. Does he offer a warranty, he said 60 days.

Mr. Sonner – Moved to deny this request. Ms. Green second, 4-1 Mr. Gowing NAY - Motion Passes

SELECTMEN'S BUSINESS

CLOSE THE WARRANT FOR THE JUNE SPECIAL TOWN MEETING

Mr. Ledoux said we are investigating whether we want to have a fall town meeting for zoning. Mr. Clough spoke about, supporting this especially with Kelley's Corner and the proposed new Panera.

Ms. Green said she has had concerns about this and felt we could consider if the Planning Board articles really needed to be put on the upcoming Special. Mr. Gowing said that it would limit the length of town meeting and would give us 6 months to recharge and would eliminate the crush for Annual town meeting, he felt it would work for everyone. Mr. Clough asked about the closing of the warrant

Mr. Sonner felt it makes sense to move forward to a fall town meeting and have the LWV give their position.

Mr. Clough – Moved to Remove #16 as it is not urgent enough to be on the June Special. Mr. Gowing – second. UNANIMOUS VOTE

Mr. Sonner – Moved to Close the June 3 Special Town Meeting Warrant at the close of this meeting. Mr. Gowing – second. UNANIMOUS VOTE

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Ms. Adachi wanted to address this tonight and not wait until next week.

COURT OF HONOR TO BE ASSIGNED, THOMAS RUSSELL, MAY 26, 2013

Mr. Sonner will be attending

BOARD DISCUSSION OF LIAISON ASSIGNMENTS

Ms. Adachi spoke about the assignments. Mr. Gowing noted he will be on ALG. There are 47 total assignments. Mr. Clough asked about OPEB working group and asked if we should put that on the list. Ms. Adachi suggested it could be added to ALG.

Mr. Gowing suggested that Ms. Green would be the liaison to Senior Tax Aid Committee and she agreed. Ms. Green would be good for the I-495 committee and she agreed. Mr. Sonner – Moved to approve the revised list. Mr. Gowing – second. UNANIMOUS VOTE.

ACHC REQUEST TO EXPAND MEMBERSHIP, APPOINTMENT OF DANIEL BUCKLEY AND LARA PLASKON AS REGULAR MEMBERS

Ms. Adachi gave a background of the situation of Associate members. It was approved at town meeting and now needs to be voted at ballot for this to become official. Ms. Tavernier asked that we allow them to appoint the new members before the Ballot. This is permitted under the current Town Charter.

Mr. Gowing Moved to expand from 5 members to 7. Mr. Clough – second. UNANIMOUS VOTE

Mr. Clough – Moved to appoint Mr. Buckley and Ms. Plaskon as full members. Mr. Sonner – second. UNANIMOUS VOTE.

CONFIDENTIAL REQUESTS FROM THE VARNUM TUTTLE MEMORIAL FUND

Mr. Sonner was not supporting the requested relief for excise tax and noted that the applicant should be able to pay it if they have a newer car. Mr. Clough – second for discussion.

Mr. Gowing said he trusted staff's recommendation.

Mr. Clough – Moved to approve. Mr. Gowing – second 4-1 Sonner - Nay

SEWER COMMISSIONERS' BUSINESS

SEWER CONNECTION REQUEST FROM 1 LILAC COURT

Mr. Halley outlined the request and felt it will not affect our capacity and based on those issues and failing system he is recommending that the Commissioner's approve the Privilege fee payment for \$12,311.52 as noted under regulations D10-5.b and additionally, the permit owner of 1 Lilac Court will need to file for discharge from the courts for a previous agreement with the town.

Mr. Gowing asked about the connection fees and the vacant property. Mr. Halley noted that they are already paying for the connection.

Existing house was built in 1955.

Mr. Clough - Moved to approve with conditions as noted from the Health Dept. Mr. Sonner - second. UNANIMOUS VOTE

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SELECTMEN'S REPORTS

Mr. Sonner – Noted the letters he received from citizens who had not attended the meeting and did not understand that we cannot break zoning regulations, and that we were not trying to stop the Panera project. He thanked the citizens for the letters. 2020 still looking at their structure and working on bringing in new members. Clean up day in South Acton was not well attended. SATSAC and train station construction have noted the learning curve with the ongoing construction. AML revising their bylaws.

Mr. Clough – Design Board met with Panera and have been working on the site and have brought an all new plan to address issues. The area requires many new things due to new zoning. The roof lines are made for narrow building and the site is square. They came up with gable ends to minimize the size of the roof and will have to address the mechanics. They are only landscaping their parking lot space in the parking lot.

Ms. Adachi – Cultural Council started Movie night. ACHC and Housing Authority issue regarding old high school parking situation. WRAC continuing to draft bylaw. Attended Mass Municipal meeting.

Mr. Gowing - **COA** – Volunteer appreciation day was held last week at the senior center. About 75 volunteers attended and all had a good time. The COA discussed their goals for the upcoming year. The goals will be formalized at their June meeting. One board member is resigning.

LRTA board met and discussed the timeline for improvements to the parking garage/multimodal center. The contract has been awarded and work will start in about 30 days.

MAGIC – Carlisle – approved a senior housing development of 26 units on 3.8 acres. Sudbury – getting ready for town meeting, the hot points are a new public safety building and a citizens petition that the budget presented at town meeting cannot exceed a 20% differential from the one posted in the warrant. **Concord** – at town meeting, the water bottle bill failed in its effort to be overturned, conservation restriction to be placed on the landfill failed and school bus parking on the landfill failed. **Littleton** – the final configuration of the hundred and 90 rental unit (40 B) was approved with the shared sewage treatment plant to be built on seven unbuildable lots. Land acquisition for 7 acre farm parcel on Rt. 2A. The group discussed their fiscal 2014 work plan – six out of the nine goals set last year were accomplished. The remaining three revolved around smart growth. It will be taken up again this year.

Fitchburg Line Group – a Littleton station dedication will be planned for mid June when the station officially opens. By September, the MBTA will extend the express trains to Littleton. There was a discussion about improved times for outbound (reverse commute) trains with MBTA operations. The MART shuttle has had a successful three months taking people from Fitchburg to the VA hospitals and the downtown medical community.

STAC – they discussed how to better market the senior tax relief fund and are planning to discuss expanding the senior work program with the BOS soon.

HDC – lack of quorum, meeting rescheduled

TAC – lack of quorum, meeting rescheduled

CAB - meeting not posted in time, meeting rescheduled

HIT – the trust discussed the past years performance, it will appear that the trust will lose about \$1.5 million this year. Blue Cross Blue Shield came in and present information on their

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indemnity plans (Master Health Plus, Blue Care Elect, and Medex). They also discussed alternative drug coverage for Medicare retirees (currently we offer Medex 3). The town and school respective HR departments will review the impact and report back to the trust in June. **UMass Semi-Annual transportation meeting** - Aniko Laszlo, our local contact who has helped us through several of the grant applications, will be leaving UMass next month and going to a newly created position at MassDOT. It trip planning seminar will be held next month. The focus of this meeting was on transportation of veterans. Franny Osman presented her experiences to the group in using the Fitchburg line shuttles to Boston and Worcester.

Sesquicentennial – met with staff to help organize a celebration of the sesquicentennial of the battle of Gettysburg this Fourth of July to also celebrate Nathaniel Allen's (we renamed NARA after) award of the Medal of Honor.

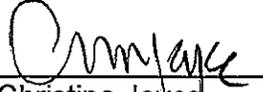
Ms. Green – Attended Planning Board meeting and discussed warrant articles. The Board also voted to approve \$50,000 for ACHC to release a 40B unit and are hoping to look at more formal way to address these situations in the future. School committee discussed regionalization and how Acton will require a Charter change to update number of school committee members if regionalization passes.

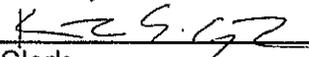
CONSENT

Mr. Gowing - Moved to approve the Consent agenda - Mr. Sonner - second. UNANIMOUS VOTE

Ms. Adachi - Moved to enter in to Executive Session. Mr. Gowing - second.
Ms. Green took the Roll, All Ayes

Adjourned into Executive Session
9:30 p.m.


Christine Joyce
Recording Secty


Clerk
6/24/13
Date

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Hearing Room

May 6, 2013

Regular Session 7:00 PM

There will be a need for Executive Session at the conclusion of the Regular Meeting to consider the Purchase, Exchange, Lease or Value of Real Property

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. **7:05 CHAIRMAN'S UPDATE/OPERATIONAL MINUTE**
The Chairman will briefly update the Board. The Town Manager will provide a brief report.
2. **7:10 REQUEST FROM THE LOCAL TABLE, 251 ARLINGTON STREET TO ADD CORDIALS AND LIQUEURS TO THEIR BEER AND WINE LIQUOR LICENSE**
See enclosed materials.
3. **7:20 CLASS II CAR DEALER'S NON-DISPLAY LICENSE AT 930 MAIN STREET, KEVIN CARROLL**
See enclosed materials.

SELECTMEN'S BUSINESS

4. **CLOSE WARRANT FOR JUNE 3, 2013 SPECIAL TOWN MEETING**
5. **COURT OF HONOR, THOMAS RUSSELL, MAY 26TH - SELECTMAN TO BE ASSIGNED**
See enclosed materials.
6. **BOARD OF SELECTMEN DISCUSSION OF LIAISON ASSIGNMENTS**
See enclosed materials.
7. **ACHC REQUEST TO EXPAND MEMBERSHIP; APPOINTMENT OF DANIEL BUCKLEY AND LARA PLASKON AS REGULAR MEMBERS.**
See enclosed materials.
8. **CONFIDENTIAL REQUEST FROM THE VARNUM TUTTLE MEMORIAL FUND.**
See enclosed materials.

SEWER COMMISSIONERS' BUSINESS

- 9. SEWER CONNECTION REQUEST- PRIVILEGE FEE, 1 LILAC COURT**
See enclosed materials.

SELECTMEN'S REPORTS

III. CONSENT AGENDA

- 10. ACCEPT GIFT, RECREATION**
Gift of \$75.00 from Marjan and Kathryn Krajewski to be used to support the 2013 Summer Concert Series at NARA Park.
- 11. ACCEPT GIFT, RECREATION**
Gift of \$1,500.00 from Emerson Hospital to be used to support the 2013 Summer Concert Series at NARA Park.
- 12. ACCEPT GIFT, PLANNING**
Gift of \$11,666.67 from Monument Place Project, Bentley Builders to support affordable housing and street improvement in the vicinity of the project off of Harris Street (eighth deposit)
- 13. ACCEPT GIFT, PLANNING**
Gift of \$11,666.67 from Monument Place Project, Bentley Builders to support affordable housing and street improvements in the vicinity of the project off of Harris Street (ninth deposit)
- 14. ACCEPT GIFT, BOARD OF HEALTH**
Gift of \$2,000 from various contributors to support Wellness and You Program.
- 15. REQUEST FOR FARMER'S MARKET WINE LICENSE, COSTAL VINEYARDS**
See enclosed materials.
- 16. APPROVAL OF PERMITTING AUTHORITY, (POLICE CHIEF) FOR ISSUANCE AND SETTING FEE FOR A PERMIT TO ENGAGE IN ICE CREAM TRUCK VENDING FOR BOARD APPROVAL**
See enclosed materials.
- 17. DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY**
See enclosed materials

IV. EXECUTIVE SESSION

EXECUTIVE SESSION TO CONSIDER THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY

ADDITIONAL INFORMATION

See enclosed 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

MAY 20

Kennedy Land Right of Way Off Of Nara Park
Use Special Permit, Anytime Fitness Club at 100 Powder Mill Road (Sonner)
Panera, LLC. continued from April 22, 2013 Site Plan #3/5/13-441, 252 Main Street (Gowing)
Health Director will present the first of three Sewer primers for the board as Sewer Commissioners'

JUNE 10

Town Manager Annual Performance Appraisal

JUNE 24

Acton Housing Authority appointment to fill unexpired term
Health Director will present second of three sewer primers for the Board as Sewer Commissioners'

PENDING MINUTES

April 22

PENDING COMMITTEE APPOINTMENTS

Padmaja Kuchimanchi, Green Advisory -JS
Eric Solomon – 2020, TAC JS
Sharon Schifer 2020 or VCC JS
Pamela Harting-Barrat BOH Assoc. KG

MaryAnn Ashton – Morrison Farm- sent to VCC
Vickie Wallin- 2020 sent to VCC
Bruce Forman – 2020 sent to VCC
Eileen Lucey – COA – sent to VCC

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Type	Title	Owner	Edited	Size	Actions
	010 Agenda, Board of Selectmen, May 6, 2013	manager	05/03/13	51 KB	▼
	020 (2) Local Table request for cordials and Liqueurs	manager	05/03/13	132 KB	▼
	030 (3) Class II Car Dealers License, Kevin Carroll, 930 Main Street	manager	05/03/13	346 KB	▼
	040 (5) Eagle Scout Court of Honor	manager	05/03/13	26 KB	▼
	050 (6) Committee Liaison Assignments	manager	05/03/13	160 KB	▼
	060 (7) ACHC Request for Membership Expansion	manager	05/03/13	288 KB	▼
	070 (9) Sewer Connection - Privledge Fee, 1 Lilac Court	manager	05/03/13	209 KB	▼
	080 (10) Accept Gift, Recreation	manager	05/03/13	33 KB	▼
	090 (11) Accept Gift, Recreation	manager	05/03/13	18 KB	▼
	110 (12) Accept Gift, Planning	manager	05/03/13	23 KB	▼
	120 (13) Accept Gift, Planning	manager	05/03/13	22 KB	▼
	130 (14) Accept Gift, Health Department	manager	05/03/13	14 KB	▼
	140 (15) Farmer's Market Wine Sales, Costal Vineyards	manager	05/03/13	71 KB	▼
	150 (16) Ice Cream Vending Application	manager	05/03/13	18 KB	▼
	160 (17) Disposal of Obsolete Materials, AML	manager	05/03/13	23 KB	▼