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Final

**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**  
October 17, 2011

TOWN CLERK, ACTON

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

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

**CITIZENS' CONCERNS**

None

**CHAIRPERSON'S UPDATE**

Mr. Gowing noted that the Montachusets Regional Transit Authority (MART) has begun  
a shuttle service between Fitchburg and Boston with a stop at the Littleton train station.  
MART is hoping to have another stop at Tech Central. Adult fare one-way is \$12;  
senior fare one-way is \$10.

Mr. Gowing reminded boards and committees to submit their Annual Town Reports for  
the 2011 Town Report, as a memo from the Manager's office had requested earlier this  
week. On November 5<sup>th</sup> there will be a drive-through flu immunization; the Nursing  
Service will be giving shots at upcoming clinics. The search for a new veterans'  
services officer is in the second stage.

**OPERATIONAL MINUTE**

Mr. Ledoux noted that at the last Board meeting, the Board had discussed Chapter 69  
of the Acts of 2011 Health Care Reform Act and authorized Mr. Ledoux to engage a  
consultant to compare and review a plan that would focus on the Town side. Pursuant  
to a request for proposal, which produced three responses, he has hired Cook &  
Company at a cost of \$4,000; the analysis should be available by 10/28.

Mr. Ledoux reported on the annual departmental budget review process, 10/4-10/5, for  
FY12 and FY13-14. Among the top priorities are IT equipment, senior center design  
and North Acton fire station. Smaller meetings will start Thursday. There was no  
Acton Leadership Group meeting last Thursday, so the November meeting will be a  
long one, covering revenues as well the Town-schools split.

Final

## **PUBLIC HEARINGS & APPOINTMENTS**

### **VETERAN'S MEMORIAL PRESENTATION**

Assistant Town Manager John Murray presented slides about the proposed memorial and inscription. The stone, 12.5 tons of granite valued at around \$6,000, was donated and formerly was in front of Cassa Stone; local sculptor Yin Peet is donating her services, seeking only out-of-pocket expenses of \$12,000; the American Legion is donating the \$6,100 cost of the inscription; the cost of the crane also will be donated. The proposed site is where the Spanish-American War memorial currently sits, which is a large enough space for a gathering; the Spanish-American memorial will be relocated to the area in front of Town Hall and the Library, where it will be in chronological sequence between the Civil War and World War I memorials. The inscription started as an open letter rather than a memorial and has had input from numerous people, including the Historic District Commission (HDC); 50 veterans attended a meeting on 10/4 and reviewed the latest inscription line-by-line. The original Armistice Day commemorated the 11<sup>th</sup> hour of the 11<sup>th</sup> day of the 11<sup>th</sup> month, which is the inspiration for the "11.11.11" at the end of the inscription; a separate dedication plaque will include "2011."

In response to a query from Mr. Clough, Mr. Murray explained that the sloped portion of the stone would face Main Street, while the rough side would face Concord Road and the fire station. He noted that the HDC wanted the rough surface to remain. The military emblems will be 7" round, and the lettering 1-1.5".

Claire Siska asked about placement of the inscription and emblems.

Leonard Palmer, 65 Alcott Street – Said the inscription was too wordy for a veterans memorial. The Concord memorial has some 20 words. The project has come up very quickly. He thinks the proponents should slow down and get the wording correct. He suggested getting 10 inscriptions and having people vote on it. Mr. Gowing explained that the inscription had evolved via a consensus process, and that veterans at the meeting had raised the same issues.

Herman Kabakoff, 27 Robinwood Road - This process has been going on for years. He noted that reaching consensus via authorship by committee always is difficult, and there never will be full agreement. He feels that the process has been done democratically. He is delighted with the wording and hopes the Board will support the monument.

Mr. Murray mentioned that people would be working on the grammar and punctuation, including Ms. Adachi. Mr. Sonner - Moved to approve as presented, pending HDC review and hearing. Ms. Harting-Barrat – second. UNANIMOUS VOTE. Mr. Gowing said he realized that the process had happened quickly, but the donation of the stone presented an opportunity to move the project forward.

Final

## **TROPICAL STORM IRENE - OVERVIEW OF RESPONSE**

Mr. Ledoux presented slides on how the Town prepared for the 8/28 storm, and how the Town, schools and NSTAR responded after the storm. The Town's preparation started on 8/25. The emergency management operation moved to Town Hall on 8/27. On 8/28, NSTAR told Town officials that it was not equipped to take municipal calls about downed lines, and urged customers to call the 800-number. On 8/29, NSTAR technicians started to arrive, though some were not qualified to deal with downed lines. The Town had daily conference calls with the Massachusetts Emergency Management Agency and the Governor. The transfer station was open to accept brush, the Public Safety Facility for recharging electronics, and the schools for hot showers and meals. On 10/3, the Town's emergency response representatives met with NSTAR. The lessons: the Town needs to improve communications with residents who lose better; the Town is looking into additional electronic message boards; FM radio transmitter; emergency management vehicle with public address speaker; using the newsletter in the quarterly tax mailings to encourage residents to register telephones and e-mail addresses. In the recent budget session, the top capital items were FM transmitter, additional generators and additional message boards.

Mr. Sonner asked the cost of the message boards. IT Director Mark Hald said \$21,000; the oldest dates to 2006 and still works well.

Mr. Clough asked how NSTAR established the priority areas in Town and why there were not enough crews. Mr. Ledoux said the Town had three top-priority areas: presidential area, Alcott and Notre Dame, and NSTAR dealt with areas of higher population first.

Ms. Harting-Barrat expressed concern about the slow response time and risk to residents of live wires. Ann Marie Walsh of NSTAR said crews warn people about the down lines.

Ms. Adachi expressed concern about the inability of NSTAR to receive reports from Town officials about downed live wires and to share information about residents who may need special assistance. Ms. Walsh said that residents could call NSTAR.

Mr. Gowing said NSTAR should be sure that cell phone numbers are in their database so the system accepts information from residents using cell phones, particularly given the trend to having cell phones in lieu of land lines. The Town will work with NSTAR on improving communications and getting the word out. He urged people to take action now and not to wait until another power outage.

John Petersen, Jackson Drive – Asked about the level of NSTAR's disaster-planning. H. Ms. Walsh said that NSTAR prepared for a Level 5 storm, deploying all resources. Irene was the biggest storm in 20 years and NSTAR received 10,500 calls in 15 minutes. Mr. Petersen said NSTAR should have provided better information about when power might be restored so that people could at least plan. He asked whether it

Final

would be possible to boost the schools' FM transmitter. Mr. Hald said the equipment could be old and he was not sure about the license; a municipality is covered under Federal Communications Commission regulations in an emergency. Mr. Petersen asked whether officials had reached out to other communities with similar outages, so the group could speak with one voice about the shared difficulties. Mr. Ledoux said he had. Gerald Palano, Vanderbilt – Said he tried repeatedly to reach NSTAR and that NSTAR should provide better communication with a real person on the end of the line.

Ann O'Grady, Washington Drive – Said there needs to be a better way to address the problem of live wires if the Town is prepared to spend money on message boards. She did not understand how NSTAR could leave live wires on the ground for 5 days. She has heard that NSTAR has an arrangement with towns having municipal utilities, such as Concord, Littleton; she asked whether NSTAR had been in touch with neighboring towns. Ms. Walsh said she would check. Ms. O'Grady asked about the Town's having its own municipal utility.

Dick Calandrella, Notre Dame Road – Asked whether NSTAR had considered having a separate line for communications from municipal officials. He noted that cell phone calls go nowhere because the NSTAR system does not recognize non-land line phone numbers.

Mr. Clough asked about going to Littleton or Concord for electricity. Mr. Ledoux said that part of the difficulty is that NSTAR owns the infrastructure and using another town's power would require going to the Department of Public Utilities and having electrical consultants review the proposal.

### **CAOQUETTE-SIMEONE CONSERVATION RESTRICTION**

Karen O'Neill, chairman of the Conservation Restriction Committee, provided a brief introduction. The committee met many times to develop the draft. The Acton Conservation Trust and Sudbury Valley Trustees will be the co-holders of the CR.

Ms. O'Neill said the CRC focused on three parts of the CR:

- 1) Purpose
- 2) Prohibited uses
- 3) Exceptions

She noted that some residents were concerned about the path of the future Assabet River Rail Trail (ARRT) and possible parking lot. The Exhibit A map shows the only area, formerly ABCD and now WXYZ, where on-site parking would be possible. The trail should minimize impact on resources, but the CRC left the specific route to be worked out between the CR grantor and grantee.

Ms. Adachi thanked Ms. O'Neill for coming and addressed a number of questions from Carol Holley, including about integrated pest management. She noted that the CR would restrict options for on-site parking and wondered whether that would be

Final

acceptable to ARRT proponents. Tom Kelleher, the ARRT representative on the CRC, said the WXYZ area is very generous and acceptable to him. Mr. Gowing noted that there had been a vigorous pushback about parking on the land.

Mr. Sonner clarified that the CR still would be open to tweaking after the Board's formal approval, but that once it was final, changing it would be very difficult.

The Board discussed the recommendation to have the Town look into forming an Agricultural Commission. There was a suggestion that the Open Space Committee might address the issue.

Brad Mitchell, Mass Farm Bureau Federation provided information about organic farming, integrated pest management, genetically engineered organisms and the Agricultural Commission suggestion.

Mr. Gowing said the CRC did a good job, with good discussions and input from all stakeholders, and also gave credit to Paul Simeone, who currently is farming the parcel.

Gerry Palano, the agricultural representative on the CRC, said he wanted to raise some points that the CRC's final recommendations did not take into account. He read his prepared statement. He asked the Board to address his comments and to incorporate them into the CR.

Mr. Clough – Moved to submit the draft CR to Town Counsel for review, finalization of the language and submission to the State before the end of the year. Ms. Harting-Barrat - second. UNANIMOUS VOTE. Susan Crane of SVT asked that the Board share the draft with SVT counsel.

## **SELECTMEN'S BUSINESS**

### **MINUTEMAN REGIONAL TECHNICAL SCHOOL IMPROVEMENTS**

Mr. Ledoux said that member communities have been considering different formulas to assign capital costs. At a breakfast meeting two weeks ago, 12 of 16 members were represented and endorsed Model E, which would require contributions based on Minuteman enrollment and Chapter 70 funds, plus 1% from each member, and would save the Town \$9,100; Model B, in contrast, would cost the Town an additional \$27,000. No matter what the formula, there will be issues. Mr. Ledoux noted that any proposal for capital cost allocation will require the unanimous support of the 16 towns. Model E has the biggest support among the 12 managers he has met with.

Mr. Gowing asked what would happen if K-6 were regionalized and the Town no longer had local schools. Mr. Ledoux said that the Town still would be obligated to provide education and still would get the Minuteman assessment.

Final

Mr. Sonner – Moved to approve the Town Manager’s recommending Model E to the Finance Committee. Mr. Clough – second. UNANIMOUS VOTE

**JOHN ROBBINS HOUSE (CURRENTLY POWERS GALLERY) TRUSTEES  
CERTIFICATE**

Ms. Adachi - Moved to sign the restriction documents as presented. Ms. Harting-Barrat – second. UNANIMOUS VOTE

**TERMINATION OF ROAD EASEMENT FOR TICONDEROGA ROAD**

Ms. Harting-Barrat – Moved to sign the Termination of Road Easement documents for Ticonderoga Road. Mr. Clough – second. UNANIMOUS VOTE

**ACTON LETTER OF AGREEMENT, RAILROAD STREET EASEMENTS AND  
PARKING, TEMPORARY AND PERMANENT, UPDATE TRAIN STATION PROJECT**

David Martin, Chairman of the South Acton Train Station Advisory Committee, explained the need for two letters from the Town Manager, addressing easement and other issues pertaining to the construction work. The contractor must provide parking and shuttle services under the contract.

Mr. Sonner – Moved to have these letters reviewed by the Town Manager and Town Counsel and to send them once the review is completed. Ms. Adachi – second  
UNANIMOUS VOTE

**SELECTMEN’S REPORTS**

Mr. Clough reported that the Design Review Board is preparing to come back before the Selectmen. The Economic Development Committee sign meetings had light attendance; EDC discussed issues at Kelley’s Corner.

Mr. Sonner reported that the Transportation Advisory Committee is trying to get funds to continue the shuttle. Acton 2020 will hold a public meeting on November 9<sup>th</sup> as the last step toward a final draft. Memorial Library has decided to fund radio frequency equipment to enable tracking of materials.

Ms. Harting-Barrat –No reports.

Ms. Adachi - The Acton Community Housing Corporation’s public information session on The Meadows project at 263-265 Great Road was lightly attended. ACHC expects to endorse the project formally. She and Planning Director Roland Bartl attended a meeting on 10/13 with MassDOT about the Route 2 crossing for the Bruce Freeman Rail Trail. Mr. Bartl introduced the compromise configuration that he and Natural Resources Director Tom Tidman had worked out, and the Concord representatives will be giving it serious consideration. The Community Preservation Committee heard a

Final

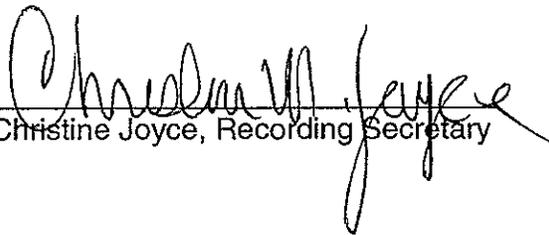
presentation by Mr. Murray about bonding, in anticipation of a possible land acquisition, and heard a number of presentations about potential applications.

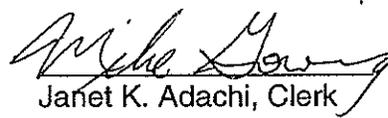
Mr. Gowing reported on MPO election and noted it will increase the at large members by 13 and they will vote on these new members. Cable Advisory met and noted that Verizon installation in Acton is complete.

### CONSENT

Mr. Sonner – Moved to approve. Ms. Harting-Barrat – second. UNANIMOUS VOTE

Move to adjourn 10:00 p.m.

  
Christine Joyce, Recording Secretary

  
Janet K. Adachi, Clerk  
4/23/12  
Date

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

*Francis Faulkner Hearing Room*  
*October 17, 2011*  
*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. **7:15 VETERAN'S MEMORIAL PRESENTATION**  
Enclosed please find materials in the subject regard
4. **7:30 TROPICAL STORM "IRENE" OVERVIEW OF RESPONSE, THE TOWN MANAGER WILL MAKE A POWER POINT PRESENTATION IN REGARD TO THE TOWN'S RESPONSE**  
Enclosed please find materials in the subject regard
5. **8:00 CAQUETTE-SIMEONE CONSERVATION RESTRICTION**  
Enclosed please find materials in the subject regard

**III. SELECTMEN'S BUSINESS**

6. **MINUTEMAN REGIONAL TECHNICAL SCHOOL IMPROVEMENT**  
Enclosed please find materials in the subject regard
7. **JOHN ROBBINS HOUSE -(CURRENTLY POWER'S GALLERY) PRA'S AND TRUSTEE'S CERTIFICATE**  
Enclosed please find materials in the subject regard
8. **TERMINATION OF ROAD EASEMENT FOR TICONDEROGA ROAD**  
Enclosed please find materials in the subject regard
9. **ACTON LETTER OF AGREEMENT, RAILROAD STREET EASEMENTS, PARKING, TEMPORARY AND PERMANENT, UPDATE TRAIN STATION PROJECT**  
Enclosed please find materials in the subject regard

**10. SELECTMEN'S REPORTS**

**IV. CONSENT AGENDA**

**11. REQUEST FROM FARMER'S MARKET FOR USE OF THE WINDSOR BUILDING FOR THEIR END-OF-SEASON THANK YOU TO VENDORS**

Enclosed please find materials in the subject regard

**12. ACCEPT GIFT, FIRE DEPARTMENT**

Enclosed please find a gift of \$250.00 from Capizzi and Co. Inc. to be used by the Fire Department as they deem appropriate

**13. DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY**

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 agenda

<u>NOVEMBER 7</u>	<u>NOVEMBER 21</u>	<u>DECEMBER 5,</u>	<u>DECEMBER 19</u>
Community Preservation Submittals for Review	CLURPA Discussion with Sen. Eldridge	2020 Committee	Site Plan, Powder Mill Road #433

**MINUTES PENDING VOTES**

January 8, September 26, October 3

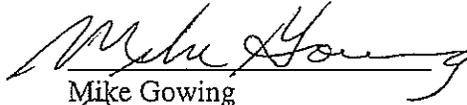
**PENDING COMMITTEE APPOINTMENTS**

NONE

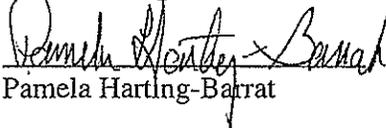
**RECORD OF VOTE OF THE ACTON BOARD OF SELECTMEN**  
**October 17, 2011**

At a duly called public meeting of the Acton Board of Selectmen on October 17, 2011, the Board voted unanimously to accept the grant of an historic preservation restriction (the "Preservation Restriction") from Kimberly A. Powers, Trustee of Bravery Realty Trust ("Powers") with respect to the premises at 144 Great Road, Acton, Massachusetts and known as the John Robbins House, in connection with the Town's appropriation of a grant to Powers under the Community Preservation Act for the restoration of historic elements within and related to the building located on said premises, to execute the Preservation Restriction for such purpose that it was delivered to the Board in conjunction with the Board's public meeting for approval, and to authorize the Town Manager to take any actions and to execute and deliver any documents that are necessary, in the Town Manager's and Town Counsel's discretion, to complete the acceptance of the Preservation Restriction with whatever modifications, deletions or changes to the Preservation Restriction or any other documents executed in connection therewith that Town Manager deems necessary or advisable.

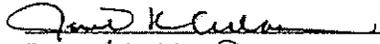
TOWN OF ACTON  
By its Board of Selectmen



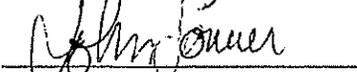
Mike Gowing



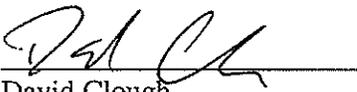
Pamela Harting-Barrat



Janet Adachi



John Sonner



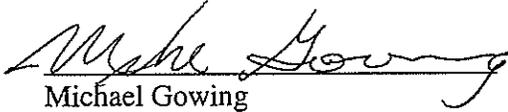
David Clough

**RECORD OF VOTE OF THE ACTON BOARD OF SELECTMEN**  
**October 17, 2011**

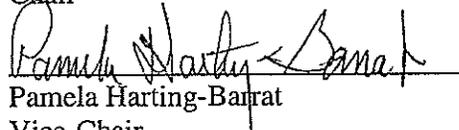
At a duly called public meeting of the Acton Board of Selectmen on October 17, 2011, the Board voted as follows with respect to that certain easement for road extension relating to Ticonderoga Road in Acton as shown on a plan entitled "Plan of Land in West Acton Mass., Owned by: Flagg Hill Estates Inc, (Section III), Scale 1 inch = 40 feet, dated March 17, 1961" prepared by Everett M. Brooks Co. and recorded at the Middlesex South District Registry of Deeds as Plan 984 of 1961:

To execute the Termination of Road Easement in the form presented to the Board at the October 17, 2011 Board meeting in accordance with the applicable Town Meeting vote from the 2011 Annual Town Meeting.

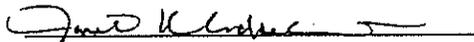
ACTON BOARD OF SELECTMEN

  
\_\_\_\_\_

Michael Gowing  
Chair

  
\_\_\_\_\_

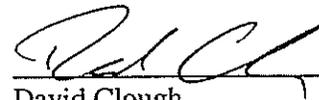
Pamela Harting-Barrat  
Vice-Chair

  
\_\_\_\_\_

Janet Adachi, Clerk

  
\_\_\_\_\_

John Sonner

  
\_\_\_\_\_

David Clough

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# Agenda

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<input type="checkbox"/>	Type	Title	Owner	Edited	Size	Actions
<input type="checkbox"/>		<b><u>010 Agenda, Board of Selectmen, October 17, 2011</u></b> Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	10/14/11	78 KB	▼
<input type="checkbox"/>		<b><u>020 (4) Memo From the Town Manager, RE: Tropical Storm Irene</u></b> Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	10/14/11	182 KB	▼
<input type="checkbox"/>		<b><u>030 (4) Materials from Mass Fire Chiefs Association, Re: Tropical Storm Irene</u></b> Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	10/14/11	538 KB	▼
<input type="checkbox"/>		<b><u>040 (5) Caouette-Simeone Conservation Restriction Additional Materials</u></b> Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	10/14/11	2 MB	▼
<input type="checkbox"/>		<b><u>050 (5) Caouette-Simeone Conservation Restriction Materials from the C R Committee</u></b> Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	10/14/11	1 MB	▼
<input type="checkbox"/>		<b><u>060 (6) Minuteman Regional Technical School Future Capital Improvement</u></b> Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	10/14/11	701 KB	▼
<input type="checkbox"/>		<b><u>070 (7) John Robbins House, 144 Great Road - Trustees Certificate</u></b> Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	10/14/11	595 KB	▼
<input type="checkbox"/>		<b><u>080 (7) John Robbins House, Final Restriction Document</u></b> Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	10/14/11	878 KB	▼
<input type="checkbox"/>		<b><u>090 (8) Termination of Road Easement for Ticonderoga Road</u></b> Scanned with FlowPort '2011 Meeting	admin	10/14/11	254 KB	▼

Week Cover Sheet' Cover Sheet						
<input type="checkbox"/>	 <b><u>110 (9) Acton Letter of Agreement, Railroad Street Easements, Parking, Temporary and Permanent Up Date, Train Station Project</u></b> Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	10/14/11	2 MB	    ▾	
<input type="checkbox"/>	 <b><u>120 (9) Draft Letter to MBTA RE: Train Station Improvements</u></b> Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	10/14/11	328 KB	    ▾	
<input type="checkbox"/>	 <b><u>130 (9) South Acton Commuter Lot, Train Station 90% Design and Elevation Plans</u></b> Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	10/14/11	607 KB	    ▾	
<input type="checkbox"/>	 <b><u>140 (11) Request to Use the Windsor Building</u></b> Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	10/14/11	39 KB	    ▾	
<input type="checkbox"/>	 <b><u>150 (12) Accept Gift, Fire Department</u></b> Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	10/14/11	32 KB	    ▾	
<input type="checkbox"/>	 <b><u>160 (13) Disposal Obsolete Materials, Memorial Library</u></b> Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	10/14/11	41 KB	    ▾	

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