

# BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

November 17, 2008  
Acton Town Hall, Francis Faulkner Hearing Room  
7:00 P.M.

Present: Lauren Rosenzweig, Paulina Knibbe, Terra Friedrichs, Andrew Magee, Peter Berry, Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

## CITIZENS' CONCERNS

Ann Chang – Announced the League of Women Voters is going to have forum on December <sup>TH</sup> at 7:30 p.m. in room 204 on the study of review of Town Meeting Process. They will present a list of suggestions to the Board for review and consideration.

Tom Michleman – Spoke about the tunnel/bridge options with regard to the Bruce Freeman Rail Trail. Tom noted that if they do not get the money they want a place holder on CPA Funds.

Karen Ecker, 9 Agawam, felt that helping Mr. Fenton with his problems with the utilities was inappropriate because she didn't feel as though it's the BOS's role to help one business owner without helping them all.

Mr. Ledoux replied that within reason we would help anyone, business/property owner, or resident, who was having trouble getting hooked up to a utility that we permit.

## OPERATIONAL MINUTE

None

## CHAIRMAN'S UPDATE

Lauren announced the Charlotte Sagoff garden project at the Library is underway.

Lauren reported on Elections and reported on the process and thanked all those who helped

Cobblestone Issue - Lauren read a prepared statement with regard to the Cobblestone work performed last year in front of Town Hall.

Veteran's Day – Dan Silva spoke at the cemetery

## SELECTMEN'S REPORTS

Lauren reported on the Safety Net meeting.

Cable Advisory status was reported by Terra

Terra noted Design Review Board if reviewing issues with density in the villages and zoning language that may need to be clarified.

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Terra reported Green Team people and that there has been many people coming forward

Terra thanked the donors who supplied plywood and supplies to secure the State owned Wright Holden property.

Terra noted that the Lothrop Mill project has been withdrawn

Terra reported on EDC Meeting, it was very good meeting. Over 20 people showed up, including business owners, residents with business development experience, and Town officials. A large list of action items was drawn up. EDC will go back and organize the list and suggested priority actions.

## **PUBLIC HEARINGS & APPOINTMENTS**

### **COLONIAL SPIRITS, 87 GREAT ROAD, ALTER PREMISE REQUEST**

The Board heard the request to Alter the Premise as prescribed by ABCC

ANDREW MAGEE - Moved to, send approval to the Alcoholic Beverage Control Commission (ABCC) for their action. If it needs to be brought before the Design Review Board (DRB) for their comments we will send to DRB when the plans are received. PAULINA KNIBBE - second UNANIMOUS VOTE.

### **ROUTE 2 TRAFFIC ROTARY ALTERNATIVES**

The Board discussed the alternatives 3 and 5 and suggested that Concord choose Alternative 3 refined. Ms. Arthur and the State's Design team from Earth Tec outlined their review of the Alternatives they have developed. Lauren wanted to support having the BFRT go underground. She also was concerned with the traffic on 2A and did not want to discourage use of 2A west.

Dore' Hunter spoke on this issue he feels that Alterative #5 is appropriate.

Steve Steinberg – Asked several questions and effect on west bound traffic.

Brandy Brandon – asked questioned wildlife crossings.

## **COMMISSION ON DISABILITY OVERSIGHT MEETING**

Lisa Franklin of the COD spoke about what has been happening during the last year with regard to transportation. They want to distribute a list of volunteer drivers. They want to have any one who wants to go to Town Meeting or attend evening committee meetings be able to. She said that a night van is needed. She also noted we do not have a Transition Plan as required by the American with Disabilities. She believed it was prepared but no one seems to have a copy of it. The Board directed the Manager look into the use of volunteer drivers list and requirements of service on the Commission.

## **SITE PLAN SPECIAL PERMIT #10/2/08-416, 525 MAIN STREET, 88 CHAMPS, L.L.C**

The Board heard the presentation and felt that we would need to continue this in order to have the proponent answer questions raised by staff as he was not given a copy of the Staff comments prior to the meeting. PAULINE KNIBBE – Moved to vote to continue to December 1 at 8:20 PETER BERRY - second. UNANIMOUS VOTE:

Todd Hennessy, 521 Main Street was concerned about the impact this would have on his property.

Tim Doncaster, 523 Main Street asked for more information regarding the trees and screening of their homes, which use a shared driveway

An Attorney for the Doncaster's spoke about issues that his client had raised and felt they needed assurances from the developer with regard to those concerns.

## **CEMETERY COMMISSIONERS ANNUAL OVERSIGHT MEETING**

The Commissioner's updated the Board of their activities during the last year and spoke about a policy regarding Dogs on Cemetery property as well as discussing the need for storage facilities for their equipment.

The Commissioner's wanted a NO DOGS Allowed rule that carried an incremental fine of \$25 as first offense. It will need to be brought to Town Meeting as a Bylaw in order for enforcement by the Police Dept.

Andy suggested that we plan on amending and develop a bylaw to address the Dog ban within the Cemeteries. Terra suggested that we might want to consider a fine that is greater than \$25.00.

## **SELECTMEN'S BUSINESS**

### **ALG UPDATE**

No issue

### **LAND BANK**

Terra outlined the proposal for a Land Bank. Peter discussed how the Nantucket Land Bank worked. Peter said we don't need a bylaw change to go forward to have monies available to move quickly on land opportunities that come up.

Paulina felt that Open Space Committee should look into this and report back to the Board of Selectmen.

Lauren said open space is very important to Acton.

Andy will take it up in Open Space Committee.

Terra was asked to meet with Open Space Committee and work on this issue

Audience Members Mr. Brandon and Mr. Hunter said it was unfair to tax people leaving Acton

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## **LAND CLEARING BYLAW**

Terra outlined the bylaw and proposed change to the Town Bylaw. Terra wanted to take a look at this. Paulina felt that it should be handed off. Lauren felt it was Open Space or Conservation. Andy suggested he will take it to Open Space.

## **ACCEPTANCE OF PROPANE TANKS AT THE TRANSFER STATION**

The Board discussed the materials submitted by staff in regard to the acceptance of empty propane tanks at the Transfer Station. PAULINA KNIBBE - Moved to accept the empty tanks with a \$5.00 fee. ANDREW MAGEE - second. UNANIMOUS VOTE

## **ACCEPTANCE OF BRUSH DROP OFF OR PICK UP AT THE TRANSFER STATION**

The Board discussed the materials submitted by staff in regard to the acceptance of brush drop off and pick up at the Transfer Station. PAULINA KNIBBE - Moved to charge \$5.00 Fee to use the Drop off. ANDREW MAGEE – second. UNANIMOUS VOTE

## **ACHC REQUEST FOR PERMISSION TO SPEND COMMUNITY HOUSING AND PLUTE HOUSING GIFT**

Nancy Tavernier's Memo outlined her request to use funds from the Community Housing and Plute Housing Gift in the amount of \$140,000. PETER BERRY - Moved to approve expenditure of funds, LAUREN ROSENZWEIG - second. 4 – 1 Terra abstained

Terra wanted an impact analysis from the Fin Com. Terra feels that it's important to understand the on-going costs of affordable housing. She also mentioned that paying a developer to develop his own 40B units is like "Developer Welfare". She added that paying public money for additional units is not the intent of "Condo-buy-down", which is intended to buy-down the price of existing units, not new units. It was explained that this was a unit for the Housing Authority, a State agency that buys property to rent to families who are in need

Andy felt he could support paying this through the Housing funds, we put these committee's together to address housing needs.

Paulina also felt comfortable with this expenditure and noted she does want to get to the 10%.

## **ACTON LEAGUE OF WOMEN VOTER REQUEST PERMISSION TO HOLD A TOWN BOARD VOLUNTEER JOB FAIR.**

The LWV request to hold a Town Board Volunteer Job Fair. PETER BERRY – Moved to Approve. ANDREW MAGEE - second. UNANIMOUS VOTE

Andy felt we should mandate committee attendance at the Job Fair.

## **STEINBERG LALLI CHARITABLE FOUNDATION AWARD TO A POLICE AND FIRE EMPLOYEE FOR MERITORIOUS AWARD**

The Town Manager announced the expanded scope to include Public Safety employee award of the Steinberg-Lalli Charitable Foundation.

ANDREW MAGEE - Moved to approve. PETER BERRY – second UNANIMOUS VOTE

Terra asked if other communities are accepting payments to town employees by developers. She said that the concept seemed akin to bribery. It was explained that the intent was to give recognition to both Town Employees and Public Safety Personnel who rarely get any recognition by the Community

**PROPOSED RECREATION FEE ADJUSTMENTS FOR NARA BEACH, NARA YOUTH PROGRAM AND FIELD AND FACILITY FEES**

The Board reviewed the proposed changes to NARA fees as outlined in the memo. PETER BERRY - Moved to approve. PAULINA KNIBBE - second. UNANIMOUS VOTE Terra mentioned that she has asked for and still hasn't seen any cost accounting for NARA.

**OTHER BUSINESS**

None

**CONSENT**

TERRA FRIEDRICHS – Moved to approve with addition of Brendan Cotter and Kim Bodnar as Full Members to the Recreation Commission. PETER BERRY – second. UNANIMOUS VOTE.

**EXECUTIVE SESSION**

Andrew Magee – Moved to go into Executive Session to discuss, contract negotiations, Land Issues and Grace Strategy. Roll Call Taken, ALL AYES. The Board will enter back into public session only to adjourn

  
Christine Joyce, Recording Secty

  
Andrew D. Magee, Clerk  
2 February 2009  
Date

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'**

**MEETING AGENDA REVISED TO ADD #26**

*Francis Faulkner Hearing Room*

*November 17, 2008*

*7:00 PM*

**I. CITIZENS' CONCERNS**

**II. PUBLIC HEARINGS AND APPOINTMENTS**

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

The Chair will briefly update the Board on Topics of interest.

**2. 7:10 OPERATIONAL MINUTE**

The Town Manager will provide a brief report on topics of interest

**3. 7:15 SELECTMEN'S REPORTS**

Board Members will report on items of interest

**4. 7:20 COLONIAL SPIRITS, 87 GREAT ROAD, ALTER PREMISE REQUEST**

**ISSUE:** Local Licensing Board (BOS) approval to Alter Premises Transaction under Alcoholic Beverages Control Commission (ABCC) requirement

**5. 7:30 ROUTE 2 TRAFFIC ROTARY ALTERNATIVES**

**ISSUE:** Discussion of preferred Alternative chosen by Concord

**6. 7:45 COMMISSION ON DISABILITY OVERSIGHT MEETING**

**ISSUE:** Annual Oversight Meeting

**7. 8:00 SITE PLAN SPECIAL PERMIT #10/2/08-416, 525 MAIN STREET, 88 CHAMPS, L.L.C. (LAUREN ROSENZWEIG, BOS )**

**ISSUE:** Site Plan presentation

**8. 8:20 CEMETERY COMMISSIONERS OVERSIGHT MEETING**

**ISSUE:** Annual Oversight Meeting

**III. SELECTMEN'S BUSINESS**

**9. ALG DISCUSSION**

No Materials Enclosed

**10. LAND CLEARING BYLAW**

Enclosed please find materials in the subject regard, for Board consideration

12/4  
11:20

- 11. ACCEPTANCE OF PROPANE TANKS AT THE TRANSFER STATION**  
Enclosed please find materials in the subject regard, for Board consideration.
- 12. ACCEPTANCE OF BRUSH FOR DROP OFF OR PICK UP AT THE TRANSFER STATION**  
Enclosed please find materials in the subject regard, for Board consideration.
- 13. ACHC REQUEST PERMISSION TO SPEND \$100,000 OF THE COMMUNITY HOUSING PROGRAM FUND AND \$40,000. FROM THE PULTE HOUSING GIFT FUND**  
Enclosed please find materials in the subject regard, for Board consideration.
- 14. ACTON LEAGUE OF WOMEN VOTER REQUEST PERMISSION TO HOLD A "TOWN BOARD VOLUNTEER JOB FAIR".**  
Enclosed please find materials in the subject regard, for Board consideration.
- 15. REQUEST TO ENDOW A MERITORIOUS AWARD TO A POLICE AND FIRE EMPLOYEE EACH YEAR FROM THE STEINBERG-LALLI CHARITABLE FOUNDATION**  
Enclosed please find materials in the subject regard, for Board consideration.
- 16. PROPOSED RECREATION FEE ADJUSTMENTS FOR NARA BEACH, NARA YOUTH PROGRAM, FIELD AND FACILITY FEES**  
Enclosed please find materials in the subject regard, for Board consideration

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

- 17. ACCEPT MINUTES, BOARD OF SELECTMEN, OCTOBER 20, 2008**  
Enclosed please find materials in the subject regard, for Board consideration
- 18. SEWER ACTION COMMITTEE APPOINTMENT, RON BECK**  
Enclosed please find materials in the subject regard, for Board consideration.
- 19. GREEN ADVISORY BOARD, ACCEPT CHARTER**  
Enclosed please find materials in the subject regard, for Board consideration.
- 20. ACCEPT GIFT, RECREATION DEPARTMENT**  
Enclosed please find a gift of 10 cases of juice valued at \$85.00 from Welch Foods Inc. for use at Monsterbash, for Board consideration.
- 21. ACCEPT GIFT, COUNCIL ON AGING**  
Enclosed please find a gift of Wii Video game and four controllers from Philip Li of Acton for seniors at the Senior Center to use for limited exercise

**22. ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a gift of \$300.00 from Ashley Pickard, Marketing Director of Cambridge Savings Bank to fund Animal Adventures at the Winter Carnival.

**23. ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a gift from the Acton Boxborough Youth Baseball Event Coordinator to sponsor "Wally" the Red Sox Mascot a value of \$642.22 for Winter Carnival

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

Enclosed please find materials in the subject regard, for Board consideration

**25. ONE DAY LIQUOR LICENSE, MERRIAM SCHOOL STAFF PARTY AT THE CHURCH OF THE GOOD SHEPHERD**

Enclosed please find materials in the subject regard, for Board consideration

**26. TOROS L. MAKSOUDIAN, COMMITTEE APPOINTMENT, ASSOCIATE MEMBER OF THE CONSERVATION COMMISSION**

Enclosed please find Mr. Maksoudian's VCC application for Board consideration

**V. EXECUTIVE SESSION**

There will be a need for Executive Discussion to discuss Contract Negotiations and negotiation strategy, School Street Property and Litigation Strategy, W. R. Grace Sewer Betterments

**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.

**DECEMBER 1 & 15      JANUARY 12 & 26, 2009**

**MINUTES PENDING VOTES**

September 15, 2008,    Joint Boards Meeting, November 4 Special Selectmen's Meeting

October 20, 2008,    November 3, 2008

## **PENDING COMMITTEE APPOINTMENTS**

Brendan Cotter, Recreation Commission has been interviewed by VCC and recommended to Full Member of the Recreation Commission, his application has been forwarded to Selectmen Liaison Magee.

Kimberly Bodner, VCC has interviewed her for a Full Member of the Recreation Commission her application has been forwarded to Selectmen Liaison Magee

Greg Hutchens, TAC, VCC, A/B CULTURAL COUNCIL, COA, he is going to visit committees he feels he would like to be appointed to, we are waiting to hear from him

Elizabeth J. Payne, Volunteer Coordinating Committee (VCC), her materials have been forwarded to VCC for processing

Iliia A. Kurenkov (Alex), VCC has interviewed him for several boards he is interested in. He will visit the various boards and committees and will let the VCC know of his decision.