

# BOARD OF SELECTMEN & SEWER COMMISSIONERS'

## Minutes

Francis Faulkner Meeting Room

Town Hall

November 5, 2007

7:00 PM



**PRESENT:** Chairman Hunter, Selectmen Rosenzweig, Magee, Berry and Knibbe, Steve Barrett, Mark Hald and Temporary Town Manager John Murray from 8pm to close, Recording Secretary Maryjane Kenney

### CITIZENS' CONCERNS:

None

### PUBLIC HEARINGS AND APPOINTMENTS

#### 7:02 DISCUSSION OF TOWN MANAGER SEARCH PROCESS

The Chairman stated that the Temporary Town Manager has excused himself from the first hour of the meeting. He discussed the opinion of counsel on the ranking of the candidates. Selectwoman Knibbe stated that absolutely they should be released, but not until after the selection is made. Chairman Hunter would like to wait until after the interview. Selectman Rosenzweig would like to wait to the end or it might sway her opinion going into the interviews. Selectwoman Knibbe felt strongly that she would push to have the names released. Selectman Magee stated that all applicants were very good and the range so minute as to not warrant knowing before the interviews. Chairman Hunter moved to not release the ranking.

The Board chooses the following tentative dates for the public interviews, which will be confirmed

- #1 9:00 a.m., Saturday, November 10, 2007
- #2 11:30 a.m., Saturday, November 10, 2007
- #3 6:00 p.m., Wednesday, November 14, 2007
- #4 6:00 p.m., Thursday, November 15, 2007

once candidates are notified. Ann Chang requested that the interviews be televised. The Board then had a discussion on the format for interviews, being careful to structure questioning so that one person or question won't monopolize the block of time. Selectwoman Knibbe requested to know what questions the search committee had used. Selectman Berry would like to allow some open time for the Candidates. Would the Board consider using a moderator? Selectwoman Rosenzweig asked the Board how they would view a group tour of the town and municipal buildings with the candidates. The Board felt strongly it that it is a different person that walks around with you as opposed to sitting across the table from you during an interview. Selectman Berry stated that it is imperative to see how the candidate interacts with the citizens of the town as that will be their major job. The Board then discussed the standard form for security background checks for the candidates. Chairman Hunter was not comfortable personally with income tax data being required, as it is too invasive. Selectman Berry stated they can ask if there have been any issues with tax but do not need to get the tax records. Selectwoman Rosenzweig moved to not require items #1,2, and 4, and to require #3,5,6,7,8 and 9 of the counsel's list of items for a background check. Chairman Hunter seconded. All were in agreement. The Board decided they will discuss further who will do the background checks, possibly turning to the selection committee to appoint someone to this issue. Mark Hald was asked by the Chairman to compile a list of topics that each Selectman could choose from and then format questions for the candidate's interviews.

Re: Question topic categories for Manager Candidates.

Peter

Labor negotiations  
Personnel  
Affordable housing  
Community preservation

Paulina

Town character  
Collaborative environment  
Relations between Town Manager & Staff  
Relations between Town Manager & Board of Selectmen  
Technology, GIS & cable access

Dore'

Mentoring skills  
Public safety  
Senior center  
Municipal agreements and regional services  
Land for future generations *a la* 1970s Town Building and Land Acquisition Committee

Lauren

Land use & planning process  
Zoning  
Affordable housing  
Emergency/disaster planning  
Communication  
Creative budgeting and financing  
Water resources  
Public outreach  
Transportation

Andy

Financial skills  
Environmental character: Green buildings: understood and implemented  
Water resources  
Town character: GIS, Web, Citizen Interaction  
Open space

The Chairman will collect all questions from the public. He will distribute them to the Selectman by topic. Additionally he will get the Search Committees questions to the Selectmen. The Selectmen will then prepare by their chosen topics questions for the interviews. Deliberations will wait until the end of all candidate interviews. The interviews will be the same length of time in fairness; they will not allow one to run 3 hours while another is only 2 hours. The candidates will have the opportunity to open and close. The Chairman is willing to bring a candidate back for more questioning, if necessary, and not necessarily all candidates need to come back. Selectman Magee liked the idea of Terra's to have each candidate answer a question in writing. This will provide the Board with the candidates' ability to think through and answer and show their ability to communicate in writing.

Terra offered a couple sample questions. Selectmen Knibbe and Magee suggested staying away from policy questions as that is not the Town Manager's job, it is the Boards. We should try to keep questions about managing. The Chairman will present such a question to the candidates to be answered in writing.

## 8:00 DOG LEASH POLICY, NARA PARK

The Chairman opened the floor to any citizens present to speak on the subject of dogs and leash laws in town. One citizen stated that due to health issues she needs to let the dog run alone. NARA offers an off leash opportunity for her. If the town had enforcement of current law we would not need a leash law. She finds children in parks will abuse her dog as opposed to the other way around. She did not feel that other areas in town should be discussed as that was not advertised. The Chairman agreed not to discuss other areas. A Nagog Woods resident said stopped going to NARA now that there is a leash law, but she walks in other conservation areas, and in Stowe and Concord. Chairman Hunter added that there should be a posting of no dogs swimming at NARA as the Health Department remains very concerned with bacteria level. A Boxborough resident, Ms. Reuther, who is connected to youth soccer, stated the issue is owners not containing their dogs. She asked how could it truly be enforced; signs are not enough. Now with NARA closing off free running dogs it makes Boxborough much worse. Great Hill is a total nightmare. The games start at 8am and go until dark all week ends spring and fall. Football is there the whole month of August. Ron Schlegel of the recreation department wants a ban of dogs running free; NARA can be the one place where people can feel free in the park. Boxborough is looking to Acton to make some decisions that they can follow and Acton is looking for a compromise. Selectwoman Knibbe sees room for both in Acton, Morrison Farm has plenty of room for running and swimming. NARA is heavily used people park where children and adults go. She suggested that possibly during school year only until 10am you can let your dogs run free. But if the park gets dirty again then it will be repealed. Selectman Magee worries about the seniors he hears from; they like to walk when the teams are not playing. NARA is the one place in town that people can walk free from concerns with unleashed dogs. There is no other place for people who simply fear or do not like or are allergic to dogs, and the request is not unreasonable. In other towns, such as Stowe and Concord where they have dog parks, they have bans on dogs running in the other parks. Selectman Berry suggests that we look to our Boards and Committees for their recommendations. He encourages their recommendations. Selectwoman Rosenzweig stated that because of the pond even in winter the leaching of the area affects the pond. The Chairman is inclined to continue the ban until we see better performance in the other areas of town where dogs still roam free. Selectwoman Knibbe made a motion to change the policy allowing dogs off leash until 10am during the school year, and if dog droppings increase it ends. One vote for and 4 votes against. Selectman Berry motions to accept the Recreation Commission's recommendation for improved signage, letters go out with licenses and continue that dogs must continue to be leashed at NARA. Selectman Magee seconds. All voted in agreement

## 9:00 PROPOSED COMMUNITY PRESERVATION COMMITTEE PROJECTS FOR FY'09

Walter Foster Chairman of the Community Preservation Committee presented the projects. Selectman Berry noted the memo from the state announcing that Acton's total this year is almost 1.4M, half of which is the state match. Mr. Foster described the projects and stated his committee still needed to evaluate their plan. Decisions will be based on relevance of each project to CPC's purpose for funding and the project's financial ability to come to fruition. There will also be site evaluations of each project.

**17 Woodbury** - The restoration of this house is least appealing as the Board is unsure of the purpose of the restorations and not certain it fits CPC guidelines. The Chairman would like to find some money to halt the deterioration of the building until a there is a final decision. Selectwoman Rosenzweig heard testimony from Historic Dist Commission how important this structure would be for the Historic Center and the character of the town. She felt the CPC should use some funds for this renovation. Further more the town has need for office space and the CPC should be creative and consider keeping it on the agenda. Selectman Magee felt it is an inappropriate use of CPC funds, but that the purchase of historic places is in the purview of CPC. Selectwoman Knibbe questioned what things have been done to stabilize the building. Mr. Charter stated the immediate problem with the roof has been repaired. Two studies have been done on the renovation of the building, the original estimate being \$500K. Now, 10 years later, the estimate is \$700K. Those fees would rehabilitate the building for office use in today's market meaning full accessibility. Selectwoman Knibbe stated that the project is not well enough thought through for a CPC project.

But she is interested in restoration of the building, and asked if the original part of the building could be saved for less money. Mr. Charter stated that the septic is out of compliance and there are significant issues with the inner building if it is to be used for office space. The Chairman says he worried about funding. The Temporary Town Manager noted the key to moving forward is with the planning board and the Historic District Commission. They would need to champion the project. Selectman Magee thought CPC might fund the study and that might promote a grant. Selectwoman Rosenzweig made a motion to submit it for consideration. Selectman Magee seconded the motion. Selectman Berry doesn't think that the proposal is what we are used to seeing. The voting went 1 yes (Rosenzweig) and 3 No. Not approved.

**Trail Through Time** - All voted in favor.

**ACHC** - \$100K to be added to the affordable housing fund. The chairman was in favor. Walter Foster clarified that it allows them to initiate a project, and is helpful if they are mid-cycle in their yearly funding. Selectman Magee moved to approve. Selectwoman Rosenzweig seconded. All voted in favor.

**Elm Street Playground** - Selectwoman Knibbe is not certain that this falls into CPC project definition. Mr. Foster stated that it is identical to the CPC project, Gates Playground. It does fall under the recreational category and they had met the requirement of filling the other three categories first. They have had counsel's opinion on this. Selectwoman Knibbe stated that it may be legal but are we being ethical? She wanted to ascertain that we are not replacing playgrounds when we could be repairing them. Selectwoman Rosenzweig stated that this particular playground is not up to code and needs to be done. Selectman Magee noted that there was supposed to be a playground study before the CPC funded any new playground projects. This was started, but the person conducting the study left. Selectman Magee doesn't want the CPA to become the only source for playground repair monies. The Chairman motioned in favor. Selectwoman Rosenzweig seconded. All voted in favor.

**Acton Community Housing Administrative Funds** - Selectman Magee moved to approve. Selectwoman Rosenzweig seconded. All voted in favor.

**West Acton Citizen Library** - Repairs and preventative maintenance. Selectwoman Knibbe motions to accept; Selectwoman Rosenzweig seconds. All voted in favor.

**Open Space Funds** - Selectwoman Knibbe moves that we approve; Selectwoman Rosenzweig seconds. All voted in favor

## **SELECTMEN'S BUSINESS –**

Selectwoman Knibbe would like to hold #4 as an interested party will be in at 9:30.

### **MBTA – CENTRAL STREET CROSSING**

The Chairman gave an update on the status of the crossing at the East side of Idylewilde Farm.

### **MUNICIPAL COALITION FOR AFFORDABLE HOUSING CONFERENCE**

Selectwoman Knibbe attended the conference and brought back information to the Board. She felt they are very aggressive on 40 B issues. The state is looking at reforms to 40B developments and this organization is looking at ways to give municipal control. It has strategies on how to count your 10%, how to figure the percent of profit and various other troublesome issues with the current 40B laws. Les Fox, a Selectman from Boxborough is on the board of this committee. The Chairman thought it might be useful being pro-active, as long as it does not become an "I hate 40B" committee. Selectwoman Rosenzweig is afraid that when there is local control of affordable housing there then is very little affordable housing built. The variation in affordable housing also suffers. She is very uncomfortable with what their agenda is. Selectman Berry would want to know how they set policy and what their policy is. Local decision on how much affordable housing do you want does not work. When there is not enough housing, then businesses will not locate people in the area. The Chairman suggested that Selectman Knibbe join it as an individual and continue to update the Board on the organization. Selectwoman Knibbe, Rosenzweig and Berry could meet with Les Fox. Selectwoman Knibbe stated the issue of not enough affordable housing (which is deed restricted) as opposed to, not enough inexpensive housing. Selectman Magee stated there are two new housing authorities in town and he would like to hear from those two authorities concerning this organization before taking any action.

## **BOSTON REGION METROPOLITAN PLANNING ORGANIZATION, INVITATION TO SUBMIT A LETTER OF INTEREST, FUNDING PROGRAM, SUBURBAN MOBILITY**

Selectwoman Rosenzweig has been in touch with Fran Osman who has expressed an interest in submitting for funds for the Transportation Study. There would be a lot of lead work to get a proposal together; there is a need to do a survey and determine the market and then make a plan to deal with the needs of that market and then back that with a financial plan. She would like the Town Manager to allow \$25K in budget accomplish this proposal. The survey will be on the town web site soon. The Chairman stated it is a very important survey and citizens should try to fill it out.

### **6. OTHER BUSINESS**

Selectwoman Knibbe wanted to continue to support "No Place for Hate". Selectwoman Rosenzweig was in agreement that Acton should continue to support.

Selectman Magee updated the Board on sidewalks on Main Street. Selectman Berry stated the public hearing was closed, but no trees would be cut until a final design is shown to the Board. Selectwoman Knibbe asked for a review on how to forward a volunteer request now that the VCC Chair has resigned.

Selectwoman Knibbe was able to update the Board on the Sidewalk Committee and the approach they are using to come up with a needs list. They are applying a matrix against sidewalk requests. Sidewalks are being evaluated in a set. Foster Street, for example, is part of a set under consideration.

The Temporary Town Manager commended Police Chief Widmayer for his encouragement of safety while still maintaining a large area for "Freedom of Speech" protesters. His organization showed total professionalism.

Mr. Murray gave an informational only announcement of the arrest of an intoxicated 29 year old with a large quantity of drugs.

He also reported for the Celebrations Committee that Gail Sawyer has made arrangements for the celebration of Veterans Day this Sunday. It will begin at 11 AM with refreshments following in the Faulkner room in Town Hall.

The firefighters held a retirement party for the following retirees and again congratulations and thank you for all the years of service to the town.

### **TOWN MANAGER'S REPORT**

None

### **CONSENT AGENDA**

The Chairman read the consent agenda and Selectwoman Rosenzweig asked for a hold on #8 and Selectwoman Knibbe asked for a hold on #9. Selectman Magee moves to approve all items (including the extra information #16 and #17) with the exception of 8 and 9. Selectwoman Rosenzweig seconds and all agree.

### **7. SITE PLAN SPECIAL PERMIT #06/05-07-411, 253 MAIN STREET, KENNETH SUNDBERG (MAGEE)**

Selectwoman Rosenzweig asked to hold this item as the detail covering the future shared driveway needed clarification. She clarified the detail that needed to be included and Selectman Magee moved to pass as amended and Chairman Hunter seconded. All agreed and Selectman Berry abstained.

- Add an additional item:
- 2.7 The plan shall be revised to show a possible future connection to the adjacent property in front of the building. This would serve to make it available if the permitting board sees fit to request a connection to improve the flow of traffic and pedestrian safety for this site and the adjoining site. The area reserved for the future connection should be a width of \_\_\_\_.
- Delete 3.5

**8. FAULKNER MILL REALTY, LLC, 4 HIGH STREET**

Selectwoman Knibbe wanted this item held to express her feelings that this is the wrong use of sewer capacity. That said Chairman Hunter moved to approve and Selectwoman Rosenzweig seconds. 4 Selectmen vote to approve 1 vote against.

**9. WILLOW STREET EASEMENT, ANN M. GLANNON**

All voted in favor of the Willow Street Easement from Anne M. Glannon to the Town of Acton.

**10. PERMISSION TO INSTALL A TEMPORARY SIGN AT EDWARDS SQUARE, WEST ACTON**

All voted in favor of a temporary craft fair advertisement for the Acton Center Congregational Church.

**11. ASSABET RIVER RAIL TRAIL (ARRT) SUPPORT LETTER**

All voted in support of a letter for Mass Highway Project Review Committee to use for their presentation in Boston in December.

**12. ACCEPT GIFT, RECREATION DEPARTMENT**

All voted to accept a gift of \$250.00 from The Colonial Spirits Softball Team, for the Elm Street Lighting Project.

**13. DISPOSAL OF SURPLUS ITEMS, ACTON MEMORIAL LIBRARY**

All voted in favor of the disposal of surplus items at the Memorial Library.

**14. DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST AS REQUIRED BY G. L C.268A SECTION 23 (B)(3)**

The Board accepted the disclosure.

**15. APPROVE THE REQUEST OF THE FAITH EVANGELICAL FREE CHURCH TO PLACE A BANNER ACROSS THE TOWN RIGHT OF WAY**

The Board approved the request.

**16. APPROVAL OF A CONFIDENTIAL REQUEST FOR A GRANT FROM THE VARUM TUTTLE MEMORIAL FUND.**

The request for the grant was approved.

**EXECUTIVE SESSION**

There will be a need for Executive Session for the purpose of (1) discussing legal strategy and (2) negotiation strategy for potential land purchase or purchases.

**MINUTES PENDING VOTES**

September 29, Special Meeting, October 9, Regular and Executive Session, October 11, 2007 Special Meeting, October 22, Regular and Executive Session

**PENDING COMMITTEE APPOINTMENTS**

Mike Fisher, TAC (still with VCC), Reshma G. Singh, ABCC to fill the unexpired term of Elaine Sisler who recently resigned. Barbara Estabrook, ABCC, Sumar Adiseshu, ABCC. (Ms. Estabrook and Ms. Adiseshu's applications are at VCC for Interview and recommendation). Ryan Bettez, Associate Member of the Planning Board

## FUTURE AGENDAS

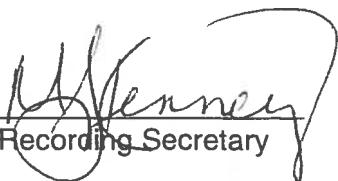
November 19

December 3 – Special Use Permit, Rink Development, LLC, 10B Craig Road (HUNTER)

December 17 -

January 7 & 28

Selectman Magee moved to go into Executive Session for the purpose of discussing legal strategy and land purchases.



M. Kennedy

Recording Secretary



A. D. Magee

Andrew D. Magee, Clerk

17 Dec 2007

Date

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'**

**REVISED MEETING AGENDA**

**CHANGES ARE NOTED IN RED**

*Francis Faulkner Meeting Room*

*Town Hall*

**November 5, 2007**

**7:00 PM**

**I. CITIZENS' CONCERNs**

**II. PUBLIC HEARINGS AND APPOINTMENTS**

**1. 7:02 DISCUSSION OF TOWN MANAGER SEARCH PROCESS**

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

**2. 8:00 DOG LEASH POLICY, NARA PARK**

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

**3. 9:00 PROPOSED COMMUNITY PRESERVATION COMMITTEE PROJECTS FOR FY'09**

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

**III. SELECTMEN'S BUSINESS**

**4. MBTA – CENTRAL STREET CROSSING**

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

**5. MUNICIPAL COALITION FOR AFFORDABLE HOUSING CONFERENCE**

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

**6. BOSTON REGION METROPOLITAN PLANNING ORGANIZATION, INVITATION TO SUBMIT A LETTER OF INTEREST, FUNDING PROGRAM, SUBURBAN MOBILITY**

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**7. OTHER BUSINESS**

**IV. TOWN MANAGER'S REPORT**

**V. CONSENT AGENDA**

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Enclosed please find materials in the subject regard, for Board consideration.
17. **APPROVAL OF A CONFIDENTIAL REQUEST FOR A GRANT FROM THE VARUM TUTTLE MEMORIAL FUND**  
Enclosed please find confidential materials in the subject regard, for Board consideration

## **VI. EXECUTIVE SESSION**

There will be a need for Executive Session for the purpose of (1) discussing legal strategy and (2) negotiation strategy for potential land purchase or purchases.

## **ADDITIONAL INFORMATION**

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

## **MINUTES PENDING VOTES**

September 29, Special Meeting, October 9, Regular and Executive Session, October 11, 2007 Special Meeting, October 22, Regular and Executive Session

## **PENDING COMMITTEE APPOINTMENTS**

Mike Fisher, TAC (still with VCC), Reshma G. Singh, and ABCC to fill the unexpired term of Elaine Sisler who recently resigned. Barbara Estabrook, ABCC, Sumar Adiseshu, ABCC. (*Ms. Estabrook and Ms. Adieshu's applications are at VCC for Interview and recommendation*). Ryan Bettez, Associate Member of the Planning Board

## **FUTURE AGENDAS**

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda.

November 19

December 3 – Special Use Permit, Rink Development, LLC, 10B Craig Road (HUNTER)      December 17 -      January 7 & 28