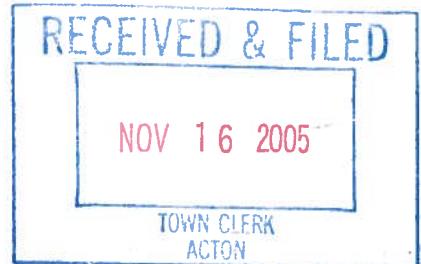


## SELECTMEN'S MINUTES

NOVEMBER 1, 2005  
7:00 P.M.

Francis Faulkner Hearing Room



Present: Peter Ashton, Walter Foster, F. Dore' Hunter, Lauren Rosenzweig, Town Manager and Assistant Town Manager. The Meeting was televised

### CITIZENS' CONCERNS

Tom Michaelman commented on the lack of Selectmen's Agendas on web site.

### SEWER COMMISSIONERS' BUSINESS

### PUBLIC HEARINGS & APPOINTMENTS

**OPERATIONAL MINUTE** – The Town Manager informed the Selectmen about the uneventful Halloween in town this year.

**COMMUNITY PRESERVATION ACT PROJECT PROPOSAL, MARY ANN ASHTON –**  
Mary Ann outlined her proposed CPA project to restore the Fitzgerald Piano and have it placed in the Library. She asked that the Board consider this and offered to help in any way to bring this forward. Dore' noted that this is another case of things disappearing from the Old High School. He felt that this was a good use for CPA Funds. Walter agreed with the Project. It connects us to a different era. He liked the idea of having concerts and supported moving forward. Lauren agreed and thanked Mary Ann Ashton for rediscovering this treasure. She supports the restoration and it being placed in a location where it can be enjoyed. Peter noted the passage from Mr. Fitzgerald's interview about Acton and felt we should place a plaque with his words about Acton on it.

**COMMUNITY PRESERVATION COMMITTEE (CPC) OVERSIGHT MEETING –**  
Catherine Coleman standing in for Mr. Lundberg introduced the committee. She made a presentation about the CPC. Peter thanked them for their work. Walter thanked his fellow committee members for their support. Dore' agreed with Walter about the Committee. He asked why the State number was lower. Staff said it was a lag in receiving the funds. Dore' asked about the Morrison Committee, there may not be a need for a Master Plan if they get the support they need. If they don't have to pay for the Master Plan they will turn the money back to the Fund. Lauren thanked the citizens for supporting the Act. There are tangible items, such as the Faulkner Plaque and the restoration of the Davis Monument. Peter noted that while we were getting 100% reimbursement, perhaps we should increase the percentage. They have been looking at it and they don't know if this is the right time and the possibility of getting the increase voted by the Citizens. Peter spoke about the issues with raising the percentage. He thinks we should be putting money in the Open Space Fund. He would be fully

interested in exploring the increase. Peter asked about other communities that have adopted this and what percentage they were at now. Andy McGee spoke about questions with regard to funding Open Space and acquire lands in the future, They currently have \$500,000 in that fund, and that we may not be able to afford a land purchase without consideration of a percentage increase.

**CONSERVATION COMMISSION INTERVIEW, LINDA SERAFINI** – The Board reviewed her background and thanked her for her interest. She is interested personally. Lauren asked if she used the conservation lands. She walks and bike rides in the Conservation lands through out town. Walter thanked her for offering her time, and asked about whether she had attended any Cons Com meetings. She has and the Board felt that her legal background with regulatory issues. DORE' HUNTER - Moved to appoint Ms. Serafini as an Associate Member for one year term. WALTER FOSTER – second. UNANIMOUS VOTE

**COMCAST PERFORMANCE REVIEW (Continued)** - Peter gave an outline on some of the outstanding issues from the last meeting. Rob Travers agreed that they owe a summary report for 2004 but will not be able to provide because the data was lost. Walter asked about the reports and would like to review the telephone logs he did not think the data on customer service was accurate. He asked about the reports and asked where they were in handling the customer Service calls. Rob noted that they have had a slower response at times but most were handled in under a minute. Walter noted the largest complaint was being sold items they did not use. Rob said that in 2003 they had a contractor was not following their instructions. They provide scripts to inform the customers of all the items. They don't have that contractor any more and have rewritten their plans. Lauren asked if they had a done any market research. Peter asked again about the 2004 access report. Peter discussed the lack of timesheets that under the contract are required. Peter said it was hard to determine the use of the Access Coord without those reports and hard to determine if they have lived up to the terms of the contract. He cannot make comparison of the last three years. Rob said he will talk off line about the issue. Rob said they are above the contact on programming. Peter urged them to submit the reports to the Cable Committee. Rob feels they are in compliance with all categories. Peter asked about the procedures put in place to correct this. They have implementing a tickler file for reports due, and will remind them of dates they need address. He says many reports are sent automatically. Peter asked about the potential rate increase. They file with the Telecommunication Commission. They can comment during that time and this is done at the State level. Walter asked about the time sheets and why they would say we can't give you the time sheets. If you were not going to give them to us, why would you put them in the contract? He was concerned about the lack of reports and the loss of reports. Peter noted that there is no question they are in violation and noted Section 12 liquated damages is very difficult to file. He still would like to get information for 2004 and asked him to work with the Cable Committee. Fritz Reip will work through Peter's numbers. Terra spoke about the lack of trust and wanted to see if a refund could be issued to those who were pressured during the time of the high pressure tactics.

**WASTEWATER CITIZENS' ADVISORY COMMITTEE** – Lauren gave an overview of the activities of the Advisory Committee. They have completed Phase I and will be holding a public meeting on December 8 at the Senior Center. These Phases will go forward to the Spring Town Meeting.

**SITE PLAN SPECIAL PERMIT #8/26/05-404, 403-411 MASSACHUSETTS AVE, SF PROPERTIES, INC.** – The developer outlined the changes to the Plan. They have moved the building to front on No Name Street. They have reduced the curb cut and have located the drive thru to the back. It was noted that the existing trees will be left in place along No Name. Lauren thanked them for their compromise. Dore' asked if the Building will be on slab, it will be on Slab. He also asked for clarification on the plans, it was noted they were pedestrian crossings. Walter thanked them for the Quill and Press connection. Peter said it was an improvement, and asked about the number of parking spaces. They said that the parking spaces from plan to plan have not changed. Terra Friedrichs asked about the drive in line. Ms. Attlemen a tenant spoke about the fact that tenants have not been notified of this plan. DORE' HUNTER Moved to continue the hearing to 8:30 November 14<sup>th</sup> WALTER FOSTER – second. UNANIMOUS VOTE

**HERITAGE LANDSCAPE INVENTORY PROGRAM** – Anne Forbes spoke about this program. This is a very new program. It is entirely State funded, there are no costs to the Town. This will help communities plan for their future. Anne thinks that Acton will be eligible for a more extensive review. The application is easy and they will need letters of support from relative boards. A Program Coordinator will need to be appointed. Lauren asked about volunteers to be a project coordinator. Anne said that coordinators range from Selectmen, Conservation Commission and Planning Board representatives to a citizen volunteer. Mary Ann Ashton has volunteered to be the Project Coordinator. Walter feels we should take advantage of this great program. Dore' and Peter think this is a great idea. Peter asked about the letter of support from the Project Coordinator with him preparing the letter as Selectman. The application needs to be pulled together and be only 3 pages. They have until the 23<sup>rd</sup> of November to file the application and Anne offered to help draft the support letter. Ann Chang spoke about the possible restrictions that might be assigned to the accepted landscape inventory lands. Anne Forbes said that it is more an identification tool and does not place any restrictions on the land.

**SEWER BETTERMENT ABATEMENT HEARING, AMIT BAHN, 16 SILVER HILL ROAD** - Mr. Bahn was not present and did not call to cancel. He will be given an opportunity to attend the 14<sup>th</sup> meeting.

## **SELECTMEN'S BUSINESS**

**COMMUNITY PRESERVATION ACT PROJECT PROPOSALS** – Don reported on the projects. The Bruce Freeman Rail Trail has suggested that the Board consider \$125,000 appropriation which will bring total funding to \$200,000. The time is now to lobby the legislature to pass these bills.

Potato Cave Restoration, Universal Access Entry ways at the Arboretum, a holding article for additional costs on the Slate Roof, and the CPC 5% of revenue for administration. Extra Info item that has come to us after a staff meeting, this is a project for improvements on the School Street Baseball Playing fields, and the proposal for the Fitzgerald Piano Restoration. Mike Coppolino spoke about the needs for additional fields. They have had a 9% increase in activity. Veteran's Field is a very popular field. They need a large diamond to accommodate the older players, as Jones Field is the only one in Acton. Walter asked if it could be built in stages. They have portable fencing which would be used to control foul balls. Privately raised funds for Youth Base Ball should be funded when you go to Town Meeting. He further asked about the lighting of the field. They don't have a problem with not lighting the fields. Lauren was interested

in phasing in their requests for fields and Conservation projects. Dore' felt an incremental approach would be favorable, it would show we are using it and putting funds into it. Peter suggested to go forward but to scale back the fencing costs and to continue their work on private fund raising. PETER ASHTON – Moved to endorse these items LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

**NUISANCE DOG COMPLAINT, 62 MAPLE STREET** - Peter spoke about the ongoing problem with the dogs at this location. The Police Chief has asked that we have them in for a hearing. The Town Manager was asked to develop a primer for those Board Members who may not be aware of the regulations. Walter asked about any civil law suits, and asked that a notice to the residents of the neighborhood of the time and date of the hearing when it is scheduled.

**SPECIAL USE PERMIT #06/14/05-403, 525 MAIN STREET, CBC PERSONAL TRAINING ACADEMY** – The Board reviewed the two drafts with regard the installation of side walks. Peter wanted the second Draft, Walter and Dore' agreed. DORE' HUNTER -Moved to approve Draft II. WALTER FOSTER – second. UNANIMOUS VOTE. Dore' noted that he was concerned about the Postal vehicles mounting the berm and onto the sidewalks on Main Street. Dore' asked that the Town Manager discuss this with the Police Chief for resolution.

**BOY SCOUT COURT OF HONOR, MARK ROBERT TRAVERS** – Dore' will attend.

**HOME RULE PETITION, SENIOR TAX RELIEF** –Peter reported on his visit to the State House to support the Senior Tax Relief. They were not interested in hearing our local ideas. He argued that our Home Rule Petition is more comprehensive.

## **OTHER BUSINESS**

Lauren reported that the EDC be allowed to review site plan, somewhat similar to how TAC is allowed to review.

Lauren reported on meetings she has attended. The Commuter Taskforce Committee will be bringing forward a program for car pooling. Outdoor Lighting Advisory Committee (OLAC) will be sponsoring a "Star Party" at NARA.

Dore' reported on his attendance at a MBTA meeting.

Walter spoke about the Morrison walk thru as well as the Public hearing and upcoming meeting of the Morrison Farm Committee.

Brookside Mall need for traffic light installation needs attention.

Design Guidelines Committee was discussed.

## CONSENT AGENDA

DORE' HUNTER – Moved to accept the Consent Agenda with the exception of #16 The Perry's Sewer Abatement. Peter rescued himself for this vote. WALTER FOSTER – second. 3-1 Approved.

## TOWN MANAGER'S REPORT

No report

## EXECUTIVE SESSION

None required

Christine Joyce  
Christine Joyce, Clerk

Walter Foster  
Clerk, Board of Selectmen

# **BOARD OF SELECTMEN AGENDA**

## **NOVEMBER 1, 2005**

**7:00 P.M.**

### **I CITIZENS' CONCERNS**

### **II SEWER COMMISSIONERS' BUSINESS**

### **III PUBLIC HEARINGS & APPOINTMENTS**

1. **7:01 OPERATIONAL MINUTE** – The Town Manager will give the Board a brief update on various topics.
2. **7:03 COMMUNITY PRESERVATION ACT PROJECT PROPOSAL, MARY ANN ASHTON** – Mrs. Ashton will be in to address the Board in the subject regard.
3. **7:10 COMMUNITY PRESERVATION COMMITTEE (CPC) OVERSIGHT MEETING** – Members of the CPC will be in for their annual oversight meeting with the Board.
4. **7:35 CONSERVATION COMMISSION INTERVIEW, LINDA SERAFINI** – Enclosed please find Ms. Serafini's Volunteer Application and comments from the Volunteer Coordinating Committee, for Board consideration.
5. **7:45 COMCAST PERFORMANCE REVIEW (Continued)** – Enclosed please find materials in the subject regard, for Board consideration.
6. **8:15 WASTEWATER CITIZENS' ADVISORY COMMITTEE** – Enclosed please find materials in the subject regard, for Board consideration.
7. **8:45 SITE PLAN SPECIAL PERMIT #8/26/05-404, 403-411 MASSACHUSETTS AVE, SF PROPERTIES, INC.** – Enclosed please find materials in the subject regard, for Board consideration.
8. **9:05 HERITAGE LANDSCAPE INVENTORY PROGRAM** – Enclosed please find materials in the subject regard, for Board consideration.
9. **9:20 SEWER BETTERMENT ABATEMENT HEARING, AMIT BAHN, 16 SILVER Hill ROAD** – Enclosed please find materials in the subject regard, for Board consideration.

### **IV SELECTMEN'S BUSINESS**

10. **COMMUNITY PRESERVATION ACT PROJECT PROPOSALS** – Enclosed please find proposals for Capital, Selectmen-sponsored Community Preservation Act Projects for 2006, for Board consideration.
11. **NUISANCE DOG COMPLAINT, 62 MAPLE STREET** – Enclosed please find materials in the subject regard, for Board consideration.

12. **SPECIAL USE PERMIT #06/14/05-403, 525 MAIN STREET, CBC PERSONAL TRAINING ACADEMY** – Enclosed please find two draft decisions prepared by the Building Commissioner, for Board consideration.
13. **BOY SCOUT COURT OF HONOR, MARK ROBERT TRAVERS** – Enclosed please find materials in the subject regard, for Board assignment.
14. **HOME RULE PETITION, SENIOR TAX RELIEF** – Chairman Ashton will report to the Board concerning his testimony in the subject regard.
15. **OTHER BUSINESS**

## **VI CONSENT AGENDA**

16. **MICHAEL AND ELIZABETH PERRY, 6 ASSABET CROSSING** – Enclosed please find materials requesting a withdrawal of the Perry's Sewer Betterment Abatement Request without prejudice, for Board consideration.
17. **AFFORDABLE HOUSING PLAN FOR THE TOWN OF ACTON** – Enclosed please find a Revised Plan with explanatory correspondence, for Board consideration.
18. **PARADE PERMIT, ACTON HISTORICAL SOCIETY AND IRON WORKS FARM** – Enclosed please find a request and comments from staff regarding their Parade Permit requested for April 17, 2006 at 3:00 p.m., for Board consideration.
19. **MASSACHUSETTES WATER POLLUTION ABATEMENT TRUST (MWPAT), REFINACING REQUEST** – Enclosed please find materials in the subject regard, for Board consideration.
20. **COMMITTEE APPPOINTMENT, ENVIRONMENTAL STANDARDS FOR FILL MATERIAL COMMITTEE, MARY BASSETT-STANFORD** – Enclosed please find materials in the subject regard, for Board consideration.
21. **ACCEPT GIFT** – Enclosed please find a request from the Natural Resources Dept. for Board acceptance of a gift of \$250.00 From Eastern Mountain Sports, for trail maintenance on Conservation Land, for Board consideration.

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

- 22.

## **VIII 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.

November 14 & 28	January 23 & 30
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December 12 & 19	February 13 & 27
January. 7 (Budget Workshop)	March 13 & 27

### **GOALS 2004-2005**

1. Produce Morrison Farm Development Master Plan (/Walter)
2. NARA PARK
3. Pursue Commercial Tax Base
4. Master Plan review meeting once per year

### **GOALS carried forward**

5. Monitor Labor Negotiations (Peter)
6. Improve Communication with Town Boards (ALL), Improving Inter Board Communication (Dore')
7. Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision, and to get a first rough cut of what happens next year before school is out for the summer (Peter)
8. ALG process be used for purpose of Budget Planning for FY05 (Dore'/Peter)
9. Process Planning for "Life after NESWC
10. Middlesex Pension Alternatives (Walter)