

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING
June 21, 2010
Acton Town Hall
Francis Faulkner Hearing Room
7:00 P.M.

Present: Lauren Rosenzweig Morton, Michael J. Gowing, Terra Friedrichs, Janet K. Adachi, Pamela Harting-Barrat, Town Manager Ledoux, Recording Secretary; Christine Joyce. The Meeting was televised

CITIZENS' CONCERNS

None

CHAIRPERSON'S UPDATE

Ms. Rosenzweig Morton updated the citizens on the 275th Anniversary Celebration

Ms. Rosenzweig Morton gave a brief explanation on how she would be conducting this year's annual Oversight meeting with boards and committees. She intends to do half of the committees this year and the other half next year

OPERATIONAL MINUTE

Mr. Ledoux reported on the Bruce Freeman Rail Trail event that he attended.

Mr. Ledoux also spoke about the MAPC Shared Services Grant they will be studying to the variety of services that we and 12 other towns provide to determine if there are any areas that we could possibly share.

Mr. Ledoux noted that there may be a later date for implementation with regard to the change in the Open Meeting Law. It may be moved up to October of this year.

PUBLIC HEARINGS & APPOINTMENTS

BOND SIGNING

Mr. Murray explained the materials that need to be executed this evening. Ms. Friedrichs asked about his comment regarding "we were not in the position to go to bond." Ms. Friedrichs asked that he provide more information about rates when he comes back before the board with future requests. She noted that she would like Mr. Murray to get the information to her regarding the Bonding voted tonight. Ms. Friedrichs – Moved – Ms. Friedrichs read a prepared Motion in the subject regard which will be attached to these minutes.

Mr. Gowing - second. UNANIMOUS VOTE.

TD BANK SITE PLAN SPECIAL PERMIT, #04/30/10/424, 408 MASSACHUSETTS AVE.

Ms. Rosenzweig Morton read the public notice and opened the public hearing for Site Plan noted above.

Ms. Adachi as the Liaison on this Site Plan outlined the proposed site plan to the Board.

Mark Goldstein, TD Banks Attorney for project introduced Joe Nevin from Bergimayer architects, Engineers for the site as well as Bohler Design team members. They have been through the Design Review Board and have worked with town staff. The applicant summarized the meetings with town staff dating back to 12/2008, and the meetings with DRB that resulted in modifications to the plan. The applicant has received the comments and will incorporate town staff comments about the current plan and will be back before the Board of Selectmen with a modified plan.

Mr. Nevin noted that the bank's experience is that it needs the 27 spaces to accommodate employees and customers. The applicant is prepared to adopt the DRB's recommendation to remove two parking spaces in front and have an island with greenery. Acton is the first location in MA for which TD Bank considered a "kit of parts" to allow more site-specific variation. The applicant is aiming for gold or platinum LEED certification. The bank would be open until late, so the interior would be lit and visible; the interior would include an historic mural with Acton-specific scenes. The drive-through roof will have photo-voltaic cells. Plantings will be drought-resistant, so irrigation will not be necessary after the first year.

Ms. Adachi as the liaison for the site plan said that the applicant had addressed the issues of parking and building location in the introductory remarks, so she would ask about other matters. In response to Ms. Adachi's questions, the applicant said that there would be 8-10 employees initially; the removal of the underground tanks would involve an on-site licensed site professional; the high groundwater at the front of the property would not be in the area of the tank-removal; the property would hook up to sewer; the loop bike racks would accommodate two bikes apiece. Ms. Adachi noted that the applicant would be subject to the town's new storm water effluent bylaw and would have to confer with the Health Department and Engineering, as well. She expressed concern about pedestrian safety in the proposed parking/driving area in front of the building.

Ms. Harting-Barrat questioned the access during the night for ATM machine. Customers will be able to access the ATM inside through use of the ATM in the front of the Building as well as to drive around the back to use the Drive Thru. She wanted to see more green on the site.

Ms. Friedrichs spoke about the constraints of the project. She asked if staff was helpful in determining that you would benefit from saving the 55 foot access to the undeveloped property behind this parcel, they said yes. She asked how many hours that they spent on the issue. Ms. Rosenzweig Morton stated that it is staff's job to describe all the zoning bylaws, rules and regulations that the citizens and boards voted in—that is an essential part of their job. Ms. Friedrichs asked about the retaining walls and tree removal in back of the building.

Mr. Gowing was concerned with the cutting of the hill side and the retention walls. He suggested turning the building to put the ATM Drive thru on the side. They have talked with the Bank about this issue.

Ms. Rosenzweig Morton thanked them for the visual presentation. Ms. Rosenzweig Morton asked if TAC had commented on this issue. TAC will be asked to submit comments.

Peter Jones Nadine Road spoke about the design and Town staff and Selectmen's comments. He asked several questions. He was concerned with potential noise and lighting and wanted to know if they planned on the piping of music while waiting in the Drive Thru Line

Ms. Friedrichs – Moved to continue to July 26, at 8:15 Mr. Gowing – second. UNANIMOUS VOTE

SELECTMEN'S BUSINESS

ANNUAL RE-APPOINTMENT LIST OF BOARDS AND COMMITTEES

Ms. Friedrichs – Moved to reappoint boards and committees as outlined in the Reappointment Document as provided. Mr. Gowing - second. UNANIMOUS VOTE.

NON-BOS "REPRESENTATIVES" FOR REGIONAL MEETING ATTENDANCE

Ms. Friedrichs spoke about the regional meetings requiring attendance and noted that no one from Acton appears in the minutes of those meetings. She felt that we are not covering these meetings and suggested we ask retired committee members to attend them and report back the Board. She noted that Dore' Hunter has been very successfully representing Acton at Fitchburg Line and Route 2 Corridor Committee. She noted that we have these people that are under utilized. Ms. Harting-Barrat wondered if VCC could recruit people to serve as Acton's representative and to attend regional meetings, to bring back information to the Board.

Mr. Gowing said we need to identify the number of meetings which we need to have people attend on behalf of the Board.

Ms. Adachi thought it was a good idea to have coverage at those meetings. She felt we could direct the notices into a folder on the system for people who might be interested in attending these meetings on behalf of the Board.

Ms. Rosenzweig Morton noted that MAPC requires only members of the BOS and Planning Board. Ms. Harting-Barrat suggested we ask for a list of meetings and then figure where best to guide the volunteers to attend if they have time.

Ms. Friedrichs was asked to make a list of what meetings needed coverage. She was asking for a folder on docushare and e-mail folder to allow interested citizens review the opportunities, and Ms. Friedrichs will coordinate the responses in a couple of months and update the Board

CELL TOWER PLACEMENT – CAPPED LANDFILL

The Planning Board asked the Board to reconsider allowing a cell tower at our capped landfill. The Town at this time is investigating the placement of a solar farm on that property. At the Selectmen's Goal Setting meeting they reiterated that we continue with the Solar Farm at this location. It was noted that we could look at putting both on the Transfer site, but it is not a simple project. Ms. Friedrichs asked about the Craig Road site and do we know how far above the tree canopy the tower would be? We need to respond to the Planning Board's request.

Mr. Gowing said it is a stick 140 feet and not the Christmas tree type of cell tower. Ms. Rosenzweig Morton was in agreement with the Town Manager's suggestions. Ms. Rosenzweig Morton - Moved that for the reasons outlined in the memo from the Town Manager that we thank the Planning Board and that we understand that the neighbors do not like it where it is proposed on Craig Road, but that we cannot entertain this proposal at this time because we do not know what is required for the solar panels. Mr. Gowing –second. Ms. Friedrichs asked the chairman to accept a friendly amendment language that we might entertain in the future and that if the Solar does not happen we could then entertain it. Ms. Rosenzweig Morton did not want to accept the amendment and offered a new one.

Ms. Rosenzweig Morton – Moved that we write to Planning Board and say at this time we are entertaining a solar farm on the landfill and will not consider a cell tower at this time. Mr. Gowing – second. Ms. Friedrichs No, Motion passes 4-1

Mary Michelman noted the landfill is capped and we do not want to risk damage to the cap.

2010 JENK'S FUND AWARDS FOR YOUTH OF ACTON

Ms. Friedrichs – Moved to award the Jenk's Fund Gifts as outlined in the Memo. Mr. Gowing – seconded. UNANIMOUS VOTE

SCHOOL COMMITTEE VACANCY

Ms. Rosenzweig Morton outlined the need for the appointment to fill the unexpired term left by Jonathan Chinitz. This appointed person will serve until the March elections. The Board will have a joint meeting with the School Committee at 7:00 p.m. on July 12th. The School Committee will take the applications. Ms. Rosenzweig Morton asked that the Board members develop 3 questions and she will coordinate them by July 8th. When Ms. Rosenzweig Morton gets together with the School Committee Chair she will ask about Ms. Friedrichs concern with providing written questions.

APPOINT SELECTMAN ADACHI AS THE BOARDS REPRESENTATIVE TO WASTEWATER ADVISORY NEIGHBORHOOD TASKFORCE (WANT)

Ms. Rosenzweig Morton – Moved to appoint Ms. Adachi as the Board's Representative to WANT. Ms. Harting-Barrat – second UNANIMOUS VOTE

SELECTMEN'S REPORTS

Ms. Friedrichs spoke about the village plan. Open Space and Recreation was too busy to get involved in prioritizing/pursuing village parcels. She noted it takes a lot of time to prioritize. It's not a trivial task. So she understood why the OSC didn't have the human resources to do it all. She is happy to help organize additional (non-OSC) people to do such work, but that such a group needs to have a mission. She felt that the people who are interested should propose a mission to the BOS and to develop a formal way to address this issue. The sense of the Board was that Selectman Friedrichs hold a meeting to see if there is interest in such an effort and then report back to the Board.

OTHER BUSINESS

CONSENT

Ms. Friedrichs asked to Hold on #16 Committee appointments, she wanted to understand why Mr. Beck had not been offered the opening as he had applied much earlier than Mr. Magee. Ms. Adachi outlined her process of interviewing both candidates. Ms. Adachi noted that she had not realized until recently that the Selectmen liaison, and not the Board Chairman, was in charge of organizing the interviews. As soon as she understood that, she tried to schedule both interviews. Mr. Magee responded immediately. She made several attempts to schedule Mr. Beck's interview, but Mr. Beck did not respond to her attempts to meet with him.

Mr. Gowing – Moved to accept #16. Pam Harting-second, 4-1 Motion Passes, Ms. Friedrichs Abstained

Ms. Friedrichs - Moved to accept the balance of the Consent Agenda. Mr. Gowing - second.
UNANIMOUS VOTE

MARY MICHELMAN, PRESENTATION OF FINDINGS/COMMENTS REGARDING W.R. GRACE ENVIRONMENTAL REPORT

Mary spoke about the draft letter in the Board's packet to go to EPA. Ms. Adachi handed out a disclosure form which outlined her relationship with Grace through her husbands past employment with Grace. Ms. Harting-Barrat stated that she is an EPA employee. Ms. Harting-Barrat recused herself and left the hearing room. Ms. Adachi also left the room, both not to return to the meeting.

Mary Michelman reviewed her comments on behalf of ACES on the W. R. Grace Sediment Report. She asked for the support of their comments. Mary asked about having Tom Tidman review the W.R. Grace proposal with regard to wetlands replication. Mary asked that the water not be brought to the Town's the Adams Street Sewage Plant, further that the Plant not be considered for these types of waste water. Additionally that ACES comments with regard to water management procedures be supported.

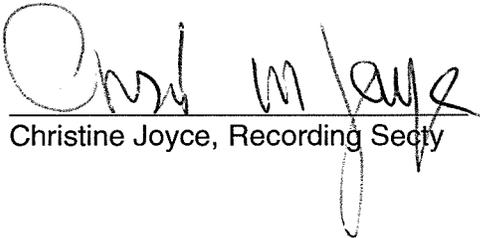
The Board asked the Town Manager to solicit Tom Tidman's review of the plans and offer his comments, and that they also be forwarded to EPA.

Ms. Rosenzweig Morton – Moved to submit comments on the W. R. Grace draft Final Remedial Sediment report, and that Jim Okun's comments be included as well as Tom Tidman review the reports specific proposals for Site Restoration and be included. That the Town proactively comment that the Acton Waste Water Treatment Plant not be considered for treatment of disposal of water collected as part of the W. R. Grace Sediment Clean-up, that the Town

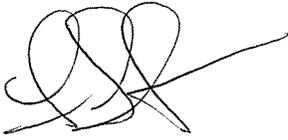
request W. R. Grace provide additional information on the process of confirmatory sampling, and that a depth of less than 1 foot be considered for confirmatory sampling; and that the Town include additional comments similar to those made by ACES and/or the Water District on this report. Ms. Friedrichs – second. UNANIMOUS VOTE

EXECUTIVE SESSION

None required



Christine Joyce, Recording Secty



Clerk
Date: 9/3/10

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Hearing Room
June 21, 2010
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. **7:20 BOND SIGNING**
The Treasurer will present bonds that require the Selectmen's signatures
4. **7:30 TD BANK SITE PLAN SPECIAL PERMIT, #04/30/10-424, 408 MASSACHUSETTS AVE.**
Enclosed please find materials in the subject regard

III. SELECTMEN'S BUSINESS

5. **ANNUAL REAPPOINTMENT OF BOARDS AND COMMITTEES**
Enclosed please find materials in the subject regard.
6. **NON-BOS "REPS" FOR REGIONAL MEETING ATTENDANCE**
Please find materials in the subject regard, Selectman Friedrichs will discuss her memo of May 18th with the Board
7. **REQUEST FROM PLANNING BOARD TO RECONSIDER PLACEMENT OF CELL TOWERS ON TOWN-OWNED LANDS**
Enclosed please find materials in the subject regard
8. **2010 JENKS FUND AWARDS FOR YOUTH OF ACTON**
Enclosed please find materials in the subject regard
9. **SCHOOL COMMITTEE VACANCY DISCUSSION**
10. **APPOINT SELECTMAN ADACHI AS THE BOS REPRESENTATIVE TO WASTEWATER ADVISORY NEIGHBORHOOD TASKFORCE (WANT)**

11. MARY MICHELMAN – PRESENTATION OF FINDINGS/COMMENTS REGARDING W.R. GRACE ENVIRONMENTAL REPORT

Enclosed please find materials in the subject regard

12. SELECTMEN'S REPORTS

13. OTHER BUSINESS

IV. CONSENT AGENDA

14. ACCEPT MINUTES OF MARCH 29, APRIL 26, MAY 24

Enclosed please find materials in the subject regard

15. APPROVE THE TOWN MANAGER'S APPOINTMENT OF ASSISTANT TOWN MANAGER TO PERFORM TOWN MANAGER DUTIES IN TOWN MANAGER LEDOUX'S ABSENCE

16. COMMITTEE APPOINTMENT, CONSERVATION COMMISSION, ANDREW MAGEE, TERM TO EXPIRE 6/30/11

Enclosed please find materials in the subject regard

17. ACCEPT GIFT, SERVE PROGRAM, NURSING SERVICE

Enclosed please find a gift of \$5,000.00 from the Acton Congregational Church, to the SERVE Program to be used to help fund the needs of victims of domestic violence

18. ACCEPT GIFT, SERVE PROGRAM, NURSING SERVICE

Enclosed please find a gift of \$2,500.00 from the Acton Community Housing Corporation to the SERVE Program to be used for transitional housing needs for Acton residents

19. 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.