

BOARD OF SELECTMEN & SEWER COMMISSIONERS'

MEETING AGENDA

Francis Faulkner Meeting Room

Town Hall

June 9, 2008

7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:02 OPERATIONAL MINUTE

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

2. 7:05 ACCEPT GIFT, FRIENDS OF THE ACTON ARBORETUM

Enclosed please find a gift of \$4,191.00 for benches, and plants for the Fragrance Garden, in memory of Dottie Hilbert, for Board consideration

3. 7:10 SENATOR PAMELA RESOR

ISSUE: The Board will present Senator Resor with an award for her many hours of service to the Town.

4. 7:15 SIDEWALK COMMITTEE UPDATE

ISSUE: Vice-Chair Knibbe will update the Board on the status of the Sidewalk committee.

5. 7:30 ROBERT WHITTLESEY, ACTON HOUSING AUTHORITY

ISSUE: Mr. Whittlesey will be speaking to the Board regarding Sachem Way Housing Authority properties.

6. 7:45 DESIGN REVIEW BOARD (DRB), ANNUAL OVERSIGHT MEETING

ISSUE: The Board will discuss the Design Review Board's activities and related topics.

7. 8:00 GREEN TEAM UPDATE

ISSUE: "Formation of an Acton Green Team" Committee

8. 8:15 2008 YEAR END EXPENDITURES

ISSUE: 2008 Year End Expenditure requests

III. SELECTMEN'S BUSINESS

9. ALG FY10, START-UP PROCESS

(No materials)

10. ALEXAN CONCORD, 40B

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

11. COMMITTEE REAPPOINTMENT DISCUSSION

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

12. EAGLE SCOUT COURT OF HONOR, MATTHEW JAMES DERMOT CURTIS (SELECTMEN NEEDS TO BE ASSIGNED)

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

13. SITE PLAN SPECIAL PERMIT #7/11/06-409, 288 MAIN STREET, EDWARD BRAVO, SITE PLAN AMENDMENT RECOMMENDATION

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

14. WILLIAM ALESBURY'S REQUEST FOR SEWER CONNECTION, 22 HIGH STREET

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

15. OTHER BUSINESS

IV. TOWN MANAGER'S REPORT

V. CONSENT AGENDA

16. BOARD OF APPEALS, COMMITTEE APPOINTMENT, KENNETH KOZIK, JULY 1, 2008 UNTIL THE CLOSING OF PROCEEDINGS OF VARIANCE #08/03

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

17. COMMITTEE APPOINTMENT, VIVEK KULKARNI, ECONOMIC DEVELOPMENT COMMITTEE, ASSOCIATE MEMBER

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

18. SITE PLAN #7/1/83-234, (POWDER MILL PLAZA), ATLANTIC MANAGEMENT, REQUEST TO AMEND SITE PLAN #7/1/83-234

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

- 19. DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST, THOMAS TIDMAN, DIRECTOR OF NATURAL RESOURCES**
Enclosed please find materials in the subject regard, for Board consideration
- 20. AUTOPLEX, 60 POWDER MILL ROAD, CLASS 1 LICENSE EXTENSION TO JUNE 23, 2008**
(No materials)
- 21. FEE REDUCTION, BURIAL FEE, WOODLAWN CEMETERY**
Enclosed please find materials in the subject regard, for Board consideration
- 22. DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY**
Enclosed please find materials in the subject regard, for Board consideration
- 23. CONFIDENTIAL REQUEST FOR FEE WAIVER, NARA YOUTH PROGRAM**
Enclosed please find materials in the subject regard, for Board consideration
- 24. ONE DAY LIQUOR LICENSE, OLD GOLD RUGBY GROUP, AT NARA PARK**
Enclosed please find materials in the subject regard, for Board consideration
- 25. ONE DAY LIQUOR LICENSE, THE FAST COMPANY EMPLOYEE SUMMER OUTING/PICNIC AT NARA PARK**
Enclosed please find materials in the subject regard, for Board consideration
- 26. ONE DAY LIQUOR LICENSE, SANJEEV SAXENA, CHILDS BIRTHDAY PARTY AT NARA PARK**
Enclosed please find materials in the subject regard, for Board consideration
- 27. ACCEPT GIFT, CITIZENS' LIBRARY AUXILIARY**
Enclosed please find a gift of \$506.00 from the Auxiliary to be used to cover Tot -Time Expenses, for Board consideration
- 28. ACCEPT GIFTS, TOWN WIDE VISIONING SESSION**
Attached please find please find a list of gifts donated to the First Session of the Town Wide Visioning Session, for Board acceptance

VI. EXECUTIVE SESSION

ADDITIONAL INFORMATION

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

FUTURE AGENDAS

June 23, July 14, August 11, September 8 & 22

FUTURE AGENDA ITEMS

TOWN BOARD AND COMMITTEE REAPPOINTMENTS FOR 2008
VCC Oversight Meeting, Cable TV Oversight Meeting (pending confirmation)
Historic District Commission

MINUTES PENDING VOTES

May 12 and 19 (Revised Executive Session Minutes, April 22)

PENDING COMMITTEE APPOINTMENTS

David Honn, DRB, Jeff Clymer, Planning Board (at VCC)

Antoinette Hershey Conservation Commission (to be appt. with reappointments per AM)

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**June 9, 2008
Acton Town Hall, Faulkner Hearing Room
7:00 P.M.**

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

CITIZENS' CONCERNS

Carol Holley spoke about perchlorates at Ellsworth Village, and private well contamination on Brabrook Road. The Fire Chief was to give them blasting logs. She also met with the Board of Health and they agreed that the Fire Chief should have released the logs to her.

Mary Michleman Magnolia Drive wanted to talk about #18 on the Consent Agenda. ANDREW MAGEE – Move to hold Item 18 and move it to Selectmen's Business for discussion. PAULINA KNIBBE – second. UNANIMOUS VOTE

OPERATIONAL MINUTE

Steve spoke about the loss of Bruce Stamski's wife, and sent his condolences to Bruce and the family.

Steve announced that he has hired a new Human Resource Director. Maryann Fleckner has been chosen, and will start effective July 7. She has been working in the field at the State level. She was the top choice of the employee panel that interviewed the candidates. She will be filling the position that has been vacant for five years.

PUBLIC HEARINGS & APPOINTMENTS

ACCEPT GIFT, FRIENDS OF THE ACTON ARBORETUM

Dotti Hilbert Memorial Gift to the Arboretum. Beth Petr spoke about the gift being made to the Arboretum in Dottie's name. Dottie was very involved in the community and in taking photographs especially at the Arboretum. TERRA FRIEDRICHS – Moved to accept the gifts from the Friends and of the Arboretum. ANDREW MAGEE- second. UNANIMOUS VOTE.

SENATOR PAMELA RESOR

Lauren outlined Pam's accomplishments and many years of service to the Town and presented her with a token of appreciation from the Town.

SIDEWALK COMMITTEE UPDATE

Paulina gave an overview of the work the Sidewalk Committee has performed to date. Paulina introduced the members of the committee that were present. She presented the Needs Based Criteria which included population and safety consideration. The Feasibility Criteria was developed from input sessions and advertised meetings and they maintained a notice to those that wanted updates. Committee recommendations were that 6 projects were prioritized as high. The remaining projects were identified as Secondary Pool and Tertiary Pool.

Recommended projects in priority order: Central Street near Mt. Hope, Lower Prospect, Route 2A Davis Road to Main Street, High Street (#30 = #46), Route 27 sidewalk from Post Office Square to Route 2A, High Street to #77 Parker Street. The committee also looked at sidewalks at Railroad X-ings. MBTA will not allow them unless a pedestrian gate is present.

The committee asked that the Board authorize them to begin the projects.

Andy said that he was impressed and it was what needed to be done. He endorses the report.

Terra noted the amount of work that went into this project and asked if money has been set aside. Terra asked about the needs analysis. She wanted to try to find the number of people using the areas and sites where people were likely to walk on.

Tom Peterman, 16 Hosmer Street questioned the scouring formula. He felt that the people spoke at town meeting and asked that the Main Street /Post Office portion be removed from the list.

Brian Bendig, Main Street asked about process. Paulina said that staff will begin to work and be contacting land owners for easements.

Brian asked about possible public shade tree removals or stone walls removals along the way.

In response to the comment that no one would use the Main Street sidewalk, Kate Chung said she would use the Main Street Sidewalk to come to the Library.

Mary Michleman spoke about sidewalks and the need for them while people are walking. The sidewalk does get used quite a lot in her neighborhood. The Main Street Side Walk has benefits for those who will use it.

Lauren spoke about the Isaac Davis Trail; she feels the sidewalk is critical and that it be constructed in a New England style manner.

TERRA FRIEDRICHS - Moved to accept report with condition that every thing goes through review of HDC and HC. No Second. Paulina said that she did not want more boards involved; it doesn't help them get to the solution.

Ann Sussman said that the Design Board gets questions about sidewalks.

Lauren discussed her attendance at the Sudbury presentation; she suggested that the Sidewalk Committee meet with the DRB.

TERRA FRIEDRICHS Move to accept report and to move forward on Davis Road to Main Street and to then come back for expenditure after the Design Board review. No Second.

PAULINA KNIBBE – Moved to accept report and move to go ahead with the projects on the Priority List. LAUREN ROSENZWEIG - second. Terra wanted to wait on the Main Street /Post Office Square sidewalk out of respect for Town Meetings action. Paulina disagreed that it should be discussed further at this time. Vote 3-1. Terra No.

ROBERT WHITTLESEY, ACTON HOUSING AUTHORITY

Robert Whittlesey was present to discuss two matters. First, his State appointment and asked for the Board's Vote to continue his appointment as the State's designee on the AHA.

He spoke about Sachem Way. The State has changed rules and doesn't want Authorities sitting on available land. There are two acres that are buildable at Sachem Way. He said that the State will be the major financier of this project and will give back 15 dollars for every 1 dollar Acton gives. They have applied to the State for a Planning Grant which might lead them back before the Board in the fall. They want this to be a very open process. Neighbors have concerns and they will try to do what they can with requests they may have. AHA is looking at modulars and ways to Green this project.

Terra asked if they were doing tear downs. They said no, they will be adding an elevator and enclosing walk ways. They plan to construct 12 or 14 units. Technically they could build 20 units. Paulina asked about the next step of this project and asked if the Board and the public need to be involved. Bob thought Preliminary designs and how green they could be would be explored. Bob will bring back to the Board once issues are resolved.

LAUREN ROSENZWEIG -Moved to write a letter explaining why the vote was not supported at town meeting. Town Manager and Kelly Cronin write the letter to explain Town Meeting vote. ANDREW MAGEE – second. Andy felt we needed to wait until Peter was at the meeting, and to pull it off at this time. ANDREW MAGEE – Moved to withdraw the motion. Mr. Whittlesey decided that we wait on this letter until they worked through the issues.

DESIGN REVIEW BOARD OVERSIGHT MEETING

Ann Sussman, Chair of the Design Board with Tom Peterman the Vice Chair were present for the oversight meeting. The Committee has been working for almost one year. Ann spoke about our Design Review Board publications and that they have been attending many meetings. It is a place to discuss why things work. They have worked with the Planning Board and developers with regard to outside seating. They have a lot of professionals on their committee. They reviewed a new mix in West Acton and they are talking to the developers about housing and commercial space. The Bank of America wanted to know how to pick a fence for their facility on Mass Ave. The owner was happy he could please the town. They want to talk about amending their Charter in the future. They want to increase the DRB purview on many issues. Tom Peterman spoke about their projects and the zoning issues. They would like to have involvement and to act as soon as a process has been refined.

Terra asked about how many other towns are doing this. Anne noted around 50 communities that she knew of. Andy asked about the request to amend their Charter and they should present language to amend, and a possible bylaw, and to let us ask people their wishes.

Lauren spoke about form based and visual tools.

Paulina thanked them for their work and getting developers before the DRB and that it gets everyone on board before the process goes too far. The DRB wants a lawyer or graphic designer as a new member and are currently working through the VCC to fill these needs.

GREEN TEAM UPDATE

Andy reported on the meeting that he attended. This issue has been out there in a variety of formats. Last year the BOS identified Greening the Town as a priority for BOS, and in a stronger voice in the Visioning/Goal Setting Workshop that they participated in. We all know what we were talking about, but last year's approach was haphazard. Andy did not want to see this opportunity with volunteers slip away; we need to take advantage of this. There is so much we don't know and where to start. Andy said we need to bring this into our house, but while they could operate out side of the Town's purview, he felt that we need to have them be an Advisory Committee to the Board; Andy suggested that maybe they take a few months to establish what is needed. He felt it needed to be made more formal. Chris Schaffner said they have a large group of interested people and are looking for the Board's direction for what you want to do, and felt two groups would work.

Paulina said she is pleased this happening. She would like to see a lot of different projects. What she would like is to have someone prioritize the needs. The Board does not have the time to go over the sorting of these projects. She felt it was better to have them as an Advisory Board. Jim Snyder-Grant thought the group of ecological folks understands how the Board feels. They are urgent, and that as they have been talking with Dean and JD Head of the Schools - the Town is already doing important work. If a town committee is established they will need to work on a focused action. It was noted that many towns have an environmental review Department to review the projects.

Terra asked about the bringing of the "Short List" to the Board. Jim said yes, you make the request; we will try to do it.

Steve noted that he would be going through the process with Dept. Head's at an upcoming Staff Meeting.

Lauren noted that the group will have their next meeting on the 12th at 7:00, 62 Windsor Ave, and all are welcome. Lauren said that she would like to see what staff is doing presently and to start to look to how to handle this in permitting. She suggested getting a baseline and then brainstorming the issues. Ann asked for the next step. Lauren said what would you like to see the schools and town government do and come up with three priorities.

Andy felt that we, the Slectmen, were the least capable of doing this work, and hence the need for a capable Green Team. Lauren said we need to make Acton better and wants ideas to come back to us for continued discussions.

The group will have their meeting and bring it back to the Board for further review.

2008 YEAR END EXPENDITURES

Steve summarized the financial status. The Finance Department has been following year end funds and has estimated turn backs of about \$580,000. In March when the ALG Plan required cuts, the NARA Improvements were cut, but it was agreed that they could use any turn backs if they existed to fund NARA projects in June. The total for projects is \$180,000. Steve feels

comfortable with these projects and feels it would be an enhancement to the Park. Dean Charter spoke about a new heating system at Town Hall and several changes at the fire stations to overhead doors.

Tom and Cathy Fochtman spoke about the needs at NARA Park. They spoke about their needs and described the items they need.

Terra asked about several issues and turn-back. Terra asked if the Finance Committee had been contacted. Andy noted that these moneys need to be spent before July 1st. Andy spoke about a memo from Peter Ashton supporting the expenditures to NARA.

Steve Noon was asked about Fin Com's support. Does the Fin Com go through different approaches? Lauren said that these were already vetted and they voted to go forward.

Steve spoke about the needs from Municipal Properties. Dean said the number one priority is a new boiler at Town Hall that will be a gas conversion, with possible rebates. This is a serious situation, the boiler has become unreliable, the cost is \$25,000 and it will operate at an 80 percent efficiency.

Overhead doors at Center Fire, original to 1953. This will also result in energy savings. Dean wanted to expand electrical panels in all three stations.

Fire Station 3, addition of a custodial sink, replace the stair treads. Memorial Library elevator needs new Jack Packing and leaking resolution.

Dean also spoke about the light replacement in the Hearing room.

Dean noted that Station 2 has now become a commuter parking lot. They need to replace the guardrail.

New brush chipper is needed as the current one is 18 years old. \$40,000 – \$47,000 to replace

Paulina asked about the brush chipper and asked about its relationship to the grinder recycling composter unit.

Andy asked about the composter and that we will be able to do more household chipping at the Transfer Station.

Terra would like to ask the recreation to be careful of Live Nations and wanted them to plant more trees. Terra commented that every thing in the list is ok except the dressing rooms. Terra wanted to talk about the remaining turn backs. She would like to know if the turn back could be used for senior citizens taxes and programs.

Paulina wanted to know if last year when we turned money back to free cash that it was put outside the ALG process. PAULINA KNIBBE – Moved that these turn back monies be available for us to spend on Town uses starting in FY10. TERRA FRIEDRICHS – second. UNANIMOUS VOTE

ANDREW MAGEE – Moved to approve the recommendation for Recreation Department and Municipal Properties for expenditures discussed. PAULINA KNIBBE – second UNANIMOUS VOTE

PAULINA KNIBBE - Moved that funds that have not been expended be reserved for FY10, and asked the Board's ALG Representatives to bring it before ALG for discussion. ANDREW MAGEE – second. – UNANIMOUS VOTE

SELECTMEN'S BUSINESS

ALG FY10 START UP PROCESS

The first ALG meeting is June 16. , In order to accommodate the participants; it will be at 7:30 A.M. Lauren gave an overview of the ALG Process. It is just to get started and have people thinking of what kind of issues will be brought forward and to send any requests you may have to Lauren.

ALEXAN CONCORD 40B

Lauren enclosed the draft letter to the Zoning Board of Appeals. The Draft letter was amended in several places by the Board.

PAULINA KNIBBE – Moved to Modify paragraph 1 TERRA FRIEDRICHS – second. 3-1
Lauren No

#2 Terra wanted to talk about Forest Ridge Road

#5 Provide a Dedicated shuttle

#6 Crosswalks to shops, Steve felt it would be in the peer review.

#7 Terra asked that Lauren modify her comment regarding ACHC programs.

TERRA FRIEDRICHS – Move to send the revised memo to the BOA. ANDREW MAGEE-
second. UNANIMOUS VOTE.

COMMITTEE REAPPOINTMENT DISCUSSION

Andy spoke about the WARC committee new member Kent Sharpe representing the Finance Committee. Andy also spoke about changing the committee's charter to remove school representatives as the Douglas and Gates no longer needed Town sewage at this time. ANDREW MAGEE – Moved to approve the appointments and deletions to WARC. TERRA FRIEDRICHS- Second UNANIMOUS VOTE

EAGLE SCOUT COURT OF HONOR, MATTHEW JAMES DERMOT CURTIS

Terra will represent the Board.

SITE PLAN SPECIAL PERMIT #7/11/06-409, EDWARD BRAVO, 288 MAIN STREET

As to Roland's memo, we would like to avoid another Brabrook Road. It was suggested to include Carol Holly's comments in the permit extension. Andy said we should set a standard that the use of perchlorates not be allowed and to have contractors file the material data sheets with the Fire Department at the time permits are requested for Blasting. Lauren wanted the Fire Department to monitor and have no perchlorate use at all. PAULINA KNIBBE – Moved not to allow the use of perchlorate in Acton. ANDREW MAGEE – second. UNANIMOUS VOTE

WILLIAM ALESBURY'S REQUEST FOR SEWER CONNECTION, 22 HIGH STREET

Steve was asked to summarize the situation. He was asked if other residences would be required to hook up. It was noted that this affects only the Alesbury's property at 22 High Street. Opinion from Town Counsel is that it is the decision of the Sewer Commissioners, and whether or not such a vote would create precedence.

Andy is in favor of allowing this hook up particularly if we make the statement that requests are handled case by case. We also make it very clear that this is done because it meets the definition of a High Priority area because of the cesspools on the property. We are still reserving wastewater potentially for the Flint Road area and it is a High Priority too. This is a very specific case and we have to monitor the volume of the water coming in to the system.

Paulina said she approves and she doesn't think it should be only offered to the Alesbury's. She did not feel comfortable with the hook up.

Andy noted that if the other homes wanted to hook-up they needed to assign betterments and those folks have said they don't want the sewage hookup and betterment. Lauren noted that this line is not in the public way except for the small part under the sidewalk. The actual line will not be in the public way. Paulina spoke about two issues: will we require others to hookup, and who is responsible for the maintenance.

PAULINA KNIBBE – Moved we approve the connection to 22 High Street with condition that their usage of the sewer be limited by number of bedrooms - this is a four bedroom house. ANDREW MAGEE- second. UNANIMOUS VOTE

PAULINA KNIBBE – Moved that for the purpose of maintenance, that we deal with this as a public sewer and the maintenance from the property line to the house at #22 is the responsibility of the owner of 22 High Street. ANDREW MAGEE- second. UNANIMOUS VOTE

LAUREN ROSENZWEIG – Moved that the Town Manager make sure to include the statements that this was a unique situation because it is essentially a high priority area and that it is an historic property. ANDREW MAGEE- second. UNANIMOUS VOTE

OTHER BUSINESS

Terra asked that the John Mullin program be updated by Finance Committee.

Andy spoke about the Bruce Freeman Rail Trail and Mass Highway will be reviewing the project.

Andy commented on Route 2 Meeting.

Andy spoke about the bids to repair the buildings at the Morrison Farm. Andy would like to be on the Board of the Morrison Farm Committee.

TOWN MANAGER'S REPORT

None

CONSENT AGENDA

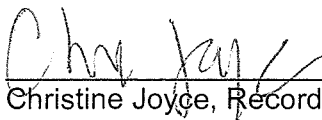
#18 held to discuss the Atlantic Management's request for amendment to their site plan at Powder Mill Plaza. Steve discussed the memo from Doug Halley regarding dry cleaners and hairdresser usage. Mary Michleman is concerned with the discharge into an area that is part of the Zone 2 for Town wells. Lauren asked about tabling this until a later meeting.

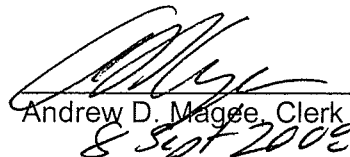
Tony Capobianco, representing Atlantic Management, said that he could have the hair dressers and other usages in the plaza since they are no longer on private septage. They are now hooked up to the Acton Town Sewer System. They have removed the private sewerage plant.

Paulina asked if there were other facilities such as hair dressers and dry cleaners using the Town sewerage system. Andy wanted Doug Halley to come before the Board on the 23rd to explain this issue to the Board. The board wanted to know if other such business's are hooked up to the Town system and what are the safety checks that should be in place to insure that there are not adverse consequences of allowing these uses of Acton's public sewerage system.

Lauren asked that we invite the Water District to the meeting on June 23rd to address any concerns they may have and to comment to the Board about the requested usages being allowed to discharge into the Town's Sewage Plant in close proximity of Water District wells.

TERRA FRIEDRICHS – Move to approve the Consent Calendar with the exception of #18,
ANDREW MAGEE – second. UNANIMOUS VOTE


Christine Joyce, Recording Secty


Andrew D. Magee, Clerk
8 Sept 2008
Date