

SEP 27 2010

**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING
September 27, 2010**

**Acton Town Hall
Francis Faulkner Hearing Room
Regular Meeting begins at 7:00 P.M.**

Executive Session, Room 126, 6:00 P.M.

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

1. Ms. Rosenzweig Morton: "I am convening this meeting of the Board of Selectmen in open session at 6:00 pm." and to invite Attorney's Pickering Cook and Art Kreiger to sit in and participate in the Executive Session

Litigation Matters

2. Ms. Rosenzweig Morton: "I'll entertain a motion to enter executive session to discuss strategy with respect to litigation."
 - a. Ms. Friedrichs: "So moved."
 - b. Ms. Adachi: "Second."
3. Ms. Rosenzweig Morton: "Before the roll call vote to enter executive session, let me state:
 - a. "In the executive session, the Selectmen will discuss with Town Counsel settlement strategy as to the *Walker Realty* day care center case, and a brief update on the *Crossroads* case as to information received after the deadline for posting this meeting."
 - b. "In each case, an open meeting may have a detrimental effect on the litigating position of the Town or the Board."
4. Ms. Rosenzweig Morton: "Would the clerk please call the roll."

The clerk called the roll, all ayes.

Real Estate Matter

5. : Ms. Rosenzweig Morton: "I'll also entertain a motion to enter executive session to consider the purchase, exchange, lease or value of real property."
 - a. Ms. Friedrich: "So moved."
 - b. Ms. Adachi: "Second."

final

Ms. Rosenzweig Morton:: “Before the roll call vote to enter executive session, let me state:

- c. “In the executive session, the Selectmen will discuss with Town Counsel and the Board’s environmental expert matters concerning the potential acquisition of the Caouette property.
- d. “An open meeting may have a detrimental effect on the negotiating position” of the Board.

6. Ms. Rosenzweig Morton: “Would the clerk please call the roll.”
The Clerk called the roll—all ayes.

7. Ms. Rosenzweig Morton: “At the conclusion of the executive session, the Board will reconvene in open session to conduct further business.”

CITIZENS’ CONCERNS

None

CHAIRPERSON’S UPDATE

Ms. Rosenzweig Morton announced that on October 20th the Acton 2020 group will be holding an open session to plan the future of Acton. This will take place at the High School at 6:30 – 9:30 p.m.

OPERATIONAL MINUTE

Mr. Ledoux to defer due to time constraints

PUBLIC HEARINGS & APPOINTMENTS

NATIONAL GRID – GAS SUPPLY, MICMAC LANE

Richard Porter a neighbor at 50 Nashoba Road had a question about the location. Staff will let National Grid know of his question and to let us know if he did not get a satisfactory answer to his question. Mr. Gowing – Moved to approve contingent upon Mr. Porter’s receiving an adequate response from National Grid. Ms. Friedrichs – second. UNANIMOUS VOTE –

RESTORATIVE JUSTICE

Ms. Jennifer Larson Swain outlined their program and presented a slide show of their activities. The Board made several comments and asked questions about the program.

NUISANCE DOG HEARING, AMY BARNETT, 18 STRAWBERRY HILL ROAD, APT. 22E

Chairman Rosenzweig Morton read the Public Notice

Ms. Barnett was sworn in by Christine Joyce, Notary
Mr. Medeiros was sworn in by Christine Joyce, Notary.

final

Ms. Friedrichs asked how large the dog was; Mr. Medeiros said 25-30 lbs.

Ms. Barnett explained the situation and that he had never done this to anyone.

Ms. Friedrichs asked if she felt there was more to the issue, Ms. Barnett did not.

Ms. Friedrichs asked if the complainant was sure what he felt regarding this hearing. He said he did not want to see the board not taking action to the fullest, up to putting the dog down, which was his preference.

Ms. Adachi asked about the dog's history.

Ms. Harting-Barrat spoke about whether they were invited in to the property. Ms. Barnett said that to her knowledge that they came in and did not do what the people dog sitting had asked them to do which was to call ahead and not to come in until the dog was put away.

The Board discussed restraining the dog, leashing in public with a muzzle, versus putting the dog down

Mr. Gowing asked Ms. Barnett why the dog was not licensed. She said she just did not know she had to. He was worried about the safety of residents.

Ms. Rosenzweig Morton said at a minimum the dog is to be muzzled or penned when some one comes to visit at her residence and the pen go with the dog if he is taken out of Acton.

Ms. Adachi noted that the Board were not Veterinarians or animal behavioral people. She felt the dog could go to a vet for the review. She would rather have him put through an evaluation to see if he may be a danger or be capable of more attacks. Mr. Gowing felt that this is the first incident they are aware of and we need to protect public. We need to have a behavioral professional evaluate this dog.

It was decided to have an Independent evaluation with the person chosen by our dog officer at he owner's expense. After the results, we could re-open the public hearing to discuss evidence and render the decision.

For now, Ms. Harting-Barrat – Moved to require the Dog be evaluated and to be contained in the house in a pen and the dog remain in the pen at all times when in any one else's home and that it be at all times leashed and muzzled when outside. Ms. Barnett shall pay the evaluation fees. Ms. Adachi – second. UNANIMOUS

BOARD OF HEALTH ANNUAL OVERSIGHT MEETING

Mark Conoby, Chairman of the Board of Health announced the Board members present this evening. A slide Show presentation and prepared statements were viewed.

Ms. Harting-Barrat asked about emergency planning exercises, he said they hope to do this soon.

final

Mr. Gowing said the BOH does a fabulous job. He asked about dialogue with Water District. They are in communication and are sitting on several committees together.

Ms. Friedrichs asked about education of keeping your septic system functioning and other issues regarding aquifers and when they would have time to do water analysis.

They were thanked for their great work.

NURSING SERVICE STUDY

Doug Halley presented the overview of the Nursing Service Study. Ms. Friedrichs noted she wanted to know the fixed vs. variable numbers and our obligation to provide the services.

Charles Kadlec was glad to support it but wondered what we could do to increase finances. We should notify Emerson to be sure Acton residents know that we have a Town Nursing Service; this would at least give us a level ground in providing the home health care.

Ms. Rosenzweig Morton – Moved to write a letter from the BOS to indicate that the appropriate approach of Emerson's Discharge department would be to let Acton residents know about our Nursing Services that are available, and to educate the populous so when they are discharged, they have a choice. Ms. Friedrichs – second.
UNANIMOUS VOTE

WEST ACTON TRIO – 232 ARLINGTON STREET, SPRUCE CORNER

Continuation of hearing to October 18

SELECTMEN'S BUSINESS

SPECIAL TOWN MEETING DISCUSSION

Warrant Article – ask for the town to pay from free cash up to \$250,000 to purchase the Caouette Farm. There will be an Info meeting on October 4th and consultant has said we could go forward, and that the clean up costs will be moderate.

Ms. Friedrichs - Moved to set the warrant – Mr. Gowing – second. UNANIMOUS VOTE

LAND PRESERVATION / FUNDING RESEARCH MATERIALS

Ms. Friedrichs discussed the need for the owners to be able to present offers to purchase properties such as outright purchase, purchasing of development rights and the purchase of conservation restrictions. This would allow the opportunity to purchase with out going through the slower town notifications. It would be good to have volunteers who have an interest in Village Land collect data with regard to what other towns are already doing.

Mr. Gowing noted that it was premature to bring to town counsel in as we can reach out to MMA or MAPC as it may already be crafted.

Ms. Friedrichs will write up and bring back to the Board for further discussion

final

ADVANCED LIFE SUPPORT, REGIONAL ALS

Chief Craig and Mr. Ledoux spoke about Regional ALS. We have contracted with Pro EMS to provide the service. We would need to enter into an inter-municipal agreement to continue. Mr. Gowing – Moved to approve entering into the inter-municipal agreement with the designated towns for ALS services. Ms. Harting-Barrat.-seconded
UNANIMOUS VOTE

DRAFT DECISION, CAPIZZI & COMPANY, 820 MAIN STREET, #6/11/10-247

Ms. Harting-Barrat Moved to approve this site plan decision. Ms. Adachi – second.
UNANIMOUS VOTE

60 POWDER MILL ROAD, SITE PLAN AMENDMENT #4

Mr. Gowing – Moved to approve the site Plan decision. Ms. Friedrichs – second.
UNANIMOUS VOTE

REQUEST FOR A FREE STANDING SIGN AT NAGOG OFFICE PARK AT GREAT ROAD

Attorney Levine outlined why they were before the Board about this evening. They want to speak about the Zoning Bylaw and jurisdiction from Planning to BOS when a sign is in a private way. They want to install an entrance sign off of Great Road within the landscaped island and to have it set back 10 feet. The second one is a replacement sign which would improve the sign with a newer one. He wants the Board to approve these two signs and the new owners noted they are refurbishing the park at this time. The Board reviewed the conditions from Mr. Bartl's memo, page 4 of 5

Ms. Harting-Barrat – Moved to approve this proposed signage as noted on Page 4 of 5 in Roland's memo. Mr. Gowing – second. 4-1, Ms. Friedrichs - NAY

REQUEST FOR A SEWER TIE-IN, 294 MAIN STREET, ACTON MANAGEMENT, INC.

Steve Steinberg was present to discuss his request for sewer connection to develop the parcel at 294 Main Street and noted that the project is not a 40B, and it does not require a site plan special permit. Mr. Gowing spoke about financial impact study and Ms. Rosenzweig said it is a bylaw issue and the pipe runs by his property. The board determines the tie in fee at \$12,311.50 per unit. If the Board takes no action it doesn't collect the money,

Ms Friedrichs said that it seemed like a lot of units to put on one parcel. Mr. Steinberg said that while he was asking for approval of 11 betterment units, that he was sure that he wouldn't build more than 5 or 6 units. Ms Friedrichs says that she thinks that this still seems like a lot of units and is concerned about stuffing so many units onto a parcel so close to the wetlands.

Ms. Harting-Barrat – Moved to approve the betterment privilege fee. Ms. Adachi – second. 4-1, Ms. Friedrichs NAY

final

SELECTMEN'S REPORTS

None

CONSENT

#19 Held for questions by Mike

Ms. Friedrichs – Moved to accept the items listed under Consent except for #19. Mr. Gowing – second UNANIMOUS VOTE

Ms. Harting-Barrat – Moved to approve #19 Ms. Friedrichs – second. UNANIMOUS VOTE

EXECUTIVE SESSION

Ms. Rosenzweig Morton: "I'll entertain a motion to enter into executive session to discuss strategy with regard to Non-Union Negotiations, Town Manager. "And to invite Marianne Fleckner, Human Resource Officer to participate in the Executive Session.

Ms. Friedrichs "so Moved."
Mr. Gowing - "second."

Ms. Rosenzweig Morton: "Before Roll Call Vote to enter into executive session, let me state:

"In Executive Session, the Selectmen will discuss Non-Union Negotiation as to the Town Manager.

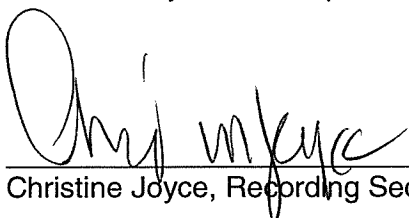
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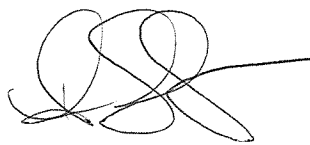
Ms. Rosenzweig Morton: "would the Clerk please call the Roll."

The Clerk Called the roll-all ayes.

Ms. Rosenzweig Morton: "at the conclusion of the executive session, the Board will reconvene in open session solely to adjourn the meeting"

Motion to adjourn 11:30 p.m.


Christine Joyce, Recording Secty


Clerk
Date: 12/20/10