

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**June 8, 2009
Acton Town Hall
Francis Faulkner Hearing Room
7:00 P.M.**

Present: Paulina Knibbe, Peter Berry, Lauren Rosenzweig, Terra Friedrichs and Mike Gowing, Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

Ruth Thatcher of 124 Prospect Street was in to discuss a situation regarding the installation of sewer line on her property. She inquired how the amount is calculated, and why the \$8,000.00 could not be added to the Tax bill.

Paulina asked the Town Manager to work with Ms. Thatcher and report back if possible to the Board at the next meeting

Johanna Higgins, Boxborough resident outlined the interaction they had with HDC when they tried to buy a house lot on Windsor Ave. They feel that they have been treated improperly by the HDC. They are aware of historic buildings; her husband is a builder in Concord. She noted that she filed the plans with the HDC and on May 11th Brian Bendig hand delivered their paperwork which he rejected to their Mail box with no postage. They feel they were stalled and they now have decided not to pursue. She felt that they were also at cross purposes during entire process. She suggested having a statistical trail when you first go in and a time limit and updating the list of requests and how long it takes, she urged the Board to review this further, she felt the HDC were a renegade group. She agrees we need to have rules, but feels they were not treated with any respect.

Paulina thanked them and felt that HDC has gone overboard in one direction and they will be discussing this with the HDC with regards to a number of issues that have come up. Brian Bendig will be leaving the HDC; he noted that he would like to discuss this later with the Board.

Mr. Bendig wanted to address the issue, but Paulina indicated that this is not the forum tonight. She noted that it would be addressed during the HDC Oversight Meeting on June 22nd. Mr. Bendig objected but the chairperson insisted that it be addressed at the HDC oversight meeting along with other issues.

Kurt Hayes, Boxborough resident, invited the Board to a movie about Lyme disease. There have been 83 cases of Lyme in Acton. He asked that Acton help get this issue to the legislators for action.

CHAIRPERSON'S UPDATE

Paulina commented on two items of interest. Acton lost a long standing citizen, Mrs. Rita Dolan. Ms. Dolan had been on the Board of Health as an Associate Member and was very involved with the Nursing Service until her death.

Paulina noted the Special Town Meeting on June 23 and urged people to attend.

OPERATIONAL MINUTE

Steve reviewed the Towne School Project status. Steve asked if local banks might want to purchase low Income Credits. The Cambridge Savings Bank is interested in buying some of the Credits and Steve will update the Board as it progresses. Steve noted that the number of units will decrease and will be discussed at the meeting with Mr. Joncas on June 22.

SELECTMEN'S REPORTS

Lauren reported on the neighborhood Informational Meeting given by the Sewer Action Advisory Committee. There will be another meeting on June 11th to further answer questions.

Peter reported on SATAC has been meeting to bring a more acceptable plan to the town. They will be trying to get support of the non-binding article on the Special Town Meeting.

Peter further noted that he testified before the Transportation Board on how to continue to fund projects, specifically the BFRT and ARRT

Mike reported on COA reorganization. Barb Tallone is now Chair, Charile Arronson the Vice-chair.

Cable Access Board was discussed. They are making progress in establishing a Cable Access Corporation. They have three people interested, and another 3 members that need to be appointed before they can create the Board to move forward with the plan. John Covert will have the materials at the next meeting.

TERRA FRIEDRICHS - Moved to continue forward with Acton Community Access Television Incorporation process – MICHAEL GOWING – second. UNANIMOUS VOTE

PUBLIC HEARINGS & APPOINTMENTS

PERMISSION TO RETAIN THE FENCE INSTALLED ON THE TOWN RIGHT OF WAY AT 28 WASHINGTON DRIVE

The Streeter's were in to ask for a license to let the fence remain on the Town's Right of way. The Town will not be able to repair the fence if it gets damaged and we would not be responsible for any issues as a result of the fence installed on the Town's Right of Way. Additionally, if a side walk is installed the fence will have to be moved by the Streeter's. If the Streeter's agree with the conditions put into writing the Board can approve. PETER BERRY – Moved to have to have counsel draft a license to allow the Streeter's to keep fence as outlined in that agreement – TERRA FRIEDRICHS – second. UNANIMOUS VOTE

ACTON BOXBORO CULTURAL COUNCIL OVERSIGHT MEETING

Mitzi Weil, ABCC Member from Boxborough outlined the activities that have been funded by the ABCC this past year.

Greg Hutchins Acton Member also spoke about the programs that have been sponsored by the ABCC. The group spoke about their membership needs. Under the Mass rules for Cultural Councils, a person can only serve two terms and then wait two years before going back on the Council as a regular member. They outlined the State Allocation of funds and programs associated with the funds.

Peter asked about Greening Acton through their programs, and asked for their support.

Lauren thanked them for participating in the 275 Celebration and thanked the Committee members.

BELLA FAMIGLIA, SITE PLAN SPECIAL PERMIT

Mike asked about the need for the landscaping Islands. Mr. Donhoe noted that there is no requirement of where they are to be placed. Mr. Donohue also asked that the third island not be required as they are in a multi-year clean up of soils in that location and would be a hardship to dig it up every year for testing. Screening around dumpster with trees vs. fence was presented to the Board. Lauren is in favor of the trees if they really screen the dumpster. Peter suggested they work it out with Municipal Properties. The Board has not received the required lighting engineer and landscaping Architect sign off's. The Applicant noted that he decided he now wants to go back to the original presentation of the stockade fence.

A citizen remarked about the improved look of the restaurant. Terra wanted to remove the island requirement. Lauren wanted 2 islands, Peter wanted 2, Mike and Paulina wanted one island

PAULINA KNIBBE – Moved to ask the applicant to create three islands at locations mutually acceptable to Town staff - LAUREN ROSENZWEIG – second UNANIMOUS VOTE

Peter did not support waiving the lighting certification. Paulina felt we could let it go and asked if we require a landscape Architect to sign off. Mike felt it could be waived. Peter is not in favor of waiving the bylaw requirements. The Board approved the 92 seats.... LAUREN ROSENZWEIG – Moved to approve the additional seating as an amendment to the restaurant use special permit. PAULINA KNIBBE – second. UNANIMOUS VOTE

LAUREN ROSENZWEIG – Moved to close the hearing. MIKE GOWING -second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

SPECIAL TOWN MEETING WARRANT DISCUSSIONS

SEWERS – Michael Margolis spoke about the need for the sewers at that location but not for his street (Tuttle Drive) and not for Torrington Lane. He urged the removal of Tuttle Drive or make a modification to the Warrant.

Garry Grosse of Lothrop Road, asked that we support the article. He has been attending many meetings and thinks that sewers are needed throughout the neighborhood. Septic replacement is very expensive and needs mounds and many other alterations to the properties.

Valerie Malinowski lived there for 28 years and stated it is not a rushed project. She lives on Torrington Lane and wants the sewers. She knows other neighbors that want it as well.

Matt Liebman – town project, he feels we should amend the warrant to reduce amount of money from neighborhood.

Mike, Peter, Lauren and Paulina agreed not to pull it.

Should we modify the Article? Lauren said no, Paulina no, Peter no, Mike no, Terra said she wanted to talk about choices.

Sewer Committee – Andy Monroe Co-chair proposal is unchanged from May 18th session betterment of \$16,000 will cover super size costs.

PAULINA KNIBBE - Move to recommend the article – MICHAEL GOWING - second. Terra said she did not have enough data to recommend it to Town Meeting. 4-1 Terra Abstaining

ZONING ARTICLE

Childcare Zoning Article - Paulina wants to pull this article and said we should slow down and not hurry zoning. PETER BERRY - second. The Board discussed including it on a future town meeting. Peter wants to make sure that it freezes the zoning at this location. This would freeze the zoning for 8 years. PAULINA KNIBBE – Moved to pull this article from the warrant, no second Motion Fails.

LAUREN ROSENZWEIG - Moved to keep on the warrant, and to recommend the article. MICHAEL GOWING – second. Motion Passes, 4-1, Paulina abstaining

DEFINITION OF MANUFACTURING

Not changed

HOME RULE FOR SOLAR PROJECTS

Green Advisory Board noted the extension to 25 years for lease agreements for municipal buildings is needed to allow us to be eligible for a program for solar panels to be installed on roofs of municipal buildings or on town lands

Article 4 – PAULINA KNIBBE – Moved to put on Consent – PETER BERRY – second.
UNANIMOUS VOTE

Article 5 – Home rule Petition to extend leases longer than 10 years and allow roof top leasing of town building roofs. TERRA FREIDRICHS - Move to recommend PETER BERRY, second.
UNANIMOUS VOTE

Alternate proposal would explore multi choices for providers to use. They would vote one or the other article. LAUREN ROSENZWEIG - Move to have an alternative drafted by Town Counsel to be revised to note other types of uses. TERRA FREIDRICHS – second. UNANIMOUS VOTE

TERRA FRIEDRICHS – Moved to recommend this Article Alternate 5 - Manager to develop Summary to say either or on these two articles. PETER BERRY – second UNANIMOUS VOTE

TRAIN STATION

Peter updated the Board on the project. They are recommending elevators rather than ramps, and double tracking with access from both sides of the station. Cyclists could also access the elevators to get to the other side of the tracks, thereby eliminating the need for an additional bridge to go over the tracks for bicycles. The committee would ask for Town Meeting to vote a non-binding resolution to support their alternative plan. PETER BERRY – Moved that this article be included in warrant. MICHAEL GOWING – second. LAUREN ROSENZWEIG – Moved to Recommend. TERRA FRIEDRICHS – second. UNANIMOUS VOTE

COMMISSION ON DISABILITY (COD)

Consent Article to decrease members to maintain a quorum. TERRA FRIEDRICHS – Moved to put on the warrant and to Recommend. LAUREN ROSENZWEIG - second UNANIMOUS VOTE

GENERAL BYLAWS

Two bylaws referenced the same section this will allow them to be renumbered. Demolition Delay will be reworded to be clearer. TERRA FRIEDRICHS – Moved to include on the Warrant and to Recommend. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

MASS AVE, SIDEWALK EASEMENTS

PAULINA KNIBBE – Moved to Include on the Warrant and to Recommend. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

LAND GIFT CONANT STREET

TERRA FRIEDRICHS -Move to put on the Warrant and to recommend, MIKE GOWING - second UNANIMOUS VOTE

OVERLAY DEFINITION

Paulina said this should be on Consent. Summary should be expanded to add there were 2 settlements. TERRA FRIEDRICHS – Moved to recommend and place under consent. PETER BERRY – second. UNANIMOUS VOTE

30 WINDSOR AVE PARCEL

Wayne Friedrichs, Windsor Ave. spoke about the parcel and the need for this article. The owner passed away and the property fell to executor who has subdivided the lot.

Lauren noted that Terra had to rescuse herself and leave the room while this is discussed because her father is an abutter to the property being discussed.

Do we put it on this warrant? What level of funding?

Mike asked about the parcel and if it could not be addressed with Open Space monies

Lauren noted that the HDC is not to freeze properties like a museum, but to help move forward with changes while keeping the district character. She urged the neighbors to chip in and perhaps apply to CPA.

Paulina had several concerns about process, timing and methodology. Open Space evaluates purchases. Timing is wrong and she could not support the timing

PAULINA KNIBEE - Move to not include in warrant. LAUREN ROSENZWEIG –second.
UNANIMOUS VOTE

Wayne noted timing but he had collected the signatures. He wanted to go forward with and bring to Town Meeting.

Herman Kabakoff – felt it should it be on the warrant. Richard Callendrella felt it should go on the warrant and let the citizens decide

TOWN MANAGER'S EVALUATION PROCESS

Lauren spoke about Steve's evaluation. The members and previous chair and Fin Com have submitted their comments. Lauren noted that Steve came in at a difficult time. Under the categories decision rating was Very good to Outstanding. He takes his time to make decisions and gets input from relevant parties.

Lauren reviewed all the categories that he was reviewed in.

Lauren asked what goals the Board may have for him to address. We would renew his contract to three years. He has elected that he will not take a pay a raise this year.

Paulina thanked Lauren for the document. Terra said that she liked the form used, but was uncomfortable with the goals section. She would like to prepare a list of goals to have him meet their goals and suggested he be allowed to review the goals from the entire board.

Steve was humbled and thanked the entire organization for their help. PETER BERRY – Moved to extend his contract to three years. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

ANNUAL GOAL SETTING SESSION

Not Discussed at this meeting

FY09 BUDGET UPDATE

Steve reported on the status of fees in town and noted that the interest income is down also. The Financial team has been meeting to address these issues. No year end spending or turn backs will be taken to offset the loss. ALG will discuss the \$720,000 shortfall and how the revenues should be divvied up.

Steve noted the stimulus monies received at the schools may be able to offset the shortage.

OTHER BUSINESS

None

W. R. GRACE COMMENTS

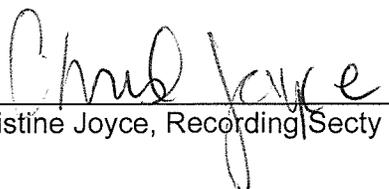
Steve discussed the fact sheet that is being presented. Mary Michaelman has changes as well as our consultant who needs to echo those changes. PAULINA KNIBBE –Moved to include in the letter that we don't have adequate time to review and vote with such a short turnaround time. MICHAEL GOWING – second. UNANIMOUS VOTE

CONSENT

LAUREN ROSENZWEIG – Moved to approve. MICHAEL GOWING – second UNANIMOUS VOTE

EXECUTIVE SESSION

None Required


Christine Joyce, Recording Secty


Clerk
Date: 8/10/09