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## BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

October 7, 2013

TOWN CLERK, ACTON

Francis Faulkner Hearing Room

7:00 p.m.

Present: Ms. Adachi, Mr. Gowing, Mr. Clough, Mr. Sonner, Town Manager Ledoux, Absent: Ms.

Green Recording Secretary; Christine Joyce. The meeting was televised.

### CITIZENS' CONCERNS

Piotr Chadzynski had comments on the Transfer Station and is concerned about how to get to the transfer station safely. He spoke of trash on the side of the road and wants to see proactive steps taken to change Route 2 and make an access lane to the transfer station. He would also like the Board to take immediate action to work with State authorities during the current Route 2 construction.

### CHAIRMAN'S UPDATE & OPERATIONAL MINUTE

Mr. Ledoux Town Counsel attended a hearing in Federal Court at 3:00 p.m today and they talked about whether Grace intended to oppose the town's motion regarding an exception from stay; they said they were not going to proceed that way. Another hearing will be held on November 8th regarding the town's motion for an emergency injunction. He and town staff held the Annual on the Hill meeting at which departments presented their Capital Budgets for FY'15.

He attended the 99th Annual ICMA Conference. He made a presentation on the town's visitor code of conduct.

Ms. Adachi Spoke about the ribbon cutting for the new housing on Sachem Way. It was well attended. There is another in the series of Morrison Farm walks this Saturday and Ms. Adachi urged folks to attend.

### PUBLIC HEARINGS & APPOINTMENTS

### MORRISON FARM PRESENTATION

Chairman Mary Ann Ashton presented an overview report on the Morrison Farm Committee's work. They have been working on this site since 1997. They are looking to apply for CPA funds for some limited work on the site this year. They need to do work to preserve the historic assets on the farm. Under the current plan for this year, the meadows, community garden and fields will not be changed. They need to address the Ice House foundation as it needs attention and needs to be cleaned out and stabilized. They are also suggesting building a walking path. MFC intends to clear and resurface the parking lot at Ice House Pond. It is noted they may get 15 spaces for cars. The committee researched the barn and out buildings. They want to use these as part of the whole plan in the future. The house has been renovated and they feel it should not be used for affordable housing. They want to complete the trails to make connections and a future play area and unified use on the property. They are asking for support from the Board as they go to CPA.

Mr. Sonner thanked them for the overview. He noted that some of the numbers fall in to CPA and some fall out. He felt that we should wait until the ACHC comes back with their

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suggestions and that we would rather do something sooner instead of leaving it in the wind. Mr. Clough thanked them for the tour. He found Bill Klauer's presentation very informational. He wanted to know what people are thinking about a use for the farm house and what we can do with it.

Ms. Adachi said she would like to see the house occupied by a care taker. She said the ACHC will be looking into the possible use of the house for affordable housing. Mr. Gowing asked about the entire walk around the pond. He asked where that will stop under the current plan. It would go to midway in the meadow and ends up at Ice House Pond. They all felt we need to get a short term plan for now. If we do something we need to limit the occupancy of the house to two years. He spoke about the route to the fields and asked about altering the parking so that people would not be walking through the house area.

Ms. Ashton said they do not want to put parking in the paddock and they want to leave it as is, and it was a conscious decision to put the parking at Ice House Pond. There is a new septic system that was installed when the town took it over, and they feel it is in good order. The Town Manager will check with the building dept. about occupancy. Herman Kabakoff asked if the barn is well enough to wait. It was noted that the barn was not that good but structurally Ok when it was reviewed a couple of years ago. Ms. Ashton asked for the Board's support throughout the CPA process and will check back before November as they finish the presentation to CPC.

#### **CVS SITE PLAN CONTINUED FROM SEPTEMBER 9, TO OCTOBER 21<sup>ST</sup> AT 8:10**

Mr. Sonner— Moved to continue to October 21<sup>st</sup> Mr. Gowing . second. UNANIMOUS VOTE

#### **MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT DISCUSSION WITH THE BOS REPRESENTATIVE, NANCY BANKS**

Nancy Banks discussed the Minuteman Regional Vocational Technical School with the Board.

She asked that the Board support legislation, S228, to provide additional funding for regional and regional vocational school building projects. Ms. Banks outlined the major components of the bill and asked if anything in it raised red flags. Mr. Ledoux felt the formula was fair and better then the way it has been done in the past.

Mr. Gowing questioned the non-member costs to be paid by the member towns. He was concerned about the size of the proposed building. Ms. Banks said that for efficiency, they need to size it to 800 students. She feels we need to educate people on the issues that the graduates go on to the same colleges as the AB graduates and will have good paying jobs while in college due to their education at Minuteman.

Mr. Sonner asked if the proposal had a change in voting for budgets from all 16 communities having to reach agreement to a 2/3 vote. Mr. Sonner asked if there are community withdrawals, how are the OPEB liabilities addressed. He wanted to be sure we are not left holding the costs as towns exit.

Ms. Banks said she needed a sense tonight from the board for their support of S228 and will have more information when she meets with the school committee to discuss this and will get back to the Board.

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Ms. Adachi asked if we could vote on this later. Ms. Banks said the letter needs to be transmitted by early November.

## **SELECTMEN'S BUSINESS**

### **TOWN MANAGER TO PRESENT DEPARTMENTAL STRATEGIC PLAN**

Mr. Ledoux outlined the process used to create the strategic plan, the flip charts used during the meeting, the employee recognition programs, and discussed employees going to Suffolk University as part of an MMA program. They did not talk about long range or strategic plan. He presented a slide show on the mission statement for the town. Mr. Sonner said he liked it and that he felt it looked good. He asked about the HR aspect and if it is visible to the public. He wanted to be sure that the goals and objectives aligned with the 2020 Plan. Mr. Clough noted it was a lot of work and did not know that it would be so filled with information.

### **REQUEST FOR A FEE WAIVER FROM THE STORM WATER BYLAW, CHAPTER U, 564 MASSACHUSETTS AVE.**

The Health Director is recommending to keep the permit fee for this request at \$1 10 and that the fee not be waived. He noted that there is run off into the storm drains at this parking lot.

Mr. Sonner asked about the fee and asked about it being two parcels on the corner. He noted he should have asked the Health Director yesterday.

Mr. Cough Moved to not waive the fee as requested. Mr. Gowing second. UNANIMOUS VOTE

### **FOLLOW UP DISCUSSION ABOUT 20-12 PROPOSAL FOR SINGLE POLLING LOCATIONS**

Ms. Adachi spoke about proposals to consolidate polling at one location. The LWV approached the Board and agreed to do a review of the issue themselves. They came back with a report just before town meeting. There were a lot of issues and the school department has made a commitment to make the two polling locations work for the time being.

Mr. Sonner said it was more efficient to have a single polling location for the town clerk's department, but felt that we should stay with what we have been doing for now.

Mr. Clough said that he has not had any issues there when he votes.

Mr. Gowing said it would be ideal to find a space outside the schools and felt we should not have the voting at the schools. We are going to ask the region to approve this and they could say no and look at a plan that has us out of the schools

Ann Kadlec said there are issues and noted that the sq. footage is limiting. Voting at the High School would allow workable parking. It would work better at the High School and not at the Junior High. She considered the goal to get us all in one space that can expand.

The sense was to keep it at two locations and to look at it again later on. Mr. Clough

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suggested that the Town get the LWV and the Town Clerk in to discuss and continue to study issues on both sides, and that it be over seen by the Town Manager, his Assistant, and a Selectmen.

Mr. Gowing Moved to keep two polling locations for one more election cycle and to evaluate the actual need in town and then change our voting procedure accordingly. Mr. Clough second. Motion WITHDRAWN

Mr. Cough asked when we want to revisit this. Ms. Adachi suggested May or June 2014 would be a good time.

We will put it on the agenda for May and give plenty of notice.

Ms. Adachi noted we should have a school representative in this discussion.

Mr. Sonner- Moved to keep two polling places through 2014 and to address the issue again at a Board of Selectman meeting next May. Mr. Cough second. UNANIMOUS VOTE

## **SELECTMEN'S REPORTS**

Mr. Sonner Went over the agenda for the November meeting of the Green Advisory Committee. OML following up for committees.

Mr. Clough —spoke about having someone from the school address the fact that Danny's Place is not having their lease renewed. He said that we need to take a stand on the consideration of all the grade schools on one bus route and noted that it will double the traffic. It was suggested it be discussed at ALG. The Town Manager will also address this with the Superintendent.

OPEB meets Wednesday and Open Space Committee spoke about spaghetti lots and how they are not allowed by other towns. OSC asked that we look in to stopping this. DRB reviewed the Meadows Project. They want to get this on the agenda to see if the Board thinks they are doing a good job. The Finance Committee Point of View draft is out.

Ms. Adachi WRAC met with their consultant and are working on a draft which the Health Director has offered to help on. They want to be closer to bringing this to Town Meeting. She will be meeting with Town Manager, Moderator, and COD on October 29 regarding accessibility issues at town meeting.

Mr. Gowing LRTA the LRTA had its state audit and did very well no major findings, two issues to be corrected will be creation of an OPEB trust in the creation of a compensation committee within the board. This will be the first year that the state pays them up front on their budget rather than reimburse them at the end of the year making them borrow money in the past. Their new \$8 million garage renovation went out to bid. A new state requirement will be to have a person with disabilities and a general rider from the communities on their board as a voting member for one-year terms. They will rotate annually from town to town. To begin, the PWD will be from Lowell and the rider will be from Acton. The town manager can choose the potential board member from Acton citizens.

Cory Atkins —1. The 1215 A.D. Magna Carta, the document upon which most of our common laws are based, will be coming to Massachusetts to the MFA in the Clark Museum from

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England between June and August 2014. 2. The legislature authorized \$300 million in chapter 90 monies; the governor vetoed it in the legislature overrode his veto unanimously but the Governor is only willing to release \$200 million to the cities and towns. 3. She has filed H 2945, an act relative to double utility poles. This bill aims to locate, identify and eliminate double utility poles in all communities. 4. Municipal sub bids .when municipalities build new buildings, they often sub bid portions of the construction such as elevators. If a municipality receives fewer than three sub bids, it must accept one, even if the price is higher than the estimated cost. This comes from the AG's office. Her office is investigating. The threshold is quite low .-\$100,000. 5. The Ways and Means committee has agreed to take up OPEB this fall session. I asked her to write a letter to the DESE regarding their plan to decrease tuition for nonmember towns at Minuteman vocational school. She represents three Minuteman towns: Acton, Carlisle, and Concord.

HIT .the health insurance trust had another presentation on retirees' part D drug costs. Currently the trust is using RDS and is considering EGWP. The switch would mean lower drug costs to the retirees but would eliminate some of the current covered drugs like vitamins and lifestyle drugs. The list of accepted drugs is set by the federal government annually.

COA the director gave an overview of the state annual report on COA's. There was discussion around the senior center development committee and the exercise course registration issues that the board has recently heard about. They also talked about the best way to move the senior tax relief legislation forward similar to Sudbury.

MMA breakfast .the MMA breakfast was held in Shirley and was attended by the towns primarily in Representative Benson's district. Rep. Benson and State Sen. Jamie Eldridge attended. A good part of the discussion revolved around chapter 90 and chapter 70 funding as well as OPEB. Another concern was the cost associated with prevailing wage. There are several major projects in various towns that prevailing wage increased costs by a third. Determination of how prevailing wage is calculated also came up for discussion. Jamie brought up new legislation that he's filing including:

A water infrastructure bond bill to replenish the enterprise fund for water districts coupled with sustainable water regulations .based on stream and River flow.

Green infrastructure storm water management Bill for decentralized water treatment bond that would also allow technical assistance for cities and towns.

And a housing bond bill to replenish the low income tax credit account which is out of cash. Jen Benson brought up the following issues:

She is the vice chair of healthcare finance this year.

The legislature is looking at a bill better controlling compounding pharmacies.

She's on the public service commission which has oversight on OPEB. Any thoughts or concerns on the governor's reform bill should be directed to her.

She is looking to develop a SPED stabilization fund to help with large changes for communities in SPED costs.

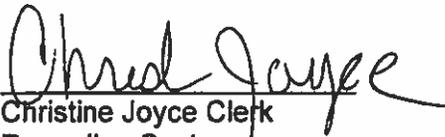
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**CONSENT**

Mr. Gowing Hold Extra Consent Yard Sale traffic situation. Urge them to hold it behind the library, they cannot approve of the front lawn.

Mr. Gowing Moved to approve the Consent Items Mr. Sonner second. UNANIMOUS VOTE

Mr. Sonner - Moved to approve the request from the Boy Scouts for use of the lawn if held behind the library off Main Street. Mr. Gowing second. UNANIMOUS VOTE

  
Christine Joyce Clerk  
Recording Secty

  
Clerk

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**BOARD OF SELECTMEN & SEWER COMMISSIONERS'**

**MEETING AGENDA**

*Francis Faulkner Hearing Room*

*October 7, 2013*

*7:00 P.M.*

**I. CITIZENS' CONCERNS**

**II. PUBLIC HEARINGS AND APPOINTMENTS**

1. **7:05 CHAIRMAN'S UPDATE/OPERATIONAL MINUTE**  
The Chairman will briefly update the Board. The Town Manager will provide a brief report.
2. **7:10 MORRISON FARM PRESENTATION**  
See enclosed materials
3. **7:35 SITE PLAN, CVS CONTINUED FROM SEPTEMBER 9TH**  
See enclosed materials
4. **7:55 NANCY BANKS, SELECTMEN'S REPRESENTATIVE TO MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT WILL UPDATE THE BOARD AND ASK FOR BOARD SUPPORT FOR SENATE BILL NO. 228**  
See enclosed materials

**SELECTMEN'S BUSINESS**

5. **TOWN MANAGER TO PRESENT DEPARTMENTAL STRATEGIC PLAN**  
See enclosed materials
6. **REQUEST FROM HOWARD CANNING FOR A FEE WAIVER FROM THE STORM WATER BYLAW CHAPTER U, AT 564 MASSACHUSETTS AVENUE**  
See enclosed materials

**7. FOLLOW UP DISCUSSION ABOUT 2012 PROPOSAL FOR SINGLE POLLING LOCATIONS**

**SELECTMEN'S REPORTS**

**III. CONSENT AGENDA**

**8. UNITED NATIONS DAY PROCLAMATION, 2013**

See enclosed materials

**9. DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY**

See enclosed materials

**10. COMMITTEE APPOINTMENT, LESLIE JOHNSON, COMMISSION ON DISABILITIES, ASSOCIATE MEMBER TO FILL THE UNEXPIRED TERM OF MS. KOHOUT TO 6/30/14**

See enclosed materials

**11. ACCEPT GIFT, PLANNING DEPARTMENT**

See enclosed a gift of \$5,000.00 to be used to pay consultant fees for cell tower review, 5 Craig Road

See enclosed materials

**EXECUTIVE SESSION**

**ADDITIONAL INFORMATION**

See enclosed 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

October 21

November 4

Non-Display Class II Dealer's License  
Northeast Collection, Inc. 107 Great Road  
Nursing Service Discussion

Acton Memorial Library Long Range Plan

**PENDING MINUTES**

**PENDING COMMITTEE APPOINTMENTS**

**May 13, September 9 & 23**

**AWAITING VCC REVIEW AND RECOMMENDATION**

**Vandana Sharma – Interested in Sustainable Housing – applicant will sit in on Committee's to see what she feels would be appropriate for her interests**

**AWAITING BOS REVIEW AND RECOMMENDATION**

H.W. Flood – NA Fire Station Task Force  
Robert Puffer – NA Fire Station Task Force  
Robert Ingram – NA Fire Station Task Force  
Dale Chayes – NA Fire Station Task Force  
Peter Balkus - NA Fire Station Task Force  
Garry McCarthy – NA Fire Station Task Force  
Maura Harrington – NA Fire Station Task Force  
Malcolm MacGregor – NA Fire Station Task Force

**Suzanne Buckmelter –Board of Appeals - JA  
Renato Nakagomi - Green Advisory Committee – JS  
Aaron Goff – HDC- MG**

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| <input type="checkbox"/> |      | <u>010 Agenda, Board of Selectmen, October 7, 2013.</u>                  | manager | 10/03/13 | 56 KB  |         |
| <input type="checkbox"/> |      | <u>015 (2) Morrison Farm Materials</u>                                   | manager | 10/03/13 | 80 KB  |         |
| <input type="checkbox"/> |      | <u>020 (3) CVS Project Materials, 400 Mass Ave. Site Plan 8.1.13-444</u> | manager | 10/03/13 | 348 KB |         |
| <input type="checkbox"/> |      | <u>030 (4) Minute Man Regional Agreement and Draft Amendments</u>        | manager | 10/03/13 | 1 MB   |         |
| <input type="checkbox"/> |      | <u>040 (5) Succession Planning and Town of Acton Strategic Plan</u>      | manager | 10/03/13 | 351 KB |         |
| <input type="checkbox"/> |      | <u>050 (6) Request for Fee Waiver, Mr. Howard Canning</u>                | manager | 10/03/13 | 991 KB |         |
| <input type="checkbox"/> |      | <u>060 (8) United Nations Day Proclamation</u>                           | manager | 10/03/13 | 24 KB  |         |
| <input type="checkbox"/> |      | <u>070 (9) Disposal of Obsolete Materails, AML</u>                       | manager | 10/03/13 | 13 KB  |         |
| <input type="checkbox"/> |      | <u>080 (10) Committee Appointment COD, Leslie Johnson</u>                | manager | 10/03/13 | 140 KB |         |
| <input type="checkbox"/> |      | <u>090 (11) Accept Gift, Planning Department</u>                         | manager | 10/03/13 | 25 KB  |         |

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| <input type="checkbox"/> |      | <u>Regular Minutes, BOS, Sept. 9, 2013</u> | manager | 10/03/13 | 132 KB |         |
| <input type="checkbox"/> |      | <u>Xfinity rate notice</u>                 | manager | 10/03/13 | 15 KB  |         |