

Final

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

November 4, 2013
Francis Faulkner Hearing Room
Executive Session – 6:30 W. R. Grace, Litigation
Regular Meeting 7:00 p.m.

DEC - 3 2013
TOWN CLERK
ACTON

Present: Ms. Adachi, Mr. Gowing, Ms. Green, Mr. Clough, Mr. Sonner, Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

1. Chair: "I'll entertain a motion to enter executive session to discuss strategy with respect to litigation."
 - a. Mr. David Clough: "So moved."
 - b. Mr. John Sonner: "Second."
2. Chair: "Before the roll call vote to enter executive session, let me state:
 - a. "In the executive session, the Selectmen will discuss with Town Counsel ongoing litigation to enforce Town Bylaw Chapter R concerning the shutdown of the WR Grace Northeast Area Remedial Action."
 - b. "An open meeting may have a detrimental effect on the litigating position of the Town."
3. Chair: "Would the clerk please call the roll." All yea
4. Chair: "At the conclusion of the executive session, the Board will reconvene in open session."

CITIZENS' CONCERNS

None

CHAIRMAN'S UPDATE & OPERATIONAL MINUTE

Mr. Ledoux – The Planning Director, Assistant Planner, and Mr. Ledoux met with Edens Project Managers to get a sense of how long it would be before they complete their project at the Main Street Plaza. They indicated that the jack hammering is completed and the curbing work should be complete in about two weeks. As of Friday, we closed on the Anderson property and now officially own the parcel. Members of the Commission on Disabilities, the Moderator, the Town Clerk, Ms. Adachi, the Assistant Town Manager, and Mr. Ledoux met to discuss accessibility issues at town meeting. Topics included: electronic voting; holding placards instead of standing counts; the renting of a close captioning device (CART) as well as a

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stenographer. The town launched its employee Wellness program, WIN, which will officially start on January 1st.

Ms. Adachi – She discussed a letter from residents regarding access and exit to the Transfer Station on Route 2. Mass DOT has restored the acceleration lane to what it was before. She attended the dedication of the Habitat House on Great Road. There will be a Veteran's Day breakfast at the Boxborough Holiday Inn on November 11th followed by observances on the town common. The Council on Aging will be holding a Craft Fair on Saturday, November 16th.

PUBLIC HEARINGS & APPOINTMENTS

COMMON VICTULLER LICENSE – BENJARONG RESTAURANT, 214 MAIN STREET

Dan Brianski, attorney, introduced the new owners, Tian and Orjit Tran. They are purchasing the restaurant and plan to continue to run it as an Asian/Thai restaurant under the same name. They have prior experience managing and owning restaurants with alcoholic beverage licenses.

Mr. Clough asked if they've had any violations in other towns and asked what kind of training they will provide for their staff. They have not had violations and will provide TIPS training for their bartenders.

Bob Ingram – asked about the manager of the restaurant. Mr. Tran will be the Manager and when he is not there, his wife will be there.

Mr. Gowing – Moved to approve. Mr. Sonner – second. UNANIMOUS VOTE

FULL LIQUOR LICENSE TRANSFER, BENJARONG RESTAURANT, 214 MAIN STREET

Mr. Sonner – Moved to approve. Ms. Green – second. UNANIMOUS VOTE

GREEN ADVISORY COMMITTEE

Dean Charter presented a slide show on the Green Communities Act and the work of the Green Advisory Board. He also introduced Pamela Cady, an energy conservation analyst working with the town, and Eric Hudson, a member of the GAB. Dean noted that because we are a Green Community, we have received several grants in past years. We also received grant money that was focused on the School projects this year. Many towns in Mass have gone green. Dean said we have pushed ahead with State grant and utility rebates and noted that the biggest energy consumer users in town are the library, Public Safety Facility, Public Works Building and our street lights. He talked about when the Solar Project will produce enough energy to take care of all our town buildings, street lights and the wastewater treatment

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Plant. He noted, however, that this does not count toward the 20% energy reduction goal mandated in the Green Communities Act.

Pamela Cady spoke about getting to 20% reduction by June 2014. She spoke about the team challenge of 6% x 6/14. She further outlined the hope that we would have an anti-Idling campaign and a campaign aimed at harnessing the potential for behavioral change among town staff.

Eric Hudson said they are looking for the BOS to support the behavioral change program. They request that we formally issue support for this program, request the support of the Town Manager and have some BOS involvement during the program.

Mr. Sonner asked that the results of the program be made available to town staff and publicly on web sites to further encourage a reduction in energy use.

Mr. Clough asked about if there was a budget for this and they said they have a budget to support the Green Advisory Board. Dean said we have installed most of the devices and would need no further money as they have a budget.

Mr. Gowing asked about the useful life of High Pressure sodium and Halite street lights and the capital cost to replace the streetlights with LED's. Dean said that \$250 per light, x 800 lights is still substantial but it is doable. Dean said he will pursue and get back to the Board. Mr. Gowing asked about a penalty from the state if we did not achieve the 20%. Dean said that the state will not take the money back but it would be embarrassing if we could not carry through with the program and we would no longer be eligible for Green Communities grants.

Ms. Green offered supportive comments for the work of the GAB and for the proposed behavioral change program.

Ms. Adachi asked if there are any buildings that are contributing to our not moving forward to the 20%. Dean said the Memorial Library is tough because they hold the town's main computer hub but that they are focusing on that building and he noted that the electric bills were over \$100,000 before efforts to conserve were in place. The PSF building is a 24 hour building and Wastewater Facility is the highest user. Mr. Clough asked about thermal imaged buildings. Dean said they did it already at town hall.

Mr. Sonner – Moved to write a formal letter with support to reduce energy through behavior modifications and to request the Town Manager support this effort. Mr. Clough second –
UNANIMOUS VOTE

SITE PLAN, CVS CONTINUED FROM OCTOBER 21ST

Boller Architects presented two views and noted not much on the plans have changed. They addressed the common land ownership issues and the 10 foot parking set back and other. They noted that the plans now meet the FAR requirements. They have applied for minor variances from planning. He noted that this plan could be approved by the Town.

Mr. Sonner asked about the developers' meeting with members of the neighborhood on their work to minimize the impact of the project. The developers said they have met with the neighbors and that in theory all items on the neighbors' list could be agreeable, but some of the

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details still need to be worked out. They noted that the fence is fine but that the berm wouldn't make sense in this case. Mr. Sonner then asked about required parking vs. proposed parking noting that the proposal includes many more spaces than required under the bylaw. The developers said that the bylaw sets a minimum, not a maximum which gives the builder the opportunity to put in the parking they need and the number on the plan is consistent with other CVS stores across the country. .

Mr. Clough was also concerned about the number of parking spaces. He asked if there were a reason why we could not wait and build the spaces when it is needed. The developers said that CVS would not accept a future condition as part of the proposal. Mr. Clough felt that there are extra spaces in the TD lot and that since some of the lot was included in this plan to reduce the FAR, then the parking spaces in that lot should be included to help reduce the number of spots in the CVS lot.

Mr. Gowing spoke about how narrowing the right turn only area was a positive action. He also felt that the additional planting plan is better.

Ms. Green thanked them for the changes and inclusion of the neighbors and agrees with the guidelines, but felt that the parking is extreme and asked if they could take out the back chunk of the spaces. She was not completely convinced that the spaces were needed.

Ms. Adachi also spoke about the parking and TD Bank's restrictions on their lease. She wanted to see them use shared parking between the two buildings. She noted that the CVS store at Great Road has a shared lot. She would like to see a solution to reduce spaces. She spoke about the walkway/drive way of stamped asphalt and feels that it's an invitation for a pedestrian and a car to meet. She suggested that it be landscaped and benches installed. The petitioner said they have benches and bike racks on their plan.

Peter Jones, a neighbor to the site, presented a slide show outlining their concern. They want to have a written agreement in place going forward to prevent future problems.

Mr. Sonner said that he was clear why the neighbors wouldn't want to extend the cul de sac but was curious as to why they want to cut off pedestrian access. The neighbors said it was because they already get a lot of people parking on their streets and cutting through and didn't want more of that.

Mr. Clough asked for clarity from the neighbors on the proposed fence. They said they would like a fence that extends along the back of the property and then turns at a right angle at the property line with the dentist and extends forward to the back of the TD property.

Mr. Gowing asked about the plowing deliveries and trash agreements. He noted that they have to plow and he could not endorse restrictions on plowing and the right to conduct their business. Ms. Green agreed with Mr. Gowing about the plowing and asked that they come up with a more reasonable resolution.

Ms. Adachi too agreed with them and noted the trash will be picked up when they pick up and did not feel it would be picked up at night. She felt it would be helpful to limit the pedestrian access. Mr. Clough spoke about his attendance at their meeting and said that they want to save trees and noted that the perpendicular fence was not discussed at the meeting.

Attorney Lou Levine said the developer agreed with Mr. Clough's recollection of the meeting. They are agreeable to the plans and will work them out. He spoke about the parking issues

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and said they do need the spaces for employees as well as shoppers and noted that the number of spaces is what is required by CVS. They agree to the pedestrian access restriction. They would like to bring this to a close tonight.

Gena Manalan, a neighbor, said that they need to focus on the access from the neighborhood into that development. She said people parking on Nadine to go to the Sorrento's mall already park in the neighborhood. .

Resident of 6 Francine Road asked about fence just east of Francine Road and noted that they cannot put it in the wetlands.

The architects said they will commit to the 8 foot fence but that the berm causes engineering issues and can kill vegetation. They are also committed to continuing the dialogue with the neighbors even if the hearing is closed tonight.

Mr. Clough said we need to address the construction time and hours of operation.

Architect agreed to the need for the fence and will agree to supplemental plantings on the entire boundary, an 8 foot fence and a general understand that the developer will work hard with neighbors.

Mr. Gowing noted that since it's a single ownership, it is worthwhile to understand that the back lot will also require a site plan so the developers have an incentive to continue to work with the neighbors.

The developers said that they would also agree to buffer planting every 6 to 9 feet and that the plantings would be evergreens, which is what was discussed at the meeting.

Mr. Sonner – Moved to close the Hearing. Mr. Gowing – second. UNANIMOUS VOTE

SELECTMEN'S BUSINESS

PRIVATE WAY PLOWING PRESENTATION

Cory York explained the process of determining the cost. The fee would remain at \$2.19 and he recommend it not be increased this year. Mr. Sonner – Moved to keep the private plowing costs the same as last year. Mr. Gowing – second. UNANIMOUS VOTE

COMMUNITY PRESERVATION COMMITTEE REQUEST, MUNICIPAL PROPERTIES, INTERIOR REHABILITATION & ADAPTIVE REUSE OF THE WINDSOR BUILDING AND RESTORATION OF THE ORIGINAL PAINT COLORS AT TOWN HALL

Dean Charter discussed the two proposals for CPC Funding. They need to paint the Town hall this year as it is two years overdue. He would like the board's support of this project for CPC Historical Building Category as they propose to paint the Town Hall in its original colors. The board agreed it would be nice to go back to original colors.

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Mr. Charter also presented on the proposal for interior rehabilitations to the Windsor Building. They looked at it as part of the space needs study and see possible uses for the entire building. This project would give full access for meeting space on both levels. The Board discussed several issues in regard to the cost and use. There were general concerns that this wasn't a good use of the CPA money and how much usable space it would yield.

BOARD OF SELECTMEN TO PRIORITIZE CPC PROJECT SUBMITTALS

The Board ranked the projects for CPC support. The official rankings are: 1. Participation in Regional Housing Services Office; 2. Robbins Homestead & Ice House foundations; 3. Ice House Pond Trails; 4. Arboretum Bog Boardwalk; 5. Morrison farm Well and Irrigation system for Community Gardens; 6. Ice House Pond parking and Picnic Area; 7. Restoration of Original Paint Colors for Town Hall; 8. Basketball Court Renovations, Goward and Gardner Playgrounds; 9. Arboretum Parking Lot Improvements; 10. NARA Improvements; 11. Historic District Study and design Guidelines and Standards; 12. Interior Rehabilitation & Adaptive Reuse of the Windsor Building

Mr. Clough – Moved to accept order with the Interior rehabilitation of the Windsor Building removed from the list of recommended CPA projects. Mr. Gowing – second. UNANIMOUS VOTE

MINUTEMAN TECHNICAL VOCATIONAL SCHOOL SENATE BILL 228, DRAFT LETTER OF SUPPORT

Ms. Adachi provided an introduction to the proposed letter of support. She noted that State Senator Eldridge has said he supports the bill but that State Representatives Atkins and Benson do not because they think it could have a negative impact on non-regional school districts.

Ms. Green said that the bill makes sense for us as a regional school district, and she noted that transportation aid is often cut. She felt, however, that the focus in the letter was solely on regional vocational technical schools and wanted to see it also speak about the benefits to regional school districts. Mr. Clough said we need to approve and change the letter to reflect Ms. Green's concerns. Ms. Adachi noted that the letter was based off a model from Nancy Banks. She said that she is concerned with the legislation as it's a simplistic way to approve funding. Mr. Gowing said he supports the legislation.

Mr. Gowing – Moved to approve the rewrite of the letter of support for SB228 to focus on the benefits to regional school districts. Mr. Clough - second 4-1 Ms. Adachi- No, Motion passes.

CONTINUED DISCUSSION OF FINANCE COMMITTEE'S POINT OF VIEW

Ms. Adachi outlined her conversations with the Finance Committee who would like to hear more specific reactions to their point of view from this board.

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Ms. Green was concerned about not going out to the full 2 ½. She feels we could do it this year and next year, but after that she had concerns. In particular, she is concerned that the Fin. Com.'s projections have the reserve level going to 4% of the budget by FY'18 and she feels that this is an irresponsible move. She would like to see us keep the reserves at the 6-8% level. She would also like to see this budget include the higher OPEB payment recommended by the working group.

Mr. Gowing said we could only discuss this year, as this board could not bind future boards. He said that he was pleased to see the Town Manager include information on future expenditures for salaries.

Mr. Sonner understood Mr. Gowing's position, but felt that the long term context helps for this year. He would also like to see the assumptions beyond the numbers, particularly at the department level. He felt like we didn't have the context of some of the bigger capital expenses in the pipeline. He also felt that it wasn't apparent if the regional bonus money is included or not as we go beyond five years.

Mr. Clough thinks the five year view is very helpful. He also felt that we don't really know what will happen with the regionalization cliff. He agrees that we don't want to let our reserve level go below 5% of the budget. He also felt that the revenues from fees are underestimated and that because of issues like that, there's enough room to make these numbers work.

Ms. Adachi said that she prefers to plan for the worst and that she's not keen to stick with the 2% increase for too long. She noted that the town has been working very frugally and that some projects have been put off because of that. She also felt it would be helpful to have actual numbers of what a 2% increase would mean as she doesn't think it would have that big of an impact on the tax payers.

Mr. Sonner felt we should tell Fincom that it was useful, that we would like the OPEB to go up to \$1.1million, and that we don't want the reserves to drop below 5%. This received general consensus from the board.

SELECTMEN'S REPORTS

Mr. Sonner – Memorial Library Long Range Plan will be ready for discussion during one of our December meetings. 2020 is hoping to return to appearing before the BOS on a quarterly basis. WMLAC will have a Public hearing in Concord regarding the proposal for bus parking at Knox Trail on November 7th.

Mr. Clough – Open Space will be asking for \$450,000 from the CPC this year. The Wright Hill Associations received a \$1.385 million appraisal for the property and will be making a presentation to CPC. They are still working on the conservation restriction for that land. The Kelley's Corner Designer Selection Committee interviewed three designers and hope to make their recommendation to the Town Manager on 11/13.

Ms. Adachi – ACHC went on Morrison farm visit to see the house and will discuss the visit and make a decision about whether having affordable housing there is appropriate.. Area housing authorities are looking into sharing duties and better practices. The Water District will meet and

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discuss the bus parking proposal for Knox Trail. There is Wright House tour this weekend and the diversity group has continued to meet.

Mr. Gowing – RTAC – I was officially elected vice chair of RTAC.

MAPC – I attended the MA PC 50th anniversary meeting in Boston. They honored past presidents of the MA PC (and Acton's Bill Sawyer was in attendance). Sec. Bialecki indicated that the state's long term plan includes: Regional efforts to share services, Smart growth, Green space and Affordable housing.

Acton TV – the board discussed when they might upgrade their equipment to HD to correspond with changes of input to Comcast. There was also a failure issue with the INET that exposes a weakness in the aging equipment – they are discussing with Comcast the best way to upgrade the equipment (Comcast responsibility).

CrossTown Connect – Doug Halley presented to a broad cross-section of stakeholders: people with disabilities, COAs, Health and Human Services, Minuteman Arc, etc. on the benefits and concerns with local transportation and how this new provision would impact it.

HDC - the HDC discussed our final vote to surplus the Asa Parlin house. They are reading through Roland's application to the CPC on revamping the historic guidelines.

COA - the COA is still working finalizing their annual goals. The discussion continues about the need of a new senior center and what to do in the interim. They heard about the roles of the various Senior Center workers. They are working on putting out a survey to get input from the seniors on ways to better deal with signing up for overbooked programs.

LRTA - the monthly LRTA meeting was canceled due to lack of quorum.

MFC -they updated the costs of the various projects (the elements) that they are working on. They discussed schedule of presenting to the CPC. They ranged a meeting from Acton community housing Corp. to have a tour of the farmhouse as potential low/moderate income housing.

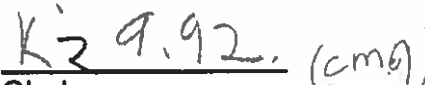
Ms. Green –None of her committees met.

CONSENT

Questions were answered

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


Christine Joyce


Clerk

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**BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA**

Francis Faulkner Hearing Room

EXECUTIVE SESSION – 6:30 P.M. November 4, 2013

REGULAR SESSION 7:00 P.M.

EXECUTIVE SESSION – discuss litigation and strategy, W. R. Grace, at the conclusion of the Executive Session the Board will convene into Regular Session at 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 COMMON VICTUALLER LICENSE, BENJARONG RESTAURANT, 214 MAIN STREET**
See enclosed materials
- 3. 7:15 FULL LIQUOR LICENSE TRANSFER, BENJARONG RESTAURANT, 214 MAIN STREET**
See enclosed materials
- 4. 7:50 GREEN ADVISORY COMMITTEE**
See enclosed materials
- 5. 8:20 SITE PLAN, CVS CONTINUED FROM OCTOBER 21ST**
See enclosed materials
Docushare link to the new information for the CVS Hearing this Monday evening.
acton-ma.gov/dsweb/View/Collection-5783
- 6. 8:50 PRIVATE WAY PLOWING PRESENTATION**
See enclosed materials

SELECTMEN'S BUSINESS

7. **COMMUNITY PRESERVATION COMMITTEE, FUND REQUEST, MUNICIPAL PROPERTIES, INTERIOR REHABILITATION & ADAPTIVE REUSE OF THE WINDSOR BUILDING, RESTORATION OF ORIGINAL PAINT COLORS AT TOWN HALL**
See enclosed materials
8. **BOARD OF SELECTMEN TO PRIORITIZE CPC PROJECT SUBMITTALS**
See enclosed materials
9. **MINUTEMAN TECHNICAL VOCATIONAL SCHOOL SENATE BILL 228, DRAFT LETTER OF SUPPORT**
See enclosed materials
10. **DISCUSSION OF FINANCE COMMITTEE'S POINT OF VIEW**
See enclosed materials

SELECTMEN'S REPORTS

III. CONSENT AGENDA

11. **ACCEPT BOARD OF SELECTMEN MINUTES, MAY 13, SEPTEMBER 23 AND OCTOBER 7, 2013**
See enclosed materials
12. **DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY**
See enclosed materials
13. **ACCEPT GIFT, PLANNING DEPARTMENT**
See enclosed a gift of \$238.76 from various donors to be used to fund the playground at Goward Field
See enclosed materials
14. **ACCEPT GIFT, TREE DEPARTMENT**
See enclosed a Gift of a tree valued at \$1,200 from NSTR
See enclosed materials
15. **ACCEPT GIFT, RECREATION DEPT.**
See enclosed a gift of \$146.96 from Dunkin Donuts to provide beverages in conjunction with the Historical Fall Tour

16. DECLARE SURPLUS, STEEL RAILS, SPIKES AND BOLTS TO SELL FROM THE TOWN OWNED RIGHT OF WAY AS PART OF ARRT PROJECT, MAIN STREET AND MAPLE, AND 20 MAIN STREET

See enclosed materials

17. PROCLAMATION – NOVEMBER, PANCREATIC CANCER AWARENESS MONTH

See enclosed materials

EXECUTIVE SESSION

THERE WILL BE A NEED FOR EXECUTIVE SESSION – W. R. GRACE

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

NOVEMBER 18

DECEMBER 2

Use Special Permit, #10/11-13-445, 848 Main Street
Jacob Abraham, Manufacture Fire Wood
Design Review Board Overview
2014 License Renewals

Town Wide Survey Results Presentation
Vote 2014 License Renewals
Acton Memorial Library Long Range Plan

PENDING MINUTES

PENDING COMMITTEE APPOINTMENTS

October 21

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

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Agenda

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<input type="checkbox"/>		<u>010 1 Agenda, Board of Selectmen, November 4, 2013</u>	manager	11/01/13	130 KB	
<input type="checkbox"/>		<u>020 (2) Common Victualler License, Benjarong Rest.</u>	manager	11/01/13	100 KB	
<input type="checkbox"/>		<u>030 (3) Transfer of Full Liquor License, Benjarong Rest.,214 Main</u>	manager	11/01/13	895 KB	
<input type="checkbox"/>		<u>035 (4) Green Advisory Slide Show Materials</u>	manager	11/01/13	1 MB	
<input type="checkbox"/>		<u>040 (5) CVS Site Plan Materials - check link for materials</u>	manager	11/01/13	496 KB	
<input type="checkbox"/>		<u>050 (6) Private Way Plowing Materials</u>	manager	11/01/13	48 KB	
<input type="checkbox"/>		<u>060 (7) CPC Submittal, Municipal Properties</u>	manager	11/01/13	1 MB	
<input type="checkbox"/>		<u>065 (8) CPC Decision worksheet</u>	manager	11/01/13	91 KB	
<input type="checkbox"/>		<u>070 (9) Senate Bill 228 Support Letter</u>	manager	11/01/13	93 KB	
<input type="checkbox"/>		<u>080 (10) Finance Committee Point of View</u>	manager	11/01/13	478 KB	
		<u>090 (11) Board of</u>	manager	11/01/13	1 MB	

-  **Selectmen Minutes, May 13, Sept. 23 and October 7, 2013**    
-  **100 (12) Disposal of Obsolete Materials, Memorial Library**     
-  **110 (13) Accept Gift, Recreation**     
-  **120 (14) Accept Gift, Municipal Properties**     
-  **130 (15) Accept Gift, Recreation**     
-  **140 (16) Declare Surplus for sale, Steel Rails, ARRT**     
-  **150 (17) Proclamation, Pancreatic Cancer Awareness**     

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