

FINAL

**BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING**

**June 9, 2014**

**Francis Faulkner Room 204**

**Regular Meeting 7:00 p.m.**

Members Present: Chairman Michael Gowing, Janet Adachi, Franny Osman, Peter Berry -Clerk, Town Manager Steve Ledoux, and Lisa Tomyl, Recording Secretary

Absent: Vice-Chair Katie Green

Meeting called to order at 7:00 PM

- I. **CITIZEN'S CONCERNS** - none
- II. **CHAIRMAN'S UPDATE & OPERATIONAL MINUTE**

**Mr. Gowing** – will get his notes via email

**Mr. Ledoux** – All Town employees began mandatory training for Code of Conduct and Workplace Violence and Harassment. The Finance Department commenced weekly meetings with School Department regarding finance . There was a reception for Dr. Stephen Mills for his retirement on Monday, June 16 from 3:00 – 5:30 – There are three items that will necessitate hearings – two dangerous dog hearings and another liquor violation by Makaha Restaurant

**III. PUBLIC HEARINGS & APPOINTMENTS**

**Site Plan Special Permit #2/20/14 – 448, 848 Main Street, Acorn Deck House – Applicant Request Continuance to 7/28/2014 .**

Applicant has requested a continuance for the hearing.

Ms. Osman moved to accept the request for a continuance, Mr. Berry second the motion.

All Ayes – UNANIMOUS VOTE

**Bursaw Gas and Oil License Amendment**

Mr. Gowing read the Legal Notice at 7:45 PM.

Representing Bursaw Gas and Oil was Jeff Bursaw. Who is seeking an amendment of his license to store gasoline, liquid propane and other flammable products. The amendment would authorize storage of approximately 90,000 gallons less fuel than is approved under the current license

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Members of the Board questioned Mr. Bursaw regarding the safety and continuing approval path. Mr. Bursaw and his consultant, Jody Pratt of Ameden Energy Consulting, LLC explained that the process begins with the Fire Department – governing body with LP, then to Conservation, and building before any work can continue, The Board of Selectmen have to approve the license amendment before moving forward. The Fire Chief has recommended approval of the amendment.

Mr Berry moved to approve the application , Ms. Adachi – second the motion

All Ayes – UNANIMOUS VOTE.

### **SELECTMEN'S BUSINESS**

#### **Dennis Bruce – Overview of CBA Agreement Resolution with the Acton Education Association-**

Request to continue to June 23, 2014.

#### **Minuteman Regional School District Proposed Resolution –**

Nancy Banks is the representative for the Minuteman Regional School Committee regarding the Needham Resolution. Ms. Adachi and Town Manager Ledoux plan to attend a meeting at Weston Town Hall on June 24<sup>th</sup> at 8:00 AM to discuss the proposal with other member towns.

#### **Economic Development Committee Discussion**

The EDC was formed by the Selectmen in 2000 with a membership of about 10 people. Mr. Gowing questioned if the EDC needs to be as large as it is now. Ms. Osman wants to make sure that the EDC and Acton 2020 goals are in line. Mr. Gowing requested to hear from the members of the EDC regarding what they would like to have as far as representation.

Mr. Berry – moved to drop 1 Selectmen voting member from the EDC to allow a new full member

Ms. Adachi – second to motion

All Ayes – UNANIMOUS VOTE

#### **Landfill Solar Rent Payments**

Dean Charter appeared before the Board to propose a motion regarding an energy efficiency fund.

Motion;

To deposit any gift, grants and donations received from public or private sources, federal and state funding programs, revenues from energy efficiency incentive payments, power purchase agreements, renewable energy leases and similar sources, and any other source authorized by law into the "Town of Acton Energy Efficiency Fund" from time to time as determined by the town treasurer.

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Mr. Gowing – moved to deposit any gift, grants and donations received from public or private sources, federal and state funding programs, revenues from energy efficiency incentive payments, power purchase agreements, renewable energy leases and similar sources, and any other source authorized by law into the “Town of Acton Energy Efficiency Fund” from time to time as determined by the town treasurer.

Ms. Adachi - Seconded the motion

All Ayes – UNANIMOUS VOTE

### **Senator Eldridge to Discuss Updates with the Board**

Senator Jamie Eldridge met with the Board to discuss any updates with the Town post-Town Meeting. Attending with Senator Eldridge were Representative Jennifer Benson and Representative Cory Atkins. Senator Eldridge gave an overview of the annual legislative budget. Also, Senator Eldridge highlighted a few pieces of legislation that are points of interest as well as H.4046 – financing improvements to the Commonwealth’s transportation system were signed into law by the Governor on April 18, 2014. Both Representatives gave a background report of legislation they have been involved with. The Board responded to the representatives with questions, comments, and/or concerns.

### **Discussion on Board of Selectmen Proposal for Extended Producer Responsibility -**

Jim Snyder-Grant was present on behalf of Green Acton/ Green Acton Zero Waste Team to give a summary of the Proposal Extended Producer Responsibility for reducing waste and increasing recycling. Acton currently has a lower recycle rate than surrounding towns at 22.2 percent. Mr. Snyder-Grant presented six recommendations to the Board. Mr. Berry noted he would be happy to work with Green Acton.

Ms. Adachi moved to authorize Mr. Berry to further fully review the resolution

Ms. Osman – second the motion

All Ayes – UNANIMOUS VOTE

### **SELECTMEN’S REPORT**

**Mr. Gowing – HDC** – the Historic District Commission closed the public meeting on the Asa Parlan house with a denial to Dean Charter on the removal of the building (we had declared it “surplus” and an earlier BoS meeting). There was a list of recommendations and findings that were cited and will be available in the minutes after they are voted on.

**MAPC-** the Metropolitan Area Planning Council held their annual meeting and elected new officers (Keith Bergman, Littleton town administrator, was elected vice president). Their budget for 2015 was

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reduced due to the end of several federal grants. They have hired consultant, TDC, to assist them with their organizational assessment and strategic planning effort. They hope to have something for the executive committee by September. Natick is hosting "Green Town – how to get there and why it matters" on Wednesday, June 25, at the Morse Institute library, Natick from 8:30 AM to 12:30 PM. You can go on the MAPC website to register – there is no cost.

**LRTA** – the LRTA voted its new officers for the upcoming year – it was the current officer's slate renewed. They also voted on the salary for the CFO and the executive director and extended the directors contract for 3 years. The parking garage reconstruction is one month ahead of schedule. January through May fixed route ridership is up 5% over last year and Saturday service is up 30% for the same time.

**MAGIC** – the fiscal year 2015 work plan was discussed but no final decisions were made. The communities updated on what was happening in their recent town meetings. Of note, Sudbury approved a hundred thousand dollars for the design of the Bruce Freeman rail trail through their town. Boxborough agreed to join CPA with a 1% contribution.

**Cable Advisory board** – CAB is discussing with Comcast updates to the current equipment that maintain the INET (it is aging out). Brendan Hearn, representing the regional school district, was trying to get Comcast to extend the INET to the Blanchard school in Boxborough. Comcast declined as it is specifically not allowed in the contract between Acton and Comcast.

**Ms. Green** – absent

**Mr. Berry** – Met with the Board of Assessors who perform technical function assessing property in Town and set the tax rate. Not necessary to attend every meeting, but is available to support functions as needed.

CPC is not meeting until August, when they will begin the process for soliciting proposals for funding.

Will be attending meetings of the Planning Board, Sidewalk Committee, Green Action Board, Acton 2020 Committee, SATSAC, and Acton Housing Authority in the future.

**Ms. Adachi** – **AB Cultural Council**, Sunday, 6/1 – Dedication at NARA picnic pavilion of donated sculpture, now named "Heron's Dream" as result of naming contest won by Conant School kindergarten student Calvin Miller. MA Senator Jamie Eldridge presented Senate citation to Calvin, MA Representative Cory Atkins, chairman of House Committee on Arts/tourism, paid tribute to efforts to promote public art, musicians from Blanchard School in Boxborough performed classical pieces including Beethoven's Ode to Joy.

**Acton Water District**, Monday, 6/2 – Discussion of proposed committee comprising representatives of various Town committees to work on groundwater protection district amendment (to take place of proposal that Town Meeting passed over in April). Discussion with Senator Eldridge of pending water

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infrastructure finance bill and other water-related issues; also discussion of Town's recent denial of requested tax abatement, which District Manager Chris Allen will discuss with Town Manager.

**Acton Community Housing Corporation**, Thursday, 6/5 – Preliminary presentation by Steve Steinberg about ideas for parcel adjacent to Meadows development on Great Road, including proposed small commercial building that already has tenant, who will be moving from another part of town; commercial site plan will come before Selectmen in near future. Discussion of proposed housing production plan, and proposed request to Selectmen for permission to use ACHC funds for consultant; work to date by regional housing coordinator has provided much of data that HPP consultant otherwise might have to collect. Regional Housing Services office and Beth Rust moving from Sudbury to Concord Planning Department. ACHC is proposing membership change, from temporary 7 voting, pending 2013 Town Meeting and 2014 ballot approval of associate positions, back to 5 voting, 2 associates; proposed change should be before Selectmen at meeting when Selectmen approve Town committee memberships for new year commencing 7/1.

**Conservation Commission**, Wednesday, 6/4 – Continuation and closing of hearing about Bruce Freeman Rail Trail project, and vote to approve project with special conditions modified somewhat to address some MA Department of Transportation concerns about the earlier draft decision.

**Finance Committee**, Tuesday, 5/27 – FinComm has submitted comments to Minuteman Regional representative Nancy Banks about proposed regional agreement amendment and related issues; Ms. Banks will be before FinComm at tomorrow night's meeting. Continued discussion of proposed three-boards meeting: Mary Ann Ashton to work with chairman Steve Noone. Presentation by Dennis Bruce of School Committee about recently ratified collective bargaining agreement with Action Education Association. Further discussion of 2014-2015 work plan, including point-of-view document in fall.

**Land Stewardship Committee**, Wednesday, 5/28 – Several potential members present. Decision to continue with recent shift to evening meetings, rather than afternoon, to attract younger members who work during the day. Discussion of informal agreement with Cemetery Commission, which Town Counsel probably has not seen. Ms. Adachi to resume work on committee charge, formal authorizing document that has been in draft and revised repeatedly since she was Conservation Commissioner.

**Water Resources Advisory Committee**, Thursday, 5/23 – Draft stormwater bylaw and proposed regulations circulating to departments, with feedback from Planning Dept thus far. WRAC planning to provide in-depth overview and update to Selectmen, perhaps during summer. Aim is to be ready for 2015 annual Town Meeting, assuming no fall special town meeting.

#### Other

**Diversity Group**, Tuesday, 5/27 – Ms. Osman has provided a report. The group includes No Place for Hate representative but is separate from NPFH. The group's efforts presumably will continue after submission of the report, but focusing on specific action items and involving more people with relevant skills and interest in those areas.

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**Court of Honor**, Saturday, 5/31, Troop 1 - Michael Conoby, who worked on disabled-accessible trail in Trail Through Time, and other improvements. Ms. Adachi let Mike and audience know that Town, including Commission on Disabilities, greatly appreciated his efforts.

**Acton Area League of Women Voters**, Tuesday, 5/20 – Well-attended panel on agriculture issues. Panelists included President of MA Association of Agriculture Commissions, business that teaches would-be farmers about business end of farming, organic farmer in Lincoln, business that trains would-be farmers in farming fundamentals. Growing interest in locally produced food—fresher, reduces transportation carbon-footprint, etc.-- but need to build awareness and need suitable land; 1.5% of US population involved in food-growing and mostly agribusiness; MA produces only 5% of food that needs. Local growing season includes winter thanks to greenhouses. Might be need to revive "domestic arts" skills—e.g., cooking from scratch. Expect the conversation to continue in coming year.

**495/Metrowest Partnership**, Tuesday, 6/3 – Quarterly Board meeting. Annual conference 6/20, Framingham. Beverly Scott of MBTA will be keynote speaker. Gubernatorial candidates also will be present; Democratic state convention just before 6/20 so will be 1<sup>st</sup> opportunity to hear from candidates of both parties. Updates on activities relating to transportation, energy/sustainable dev and water resources issues. Keolis representatives will be at 6/20 conference; Governor has proposed economic development legislation but includes proposed ban of non-compete agreements, which is controversial provision and won't necessarily survive. MA House Speaker DeLeo apparently will lead economic development effort. EPA release of updated draft stormwater permit/regulation delayed again; new permits will put more responsibility on municipalities and commercial property owners.

**AB graduation**, Friday, 6/6 – Beautiful weather, 520 graduates. Star Spangled Banner performed aCapella by mixed voices including neighbor David Nicholson and Max Rosenzweig, son of former Selectman Lauren Rosenzweig, both of whom have been fixtures in AB productions.

**Acton Conservation Trust**, Sunday, 6/8 – Wright Hill reception. Senator Eldridge present as were Ms. Osman and other Wright Hill Association members, along with representatives of Wright-Mead family, including Dottie Mead Pitt, Ms. Adachi's classmate at Lincoln-Sudbury.

**Ms. Osman - Commission on Disability - May 20, 2014**

Working out division of labor in the group. The note-taking was shared by several people due to people's particular skills but there were too many cooks. Lisa Franklin, Mady Harvey met with Franny on May 30, 2014 to discuss ways to simplify the process. We had a successful talk and will bring the ideas back to the next COD meeting. Interesting that particular disabilities or skills can affect this busy committee's process and needs and I think the Town should be sensitive and generous with personnel and limited financial support as needed. e.g. Mike Gowing helped the Chair get a computer to use for COD use.

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Questions the COD need answered is: What amount is there in the budget that they can use for some much needed group development work at the upcoming July 9 COD retreat and to print the brochures about what the COD is and does.

Also need to know where and how to print the brochure they have written. PDF attached to this report. Mark Hald said he can answer that question.

**No Place for Hate - May 27, 2014**

Wrapping up the several months' work and will present a report on what we have done since the Nov. 2013 start of this Coalition for Diversity. Sal Lopes of No Place for Hate is designing a course related to diversity for Community Ed. When the final report of the half year's work is complete, I will share it with the BOS.

**Transportation Advisory Committee - May 28, 2014**

TAC asks that the shuttle ridership numbers and other reports be sent to TAC monthly. Should I ask Doug to ask Transaction to share that, or what is the process?

TAC would like to have an evening visit via skype or other electronic means from Transaction or the dispatcher of CrossTown Connect because they would like to meet together but TAC members work during the day and meetings are at night when the dispatcher and Transaction staff are also not working.

Doug Halley visited committee meeting.

Changed leadership to identify new chair, vice chair, clerk.

Discussed running a pilot fixed route from Nagog Park (assisting residents of Nagog Village and Avalon) and Donelans area, to Train Station. Would ask train commuters: if this pilot design does not work for you, how would it work for you.

Discussed Littleton and Acton MBTA assessments helping connect the Lowell –to-Littleton bus farther south, through Acton, to Maynard. (This comes closer to connecting LRTA, MART, and MWRTA—the three regional transit authorities of our area.)

**COUNCIL ON AGING – June 2, 2014**

New board, new liaison, so we did some introductions including why people are on the board. COA board members will be described in the next COA newsletter. As part of the tradition of different employee groups hosting luncheons, the COA Board is hosting the COA luncheon on June 24<sup>th</sup>, and right after lunch, 1-2 is a presentation on Healing with Humor. Details on the luncheon:

**Town Employee Prepared Lunch - Tuesday, June 24, 2014 at 11:45**

The COA Board will be preparing a variety of cold salads including tuna, chicken and couscous, with rolls and dessert. A \$3 donation for this lunch is requested. Please sign up in the COA office.

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There are other programs, on stamps, trains, tablet users, Ukraine crisis... a dessert reception for the Council on Aging van drivers, clutter control, Concord Traveling Players in a Broadway presentation, various trips, and of course the many classes. See the newsletter at <http://www.acton-ma.gov/ArchiveCenter/ViewFile/Item/5735> or pick one up at the Senior Center.

#### **LOWELL REGIONAL TRANSIT AUTHORITY**

Annual meeting, Mike Gowing also attended. The LRTA has hired a new Paratransit operator: MV Transport. Used to be Felicia Webb at First Transit but Felicia was leaving. The board approved raises for both the Administrator Jim Scanlan and for the Chief Financial Officer, Dave Bradley, and renewed the contract for Jim Scanlan. Service of the LRTA is up 5% from Jan to May of 2013 to 2014, overall. Saturday service is up 30% from last year and 50% from 2012 due to new service added. Mike is Acton's rep and will report more.

#### **ECONOMIC DEVELOPMENT COMMITTEE**

Since it was my first meeting as Liaison (or member, depending on result of discussion tonight), we all introduced ourselves. There were representatives from various businesses, most longtime members; a young recent college graduate interested in joining; and two of the members are on the Middlesex West Chamber of Commerce.

Discussions included the sign bylaws and the report on Kelley's Corner, and some goal setting. Goals included collecting information on demographics; doing a marketing survey; looking at what is working and what is not. Can they work with Acton TV to promote Acton, e.g. interview existing businesses on TV.

Biggest issues seem to be that they used to have Kristin Alexander as a staff support and now do not have staff support. And defining goals of the EDC.

#### **Mass. Council on Aging and Human Services Coalition of the Mass. Municipal Association event**

Doug Halley, Bengt Muten (new chair of Transportation Advisory Comm.) and Franny Osman received the Kirwin award for recent transportation work.

#### **Trainings**

Attended Division of Local Assistance of the Dept. of Revenue training on Finance for new officials; and the Mass. Municipal Association training for new Selectmen.

### **IV. Consent Agenda**

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10 – hold – conditionally approve license to require a TIPS certified bartender be hired and present

Ms. Adachi brought up the comment that perhaps the application needs to have a disclaimer added as to the age of the attendees at the event

Ms Adachi – motioned to move to approve license with condition applicant provides a TIPS server per the recommendation of the Police Chief

Ms. Osman – second

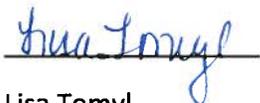
All Ayes – UNANIMOUS VOTE

9,11-18 - Ms. Adachi move to approve consent items, Mr. Berry second. All Ayes - UNANIMOUS VOTE

Mr. Gowing motion to adjourn meeting, Ms. Adachi moved to adjourn, Mr. Berry second. All Ayes.

Meeting adjourned at 10:55PM

Respectfully Submitted,



Lisa Tomyl

Recording Secretary



Peter Berry, Clerk