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ACTON

## BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

November 19, 2007

Acton Town Hall, Faulkner Hearing Room  
7:00 P.M.

Present: Dore' Hunter, Lauren Rosenzweig, Andrew Magee, Paulina Knibbe and Peter Berry. The Temporary Town Manager, John Murray was present. Recording Secretary; Christine Joyce. The meeting was televised.

### CITIZENS' CONCERNS

None present

### OPERATIONAL MINUTE

John updated the Board about his meeting with the Governor of Shaanxi Province, China. John has been asked to determine if a Sister City Program can be developed for Acton and Shannxi. Governor Zhao will contact his Mayor upon his return to China.

John also reported that he had been approached to participate in a Sister City program with the Republic of Niger.

**STEVE HUGGARD**, Town Manager Finalist's background investigator, was interviewed by the Board. Dore' gave an outline of what he wishes to be included. Mr. Huggard asked if, in the course of review there is a question, who he should contact. Dore' said that he would be the contact. Mr. Huggard expects to finish it up in 4-6 weeks. Andy asked if we could have an update before the review is completed. Mr. Huggard will make a report in early in January. Paulina noted that 4-6 weeks is a long time and wanted to have the project completed by the first of the year.

Lauren wanted to be sure that we were not doubling up on tasks. Andy asked Mr. Huggard his opinion as to whether we should be doing anything else, or are we over doing it or looking any place we don't need to.

Peter Berry asked about the charges. Mr. Huggard estimates the cost at around 5 to 10 thousand dollars.

PETER BERRY - Moved to appoint Mr. Steve Huggard to conduct the Town Manager finalist background investigations. DORE' HUNTER - second UNANIMOUS VOTE

### PUBLIC HEARINGS & APPOINTMENTS

### SEWER EXPANSION DISCUSSION WITH ALLEN NITSCHHELM

Allen noted that he is speaking as an individual and wanted to talk about several issues. He wants to maximize sewage treatment at the wastewater treatment facility. He has been looking at financial issues. He said that the wastewater treatment facility is not at full capacity and asked why do we have excess capacity and can we look at the reserve capacity for future hook-ups. Allen noted we have a lot of unused capacity at this time. His goal is to run the facility more efficiently, which will lower the costs and thereby encourage others will hook up. He noted that the facility is only running at 12% of its capacity. He was thinking about our having captured those who do not want to hook up. They could put it in writing that they do not want to hookup and they could get a rebate on their betterment. This unused capacity could then be sold to those who want to and will use it.

Allen said that this would get the fee lower to the users and direct some of the areas in town that needed to hook up. He also suggested that the treatment facility could be made to accept septic haulers waste. He was concerned about the higher user fees that he feels are holding back those who may want to hook up to the system.

They spoke about the Town Counsel's memo.

Andy discussed several problems with the concept and the legal issues memo written by Town Counsel.

Andy said that higher user fees may be holding some back. Andy explained that the water from the septic trucks is richer in sludge. Andy suggested that Doug Halley look at this issue again. Dore' said that they had discussed this at the beginning of the process of building the plant. He noted the facility would need additional odor controllers.

Lauren said that this is a project that needs to be vetted further. Lauren was concerned with putting concentrated septic waste into our system.

Mary Michleman noted that details of accepting septic waste really mean a lot.

Paulina understands the goal of dropping user fees, but thinks it is a short term issue. She agreed with Mary's concerns. She felt that over time the use will continue to increase. She feels that to implement a second solution comes with a lot of questions of practically.

Allen asked about the hookups and asked the Board of Health give us the information on this.

## **MAIN STREET SIDEWALK – DISCUSSION OF CONCEPTUAL DESIGN**

Andy suggested that we go ahead with the tree removal in our right-of-way this winter, and if we come to agreement with the two properties we conduct the remaining tree removal in the spring. There is question of whether we could move forward. John said if we go with the season it would reduce the cost. John noted the Planning Board involvement. All they are looking for is moving forward with a plan that is already approved.

Dore' said that we will look into Mr. Bendig's question. Roland said that Main Street is not a Scenic Road, but the Isaac Davis Trail is and would have to go to the Planning Board. John said that there is a conceptual design and would see if there is any Scenic Road way that needs to go before the Planning Board. They want to remove the public shade trees that are shown on the approved plan.

DORE' HUNTER – Moved to propose a motion to undertake the cutting and removal of the trees that are not in the area not yet approved by the land owners, and that we stop the pavement at the crossing of the Isaac Davis Trail. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

Paulina felt we need to build the sidewalk and to have the trees removed in the winter, and move forward with the tree removal that has been approved; she sees no reason to wait.

Peter Berry asked if there were any ADA compliance issues and suggested that it be reviewed by Counsel.

## **SELECTMEN'S BUSINESS**

### **ECONOMIC DEVELOPMENT RECOMMENDATIONS**

Lauren outlined her work with the EDC. They have been discussing goals for this town meeting. They are looking to have some articles drafted to create a Light Industrial 1 area in the Post Office Square area. Lauren wanted to know if they can take it to the Planning Board. Paulina was in full support of having the Planning Board review it.

LAUREN ROSENZWEIG – Moved to recommend that the Planning Board look into drawing up zoning regulations to present to town meeting for a change in light industrial 1 floor Ratio, if deemed appropriate.

The Board asked that EDC go before the Planning Board to request that they look into increasing the floor ratio in light industrial 1.

Lauren reported on the Economic Target areas. Method Machine Tools is still trying to work out coming to Acton. Lauren felt that we should negotiate some incentive program. EDC members have received good reports from other communities that have it. Lauren asked that this be considered for the Town and have a more expert person look into all the things that are involved. Lauren noted that we should have Bonnie Bacio come in and answer the Board's questions.

Dore' noted that we should continue to develop a process and felt that we should have EDC continue to gather information.

Mary Michleman asked about water and expressed her concerns about the wells in that area. She noted that an office building is one thing compared to a manufacturing company. Peter noted the Memo from EDC clarified that we are allowed to choose the type of business and that we would want in Acton.

John Murray noted that there is nothing that changes our zoning and town regulations. John asked if we could get a consultant to augment town staff. Dore' said we should do the preliminary work before we are approached as this would make us proactive. Lauren said she will take it back to EDC and then come back to the Board of Selectmen.

LAUREN ROSENZWIEG - Move that EDC look further into the requirements and implications of becoming an Economic Target Area, company specific, and return to the Board with sensitivity to environmental issues. ANDREW MAGEE – second. UNANIMOUS VOTE

## **MUNICIPAL COALITION FOR AFFORDABLE HOUSING**

Paulina is participating in the MCAH. Dore' said that he felt that having an observer who is identified as representing the Town was not what he wanted at this time.

Lauren noted the MCAF group's task is to look at 40 B laws and how they have affected communities. They found that in Boxboro they are hitting against some regulations that has prohibited some 40B's. Boxboro wants to make changes that affect them. She said that they may be looking forward in repealing 40B. She said that we have not done enough to get the developers onboard. She said that they are looking at what will and won't be approved at the State Level and proposed changes. She wants to follow the legislation and review the changes and regulations as written and have ACHC actively update the Board on these issues.

Paulina said that timing is important in that regard; we need to be involved now and not wait to make changes that interest Acton. She agrees we should have a single voice on this and Lauren should be the spokesman for how this is to be handled as the liaison to ACHC. Lauren wanted to go back to ACHC and ask them to attend these meetings and to see if it is in the town's best interest to join. Dore' asked that ACHC sit in on a few meetings to see if we should join.

Peter feels that we need to revise 40B's and that the State is getting the message.

John asked if they were agreeable to having Counsel review legislation that would create a tax benefit to a trust to provide affordable housing. Peter also noted that CPC had looked into this with ACHC. Peter said that the money will come from several places and alot of housing groups are set up with a sister organization.

## **OTHER BUSINESS**

Andy spoke about SuAsCo's Outstanding Municipality award granted to Acton last week in recognition of our efforts in taking green initiatives.

Lauren announced an upcoming meeting regarding land zoning reform with Pam Resor.

Paulina noted we received a check from the Solar Panel Program in the amount of \$26,000.

No place for Hate wants to continue under the current umbrella, pending issues.

Paulina spoke about the setting up the Senior Center Expansion Committee and has suggested members and a Charge for the Committee. They will be looking at several issues and will work hand and hand with the COA. She has presented it to COA and they voted unanimously to endorse it. She asked that we endorse the Senior Center Expansion Advisory Committee. Lauren asked that the Manager and Jean Fleming be designated as staff, but not voting members.

Andy asked if a member of the Planning Board and/or School Committee should participate. Paulina will ask the Planning Board and have Lauren speak with the schools to see if they want to participate.

PAULINA KNIBBE - Moved that we create a Senior Center Expansion Advisory Committee and to look into expanding the committee membership to include with Planning and School representatives. ANDREW MAGEE – second. UNANIMOUS VOTE

Peter asked about Great Hill Dog issue. Recreation is having a hearing. John noted that staff has been asked to implement this new signage. Recreation is having a hearing on this in early December and will report to the Board.

Peter asked about a discussion of the selection of Town Manager's candidate tonight.

Dore' asked the Manager about VCC's participation in light of Nancy Whitcomb's resignation.

Dore' said that he has begun reviewing the Candidates references.

Dore' noted that they have John preparing budgets. Dore' said they need to discuss strengths as Mr. Huggard is investigating the candidates. They need to prioritize the ranking. Paulina spoke about the instant runoff voting method.

Lauren wanted to reiterate that the interview process was good; we have four very excellent candidates. The Steering Committee did a good job. The ranking of the candidates by the Steering Committee of the final candidates in order first to last: Andrew Maylor, Steve Ladoux, Steve Delaney and John Murray.

Andy wanted to hear the notes of other selectmen's calls on candidates for references.

Paulina said we should move with diligence and has made some of her calls. A meeting needs to be scheduled to discuss the responses, not more than two weeks away.

It was suggested that one night either at the December 3<sup>rd</sup> meeting, the 5<sup>th</sup> or 6<sup>th</sup>. It was agreed to have it on the 5<sup>th</sup> at 7:00. (Pending Paullina's schedule).

## **TOWN MANAGER'S REPORT**

John wanted to offer a pre-meeting with Staff to outline the process of Tax Classification. Andy would like to take advantage of this process.

John asked about not putting out a packet this week. The Board agreed. The Board thanked John for his work at Temporary Town Manager.

## **CONSENT AGENDA**

ANDREW MAGEE – Moved to accept the Consent Agenda. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

## **EXECUTIVE SESSION** **None Needed**

  
Christine Joyce, Recording Secty

  
Clerk, Board of Selectmen

Date 7 June 2008

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

REVISED

*Francis Faulkner Meeting Room*  
*Town Hall*  
November 19, 2007  
7:00 PM

**I. CITIZENS' CONCERNS**

**II. PUBLIC HEARINGS AND APPOINTMENTS**

**1. 7:02 OPERATIONAL MINUTE**

The Town Manager will provide a brief report on topics of interest.

**2. 7:05 STEVE HUGGARD, TOWN MANAGER FINALIST'S BACKGROUND INVESTIGATOR**

No materials are enclosed

**3. 7:30 SEWER EXPANSION -- DISCUSSION WITH ALLEN NITSCHHELM**

Enclosed please find materials in the subject regard, for Board consideration.

**4. 7:45 MAIN STREET SIDEWALK -- DISCUSSION OF CONCEPTUAL DESIGN**

Enclosed please find materials in the subject regard, for Board consideration.

**III. SELECTMEN'S BUSINESS**

**5. ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDATIONS**

Enclosed please find materials in the subject regard, for Board consideration.

**6. MUNICIPAL COALITION FOR AFFORDABLE HOUSING (MCAH)**

Selectwoman Rosenzweig will report to the Board in the subject regard.

**7. OTHER BUSINESS**

**IV. TOWN MANAGER'S REPORT**

**V. CONSENT AGENDA**

**8. ACCEPT MINUTES, BOARD OF SELECTMEN**

Enclosed please find minutes of September 24 and 29, October 9, 11 and 22, 2007, for Board consideration.

9. **COMMITTEE APPOINTMENT, PLANNING BOARD ASSOCIATE MEMBER, RYAN BETTEZ, TERM TO EXPIRE 6/30/08**  
Enclosed please find material in the subject regard, for Board consideration.
10. **WITHDRAWAL OF SITE PLAN SPECIAL PERMIT, #10/12/07-412 – RINK DEVELOPMENT CO. LLC, 10B CRAIG ROAD**  
Enclosed please find materials in the subject regard, for Board consideration.
11. **NSTAR ELECTRIC COMPANY AND NEW ENGLAND TELEPHONE D/B/A/ NYNEX PETITION TO INSTALL JOINT POLES ON JOHN SWIFT ROAD (No public hearing required)**  
Enclosed please find materials in the subject regard, for Board consideration.
12. **PRIVATE WAY PLOWING PETITIONS – 2007- 08 WINTER SEASON**  
Enclosed please find materials in the subject regard, for Board consideration.
13. **ACTON COMMUNITY HOUSING CORPORATION (ACHC) CONDO BUY DOWN PROGRAM**  
Enclosed please find materials in the subject regard, for Board consideration.
14. **REQUEST FROM SUPT. OF SCHOOLS REGARDING THE PURCHASE OF \$15,050.99 FOR THE VIDEO EQUIPMENT FOR THE HIGH SCHOOL STUDIO FROM THE CABLE FUND**  
Enclosed please find materials in the subject regard, for Board consideration.
15. **CONFIDENTIAL REQUEST FOR FUNDS FROM THE GEORGIA E. WHITNEY FUND**  
Enclosed please find materials in the subject regard, for Board consideration.
16. **ACCEPT GIFT, RECREATION DEPARTMENT**  
Enclosed please find a CONFIDENTIAL donation from and Acton resident in the amount of \$14,000.00 to be used for the sound and lighting equipment for NARA Park's Amphitheatre, for Board consideration.
17. **ACCEPT GIFT, WEST ACTON CITIZENS' LIBRARY**  
Enclosed please find a gift of \$1,855.00 from the West Acton Citizens' Auxiliary, to be used to purchase furniture, for Board consideration.
18. **ACCEPT GIFT, WEST ACTON CITIZENS' LIBRARY**  
Enclosed please find a gift of \$600.00 from the West Acton Citizens; Auxiliary, to be used to renew the Discovery Museum library passes, for Board consideration.
19. **OBSOLETE MATERIALS DISPOSAL, WEST ACTON CITIZENS' LIBRARY**  
Enclosed please find materials in the subject regard, for Board consideration.
20. **OBSOLETE MATERIALS DISPOSAL, MEMORIAL LIBRARY**  
Enclosed please find materials in the subject regard, for Board consideration.

**21. ONE DAY LIQUOR LICENSE, FRIENDS OF THE ACTON ARBORETUM**

Enclosed please find materials in the subject regard, for Board consideration.

**22. DRAFT LETTER OF RESPONSE, PROSPECT STREET RESIDENT, TRAFFIC ISSUES**

Enclosed please find a letter in the subject regard drafted by Selectwoman Rosenzweig, for Board consideration.

**VI. EXECUTIVE SESSION**

**ADDITIONAL INFORMATION**

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

**MINUTES PENDING VOTES**

September 29, Special Meeting, October 9, Regular and Executive Session, October 11, 2007 Special Meeting, October 22, Regular and Executive Session, November 5 and November 10 Special meeting

**PENDING COMMITTEE APPOINTMENTS**

Mike Fisher, TAC (still with VCC), Reshma G. Singh, and ABCC to fill the unexpired term of Elaine Sisler who recently resigned. Barbara Estabrook, ABCC, Sumar Adishesu, ABCC. (*Ms. Estabrook and Ms. Adishesu's applications are at VCC for Interview and recommendation*). Ryan Bettez, Associate Member of the Planning Board, Joseph R. Ianelli, Interested in several committees

**FUTURE AGENDAS**

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda.

December 3      December 17      January 7 & 28