

# BOARD OF SELECTMEN & SEWER COMMISSIONERS'

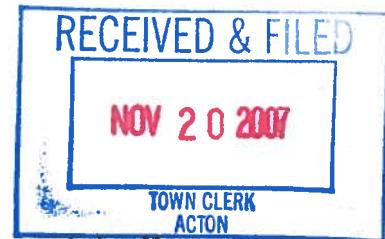
## MEETING MINUTES

Francis Faulkner Meeting Room

Town Hall

September 24, 2007

7:00 PM



Present: Selectmen Dore' Hunter, Lauren Rosenzweig, Peter Berry and Paulina Knibbe Selectman Andrew Magee arrived late and voted on items he was in attendance for. Also present was Temporary Town Manager John Murray

### CITIZENS' CONCERNS

Bob Lessard inquired as to the status of the Temporary Leash Law. His understanding is that in October it will be reevaluated. The Chairman responded that we will wait for Staff comments and have a timed hearing at an October meeting. Mr. Lessard stated his concern with parking for the proposed new fire station

### PUBLIC HEARINGS AND APPOINTMENTS

#### OPERATIONAL MINUTE

The Temporary Town Manager gave an update on the continuing work of updating and improving the town's municipal properties. In the next few weeks the town center will be closed for the purpose of laying bricks for a crosswalk in the town common. This will be a test location for the brick crosswalk. It is thought that by drawing attention to the walkway it will slow drivers down and create a safer environment for walkers. Additionally there will be cobblestone work being done in front of the Town Hall.

#### POLICE LT. DONALD PALMA

Lt. Palma wanted to take an opportunity to address the Board and thank them for the opportunities and growth they offered him in working in the Town of Acton. This will be his final week before starting his new position in Groton. He was thankful to the Board and to the Chiefs and the Department heads he has worked with in Acton. Selectman Hunter thanked Donnie for his excellent service over the years and noted his shoes will be hard to fill.

#### KEYSPAN, WOOD LANE (CONTINUANCE FROM SEPT. 10<sup>TH</sup>)

The petitioner requests this hearing be continued. If the Board wishes to do so, it is suggested the hearing be continued to October 9, 2007 at 8:55 P.M. Selectman Hunter moved for the hearing to be continued as suggested and Selectwoman Rosenzweig made a motion. Selectman Berry seconds, all agree.

#### 17 WOODBURY LANE, DISCUSSION WITH THE HISTORIC DISTRICT COMMISSION

Brian Bendig from the Historic District Commission and Tom Peterman, architect for the project, spoke on their support for the renovation of 17 Woodbury Lane. The structure dates back to the 18<sup>th</sup> century and its renovation would add significantly to the Acton Center Historic District. The Historic District would like to see renovations as brought forward in the late 90's Reuse Feasibility Study. They are aware that there is a space crunch for office and storage space in town hall since they are now functioning out of the town hall kitchen. They are willing to work with the town (municipal properties) to meet CPC deadline for presentation of the scope of the work. They would like to restore the core and reinstate the early design work. Selectman Hunter asked in very simple terms with budgets stretched, how much will such a project cost and where will the money come from? It is their opinion that stabilization and revitalization could be covered by CPA funds. Mr. Peterman is looking into a round of funding from the Mass

Historical Society that might be sought. Ann Forbes a member of the Historical District Commission stated that the grants to obtain matching funds from CPA is a comprehensive project and significant in the equation. There would be no funds just for maintenance, but as part of a larger restoration project it might be considered. Selectman Hunter worried about the problem of getting into a project and then figuring how costly extenuating things like sewer, fire safety, accessibility etc. would become. He questioned if the building could be moved. Brian Bendig does not think it would or should be moved as it would change its connection and relevance to the Center Historic District. He stated that stabilizing the house would be very important. Anne Forbes opined that there should be a space needs study done with the inventory of municipal properties that need restoration. Chairman Hunter noted that he knows of no space study being done currently. Selectwoman Rosenzweig is in favor of preserving the building knowing that Town Hall needs space. She is in favor of finding organizations and private citizens to help raise funds. Selectman Berry agrees restoration in the current location should be the aim for the Historic Center; still it comes down to money. Currently seeking out meeting rooms is difficult. How much money is in the CPA funds? It is said that preventive steps to stop the deterioration would be fairly short money. The flashing of the chimney and roof do need to be done. Selectwoman Knibbe would like to see the yard stay the same. The Historic District asked the Selectmen if they clarify use of emergency funds this year and then to put together a restoration project to present would it make more sense. The Selectmen certainly support the project and Selectman Berry feels it is suitable for a CPA project.

Chairman Hunter felt it was late in the process for this years CPA money. He asked for the Historic District to give the Board a more detailed project presentation. Brian Bendig feels there is sufficient time for this years round of funding. The Temporary Town Manager, John Murray will meet with the Historic District to pull together the items that are going to need to be accomplished for such a presentation to the Board. Anne Forbes reiterated that this is an enormous amount of work and they have no staff. Dean Charter stated some work has been done on the building and he could use the architect who did the work to get some updated estimates. The Chairman will wait for an update once Mr. Murray meets with the Historic District. With that input, the Board agreed to approve stabilizing the building and help the HDC seek CPA funds and to redevelop the building for municipal use.

## **COMMON VICTUALLER LICENSE AND “CARRY IN LIQUOR” PERMISSION, 5 SPRUCE STREET, CAITLIN ADLER**

Caitlin Adler and Rich Presti are the new owners of Sweet Bites Bakery and Café. They would like to continue the tradition of serving breakfast treats and lunch. Additionally, they would like to add dinner approximately two nights a week. They come from a long line of chefs and would like to expand the menu and have started some renovations. They additionally are requesting a Brown Bag license so that patrons can bring in alcohol to have with their meals. They were asked to explain their experience in serving alcohol. Mr. Presti stated he has had TIP training and has regulated and served alcohol. They have Mom and Dad here to help out and some employees from Boston to help. Chairman Hunter conveyed the Board is very serious about serving alcohol and allowing anyone to leave tipsy. All help must be observant, and if there is abuse the wait staff must take action. The Board also requires written rules. Two nights they will be open 6-10. Application needs to be changed to reflect new hours. It was noted there were many high school kids in during the day and to please be aware of the mix of teenagers and alcohol. Selectwoman Rosenzweig stressed the availability of food with alcohol being brought in. A citizen thanked them for their efforts as places are needed to go at night in West Acton. The applicant was cautioned as to making any sign changes without proper permits. Mr. Murray stated concerns with morning hours allowing carry in license. He suggested noon to 10PM. The Chairman moved to approve carry in license for Sweet Bites Bakery and Café 12pm-10pm 7 days a week. Selectwoman Rosenzweig seconded, all approve. Selectwoman Knibbe moved the hours for the Common Victuallers License to be M-F 6:30am-6:30pm, Sat 7:00am-7:00pm, and Sunday 7:00am-3:00pm. Then open 2 nights a week until 10:00Pm. All agreed.

## **SITE PLAN SPECIAL PERMIT #6/5/07-411, 235 MAIN STREET, SUNDBERG**

Applicant has asked to have this hearing continued to October 9, at 7:40. Chairman Hunter made a motion to continue the hearing as stated. Selectwoman Knibbe moves to approve and Selectwoman Rosenzweig approves.

## **ORGANIZATION FOR THE ASSABET RIVER (OAR) REQUEST FOR SUPPORT**

Forsyth Kinon, Executive Director of OAR gave a presentation on their stream monitoring program. Acton does monitor Town waters for pathogens. The program that OAR is proposing offers more detailed water quality sampling at specific sites; a new site is to be monitored at Nashoba Brook. It allows the Town to see that possible pollutants upstream are affecting Acton's stream beds. Selectman Magee stated that there is only ½ mile of the Assabet River main stem in Acton, but all of Acton is in the Assabet River watershed. Selectwoman Rosenzweig asked how funding works for this program. Ms. Kinon is always looking for contributions from towns on the river, grants and membership support. Acton's contribution would be a thousand dollars for each site for a 3 year cycle. Selectwoman Knibbe is concerned with water issues and is interested in monitoring the water in town. It would be valuable in making decisions in town concerning water treatment. Selectman Berry asked Doug Halley his opinion about the program. Mr. Halley likes the consistency in the data and receiving data his department is unable to collect. Selectman Berry asked Mr. Halley if there is still money in his budget for such an item. Mr. Halley felt he could find the support for the program. Mr. Halley was cautioned about an RFP if there would a single bid response. Selectman Magee moved to place a RFP for the project. Selectwoman Rosenzweig seconds, all in favor and agreed.

## **SELECTMEN'S BUSINESS**

### **OTHER BUSINESS**

#### **Discussion in regards to Trammel Crow, Concord:** The developer for Alexan Concord.

They are looking to come in to talk to the Board concerning their project, of which 35 units would be allocated to the Town's affordable housing goal. Paulina Knibbe is still very concerned about the traffic and is nervous to send a letter of approval before a traffic study is completed and shared between the towns. Chairman Hunter wanted to know if they have met with the Zoning Board of Appeals. The Chairman would like clarified questions about access in Acton to the development. Counsel is looking at the matter to see if it is a public way. If access is necessary, they would need to apply to Acton for but not for building the 40B units. Selectwoman Rosenzweig stated that open space is probably something Selectman Magee would be concerned with relative to this project if he were present.

#### **October 29 Special Town Meeting Discussion:** The Chairman stated that the North Acton Fire Station presentation is definitely not ready for the October meeting. He made a motion to postpone that meeting. Selectwoman Rosenzweig seconds as long as there is time for further discussion of the project. She would like a comprehensive look at a "green" design going forward. The main concern is the safety of the firefighters, what the firefighters need and emergency response time. Additionally she would like to be sure there are some nice features as it is a main intersection. Selectman Berry is in favor of the cancellation as there are currently no other topics on the Agenda. Selectman Magee thinks it makes absolute sense to cancel it for now. The motion was made to cancel the meeting, all seconded all in favor. The State of the Town Meeting on November 13<sup>th</sup> will now have three subjects; the North Acton Fire Station, The Community Plan and the Capital Plan.

### **ALG Discussion Update**

The ALG discussed the following questions/points this morning:

- use of NESWC funds
- Should there be a Capital Plan override or should the Town use monies from NESWC and not do/or put off an override.
- Schools need roofs and boilers and some renovation.

Citizens would not be in favor of an override with 5M sitting in the reserves. Schools would like to do their own override. The Municipal side is not in favor of that option. Selectman Magee stated that the Board has not sat down and thrashed through the list of capital items to know what should be done with the NESWC funds. Maybe we don't need to save all the funds, but could use the funds dispersed over several years. Selectwoman Rosenzweig explained some history of NESWC contract being a collection of several towns. At one point it was the most expensive waste disposal in the nation. Selectwoman Rosenzweig is worried about the risk of possibly needing NESWC for environmental clean-up funds. The Board has not looked at a list of possible capital funds. She would like to see preliminary numbers. Those funds belong to the town. It is important to get together as a board; these items have never been discussed by this Board. The Board members agreed it was important to come together on a capital needs number. Selectwoman Knibbe wanted to be sure the ALG schedule is on the website, because they are public meetings. Before deciding about the NESWC funds these items need to be fully vetted by the Board.:.

- 1) HOW MUCH TO RAISE
- 2) HOW TO RAISE FUNDS
- 3) HOW TO DO THE OVERRIDE, IF NECESSARY

The Fire Station Design should be on the town meeting. It is not fiscally responsible to spend all NESWC funds. Selectwoman Knibbe suggested we would be 1 ½ years out from asking for funds for the Fire Station. Chairman Hunter disagrees on the 1½ years to ask building funding; that begins to make the project very expensive. It can be explained and presented in 6 months. But we still need budget information before we can decide to go forward with any project. The Board feels strongly that it needs another meeting. The Chairman asked Mr. Murray for help in the Budget process, which is set up to start in Dec /Jan. He would like to meet and set a number for budgetary purposes. Mr. Murray stated he can meet with Bill Ryan and build joint assumptions. Selectwoman Knibbe moves to meet this Saturday, September 29th at 8:00AM. This was seconded by Selectwoman Rosenzweig. All agreed.

**Mr. Murray will post the meeting.**

## **TOWN MANAGER'S REPORT**

### **CONSENT AGENDA**

The Chairman made a motion to pass all the consent items with the exception of # 17 and 18. Selectmen Knibbe moved to pass the consent items and Selectwoman Rosenzweig seconded with the amended Executive Minutes, which she read to the Board. Number 17 and 18 were held for further review until the following meeting.

### **8. BOARD OF SELECTMEN MINUTES**

September 10, 2007 Minutes, approved

### **9. SIDEWALK COMMITTEE REQUEST FOR STAGGERED TERMS**

Attached changes to the current Sidewalk Committee approved.

### **10. OBSOLETE MATERIALS DISPOSAL, ACTON MEMORIAL LIBRARY.**

Attached list of obsolete materials approved for disposal.

### **11. ACTON - BOXBOROUGH CULTURAL COUNCIL REQUEST TO USE THE OUTDOOR AREA AROUND THE MEMORIAL LIBRARY FOR ACTIVITIES IN CONJUNCTION WITH "OUR WORLD"**

Approved.

## **12. ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a gift of \$100.00, from National Recreation and Park Assoc. to be used to help offset award costs for the Pepsi Pitch Hit and Run Competition, for Board consideration.

## **13. ACCEPT GIFT, RECREATION DEPARTMENT**

Accepted, a gift of \$1,000.00 from the Henry Vincent Couper Charitable Education Foundation to be used to offset in part the costs of the Teen Repertory Theatre Group's fall production of Grease.

## **14. ACCEPT GIFT, RECREATION DEPARTMENT**

Accepted a gift of \$550.00 from the Community Phone Book to be used for a Moon bounce rental including a generator.

## **15. ACCEPT GIFT, CEMETERY COMMISSIONERS**

Accepted a gift of a flowering pear tree valued at \$650.00 from Thomas J. Kennedy and family.

## **16. JULY 4<sup>TH</sup> RAIN DATE REQUEST FOR JULY 5, 2008**

Request granted for the Recreation Director to set aside July 5<sup>th</sup> as the rain date for the 4<sup>th</sup> of July activities at NARA Park, for Board consideration.

## **17. ACCEPT GIFT, WEST ACTON CITIZENS' LIBRARY**

Accepted a gift of \$28,687.37 from the Estate of Robert J. Matusow to be used by the West Acton Citizens' Library.

## **18. NSTAR POLE RELOCATION, PROSPECT STREET, "BLANCHARD PLACE"**

Approved relocation

## **EXECUTIVE SESSION**

There will be a need for Executive Session for discussion of litigation strategy.

## **ADDITIONAL INFORMATION**

Mr. Murray reported that there are sufficient reserves in the Health Trust fund. It was suggested the Board might consider hiring a consultant to look at transferring their health insurance to different group Health insurance fund. It is unknown whether that would actually save the town money because of other constraints.

Selectwoman Rosenzweig commented on the Draft report received from Rob Guptill regarding Acton's suitability for demand service for shuttles, which was included in this Friday's packet. The Transportation Advisory Committee has written comments and they will help with applying for a grant. The process could be expedited by hiring a consultant. It is a very important item for seniors and teens.

Chairman Hunter thought that the Massachusetts Municipal Association Breakfast Meetings looked beneficial if people were able to attend.

## **MINUTES PENDING VOTES**

September 10th Regular and Executive Session, approved with Selectwoman Rosenzweig's changes.

## **PENDING COMMITTEE APPOINTMENTS**

Kathryn A. Acerbo-Bachmann, Historic District and Mike Fisher, Transportation Advisory Committee (Both waiting for interview with VCC)

## **FUTURE AGENDAS AND ITEMS OF INTEREST**

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

**Sept. 28 Don Johnson's Retirement Party at the Maynard Rod and Gun Club,  
7:00 p.m. Tickets available at the Town Manager's Office**

Oct. 9: League of Women Voters regarding Polling Places, Hayward and Route 27 Traffic Discussion/solution

Oct. 22: Land and Water Use Study Group Presentation

Oct. 29: Special Town Meeting: Fire Station, Wireless Communication Facilities Committee-Bylaw changes or proposals.

Has been cancelled

Nov. 13: State of the Town Meeting: Comprehensive Community Plan

Selectman Magee moves to adjourn to go into Executive session for the purpose of litigation and come out and go into regular session only for the purpose of adjourning the regular session. Roll call vote all in favor.

  
Recording Secretary

  
Andrew D. Magee, Clerk

~~Andrew D. Magee, Clerk~~

19 Nov 2007  
Date