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TOWN CLERK
ACTON

SELECTMENS MINUTES
October 17, 2005
7:00 P.M.

PRESENT: Peter Ashton, Walter Foster, Dore' Hunter, Lauren Rosenzweig, Town Manager and Asst. Manager. The meeting was televised

CITIZENS' CONCERNS

Mr. Clemtz – Thanked the Board for removing illegal signs on 2A. He further asked that Cavalier be spoken to about the having big trucks out on Wetherbee Street and asked the Board to help stop the trucks and fork lifts from blocking the street. He asked about Parking at the Library, he said it is a good library but the problem is parking. He would hope to have the town trucks park at the bottom of the hill. He asked that this be resolved.

Stephanie Cahoon of Willow Street was concerned about building on Sundays and they worked until 6:30 at night. She asked that there be a restriction on Sundays. Peter noted that it is increasingly happening in Town. The Planning Board puts conditions on permits that restrict the hours of operation. He thinks that a petition of a bylaw may not be the best idea. We have many bylaws and do try to look at the issues to keep the conditions enforced.

SEWER COMMISSIONERS' BUSINESS

Paul Gaboury was before the Board asking to withdraw their application for abatement request with out prejudice excluding the Perry's. John Murray outlined the options and things that could happen with regard to appeals. Paul said that if they withdrawal and then it would give the Commissioner's 4 months to review the new application. Paul noted what if the Commissioner's abate the entire amount, and would this remove them from the district. He presented the seven letters from the residents asking to be withdrawn. Don Johnson updated the Board on the City of Worcester's case history.
DORE HUNTER - Moved to take no action on 6 Assabet Crossing, WALTER FOSTER – second. UNANIMOUS VOTE. Peter Ashton abstained

DORE' HUNTER - Moved to reopen the public hearing on the requests for withdrawal without prejudice. WALTER FOSTER – second. UNANINMIOUS VOTE

DORE' HUNTER – Moved to accept the requests to withdraw their petitions, without prejudice to the Owners right to re-file a new petition for an abatement of the sewer betterment assessment within six months after notice of such assessment was originally sent out by the Town's Collector of Taxes (see G.L. c.80, section 5), contingent upon the execution and delivery of the foregoing requests to withdraw by the Owner's duly authorized representative(s) on or before the expiration of the four month abatement decision period. By accepting the owners written request to withdraw without prejudice, the petition for an abatement of the sewer betterment assessment shall be neither granted nor denied, but shall be withdrawn and may be presented again; provided, however, that failure to timely file a new petition for abatement shall waive the Owner's

right to request an abatement. Further, in the event the owner fails to execute and deliver the foregoing request to withdraw on or before the expiration of the four month abatement decision period, the petition shall remain pending and shall be subject to further action by the Board or to being deemed denied by operation of G.L. c. 80, Section 10A., WALTER FOSTER – second. UNANIMOUS VOTE.

So moved, seconded and approved this 17th day of October, 2005.

DORE' HUNTER – Moved to deny 2 Maillet Drive's request for abatement. WALTER FOSTER- second. UNANIMOUS VOTE.

DORE' HUNTER – Moved to Grant Antonio DaCosta, 26 School Streets petition to be assessed one betterment WALTER FOSTER – second. UNANIMOUS VOTE.

PUBLIC HEARINGS & APPOINTMENTS

OPERATIONAL MINUTE – Don updated the Board on the stream monitoring and basement pumping. The Assabet Dam was ok, and down wires from the wind. We are not experiencing the conditions like New Hampshire.

FAULKNER PLAQUE PRESENTATION – Dore' gave a presentation about the background of the Plaque and Mr. Faulkner. Mr. Faulkner was the longest serving Selectmen and was also the Town Clerk. The Plaque was unveiled and and after be referred to as the Francis Faulkner Room– WALTER FOSTER, second. UNANIMOUS VOTE

HISTORIC DISTRICT COMMISSION OVERSIGHT MEETING – Ann Forbes and Brian Bendig as well as Bonnie Guiether were present for this meeting. Peter thanked them for their work throughout Town. They are having a very busy year. Brian had three things he wished for. They need members and alternates and especially someone from West Acton. He also spoke of handling violations. He said it would be nice to have the bylaws reviewed. He would like regulation efforts expansion and temporary violations, satellite dishes. Peter asked about violations. Their most time consuming is the plastic fence on 481 Main Street. They have agreed to remove the fence and replace it with a wooden fence. They like to try to catch these while they are installing. Dore' asked about the CPA granted signs for the District. They are working with Dean Charter to make sure all rules are obeyed. They hope to have them up this calendar year, but it is a time consuming project handled by their sub-committee. Dore' asked about the Town Clerk being involved and if it was helpful. He said it has helped quite a bit. Walter spoke about outreach for the HDC volunteers. Lauren asked what they find their communications with other town boards are. Ann said that a septic vent issue with the Board of Health and noted the Building Dept. is very vigilant in notifying people when they are in their office for information and permits. Lauren noted the buildings that we have lost and if they had an idea for trying to save them. Ann said that raising awareness and educating the citizens about this situation may help. Ann did note that they have had two successes one in the center and one on Windsor Ave. They have removed vinyl siding and placed real wood claps on them. Peter was happy that they are stepping up enforcement and in the way they are handling this enforcement. Peter asked them to speak at the State of the Town and ask for volunteers.

BOARD OF HEALTH COMMITTEE INTERVIEW – PHILIP ALVAREZ – Lauren asked about his volunteer work with CAFY and asked him questions about his work. He noted that they work to minimize drug use, suicides and other things children may need guidance in. He wants to serve as he wants to work toward promoting public health. Walter said that he would round out the Board of Health. He asked about any protects he would like to continue working on CAFY. He said that he wants to work in public health. Dore' noted that he is very qualified. **DORE' HUNTER** – Moved to appoint Mr. Alvarez as an associate member with voting rights with a term to expire 6/30/06. **WALTER FOSTER** – second – UNANIMOUS VOTE.

KEY SPAN ENERGY DELIVERY GAS LINE INSTALLATION – BRABROOK ROAD AND ELLSWORTH VILLAGE ROAD – Dore' asked that the project can proceed in this weather. **DORE' HUNTER** – Moved to approves with staff comments. **WALTER FOSTER** – Second. UNANIMOUS VOTE.

HISTORICAL COIMMISSION OVERSIGHT MEETING – Peter Grover, Chair and Tory Beyer, Anita Dodson and Bill Klauer. They need members and associates. He outlined the issues that they have been addressing. They have had several demolitions this year and suggested we put in some incentives in the bylaw. He noted the Town School and Valincourt Building for possible use of CPA for funding. He also noted Lowell's demolition by neglect. They did get CPC funds last year. They are working with Dean Charter and the State to update their inventory. Peter thanked them as volunteers. Peter said that Valincourt would be ripe for CPC funds. The cost to make it ADA accessible was too high. Peter spoke about the Town School and the affordable housing with HRI and it was not hopeful that it will go forward but they are negotiating. Walter urged them to use the CPA funds before they expire as they do expire in three years if not used. Peter asked about the demolition by neglect bylaw. Mr. Grover said it is a hard bylaw to write and he will be thinking about this project.

SITE PLAN SPECIAL PERMIT 403-411 MASSACHUSETTS AVE, SF PROPERTIES, INC. – Lauren outlined the site plan location. They have met with Town Staff and the Planner was out and made comments when he returned. It is located in the Kelly's Corner area. The Town Planner noted a problem in the location of the buildings on the site and they where given Roland's comments. The owner and applicant were present and they had their engineer as well as the Sovereign Bank representatives. Steve Graham spoke about the comments made by Planning. The engineer from SMMA outlined the project design. The bank will be built after the buildings are removed. Architect presented a rendering of the proposed building project. The building is less than 3,200 sq. feet. They will have an ATM and drive thru window. Lauren spoke about the density and pedestrian traffic in the area. She would like to have seen more of the frontage of the building running by the sidewalk and also suggested adding a second floor for leasing. Steve Graham said they have looked at the placement on the site. They did misunderstand what the objective she was looking at. Steve said that it would not be ADA compliant. They wanted to improve the pedestrian flow. Lauren said that they need to have this site look as much like what the citizens wanted for Kelly's Corner. They presented a plan showing the building relocated. They could not meet ADA rules as the slope was non-compliant. They are slightly under the 78 parking spaces which they can work with. Dore' was concerned about the traffic conflicts. He felt it was a very crowded site. He asked about the slope. He did say that he was concerned about Starbucks and it did work, so maybe this would. He noted pedestrian traffic and the lack of upkeep of the clear markings at the No Name Street. He wanted to have this resolved

in the Site Plan. Walter had several items for discussion. The trees that are there are mature and they wanted to add one more. But the sidewalk would require removal and plantings that would not be mature. Walter noted that we are trying to move the buildings to the front of the street in the Kelly's Corner area. He asked about possibly moving the sidewalks behind the trees. Glen Graubart– wanted to know more specifics and how and when they will be doing this work and how they will deal with parking during the construction and he would like to have that information. Resident of 6 Nadine Road has a few concerns about lighting and noise and wanted to be sure the new lighting regulations apply to it or the Star Bucks Building. He also spoke about the noise from air conditioning and heating and asked about the effect on the new building. Peter noted we have only State Regulation and no Town Bylaws regarding noise. LAUREN ROSENZWEIG Moved to continue the hearing to November 1 at 8:45. WALTER FOSTER – second, UNANIMOUS VOTE.

DESIGN GUIDELINES PROPOSAL - Ann Sussman gave a presentation about Designing guidelines. It gives the developer the standards we have and what we want from them. They feel that DRGs are a logical next step in town planning efforts and will enhance the economic value and livability. Ann Forbes thought this would back up the site plans decisions. They asked if they wanted to do more work and form a committee. Dore' was interested in this subject and noted the Site Plan just heard would have had a review guideline, it would have helped. Dore' said that he supported of moving this forward. Walter too agreed that this will help with positioning buildings on sites. Peter spoke about the make up of the committee, Historic Districts, Affordable Housing Selectmen, and one at large developer, small developer and a person At large.

MUSKET DRIVE TRAFFIC CONCERNS – Bruce Stamski spoke about the delay of paving and they will try to get it done as quickly as possible. Musket Drive Residents asked us to look in to volume and speed on Musket Drive. In the vicinity of Jefferson exceeded the speed limit of 30 miles per hour. Police are enforcing the speed limit. Bruce outlined the neighborhood meetings he has had. They want to make it more pedestrian safe. He spoke about installation of signs at a lower then 30 mile per hour. The Board was asked to approve the signage as presented. Dore' noted that neighborhood speeds come from the neighborhood residents. Peter said that state law requires us to meet a State Warrant. These signs are advisory as we do not meet the warrant. 16 Musket Drive spoke about the width of the street and pedestrian use. He suggested that white lines put on the sides and it may give the drivers pause. He also wanted sidewalks on Jefferson and a line painted down the middle. Bruce was asked to speak to the white line installation it was felt it would make it look more like a race track. He felt that the lines might give people a false sense of safety. Walter wanted feed back on appropriating monies for the building of sidewalks and asked that they contact the Board about their willingness to participate. Dore' said that developers should be required to install sidewalks in their new subdivisions. Walter asked about staffing that would be able to do more sidewalks. Resident of 3 Jefferson Drive wanted rumble strips. 15 Musket Drive thanked the neighborhood and Bruce Stamski. They don't think the advisory signs will help. They also wanted sidewalks and to make it safer.

12 Coolidge Drive resident spoke about the use of Musket Drive to exit the neighborhood. He also complained about the long time to get the road paved.

DORE' HUNTER -Moved to approve the Advisory signs as presented by the DPW Director – WALTER FOSTER – second. UNANIMOUS VOTE.

BOARD OF HEALTH COMMITTEE INTERVIEW, WILLIAM R. TAYLOR
Mr. Taylor will be rescheduled.

CONSERVATION COMMISSION INTERVIEW, WILLIAM FROBERG

Lauren asked what he would bring to the Board from Tyngsboro where he served on the Conservation Commission. He noted he has not served for 7 years. He understands reading of plans and other issues. He enjoyed the role as Chairman. He felt at this time he had time to serve.

Walter thanked him and asked about any challenges he may have noticed with regard to Conservation. DORE' HUNTER -Moved to appoint Mr. Froberg as full member to fill the unexpired term left by Jeff Rogers to June 30, 2006. LAUREN ROSENZWEIG- second UNANIMOUS VOTE

DANIELA'S TACORITO LIQUOR LICENSE PUBLIC HEARING

Peter gave an overview of the reasons they were here tonight. He also noted the over serving issue as well as changes in Directors without notifying the Town.

Chief Widmayer gave an overview of the issues for discussion

Fred Renthcler gave an overview of the several incidents that happened at Daniela's.

Geraldo Miranda, Michael Lauramo Daniela's Corporate attorney for Daniela's introduced himself and Mr. Miranda to the Board.

The Attorney asked questions about the two accidents. Ken Bender read a prepared statement from Mr. Miranda. The Board stressed that this is a hearing for possible revocation of the license. Walter asked questions about the over service to the person who did not have an accident. Tracy was in charge that evening.

The second incident concerned him very much and asked why Tracy was not removed from the bar service totally. Mr. Bender said that he would remove Tracy or any other employee if that is what the Board wants. The problem occurred when Tracy served her friend and she drank too much.

Dore' noted the seriousness of this situation. Dore' said people have been picked up drunk after the prior problems and was concerned that you have violated again. The second issue is very serious and he will vote for some sanctions. Lauren spoke about the service policy and noted that she felt the Police Chief could help. She also asked about any prior suspensions. They were suspended in December of 04 for three days.

Peter said that he was concerned about the second incident. Peter suggested the bringing in a consulting company to review the situation as the Makaha did. The penalty will be revocation if they come before the Board again.

DORE' HUNTER - Moved to suspend the liquor license for 7 days immediately and present proof of hiring a consultant to review their operation, to report back to the Board in for 4 weeks. WALTER FOSTER – second UNANIMOUS

SELECTMEN'S BUSINESS

ACTON LEADERSHIP GROUP (ALG) UPDATE

Peter spoke about ALG revenue projections. Their assumptions 10% decline in new growth, 2 1/2% State Aid, decline in E&D from the Region and Free Cash. Peter suggested we build the budgets first then discuss Free Cash usage. Dore' felt we needed to build the budgets and noted energy increases and agreed to discuss Free Cash. Lauren said she agreed to wait before discussing Free Cash. She also asked about the split, Don said that we are carrying the same amount. They need to look at insurance, utilities etc.

COMMUNITY PRESERVATION ACT (CPA) APPLICATIONS

Walter outlined the projects that were submitted. He wanted to garner support or wait for next year. Walter outlined the proposals for CPA funds. No deliberation needed to be done until the next meeting. He wanted a place holder for the Slate Roof for Town Hall. BFRT appropriations presented by Tom Michaelman asked for design and possibility get State help. We want to put in a first step of appropriation in and go forward slowly so that we don't push the funding away from others. Tom said that they are on the TIP for \$4.4 million in 08 including local and State matches. To be ready they need 25% DESIGN first according the Mass Highway. They have to have a 10% matching funds.

OTHER BUSINESS

No Selectmen Other Business was discussed.

CONSENT AGENDA

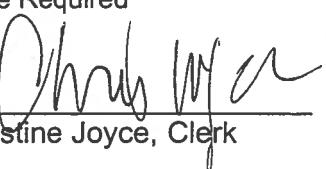
WALTER FOSTER - Moved to approve with the additional Extra Information. DORE' HUNTER --second. UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

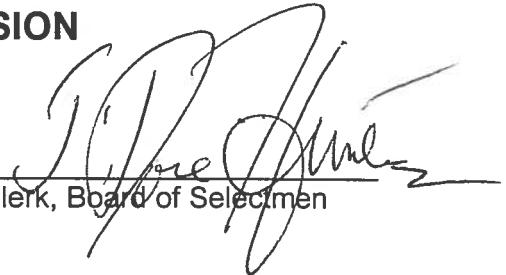
Don spoke about Laurel Hill response to their comments regarding Mutual Aid, and it is drafted and ready to go. We need to let the Board of Appeals and developers as well as the Town of Westford know how we feel about the Mutual Aid aspect noted in their emails. Walter said we need to write this letter as soon as possible. Don outlined the budget issues. We have a Veteran's Agent in the budget and Don suggested the Concord and Acton may be able to combine and he is pursuing this further. The Legal Budget will have a 10% increase because of Grace, 40B's.

EXECUTIVE SESSION

None Required


Christine Joyce, Clerk

Date: 11/14/05


Clerk, Board of Selectmen

BOARD OF SELECTMEN AGENDA

October 17, 2005

7:00 P.M.

I CITIZENS' CONCERNS

II PUBLIC HEARINGS & APPOINTMENTS

1. **7:01 OPERATIONAL MINUTE** – The Town Manager will give the Board a brief update on various topics.
2. **7:03 FAULKNER PLAQUE** – The Faulkner Plaque has been installed and will be presented to the Town by Selectman Hunter.
3. **7:05 HISTORIC DISTRICT COMMISSION OVERSIGHT MEETING** - Members of the Historic District Commission will be in for their annual oversight meeting with the Board.
4. **7:15 BOARD OF HEALTH COMMITTEE INTERVIEW, PHILIP ALVAREZ** – Enclosed please find Mr. Alvarez' Volunteer Application and comments from the Volunteer Coordinating Committee, for Board consideration.
5. **7:25 KEYSpan ENERGY DELIVERY GAS LINE INSTALLATION, BRABROOK ROAD AND ELLSWORTH VILLAGE ROAD**- Enclosed please find a Petition for installation of a 2 inch gas line in Brabrook Road and Ellsworth Village Road, along with staff comment, for Board consideration.
6. **7:30 HISTORICAL COMMISSION OVERSIGHT MEETING** – Members of the Historical Commission will be in for their annual oversight meeting with the Board.
7. **7:45 SITE PLAN SPECIAL PERMIT, 403-411 MASSACHUSETTS AVE, SF PROPERTIES, INC.** – Enclosed please find materials in the subject regard, for Board consideration.
8. **8:15 DESIGN GUIDELINES PROPOSAL** – Ms. Friedrichs will be in to discuss a proposal for Design Guidelines with the Board.
9. **8:30 MUSKET DRIVE TRAFFIC CONCERNS** – Enclosed please find materials in the subject regard, for Board consideration.
10. **9:00 BOARD OF HEALTH COMMITTEE INTERVIEW, WILLIAM R. TAYLOR** – Enclosed please find Mr. Taylor's Volunteer Application and comments from the Volunteer Coordinating Committee, for Board consideration.
11. **9:15 CONSERVATION COMMISSION INTERVIEW, WILLIAM FROBERG** – Enclosed please find Mr. Froberg's Volunteer Application and comments from the Volunteer Coordinating Committee, for Board consideration.
12. **9:30 DANIELA'S TACORITO LIQUOR LICENSE PUBLIC HEARING** – Enclosed please find materials in the subject regard, for Board consideration.

III SELECTMEN'S BUSINESS

13. **ACTON LEADERSHIP GROUP (ALG) UPDATE** – Enclosed please find materials in the subject regard for Board consideration
14. **COMMUNITY PRESERVATION ACT (CPA) APPLICATIONS** – Enclosed please find materials related to potential CPA projects for Board consideration.
15. **OTHER BUSINESS**

IV SEWER COMMISSIONER'S BUSINESS

16. **PAUL AND SUSAN HAVERSTOCK, 1 ASSABET CROSSING**– Enclosed please find a draft decision for Board consideration.
17. **MICHAEL AND CAROLYN SAVELLO, 2 ASSABET CROSSING**– Enclosed please find a draft decision for Board consideration.
18. **YIH-YIH LIN & CHIU-SHIA LIN, 2 MAILLET DRIVE**– Enclosed please find a draft decision for Board consideration.
19. **PAUL AND MICHELE GABOURY, 12 ASSABET CROSSING**– Enclosed please find a draft decision for Board consideration.
20. **JAMES AND ROBERTA KING, 4 ASSABET CROSSING**– Enclosed please find a draft decision for Board consideration.
21. **MICHAEL AND ELIZABETH PERRY, 6 ASSABET CROSSING**– Enclosed please find a draft decision for Board consideration.
22. **FENG ZHANG AND LENA LI, 8 ASSABET CROSSING**– Enclosed please find a draft decision for Board consideration.
23. **JEREMY AND MARIA GREEN, 10 ASSABET CROSSING**– Enclosed please find a draft decision for Board consideration.
24. **IAN HIRST, TRUSTEE, HIRST NOMINEE TRUST, 14 ASSABET CROSSING**– Enclosed please find a draft decision for Board consideration.
25. **ANTONIO DACOSTA, 26 SCHOOL STREET**– Enclosed please find a draft decision for Board consideration.

V CONSENT AGENDA

26. **ACCEPT SELECTMEN'S MINUTES** – Enclosed please find Minutes of September 26, 2005, for Board consideration.
27. **SITE PLAN SPECIAL PERMIT #11/18/98-366, PHASE II, ACTON ASSISTED LIVING, LLC.** – Enclosed please find a request for approval of a revision to the subject site plan, for Board consideration.

28. **ADVISORY TRAFFIC SIGNAGE, POPE ROAD NEAR BRABROOK** – Enclosed please find a recommendation from the DPW Director in the subject regard, for Board consideration.
29. **ACTON COMMUNITY HOUSING CORPORATION** – Enclosed please find a request for Selectmen's support of the American Dream Downpayment Initiative, for Board consideration.
30. **NO PLACE FOR HATE RE-CERTIFICATION** – Enclosed please find an Acceptance of No Place for Hate Re-Certification, for Board consideration.
31. **BOSTON EDISON POLE RELOCATION** – Enclosed please find a request to relocate one pole numbered 23/30, on Hayward Road approximately 365 feet from Charter Road, for Board consideration, including staff comments as conditions of approval.
32. **COMMITTEE APPOINTMENT, COUNCIL ON AGING, EDWIN A. CARELL** – Enclosed please find Mr. Carell's Volunteer Application and comments from the Volunteer Coordinating Committee, for Board consideration.
33. **ACCEPT GIFT** – Enclosed please find a request from the Council on Aging for Board acceptance of free video "rentals" from Video Signals valued at \$200, for Board consideration.
34. **ACCEPT GIFT** – Enclosed please find a request from the Recreation Department for acceptance of two gifts for the TJ O'Grady Skate Park from (1) Lazaro Paving for labor and equipment valued at \$15,000 and (2) E.H. Perkins Construction, Inc. for materials valued at \$5,000, for Board consideration.
35. **ACCEPT GIFT** – Enclosed please find a request from the Police Chief, for acceptance of a gift of \$100.00 from the Park family, along with a matching donation from NMS Communications, for Board consideration.
36. **ACCEPT GIFT** – Enclosed please find a request from the West Acton Citizens' Library for acceptance of a gift of renewed membership at Acton's Discovery Museums from the Citizens' Library Auxiliary, valued at \$600.00, for Board consideration.
37. **ACCEPT GIFT** – Enclosed please find a request from the Director of Municipal Properties for acceptance of a gift of a new heating system for the Windsor Building from Metrowest Mechanical valued at \$5,000, for Board consideration.

VI TOWN MANAGER'S REPORT

38. The Town Manager will give the Board a brief overview of the preliminary Municipal Budget picture for FY07.

VII EXECUTIVE SESSION

ADDITIONAL INFORMATION

Enclosed please find additional 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 1, 14 & 28	
December 12 & 19	January 23 & 30
January, 7 (Budget Workshop)	February 13 & 27
	March 13 & 27

GOALS 2004-2005

1. Produce Morrison Farm Development Master Plan (Walter)
2. NARA PARK
3. Pursue Commercial Tax Base
4. Master Plan review meeting once per year

GOALS carried forward

5. Monitor Labor Negotiations (Peter)
6. Improve Communication with Town Boards (ALL), Improving Inter Board Communication (Dore')
7. Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision, and to get a first rough cut of what happens next year before school is out for the summer (Peter)
8. ALG process be used for purpose of Budget Planning for FY05 (Dore'/Peter)
9. Process Planning for "Life after NESWC
10. Middlesex Pension Alternatives (Walter)