

*Clerk*

## BOARD OF SELECTMEN & SEWER COMMISSIONERS' MINUTES

Francis Faulkner Meeting Room Town Hall

May 7, 2007

7:00 PM

**OPERATIONAL MINUTE** – The Town Manager spoke about implementation of land purchases and easements approved at Town Meeting, 468 Main St, the Groener Property and the Magee Property.

### CITIZENS' CONCERN

Glenn Rifkin spoke about his concerns as a dog owner to discover unannounced signs at NARA implying penalties for unleashed dogs. There had been no notice or reason for the signage to be posted. Blanket regulations without citizen input concern him, as to question of fairness and compromise. Such as unleashed hours or areas of free roam or fenced in areas. Chairman Hunter corrected him as to the many previous sessions where leash laws have been discussed. NARA is test area, not intended for infinite time. Chairman Hunter further informed Mr. Rifkin that after a reasonable test period the leash law will be reevaluated. But children's safety and ability to play undisturbed is a priority. Another citizen asked the board if children are able to play in the school play grounds. The board was unsure of the school rules and did not have jurisdiction over the areas questioned. Further it did not free the town from providing play areas free from dogs for the population that was bothered by dogs. Bob Lessard stated that dogs are predators and should not roam free. Chairman Hunter stated the Board will address the Gentleman's reasonable concerns. A few other citizens got up to announce that dogs are not bothersome at NARA and rebuttals were exchanged. Chairman Hunter stated that there will be no debate here. At that point the chairman ended the discussion on dog issues, noting the full agenda. He asked people to please send emails and at the end of the test period there would be opportunity to have an open public discussion at the meeting.

Mary Michelman made the announcement that Charlotte Sagoff had died. She lived in Acton from the 70's through the 90's. She was head of ACES, the founder of Acton Earth Day and Acton food co-op. Chairman Hunter commented that he has had many interactions in committees with her and will miss her and her contributions.

Will Tuffin repeated his concerns on the Town Counsel's opinions and advice regarding cell towers. He would like some rules imposed by the Board about rebuttal and date of hearings. Chairman Hunter stated there would be many testimonials for what towns like Concord and Sudbury do. The Board does not want to hear constant complaints about counsel unless there is some substantial reason. If there is such a reason a person should write and make a formal complaint to the Board and to the Attorney General. The Board does not see need to commit to procedural steps that are not necessary. Selectman Magee stated that there is now a committee to discuss these issues. Let us see what was submitted and then we can respond.

### PUBLIC HEARINGS AND APPOINTMENTS

#### 56 POWDER MILL ROAD CAR DEALER'S LICENSE - CONTINUED

The applicant for 56 Powder Mill Road car dealer's license has requested a continuance as it is meeting with the Board of Appeals at the same time. The license is a very complicated special permit. Attorney Richard Nylen was present to represent both 56 and 60 Powder Mill. Chairman Hunter is bothered that all cars driven by employees are for sale. There are more cars on lot than claimed. Mr. Nylen will provide names and cars that are employees. Selectman Magee noted he drove by the site and was upset that the # 56 boulders are gone, the cars are parked in back too close to the river, and a dumpster has been placed in the protected area. Selectmen Rosenzweig would like to see a new site plan clarifying where the display cars and employee cars will actually be parked. She also stated that the exit is not parking space. The hearing will be continued to May 21<sup>st</sup> at 7:30 PM.

## ASSABET RIVER RAIL TRAIL (ARRT), CONCEPTUAL DESIGNS FOR CROSSING THE COMMUTER RAIL LINE.

Chairman Hunter read the Public Notice. Roland Bartl, the town planner, introduced Marybeth Murphy and Jeff Fasser of BSC Terrasphere to go over the conceptual design options for the Assabet River Rail Trail crossing the bridge in Acton at the commuter rail. Chairman Hunter acknowledged \$4000.00 of the design funds came from Acton CPA and Mass Highway funded \$6500.00. When the presentation was completed there was a comment period. Chairman Hunter stated he thought that the Commuter rail hopes to put a second rail track. So there might not be the availability of land space for bike trails along the tracks. Selectman Berry asked how people are going to access the rail trail. Roland stated the intended use for the bike trail is to reduce car traffic and have another option for commuters; parking would be at the commuter lot. It was questioned if a tunnel still existed at the site. The tunnel was blocked out when new bridge was built. Selectman Knibbe asked if a ramp could cross Maple St at street level. She commented that she likes using terrain to make the ramp wind and fit into the landscape. It is a wonderful project to have in Acton. Selectman Rosenzweig was amazed at the creative thinking that has gone into the plan. She likes the trestle look which fits in with the historic village and asked "Could you just walk bikes over the bridge?" Mass Highway feels that probably people would just ride over and not be safe on bridge. Mass Highway is funding and making the rules. All ramps need to be handicapped accessible. Selectman Magee asked how much push back is real from MBTA? Can we push them on some of their restrictions. Mr. Fasser noted that a lot of projects are in queue so to find a project to actually start approval would be best. If there is cause to push it back with regulation questions another project will be put into the spot. Selectman Berry stated that we are dependent upon Mass Highway funding for 85-90% of the project and as such do need to stay with their guidelines and decisions. Chairman Hunter noted that Mass Highway is having trouble with funding and trying to complete projects with fewer people: MBTA might not be much better. The chairman then opened the hearing to Public Comment. Dave Campell commented that traffic is back to Maynard CC on Main Street. A bike trail is going to make it worse. Where will they park? Don't need any more cars parked in the dead end streets. (Sylvia, Fletcher and Pine Streets) Additionally the proposed restaurant will make it worse. A second citizen asked for clarification of the clearance necessary for the bridge (27 ft elevation) Tom Michelman suggested parking will be helped by access because they won't drive. Mass Highway likes this project and is more flexible; we should have some options. Greta of Maple Street thought it is safer to cross at Main, not half way down Maple or on Stowe St. Crossing will be problematic at blind turn. Another option is to have the town request an easement from owners of Reality Trust. Tom Keller of Strawberry Hill Road opined that extra fights with MBTA are not necessary. Terry Maitland suggested the town use the existing sidewalk. If approved what is reality for the actual build. Roland Bartl the town Planner said design will start in the spring, June/July thru the Maynard line. 2007-2008 will be the design phase. Funding for entire trail would be 2010. Stephanie? Where is the bike trail parking lot for cars for those who then want to bike recreationally? Not just for commuters; what do the recreational people do? It was reiterated that the funding comes from Mass. Highway for the purpose of aiding the commuters in alternate ways of commuting. The purpose is not for recreational uses; for recreation you do not need commuter lot you can start anywhere. There are lots in Acton, Stowe, Littleton and Maynard to park and bike for recreational use. Joe Martineau said the cost of expanding the bridge for wide walks is something most likely Mass Highway will not be able to fund. Christine Hanley prefers to expand the bridge. Fencing is needed. Trouble exists already with commuter parking on Maple Street. Stu Weinrab from Central Street thinks that the Maple Street crossing is a bad idea. Use Main Street to cross. Can the town widen Maple Street? Yes, it is possible. He feels switchbacks are very unsafe for bicyclists. Kimberly Conners-Huges, of the Historic District Commission says there are many restrictions since the area is a protected historic area of Acton. In the Hollow there is a manual Rail Road turn. Rob Houghton of Martin Street said he is very concerned with parking. Chairman Hunter will close the hearing. Hopefully the consultant will remain to answer questions out side of this hearing room. Mr. Bartl would like to get direction from the Board before moving ahead. Should we have another hearing? Chairman Hunter noted the questions from the citizens that need research; such as the free standing bridge, changing where to cross Maple Street and explore the possible easement from Reality trust. The Selectmen would like to see as a presentation, a visual of the historic trestle bridge. Selectman Knibbe

would like a new plan that avoided using switch backs; entering Maple at the bottom seems safer. Selectman Magee would like a plan with no switch backs but Mr. Chen does not have enough land to give an easement. His parking is so tight. Selectman Berry also asked if the freestanding bridge can be anywhere, does it have to be where the bridge is now. That research would then include land that is privately owned. Roland questioned the Town's flexibility in giving up parking places up for trade off of no switchbacks? Chairman Hunter would like to see a visual of the request. The Chairman would like to see the group again with answers and visuals to the questions raised tonight. He will hope they would be ready to meet in the summer. See attached list of interested parties that attended the meeting.

## **SHADE TREE REMOVAL HEARING, ROUTE 27 TO ROUTE 2A (CONTINUED FROM APRIL 23<sup>RD</sup>)**

A request from staff that this hearing be continued to the Board's May 21<sup>st</sup> meeting. Selectman Rosenzweig moved that the hearing be moved to May 21<sup>st</sup> at 8:00. Selectman Magee seconded.

## **Selectmen's Business**

### **DISCUSSION OF PROCESS TO SELECT A NEW TOWN MANAGER**

Chairman Hunter opened the discussion by asking the board to think about the process of selecting a new town manager. The Chairman did not think it was necessary to spend money on a consultant. Chairman Hunter would like to see a four to six month hiring process be approved by the Board. Under such a scenario the new manager would be able to present budget the Board of Selectmen. Selectman Magee agrees with the Chairman that a consultant is not necessary; However, Selectman Magee believes the Board needs to fully vet all the possible options concerning the hiring process. Selectman Rosenzweig felt it is most important to select a good search committee and ensure an open transparent hiring process. Selectman Knibbe wants to see an open process with a nation wide search. She feels a professional consultant is necessary to facilitate the nation wide search. Selectman Berry stated that consultants are not really necessary. What are the tasks? We need to list those tasks and do them as a search committee is formed. It might be possible to use a local consultant, not national. The International City Managers Association and Massachusetts Municipal Association are sources of information to be utilized by the Board of Selectmen. In addition each organization maintains an employment opportunity database that many professionals draw upon. Chairman Hunter told the Board that John Murray and Dean Charter have expressed interest in the position. The Chairman recommends a Steering Committee of 15 people or so. The Chairman has asked the Board to compile a list of characteristics for the position and a list of critical issues facing the community. He believes a residency requirement is a vital component of the Town Managers position. Chairman Hunter asked Board members to consider the transition process and its schedule. One of his goals this year is to increase the share of revenues devoted to municipal operations. Selectman Knibbe believes that hiring the manager is the single most important task the Board will do all year and the Board should take whatever time is necessary to complete this important task. Selectman Berry believes a hiring date in January would be a sufficient amount of time to complete this crucial task. He believes an interim manager could start the budget and seven to eight months is an adequate time period. Selectman Berry advocates that a screening committee be used to conduct initial interviews. Selectman Rosenzweig stated her objective is to define a profile. Her view is confidentiality is crucial and the use of a consultant could be helpful. Selectman Magee expressed that January would be a good time frame to be bringing on a new manager. More process is needed for the Board to develop the charge of the screening committee, the general profile of the position and a detailed job description. Given that input, Selectman Magee believes the screening committee could operate with limited selectmen participation. He agrees with the concept of having additional time to complete these important tasks.

The Board by consensus adopted the following parameters:

- a) Decision as to whether outside candidates for Town Manager will be sought.
- b) Decision as to whether or not all inside candidates will be interviewed.

- c) Decision as to a "fast" (5 months) or "slower" (11 months) time line to select a new Manager.
- d) Decision as to appointment of a prospective Interim Town Manager.
- e) Decision as to the general composition of the search and/or interview panel(s).
- f) Thoughts on composition of the advertisement for the Manager's Position.

Board members discussed each parameter in detail and decided to conduct a nation-wide search for the open position of Town Manager. The Board also decided to form an inclusive screening committee. Selectman Rosenzweig moved that all the options concerning the interim Town Manager position be investigated. She also would like to name the interim Town Manager at the next meeting which would allow the current Town Manager and the interim to work together on the transition period.

## **BOARD AND COMMITTEE LIAISON ASSIGNMENTS**

Selectman Rosenzweig would like to continue with Selectman Magee on Water Resources Advisory Design Review Board. Economic Development Development Committee is on hiatus. The Shuttle Advisory is wrapped into the Transportation Advisory Committee and Selectman Rosenzweig and Knibbe will double as Selectman Knibbe has an interest in sidewalks. Selectman Magee asked about the sidewalk committee and it was decided to wrap that into TAC for now. For the newly forming Cell Tower Committee Peter Berry will be the liaison. Selectman Berry will also be the representative for the Health Insurance Trust. Selectman Berry asked about reappointments for the Community Preservation Committee. It was decided that they will be made in June. The Board Committee assignments were accepted as amended. See attached list.

## **MAY 10, 2007 SPECIAL TOWN MEETING DISCUSSION**

Town Manager will go back to Counsel to reword the motion. Can we move "In the words of the Article"? The Chairman gave the date and time of the special town meeting, 7PM at the Jr. High School.

## **BRUCE FREEMAN RAIL TRAIL, REQUEST FOR LETTER OF SUPPORT**

Chairman Hunter suggested all Selectmen should sign the letter of support. Selectman Magee explained that the area discussed does not deal with the trail directly in Acton, but supports the surrounding towns and their efforts. He moved that all sign, Selectman Rosenzweig seconded. The Town Manager will change the letter so that all 5 members can sign. All are in agreement.

## **WALKABLE COMMUNITY WORKSHOPS**

Selectman Rosenzweig supplied information from the Boston Region MPO. Their representative, Cathy Buckley offered to come and talk to towns about how to make communities more walkable. The staff and public are invited to learn at the meeting. It is run like a workshop. They would meet at a site, ideally a site that the community has under consideration to make more walkable. They would discuss the area and walk it then come back and discuss ideas to accomplish the task. Selectman Rosenzweig suggests the South Acton train station site. Chairman Hunter would like to see if some selectmen could make the daytime meeting. There is a concern about weather disrupting the meeting. Selectman Berry suggested using the South Acton Fire station. The Town Manager will work with Selectman Rosenzweig to set up space for the end of June. Need electric for visuals.

## **MEMORIAL DAY CELEBRATION PLANS**

The Assistant Town Manager, John Murray announced we had received a new PA system for the ceremony. Gail is trying to schedule at Selectman Rosenzweig's suggestion the name of a person to speak. Comments will be read at all locations. The locations will be as follows.

1. 8:30 AM	North Acton Cemetery	Party 1
2. 9:00 AM	Quimby Square, South Acton	
3. 8:30 AM	Mt. Hope Cemetery	Party 2
4. 9:00 AM	Edwards Square, West Acton	

The parade will start at High School Parking lot and proceed up Hayward Road to Main Street and the Town Center where wreaths will be placed, a prayer will be said, a musket volley will be fired, and Taps played. The Grand Marshall will be introduced and the Band will play the Navy Hymn. The proposed candidate needs to check with his superiors about speaking. Clarification was asked on the origination of

Quimby Square, a Veteran of WW1 in Canadian forces that grew up here in Acton. Selectman Rosenzweig would like to see signs and notices in all public places allowing postings and an article in the Beacon.

## **OTHER BUSINESS**

Selectman Magee advised the Board as of the progress of the Bruce Freeman Rail Trail of the town design efforts. Selectman Magee wanted to inform the town that Acton had achieved its goal of qualifying for the Massachusetts Technology Collaborative, MTC solar panel (2kW photovoltaic installation for Clean Energy Choice). In addition, Cisco Systems is donating \$5,000 Cisco wants to be certain that the matching funds will be used only for renewable energy projects, with a priority on classroom instruction. The panel should ideally be placed in the schools or in a very visible location such as the Library or the Public Safety Building. And secondly they want to be sure that it is accessible for the school instructional use. Chairman Hunter directed Selectman Magee to make a proposal in writing as a Consent Item for a future meeting. The Board could then vote their agreement to the terms. Selectman Rosenzweig attended the "MetroFutures" workshop which is a planning effort to determine policy for the year 2030. A variety of parameters including land use, housing, water use, zoning, traffic/transportation, demographics, density, education, jobs, village centers and other quality of life issues were discussed. The participants choose a scenario called "Winds of Change" to moderate smart growth. These choices were shown visually as they reflected an inner core community, a mature suburb, and a developing suburb/rural area. The participants realize that implementation goals will be critical to the success of the plan as well as funding. The participants voted 90% in support of the plan. Selectman Knibbe referred to a letter Jamie Eldridge had circulated about projects that Acton is requesting for state funding. Staff is pulling a complete list together.

## **Executive Session**

There will be a need for executive session. Selectman Magee moved to adjourn the meeting for the purpose of executive meeting only to reopen the meeting only for the purpose of adjourning. Selectman Berry seconded. A roll call vote was taken and all agreed.

## **CONSENT AGENDA**

Selectman Magee moves to approve the consent agenda. Selectman Knibbe seconds. All voted in agreement.

### **12. STIPULATION CONCERNING CONSOLIDATION OF CERTAIN CLAIMS, W.R. GRACE**

Enclosed please find CONFIDENTIAL materials in the subject regard, for Board consideration. Claims are redundant only doing it once and the board agreed.

### **13. INTER-MUNICIPAL AGREEMENT, TOWN OF ACTON AND ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT, ATHLETIC FIELD LIGHTING PROJECT**

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

### **14. ALCOHOL SERVING VIOLATION, ACTON INDOOR SPORTS "OVER TIMES" BAR**

Violation of Code

### **15. DESIGN REVIEW GUIDELINES COMMITTEE, RECOMMENDATION TO DISSOLVE**

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

### **16. DESIGN REVIEW BOARD, TERMS OF APPOINTMENTS**

Successor organization.

**17. ACTON COMMUNITY HOUSING CORPORATION (ACHC), REQUEST FOR APPROVAL OF AGREEMENT DOCUMENTS**

**18. ACCEPT GIFT, COUNCIL ON AGING**

Enclosed please find a gift of \$10,000 from Verizon and the Friends of the Acton Council on Aging, to be used to purchase an expanded video system with large screen, specifically adapted for the hearing impaired.

**ADDITIONAL INFORMATION**

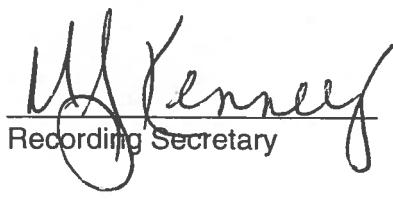
Enclosed please find additional correspondence that is strictly informational and requires no Board action.

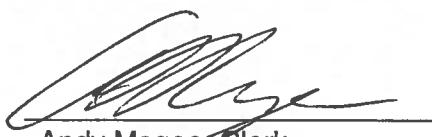
**FUTURE AGENDAS**

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

**GOALS 2006-2007**

1. Morrison Farm Development recommendation (Walter)
2. Monitor Labor Negotiations (Peter)
3. Policy Review/Improve Inter-Board Communications (Walter)
4. ALG Process to be used for purpose of Budget Planning for FY08 (Walter/Andy)
5. Middlesex Pension Alternatives (Peter)

  
Recording Secretary

  
Andy Magee, Clerk

9 June 07  
Date