

**MINUTES
BOARD OF SELECTMEN
August 3, 2010**

Present at the meeting that was held at the Town Building were Selectmen Stephen Dungan, Charles Kern, James Salvie, and Laura Spear.

Also present were Town Administrator William Wrigley and Administrative Assistant Susan McLaughlin.

Chairman Spear called the meeting to order at approximately 7:00 p.m.

Public Input

None.

Chairman's Comments

Ms. Spear thanked former selectman Tom Ruggiero for his service to the Town. She also noted that the Town's website had once again received the Common Cause award for Open Government with Distinction.

Town Administrator's Report

Mr. Wrigley reported on the following:

- The new COA 20-passenger van donated by the Friends of the COA arrived today.
- The Community Park contractor is making progress on the punch list and the dispute among the Town, architect, and contractor to resolve the back ball field drainage issue continues in negotiations. He is hopeful of closure on both in the next few weeks. In the meantime, the field is fully functional.
- The disassembly and removal of the Larsen blacksmith shop and its move to Shelburne Farm are complete.

His report on the Assabet Water Company situation came later in the meeting.

Meeting Minutes

June 10 Joint Boards: Mr. Dungan moved to accept the June 10, 2010 Joint Boards meeting minutes, as amended; Mr. Kern seconded; and all voted in favor.

July 20: Mr. Dungan moved to accept the July 20, 2010 meeting minutes, as amended; Mr. Salvie seconded; and all voted in favor.

Recreation Commission Appointment

Postponed until August 17.

Special Election to Fill Selectman's Seat

To fill the open Selectman's seat vacated by Mr. Ruggiero's resignation, the Town Clerk recommended that the Board combine a Town Election with the November 2, 2010 General Elections.

Mr. Dungan moved to schedule a Special Town Election on Tuesday, November 2, 2010, for the purpose of filling the recently vacated Selectman position previously held by Tom Ruggiero; Mr. Kern seconded; and all voted in favor.

SpringFest Organizing Committee Reappointments

Two appointments that were overlooked during the annual July appointment process were made.

Mr. Salvie moved to reappoint Penny Cushing and Ellen Sturgis to the SpringFest Organizing Committee for two-year terms, ending on June 30, 2012; Mr. Dungan seconded; and all voted in favor.

Pompo Use Study Committee

Members of the Pompo Use Study Committee, having begun meeting, found they had questions on the charge and schedule they had been given by the Board and had requested clarification.

The Board discussed which of the upcoming Town Meetings were reasonable deadlines for the Committee's final report, deciding to focus instead on clarifying the deliverables and providing support. It was agreed that the Board's engineering/consulting account was a reasonable source of funds for a consultant to help the Committee and that the Board's liaison, Mr. Kern, would convey the evening's discussion to the Committee.

Ms. Spear suggested that the Board have them in at the first Board meeting after the next Committee meeting.

Capital Planning Committee

The term of the Selectmen's representative to the Capital Planning Committee was corrected from three years to two.

Mr. Dungan moved to rescind the June 1, 2010 vote to appoint Charles Kern as the Board of Selectmen's representative to the Capital Planning Committee for a three-year term, ending June 30, 2013; Mr. Salvie seconded; and all voted in favor.

Mr. Dungan moved to appoint Charles Kern as the Board of Selectmen's representative to the Capital Planning Committee for a two-year term, ending June 30, 2012; Mr. Salvie seconded; and all voted in favor.

Blacksmith Shop Final Status

Mr. Kern, ESBC liaison, reiterated Mr. Wrigley's earlier report that the structure had been successfully transported to the Painter's property, Shelburne Farm on West Acton Road.

Update on the DEP – Assabet Water Company Meetings

Mr. Wrigley introduced the topic with a comprehensive report on the history and current status of the Assabet Water Company relative to Harvard Acres and the Lower Village.

Mr. Dungan described two meetings he attended recently, both chaired by Marty Suberg of DEP. It appears that Assabet Water will file for bankruptcy. So the main question is what Harvard Acres residents will do for water.

Mr. Wrigley has asked Town Counsel Jon Witten to look at legal options with Assabet Water, DEP, and the Mass Water Pollution Abatement Trust (Assabet Water's largest creditor) to help mitigate the impact on Harvard Acres residents. Mr. Wrigley said all parties would like the Town to step in but he advised against it, citing how uncontrollable water utilities are, given EPA and DEP regulations and Department of Public Utilities rate setting, and so on.

Harvard Acres residents Wendy Bachmann, Jamie Monat, and Jack Mileski, all of whom are involved in the discussions, restated how severe the problem is for the residents. To replace Assabet Water as a source, 174 wells would have to be drilled. The development was originally permitted for use with a public water system.

Mr. Mileski concluded by thanking Mr. Dungan and Health Agent Jack Wallace for attending the DEP meetings and especially Mr. Wrigley, for all his work to support the residents.

Liaison Reports

Municipal Affordable Housing Trust: Mr. Salvie said the loan documents are being worked on.

Zoning Board of Appeals: Mr. Salvie reported on issues raised during the Plantation II Comprehensive Permit hearing.

Conservation Commission: Ms. Spear reported on the school building project regarding wetlands infringement and the status of the Lake Boon drawdown project.

Lower Village Planning: Ms. Spear said the sub-committee is reviewing the new signs at Linear Retail.

Planning Board: Ms. Spear reported that the Board sent a request to the Police Dept to slow west-bound traffic coming into Lower Village. The Board is addressing Zoning Bylaw infractions and enforcement and there might be a need for an assistant to the Zoning Enforcement Officer.

Historical Commission: Ms. Spear said the vacancy notice had been posted.

MAGIC: Ms. Spear said input to the newest Transportation Improvement Plan had been submitted.

At 8:50 p.m., Mr. Dungan moved to adjourn; Mr. Salvie seconded; and all voted in favor.

Respectfully submitted,

Susan McLaughlin
Administrative Assistant

Approved as amended, August 17, 2010