

BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING

February 5, 2015

Francis Faulkner Room 204

Regular Meeting 6:00 PM

Present: Mike Gowing, Katie Green, Janet Adachi (6:10 p.m.), Peter Berry, Franny Osman, Town Manager Steven Ledoux. Lisa Tomyl, Recording Secretary

Chairman Gowing opened the meeting at 6:03 p.m.

Citizens' Concerns

None

Chairman's Update and Operational Update:

Mr. Gowing – Delayed last 2 meetings due to two storms. Thanks to all Emergency Town Employees keeping the Town safe during the past two storms. Winter Carnival will be held at NARA February 7, 2015. If street or sidewalk has not been fully cleared, please be patient. Sad to announce the passing of Steve Baran former social worker that worked tirelessly on the Council on Aging for the past 10 years. Memorial service March 15, 2015.

Mr. Ledoux – Crews had been working hard with the past two storms – equipment going 24/7 and lost 2 sidewalk plows – ordered a new one. Currently in a budget deficit for snow and ice removal – that means we can raise the snow and ice removal budget for FY16. Generally try to absorb it in the general fund. Governor may be applying for MEMA emergency funding. Chair of Open Space Committee – interested in pursuing the Magoon property on Piper Lane – in the process of getting an appraisal. Tom Tidman, Natural Resources Director has been working with the Town Manager and reps of Stow and the Stow Trust for the real estate closing on the Dunn Property. Conservation Trust in Stow is acquiring the Stow Piece. Closing is tentative for May, 2016.

Public Hearings and Appointments

6:00 p.m. - FY16 Budget Discussion and Vote

The Town Manager present the overview of the budget as all members of the Board attended the Acton Leadership Group February 5, 2015 meeting that reviewed updates to the current FY16 plan. Plan to create a new position – Land Use and Economic Development Director. Town Manager Ledoux presented a power point presentation explaining the Land Use Department reorganization. Ms Adachi stated she liked the idea of combining the 2 proposed positions of Economic Development Director and Land Use Director. Ms. Osman likes the idea as being on the EDC, it makes sense to have this change to make it easier to go through the process. Mr. Berry mentioned if meals tax doesn't pass, then the position would not be filled. Meals tax was worked into the ALG plan, so, if the tax doesn't pass, then the plan will have to be changed. Need to have further discussion if meals tax doesn't pass at

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Town Meeting and have a plan B in place. Ms. Green was glad to hear about the 2 positions being combined – big supporter of economic development. Mr. Gowing – concerned about metrics and explain why this is a good plan.

Proposal to come back to the board to reduce the budget by \$585,000. Ms. Green would rather keep the money in OPEB and also maybe delay painting Town Hall until next year. Ms. Green is fine with the recommendations.

Ms. Osman moved to approve budget based under the changes submitted for FY16 of \$31,954,851.00 – Mr. Berry seconded. All Ayes UNANIMOUS VOTE

7:10 p.m. - Site Plan Special Permit Amendment #07/10/09 – 422, Site Modifications, 107-115 Great Road, continued from December 15

Mr. Gowing read the public hearing notice. Roland Bartl was present from the Planning Department. Leo Bertalomi was present representing Wetherbee Plaza II. Planning received revised plan and the adjustments satisfy the requirements of the Planning Department. Engineering had no further comments.

Ms. Green moved to approve SPSP Amendment with the conditions as listed on the Design Review Board recommendations. Mr. Berry seconded. All Ayes – UNANIMOUS VOTE

8:00 p.m. - Po's Barbecue, Alleged Overserving Hearing

Mr. Gowing read the public hearing notice Detective Rentschler represented the Police Department. Detective Rentschler gave a review of the incident that took place on December 7, 2014. Mr. Berry swore in Det. Rentschler. Mr. Berry swore in Siaofeng Cheng, wife of Manager Po Pai. Ms. Cheng recited the events that took place at the restaurant. She was present at the restaurant and witnessed the events leading to the patrons' arrest. She stated a total of 4 beers and 3 mai tais were ordered and consumed, along with 2 orders of food. They became "roudy" and then their service was stopped. They paid their tab and left.

Ms. Green moved to find a violation of overservice, Ms. Adachi seconded. 3 Ayes, 1 Nay (Mr. Gowing)

Ms. Green moved that a letter of warning of the violation of overservice be served to Po's Barbecue Restaurant and be placed in their ABCC file. Mr. Berry seconded. All Ayes – UNANIMOUS VOTE

Selectmen's Business

Richards Property Recommendation from South Acton Train Station Advisory Committee – David Martin, chair of SATSAC gave a presentation for recommendation of the property. There is a appraisal company coming out soon (The Foster Group) to perform an appraisal. The property is being recommended to be used as additional parking for the commuter rail. TM had conversation with MR. Richardson – question is what plans are there regarding the buildings, and where the shuttle drop off parking. Citizens lined up to speak regarding the recommendation of SATSAC. Claire Siska is in favor of the Town obtaining the land, but had some reservation regarding alternative uses other than parking for the commuter rail.

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Citizen 23 Arlington Street. Works at food pantry. Mr. Richards is in talks regarding the food pantry taking ownership of the property.

Mr. Richards spoke regarding what his final intentions will be, he is still not sure what that will be since he has not made any formal agreements as of yet.

Consider Stay of Revocation Pending Alcoholic Beverage Control

Counsel for Makaha Carolyn Conway spoke to the Board and thank the Town for the item being placed on the agenda. She is requesting the board allow the restaurant to allow alcohol service pending the appeal decision by the ABCC scheduled for May 6, 2015.. The restaurant has lost business and has had to lay off employees. The video system has been upgraded to include the system downloading to a separate hard drive that holds much more data than before. They put in a system of employee meetings weekly what the standards of service of alcohol.. The second is a level above TIPS training – how to engage employees and patrons to see if they are having or had too much alcohol. Staff will be better trained than before by observing actions of patrons before serving more alcohol. They are making a new written employee manual that the employee has to sign and if found non-compliant they will be terminated. Multiple patrons stood up to give support to Makaha Restaurant in returning their liquor license. Town Counsel Nina Pickering Cook requested to have a copy of employee manual and proof of training from Makaha Counsel.

Mr. Berry moved to approve an immediate stay of revocation of liquor license with the conditions of providing the Board a copy of updated employee manual as described by their counsel, verification of operating video surveillance system, and proof of enhanced alcohol training to employees, including weekly meetings. Ms. Adachi seconded. All Ayes. UNANIMOUS VOTE.

Selectmen's Reports:

Ms. Adachi: **Acton Community Housing Corporation, 1/22** – Peter Berry attended to discuss Richards property near train station. ACHC heard presentation of idea for small-scale Chapter 40B development, very unusual and interesting in that would include accessible group home for young adults with disabilities, include community building other community amenities. Tonight's approved Consent Agenda included ACHC request to provide 5K from ACHC funds to replenish Town community coordinator's account for transitional housing assistance, which last received ACHC funds in 2009.

Acton Water District, 2/4 – Ms. Adachi missed meeting in order to attend Conservation Commission meeting at same time. AWD agenda included discussion of annual meeting. All residents are members of Water District, even the 5% who are not Water District customers. Construction of South Acton water filtration plant off High Street progressing nicely.

Conservation Commission, 1/21 - Hearing on Arboretum improvements closed; 2/4 – Continued hearing on Summer Street proposal for 2 houses on upland of 12-acre property that is largely wetlands.

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Planning Board issued decision 1/2013 but Commission not familiar with decision until recently. Highlights need for improved coordination of permitting process.

Design Review Board, 2/18 – Proposed discussion of Ms. Adachi's suggested revisions of charge in response to feedback from Planning Department and others. Selectmen will resume consideration after DRB has discussed.

Land Stewardship Committee, 1/20 – Proposed mission statement went to Conservation Commission. Once Commission approves, will come to Selectmen. Energetic committee, doing lots of good work, including regular monitoring and maintenance of conservation parcels. New subcommittee to work on updating of parcel maps.

Water Resources Advisory Committee –Not much progress on draft stormwater bylaw since 12/2014, so doubtful that bylaw will be ready for 2015 Town Meeting.

Minuteman Regional, 2/6 – Ms. Adachi will attend members' breakfast meeting. Very sorry that Nancy Banks will be relocating and stepping down as Acton representative on Minuteman School Committee, effective 6/2015.

Regionalization Finance Oversight Subcommittee, 1/30 – Superintendent and AB Human Resources Director attended. Discussion of cost-savings and Boxborough "efficiencies" in comparison to the original projections by Peter Ashton that were part of the information that Town Meeting relied on for 2013 vote on preK-6 regionalization. Savings for FY16 seem to be on target. Topic will be on future AB School Committee meeting for fuller discussion. Also high-level, updating presentation at Town Meeting.

"Policing After Ferguson," 1/21, First Unitarian, Littleton. Panel of area police chiefs, including Acton's Frank Widemayer. Well-attended. A few audience questions/comments seemed unnecessarily provocative, but most questions/comments aimed at learning, making good points. Event highlighted need for one-on-one communication to build learning, understanding, support among residents, which Diversity Coalition and other community groups encourage and consider important.

TRB meeting about Phase 3, 1/22 – Informal discussion among proponents, Town staff members, Mr. Gowing, Ms. Adachi.

Rapscallion's, Thurs, 1/29 - Pre-opening opening. Ms. Adachi accepted invitation to Selectmen to take a tour of the former Sprigs Restaurant space. Pub food menu, good selection of brews on-tap.

AB School Committee Budget Saturday, 1/31 – Ms. Adachi attended, as did BOS liaison Ms. Green, and Ms. Osman.

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Ms. Green: The **Historical Commission** met and is continuing their work. There was nothing significant to note to the Selectmen. The **Acton Leadership Group** met twice since our last meeting, but all of the Selectmen were present for those discussions. I attended the annual **No Place for Hate** breakfast on Martin Luther King Day at Congregation Beth Elohim. As always, it was a well attended and very informative event. I attended the public meeting related to the **Acton Center Traffic Study**. Despite the weather, it was a well attended meeting and many residents in the neighborhood, including me, spoke about their experiences trying to navigate Acton Center. The consultants are planning to do additional field studies and collect more information from residents before developing some potential remediation options for the town to consider. The **Acton Boxborough Regional School Committee** had a regular meeting and their Budget Saturday meeting since we last met. The big news from their regular meeting related to their budget, but that information was updated at Budget Saturday. On Budget Saturday, the Committee voted 7-2 to endorse the preliminary budget of \$80,197,455. This represents a 4.89% increase in their budget over FY'15 and would be a 7.8% increase in Acton's assessment. The Committee is meeting again tonight for their budget hearing.

Mr. Berry: Attended Kelly's Corner Steering Committee meeting. Cecil Group presented slides explaining new design guidelines and zoning changes. Expect proposed changes will be presented at Fall Town Meeting. CPC is Meeting on February 12 to vote on recommendations for Spring Town Meeting. CPC had questions about Selectmen's recommendations for water chestnut removal and arboretum boardwalk , which did not receive any votes on the priority listing for projects. Sense is that the selectmen still recommend those projects, but with less priority than others. CPC also discussed whether the bathrooms for the NARA plaza could be funded by user fees. Planning Board meeting – Brookside Shops hot topic – will be an article on Town Warrant for Spring Annual Town Meeting.

Ms. Osman: left at 8:30 PM

Consent Agenda

Ms. Green held item 9

Ms. Adachi moved to approve consent items 6-8, 10-13, Ms. Green seconded. All Ayes UNANIMOUS VOTE

Ms. Green moved to approve Florence Ross as a full member of the Acton Nursing Task Force, and Richard Calandrella as an associate member, Mr. Berry seconded. All Ayes, UNANIMOUS VOTE

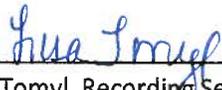
Ms.Green moved to adjourn, Ms. Adachi seconded, All Ayes

Meeting Adjourned at 10:00 PM

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Respectfully Submitted,



Lisa Tomyl, Recording Secretary



Peter Berry, Clerk

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