



## **SELECTMEN'S MEETING**

**AUGUST 15, 1995**

The Board of Selectmen held their regular meeting on Tuesday, August 15, 1995, at 7:30 P.M. Present were William Mullin, F. Dore' Hunter, Nancy Tavernier, Wayne Friedrichs, Herman Kabakoff, Town Manager Don Johnson, and Assistant Town Manager John Murray. {The meeting was televised by cable}.

### **CITIZENS CONCERNS**

Bill Mullin stated he had received a call from Steve Aronson informing him that Isa Zimmerman, Superintendent of Schools, had been in an automobile accident in which she had broken her arm. Bill wished her a speedy recovery.

Charlotte Sagoff, informed the Board of their 26<sup>th</sup> Earth Day and asked the Board for a resolution announcing Earth Day. The Board asked Ms. Sagoff to suggest a text for the resolution and present it to staff.

### **PUBLIC HEARINGS AND APPOINTMENTS**

#### **BOSTON GAS CARLISLE ROAD**

F. DORE' HUNTER - Move to approve. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

#### **DIGITAL EQUIPMENT CORP ABOVE GROUND STORAGE TANK 100 NAGOG PARK**

F. DORE' HUNTER - Move to approve. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

### **CONSENT CALENDAR**

NANCY TAVERNIER - Move to approve the Consent Calendar with the exception of #20. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

#### **SITE PLAN 6/16/95 - 350 EXXON 289 MAIN STREET**

Dore' stated at the beginning that he represents Exxon in his work and will not partake in discussion at this meeting unless it is absolutely needed.

Exxon is seeking conversion of the existing service bays into convenience store and car wash. Exxon representatives were present to answer all questions that the Board might have and addressed the items in the draft decision. Exxon will also need approval from the Zoning Board of Appeals which is scheduled for a meeting in September. Some of the issues that are before the Board are water runoff, traffic, outdoor lighting, landscaping, sidewalks, catch basins and the proposed car wash. The Board expressed their concerns regarding the existing traffic problems associated with "No Name" road which is

the road that runs from Main Street to Mass Avenue that connects the shopping centers. Exxon has proposed a new exit which will enter onto "No Name" road which they feel would eliminate the people who make U-turns onto Main Street from Exxon to enter into "No Name" road. Exxon stated that they conducted a traffic study and determined that there would be no more than 6 to 8 additional cars associated with this conversion. Exxon also stated that they would be willing to set up an escrow account which will be utilized to hire a police officer for traffic detail if needed. If the escrow account is not used in five (5) years it shall be released back to Exxon, if it is used it will be replenished as needed. The car wash will be a reclaim car wash in which the water is reclaimed, recycled, and reused. The lighting will be direct down lighting, 14 feet in height and shielded. An attractive fence is proposed at rear of the site at the abutters request. Nancy Tavernier asked if Exxon will be willing to install a split rail fence at the side of the property adjacent to the Quill and Press since it would be more attractive. The Board stated that they had problems with the traffic study that was done since it was conducted on Tuesday and Wednesday and traffic problems usually happen on Saturday.

Anne Fanton- Fort Pond Road, voiced her concerns regarding this proposed change. Ms. Fanton is concerned with the dual access driveway, and stated that one should be eliminated. She also stated that the low level lights are more attractive. Ms. Fanton stated that she felt this is the wrong solution for Kelley's Corner.

**NANCY TAVERNIER** - Move to take site plan 6/16/95-350 Exxon, 289 Main Street under advisement. **HERMAN KABAKOFF** - Second. Motion fails 2-2 with 1 abstention. Herman stated that he could not see why there would not be an increase in vehicles. Bill stated that the traffic study was inadequate. Wayne stated that he has used this proposed type of gas station and he can't see it generating more traffic.

**WAYNE FRIEDRICHES** - Move to continue discussion until September 12, 1995 at 8:15 P.M.  
**HERMAN KABAKOFF** - Second. Motion passes 4, with 1 abstention.

#### **SITE PLAN 6/29/95-351**

#### **MINI WAREHOUSE REAL ESTATE TRUST**

#### **129-133 GREAT ROAD**

The proposed plan is to make the existing building into four (4) retail units. The existing building contains Acton Beverage Company which will remain on site. There will be a proposed curb cut which has already been approved by the Mass Highway Department. This proposed building will be a one story building and will consist of dry retail use. Construction will begin upon approval from the Town.

**F. DORE' HUNTER** - Move to take site plan 6/29/95-351, Mini Warehouse Real Estate Trust, under advisement. **HERMAN KABAKOFF** - Second. UNANIMOUS VOTE.

#### **ROBERT MCCALL**

#### **HISTORIC DISTRICT COMMITTEE INTERVIEW**

#### **FULL MEMBER**

The Board asked Mr. McCall what his interest was regarding his wanting to be a member of the committee. Mr. McCall stated that he has been an Acton resident for two years and by attending town meeting was encouraged to apply for this opening. Mr. McCall is an attorney who represents land use disputes, zoning disputes and has worked in the appeals court as a law clerk. Mr. McCall has attended a Historic District Committee meeting previously and has taken classes in archeology.

**F. DORE' HUNTER** - Move to appoint Robert McCall to a full member of the Historic District Committee for a three year term expiring June 30, 1998. **NANCY TAVERNIER** - Second. UNANIMOUS VOTE.

**MARGARET WARGLIN**  
**HISTORIC DISTRICT COMMITTEE INTERVIEW**  
**ALTERNATE MEMBER**

The Board asked Ms. Warglin what her interest was regarding her wanting to be an alternate member of the Historic District Committee. Ms. Warglin stated she had become involved with Town government as a South Acton village committee member and that she has knowledge of town structure. Ms. Warglin is a mechanical engineer.

F. DORE' HUNTER - Move to appoint Margaret Warglin as an alternate member of the Historic District Committee for a three year term expiring June 30, 1998. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

**VOLUNTEER COORDINATING COMMITTEE**  
**OVERSIGHT MEETING**

The volunteer coordinating committee was present before the board for a routine oversight meeting with the Board. Five members of the VCC were present. Walter George, Chairman of the VCC was present and stated that he knew there had been some problems associated with the appointments in the past, however, all of the appointment slips have now been forwarded to the Board. Mr. George stated that the process is as follows:

1. NOTICE IN PAPERS SEEKING VOLUNTEERS.
2. RECEIVE RESOURCE SHEETS FROM INDIVIDUAL.
3. VCC SCHEDULES INTERVIEW.
4. TAKE VOTE,
5. SUBMIT RESOURCE SHEETS TO BOARD OF SELECTMEN.
6. BOARD OF SELECTMEN INTERVIEW
7. SUBMIT COVER SHEET WITH VOTE TO THE VCC.
8. VCC WRITES TO APPLICANT ASKING THEM TO BE SWORN IN BY THE TOWN CLERK AND TO CONTACT CHAIRMAN OF THEIR COMMITTEE REGARDING MEETING DATES.

Mr. George stated that the VCC currently advertises with the Beacon, however, he feels that all the public doesn't read this paper. Dore' suggested that the VCC insert notifications into the Town tax bills which go out on a quarterly basis.

The Board asked the VCC to send a list of updated members to them. The VCC stated their concerns as to what the Board of Selectmen want regarding the Personnel Board. The Board stated that they are looking for 3 qualified professionals

**COMMITTEE APPOINTMENT**

F. DORE' HUNTER - Move to appoint Elizabeth Golden and Allen Warner to the Recreation Committee, and Steven Evans to the Cable Advisory Committee, Jeannie McCarron to the Acton Boxboro Arts Council. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

Mr. Jack Dawley asked the Board to take his issue under advisement regarding the developing of the remaining twelve (12) homes at the Arbors. Mr. Dawley stated he purchased the property and has ten (10) of the homes under agreement. He has two which are due to close at the end of this month. Approximately 1 ½ weeks ago he was notified that the Town permits had been rescinded due to an unpaid tax bill. Mr. Dawley feels he is being treated unfairly because he does not own the property in which the taxes are due. The property that has the outstanding taxes due is the treatment plant in which Mr. Dawley wants to tie his homes into.

John Murray stated that the Town has a very aggressive tax collection procedure and is only attempting to collect the back taxes owed to the Town.

**EAGLE SCOUT COURT OF HONOR  
JONATHAN COMSTOCK JOHNSON**

Herman will represent the Board.

**FIELD DEDICATION REQUEST**

The Board has been asked by the Boosters to dedicate a site in Acton after Connie Diskin. The club felt that Connie dedicated many years to volunteering and deserves acknowledgment for the many years she has provided to the community. The Board stated that a policy should be written prior to doing this. One member suggested that the School Committee may have done this type of policy in the past and suggested to staff that we obtain a copy of this. The Board also stated that in the past Town Reports have been dedicated to deserving people of the community.

**TOWN WIDE SEWER ANALYSIS**

Nancy stated that an operating parameter has not been developed for a town wide sewer system. Bill Mullin stated that the Board needs a Grand Plan, one that will show phases. S.E.A. Consultants has stated that they will develop a study for the Town for \$3,000.

F. DORE' HUNTER - Move to direct the Town Manager to pay \$3,000 for S.E.A. report.  
HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

**MAGIC ISSUES**

Magic has sent the Board two (2) requests seeking letters of support regarding Minuteman Airport and Littleton Train Station. F. DORE' HUNTER - Move to send letter of support to the Littleton Board of Selectmen for the sighting of the proposed train station. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

The Board stated that they would like to bring a representative for Minuteman Airport and a member of the Planning Board in before them prior to sending a letter of support.

**CITY OF NEW BEDFORD**

The city of New Bedford is seeking a letter of support from the Board regarding placing a mandatory two year sentence on people caught carrying a gun without a permit. F. DORE' HUNTER - Move to take no action. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

## DIRECTIONAL SIGN REQUEST CONGREGATION BETH ELOHIM

The congregation is seeking permission to install directional signs at the corner of Rte 111 and Prospect, Rt 27 and Prospect, and Prospect and Hennessey. The synagogue is located at the end of a cul-de-sac and people are not aware of their location. The Board asked staff to prepare a policy and present it to the Board by September 12, 1995.

### ***CONSENT AGENDA (CON'T)***

#### **ITEM #20 COMMUNICATIONS ACT OF 1995**

This item was pulled off the consent agenda for possible changes. The Board reviewed the letter and decided to leave it as printed. DORE' HUNTER - Move to approve. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

### ***SELECTMEN'S CONCERNS***

The Board asked staff to write W.R. Grace stating our objections to the earlier working hours.

The Board asked if they could bring in the stores that were caught in the ABCC sting to discuss the liquor license violations. Don stated that he would check with the Police Department to see if it was appropriate.

Herman asked if we should support MMA regarding the government veto of retirees health insurance costs. DORE' HUNTER - Move to ask staff to write letter on behalf of the Board. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

### ***TOWN MANAGERS REPORT***

Don stated that he had received final notification from Chuck Kostro regarding the bidding process for the south Acton bridge. Don stated that the bids will be opened on August 29, 1995 and construction should be started right away. An issue that needs to be clarified is that of the proposed sidewalks. The state will purchase Bituminous sidewalks at no cost to the Town, however, the existing sidewalks in that area are concrete. If the town wanted to install concrete sidewalks it would have to absorb the cost. Nancy stated that Town Meeting has previously approved concrete and they should respect town meetings wishes and install a concrete sidewalk. The additional cost of the concrete sidewalks could easily be taken from Chapter 90 monies. The Board suggested that we ask the Historic District Commission and the Planning Board their opinion regarding this matter.

NANCY TAVERNIER - Move to support concrete sidewalks and have the method of payment be decided after staff consults with various Boards. HERMAN KABAKOFF - Second. 3 No-2 Yes. Motion fails.

BILL MULLIN - Move to amend previous vote stating that the Board support concrete sidewalks and the money will come from Chapter 90 monies. NANCY TAVERNIER - Second. 3 Yes-2 No. Motion carries.

Don stated that EPA has come to the Town asking permission to enter into our landfill for the purpose of determining whether the landfill is a superfund site. F. DORE' HUNTER - Move to issue approval to EPA to gain access onto the landfill. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

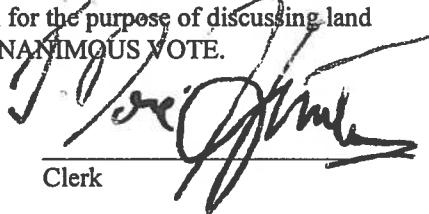
Don stated that we have received a request for a donation from Eliot Community Mental Health Center. Don stated that the Town approached the Department of Revenue and have been told by them that it is illegal for the Town to give a donation.

The Board adjourned regular session at 11:25 P.M.

DORE' HUNTER - Move to into executive session for the purpose of discussing negotiations with Mill Corner and to come back into executive session for the purpose of taking a vote. UNANIMOUS VOTE.

The Board returned from executive session at 11:45 and voted to sign this agreement. DORE' HUNTER - Move to authorize the Board to sign the Agreement between Mill Corner and the Board of Selectmen. NANCY TAVERNIER - Second. UNANIMOUS VOTE. The Board stated that they would release this document to the public.

DORE HUNTER - Move to go back into executive session for the purpose of discussing land acquisitions and negotiations. NANCY TAVERNIER - Second. UNANIMOUS VOTE.



Clerk

9/24/95



Sheryl Ball  
Recording Secretary  
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