

Selectmen's Minutes
September 26, 1995



Present: Nancy C. Tavernier, F. Dore' Hunter, Wayne L. Friedrichs, Herman Kabakoff, Town Manager Don Johnson and Assistant Mgr. Murray. (The meeting was televised) Mr. Mullin was absent and Mrs. Tavernier served as Acting Chair.

Citizen's Concerns

Anne Forbes and other residents of the Maple and Martin Street area were in to express their support for Mrs. Tavernier efforts in preventing the reinstatement of whistles at grade crossings. They offered to help in any way they could. They offered to flyer the towns toward Boston and Jeff Barry offered to set up an info line. It was suggested that they involve Senator Kerry and Kennedy in the process by writing them and expressing their views. Mrs. Tavernier will continue to work on the project and update them as it progresses.

PUBLIC HEARINGS AND APPOINTMENTS

**Thistle Cone
Conservation Commission Interview**

Ms. Cone's background and experience was noted by the Board and very extensive and fully in tune with the needs of the Conservation Commission. Ms. Cone felt her experience with reading and understanding plans could be an asset to the citizens attending meetings. Ms. Tavernier and Mr. Kabakoff thanked her for volunteering. Dore' Hunter - Moved to appoint Ms. Cone to the Conservation Commission as full member for a three year term to expire 1998. Herman Kabakoff - Second. UNANIMOUS VOTE.

**Liquor Outlet d/b/a Acton Wine and Spirit Co.
305 Main Street - Transfer of Location of Full Liquor Package Store License**

Mr. Stephen Zeitler, Owner and Manager of the Liquor Outlet explained that the move to Main Street would allow him to expand his business. He further outlined his experience in the business and asked the Board for their approval to re-locate the license. Dore' Hunter - Moved to Approve the relocation of the Full Liquor Package Store License from 580 Mass Ave. To 305 Main Street. Wayne Friedrichs - Second. UNANIMOUS VOTE.

**ACTON MEMORIAL LIBRARY FOUNDATION
PRESENTATION OF FUNDS FOR SUNDAY OPENINGS**

Ms. Ellen Swenson presented the Board of Selectmen two checks on behalf of the Acton Memorial Library Foundation to fund the salaries and building expenses for 33 Sunday openings. Mrs. Tavernier thanked the Foundation and noted that Connie Huber was the new president replacing Mr. Conant. It was remarked by members of the Board how successful their fund raising efforts were and the interest in the use of the library. MR. HUNTER - Moved to accept with gratitude the most generous gift of monies for 33 Sunday openings with the thankfulness of the citizens of Acton. MR. KABAKOFF - Second. UNANIMOUS VOTE.

ALBY CORP. PACKAGE STORE LICENSE TRANSFER 37 MAIN STREET

Mr. Kadison representing Mr. Buscemi the proposed new owner and Manager of the wine and malt package store license at 37 Main Street outlined Mr. Buscemi's experience with the handling of liquor and business skills. Mr. Kadison asked that the Board approve the transfer from David Houde d/b/a Acton Country Cupboard to Alby Corp. He promised that it would be a first class operation. MR. HUNTER - Moved to approve the transfer of the Beer and Wine Package Store license from David P. Houde to Alby Corp. MR. FRIEDRICH - Second. UNANIMOUS VOTE.

ROLAND BARTL - TOWN PLANNER - DEPARTMENT OVERVIEW

Roland Bartl outlined the functions of the Planning Department. There are three major areas they provide regulatory, planning and information services to the community. They have been successful in obtaining grants. They have taken the lead in historic designation grants in Acton and Kelly's corner State Grants. They have applied and received a bike locker grant funded under ISTEA.

They would like to move the East Acton Village plan forward. They have received a volunteer offer to do some work on the plan. He briefly gave his views on the Impact Fee issue, but could not give a clear recommendation at this time. They are also looking toward the North Acton Village District review and Master Plan review since it has been five years since completion. He noted that as Acton becomes built out we must put some attention towards the aging infrastructure and economic development planning to maintain the commercial base. We need to obtain more grants and Federal Transportation monies, and to continue with GIS Mapping.

Mr. Hunter said he was pleased with progress made with regard to sidewalks.

Mr. Alpert Legal Bill Review Volunteer

Mr. Alpert explained that since his initial offer he had changed jobs. He is no longer working for DEC. He is now employed with a firm in Boston. He does not foresee any conflict. In his previous position, he reviewed outside vendor bills and made billing models. He would like to help the town, he suggested that many times after reviewing the format used a more informative and efficient format can be instituted. He wanted to review 6 months to a year's bills with an eye towards saving money, formatting and project controls. The Board agreed to accept Mr. Alpert's offer. The Town Manager was asked to provide him with the bills and at when Mr. Alpert's review is complete he was asked to discuss his findings with the Town Manager. MR. HUNTER Moved to give Mr. Alpert the past year's legal bills to review with thanks for his offer. MR. KABAKOFF- Second. UNANIMOUS VOTE

CHIEF CRAIG FIRE DEPARTMENT OVERVIEW

Chief Craig give an overview of the Department. The department was established 102 years ago, it now has 42 paid and 3 on-call personnel and operates with 13 pieces of equipment. They are obtaining all training opportunities available to the Department as they arise. Mr.

Friedrichs asked about the age and plans to replace engines. Chief Craig said they have plans to replace one engine in Fy98 or 99 at a cost of \$200,000.

Mr. Hunter asked about the implementation of the additional eight men and how it had affected the operation. Unfortunately, with the budget cuts in 1990, that position is being used to dispatch. However, they are looking toward the joint dispatch especially in light of E911 and that would return that position to the department. Mr. Hunter noted that it would address the two people doing the same job at two different locations, and wanted to look at the savings, further expressed his desire to implement the joint dispatch program.

SELECTMEN'S BUSINESS

PLOWING OF PRIVATE WAYS

Mr. Reeves of 16 Windcliff Drive was present to discuss his letter requesting that the Board reinstate plowing of private ways. He stated that according to his research the Town has five miles of private ways and felt that the cost to do the plowing would be around \$6 -7,000 additional each year. He felt that this matter of plowing should be an annual vote of the citizens in the budget.

Mr. Hunter felt no reason not to return to the pre-1990's practice of asking for the petitions and having Private ways meeting the criteria plowed by the Town.

Mr. Kabakoff wanted to have the costs updated before he could vote as the last set of figures were from 1989 and the Highway Department figures were higher even then. The Town Manager was asked to have the figures updated and using the same snow fall predictions and have Town Counsel revisit the public funds used for Private ways issue for an update. Mr. Friedrichs wanted to revisit the list of conditions with an eye towards through way or dead end turn arounds, and number of citizens on the private way. Town Manager noted that it needed to be updated to match zoning regulations in effect presently which have created many common drives that could/might qualify and add to the estimated number of miles to be maintained. The Town Manager was further asked to determine if the service could be reinstated in time for this winter and to get the cost estimate ready for possible town meeting action in April.

GENERAL MEETING OF THE SEWER ACTION COMMITTEE

Mr. Hunter updated the Board on the upcoming Meeting for September 28th to discuss the progress on the move toward general sewerizing. To update on Mill Corner/South Acton District and the hopes to have a dialogue and opportunity to interact with the citizens. The Meeting is scheduled for 7:30 in room 204 of the Town Hall.

MILL CORNER SEWAGE TREATMENT PLANT

Mr. Hunter updated the Board on the attempt to put together the Mill Corner gift. The documents are very troublesome to him. The conditions of the \$300,000 donation to assist the construction of the sewerage system has not yet been paid. He discussed the most recent documents received by Mr. Sweeney's attorney this arose out of their concerns of a promise of the development costs of owners of the leach field and put conditions on the gift that are clearly out of the realm of what Mr. Hunter would ask them to sign off on. It releases the builder from any

warranty defects, and demands the Town accept Nylander Way as a Public Way. Further it asks that we negotiate with Mr. Berger on issues with drainage and parking which Mr. Sweeney has assured us he has not entered into or signed. Now we get a demand to enter into negotiations to release Mr. Sweeney from a Berger Agreement which states Mr. Berger could use lot 2A for parking and sewerage disposal. The documents say no gift if we don't release him from his agreement with Berger. Mr. Berger owns the Exchange Hall and we are trying to revitalize the S. Acton center. However, Mr. Berger has requested 9,000 gallons per day of the anticipated flow for an anticipated 300 seat restaurant at the Exchange Hall, this would essentially take 80% of the allotment and make it the Exchange Hall Sewer project. Mr. Hunter felt all parties needed to get together to go forward to address the issues.

Mr. Friedrichs expressed frustration that this gift was turning out to be expensive for the Town and that Mr. Sweeney was protecting his \$300,000. Mr. Berger is looking out for Exchange Hall and Mr. Friedrichs thinks we should do whatever we can to address the public good.

Mr. Kabakoff thought this was a matter of breach of contract and there were other remedies to resolve it, he felt that Sweeney was holding the town hostage, and that the Board could not let this happen.

Mrs. Tavernier said the only option for the core of the South Acton village would be the \$300,000 gift. She felt that if we were not able to obtain the gift money we could go to Town Meeting to replenish the funds but felt we probably would not be successful. At that point the additional costs to the S. Acton residents will make the project out of the reach of many of them, thus making the Mill Corner project dead.

Mr. Hunter also reminded everyone that the \$300,000 gift was made in lieu of four affordable units which gave Mr. Sweeney the benefit of increased density; The loss of those units and was a loss to the Town in return for the common good of a public sewerage solution. He felt we had an obligation to resolve the issue.

CABLE TV - TOWN REPRESENTATIVE DESIGNATION

MR. HUNTER - Moved to designate Sharon Ingraham Acton's representative to appear and speak for the Town of Acton. MR. KABAKOFF - Second. UNANIMOUS VOTE.

FEE WAIVER POLICY

Mr. Hunter presented his draft of a Fee Waiver Policy for Board discussion. He expressed the difficulty he had in preparing it and asked for suggestions and comments. Mr. Kabakoff observations were that Section B appeared to have a high degree of subjectivity and it was bothersome to him that it is couched by the word substantial and wasn't sure how future Boards would interpret substantial.

Mr. Hunter explained that he too realized the subjectivity of it and was frustrated with trying to determine the correct wording.

Mr. Friedrichs thought that the Section under Statement of Policy item B number 3 and 4 should have the reference to substantial stricken.

Mrs. Tavernier was uncomfortable with number 1, the religious category and Number 4 B, Item 1 reference to ABSAF which includes the Town of Boxboro.

Mr. Kabakoff said that we should allow no fee waivers all together and suggested that as a solution to the policy problem.

Mr. Friedrichs felt we are still a small town and we should not discourage events of community nature. He felt a sliding scale might be the answer to the issue and felt it would promote a lot of good will.

After much discussion the Board agreed to table any action on the draft Fee Waiver Policy.

Mr. KABAKOFF - Moved to address the Fee Waiver Issue by considering the revision of the Fee Structure, to ask the Town Manager to come up with an appropriate fee schedule. MR. HUNTER - Second. UNANIMOUS VOTE.

CONSENT AGENDA

Mr. Hunter noted that while he did not participate in the Exxon Site Plan, he was present at the hearing and would be voting tonight under the Rule of Necessity. He does do work for Exxon but was not involved with this area of Exxon, and therefore had no conflict.

HERMAN KABAKOFF - Moved to accept the Consent Calendar as printed with the addition of Parlmley Drive Bond. WAYNE FRIEDRICHES - Second. UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

STREET CLOSING REQUEST - Don Johnson polled the Board on the recent request received by telephone from Concord regarding the Board attending a hearing in Concord about closing a through street. The Board was concerned about the closing of the street and suggested the Concord Board come before us if they wanted to close a street beginning in Acton. They asked the Town Manager to obtain more specific information and Herman and Dore' thought they could attend on behalf of the Board.

21E BOND FUNDS - MR. HUNTER - Moved the Board authorize the draft letters be sent to Durand and Resor. MR. FRIEDRICHES - Second. UNANIMOUS VOTE

SAWYER DOGS - The Town Manager discussed the recent complaint in the Board's Extra Information from Mr. Schmacher about Mr. Sawyers' dogs being loose. Mrs. Connely has also submitted a letter regarding the dogs being loose. The Board asked the Town Manager to find out the status of the court order. The Board discussed the Dogs being loose and it was felt that the Board should ask that the dogs be removed from town. The Board asked the Town Manager to review the issues for discussion at the October 10th Meeting, if the problem cannot be resolved before the next meeting, the Sawyer's will be asked to appear and show cause why the dogs should not be ordered removed.

BANNER WORKSHOP - Mr. Kabakoff asked the Board's opinion about his possible attendance at an upcoming MMA Workshop. Mrs. Tavernier said that it is always a good chance to network and he might find it helpful.

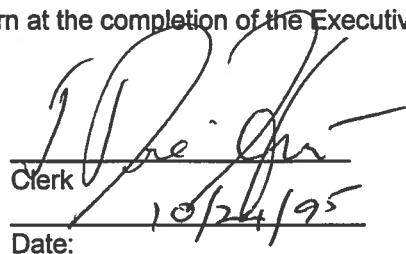
SPECIAL TOWN MEETING STATUS - The Board discussed the status of the Meeting. Mr. Hunter felt the sewer at Mill Corner would drive the schedule. Staff was asked to check with the Moderator and school about the first week in December.

DEP MEETING OCTOBER 11 - The Board discussed the Meeting scheduled to discuss potential grant for a Septage Management Program. Mr. Hunter said he would attend and asked staff to remind him of the time and date.

MR. HUNTER - Moved to go into Executive Session for the purpose of discussing Contact Negotiations. - Mr. FRIEDRICH - Second. UNANIMOUS VOTE. Roll Call taken - All Ayes.

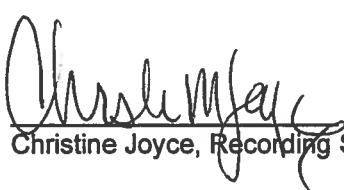
It was noted that the Board would adjourn at the completion of the Executive Session.

Meeting Adjourned.



Clerk

Date: 10/24/95


Christine Joyce, Recording Secretary

Sept.26.doc

September 22, 1995

TO: Board of Selectmen
FROM: William C. Mullin, Chairman
SUBJECT: Selectmen's Report

AGENDA
Room 204
September 26, 1995

I. CITIZEN'S CONCERNS
II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 **THISTLE CONE - CONSERVATION COMMISSION INTERVIEW** - Enclosed Please find Ms. Cone's Citizen Resource Sheet and VCC recommendation to appoint Ms. Cone as a Full Member with a term to expire 1998 for Board action.
2. 7:35 **LIQUOR OUTLET INC. D/B/A ACTON WINE AND SPIRIT CO.** - Enclosed please find a request and the required materials along with staff comment and recommendations in response to Liquor Outlet's request to Change location of the Package Store Full Liquor License presently located at 580 Mass Ave. to 305 Main Street for Board review and action.
3. 7:45 **ACTON MEMORIAL LIBRARY FOUNDATION** - Representatives of the Foundation will be in to make a presentation of the monies to be used for Sunday openings.
4. 7:50 **ALBY CORPORATION - 37 MAIN STREET - TRANSFER OF LIQUOR LICENSE** - Enclosed please find materials and staff comment with regard to a request to transfer the Beer and Wine Package Store License currently held by David P. Houde d/b/a Acton Country Cupboard to Mr. Anthony Buscemi, President and proposed Manager of Alby Corp. for Board review and action.
5. 8:00 **ROLAND BARTL, Town Planner** - Roland will be in to brief the Board on the functions and activities of the Planning Department.
6. 8:15 **MR. ALPERT** - Mr. Alpert will be in to discuss his offer of reviewing legal bills with the Board. (Town Manager awaiting confirmation of this appointment)
7. 8:30 **CHIEF CRAIG** - Chief Craig will be in to brief the Board on the functions and activities of the Fire Department

III. SELECTMEN'S BUSINESS

8. MILL CORNER SEWERS - Selectman Hunter will address the Board regarding the attached materials.
9. PLOWING OF PRIVATE WAYS - Enclosed please find a letter from Mr. Charles Reeves, 16 Wyndcliff Drive regarding plowing of private ways for Board review.
10. CABLE TELEVISION COMMISSION - Enclosed please find information regarding upcoming Cable hearings for Board discussion and possible representation authorization.
11. FEE WAIVER POLICY - Enclosed please find Selectman Hunter's draft Board Policy with regard to waiving of fees for community groups for discussion.

IV. CONSENT AGENDA

12. MINUTES - Enclosed please find the Board Minutes of August 15, 1995 for Board approval.
13. EXXON CORP. Site Plan Special Permit #6/16/95-350 - Enclosed please find the Decision for Exxon Corp., 289 Main Street for Board signature.
14. BON FIRE REQUEST - Enclosed please find a memo from the Fire Chief recommending approval of the ceremonial bon fire on the evening before the Thanksgiving Football game for Board approval.
15. COMMITTEE APPOINTMENT - Enclosed please find Mr. Harrigan's Citizen Resource Sheet and VCC's recommendation for appointment to the Municipal Power Committee for Board action.
16. ACCEPTANCE OF GIFT - Enclosed please find a memo from the Fire Chief asking for Board acceptance of \$6,000. From the Lions Club for purchase of a rescue boat, motor and trailer package for Board action.

V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

MEETINGS

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.

October 10 - Special Use Permit - Indoor Sports One Keefe Road
Mr. Mayer Interview Conservation
Boston Edison Representatives