

# **Selectmen's Minutes**

**July 12, 2004**

**6:30 P.M.**

Present, F. Dore' Hunter, Peter Ashton, Robert Johnson, Walter Foster, Town Manager and Assistant Town Manager. Trey Shupert was absent. Meeting was televised.

## **CITIZEN'S CONCERNS**

### **SPECIAL EXECUTIVE SESSION**

BOB JOHNSON – Move to go into Executive Session for the purpose of discussing Litigation. PETER ASHTON – Second. All AYES

### **SEWER COMMISSIONER'S REPORT**

### **PUBLIC HEARINGS & APPOINTMENTS**

**COMMISSION ON DISABILITY** – Lisa Franklin spoke about transportation. Perhaps they could have expanded hours of the LRTA. She wants the support of the Board to find a solution to the transportation issue. Dore' asked about the hours of the service provided. She was asked to get some figures for Board review. She was asked to continue to work on the project.

**SITE PLAN SPECIAL PERMIT #03/09/04-396, MARGARET NAZZARO** – BOB JOHNSON – Moved to Continue to August 16 at 7:15. WALTER FOSTER – second UNANIMOUS VOTE.

**PLOWING OF PRIVATE WAYS** – Mr. Nijanand Datar, 15 Wind Cliff Drive spoke about the need for plowing. He felt they could bring the cost down to \$100 per house hold. Don has reviewed the costs and it will be over ½ dozen private ways that we have typically plowed and would total \$12,000 annually. Council was concerned about liability for maintenance. If the Board wanted we could take a gift of \$12,000 to plow. Peter asked about doing this on a per street basis, and wanted a written agreement to protect ourselves and others. Don felt that same process could be used. Walter said he was concerned about administrative costs. He noted he lives of a private street that the Town does not plow or maintain.

BOB JOHNSON – Moved that Town staff will be asked to prepare a resolution with as little overhead costs possible. WALTER FOSTER – second. UNANIMOUS VOTE

**MAKAHA** – Dore' gave an overview of the current situation. We have received notice of violations from the District Attorney's office.

Todd Fenniman spoke on behalf of his client and the efforts that Jake had developed prior to his death. Todd spoke about the ways to stop these activities. Mr. Cheng does not feel singled out. Mr. Cheng would like suggestions for him to act proactively. They discussed a police detail, it was effective and it reduced the number of clients. He has

**OLAC** – OLAC's status as possible advisors to the Building Commissioner in enforcing the Bylaw was discussed. They will wait until Trey can be present.

**MBTA ADVISORY BOARD** – Dore' as chair, has appointed himself as Acton's Representative to the MBTA Advisory Board'

## **CONSENT AGENDA**

**PETER ASHTON** – Moved to approve. – **WALTER FOSTER** - Second. **UNANIMOUS VOTE**

## **TOWN MANAGER'S REPORT**

### **EXECUTIVE SESSION**

**BOB JOHNSON** – Move to go into Executive Session for the purpose of discussing legal strategy. **PETER ASHTON** – Second. **All AYES**

Christine Joyce  
Christine Joyce  
Recording Clerk

M. Miller  
Miller  
Clerk  
07/16/01  
Date

July 9, 2004

**TO:** Board of Selectmen, Sewer Commissioners  
**FROM:** F. Dore' Hunter, Chairman  
**SUBJECT:** Selectmen and Sewer Commissioners Report

**July 12, 2004**

**MEETING BEGINS AT 6:30 P.M. EXECUTIVE  
SESSION**

**I CITIZEN'S CONCERNS**

**II SPECIAL EXECUTIVE SESSION**

1. 6:30 **THERE WILL BE A NEED FOR A SPECIAL EXECUTIVE SESSION** -- Enclosed please find confidential materials in the subject regard.

**III SEWER COMMISSIONERS' BUSINESS**

**IV PUBLIC HEARINGS & APPOINTMENTS**

2. 7:10 **COMMISSION ON DISABILITY, TRANSPORTATION ISSUES** – Enclosed please find materials, for Board consideration.

3. 7:15 **SITE PLAN SPECIAL PERMIT, #03/09/04-396, MARGARET NAZZARO, 253 ARLINGTON STREET (Continued from previous meetings)** – Enclosed please find a request from the applicant to have the hearing continued to August 16 at 7:15, for Board consideration.

4. 7:30 **PLOWING OF PRIVATE WAYS** – Enclosed please find materials in the subject regard, for Board consideration.

5. 7:45 **MAKAHA LIQUOR LICENSE HEARING** – Enclosed please find materials in the subject regard, for Board consideration.

6. 8:00 **O'NATURALS EXPANSION OF HOURS** – Enclosed please find materials in the subject regard, for Board consideration.

7. 8:10 **O'NATURALS REQUEST FOR ENTERTAINMENT LICENSE** - Enclosed please find an application for an Entertainment license, along with staff comment, for Board consideration.

8. 8:15 **MORRISON PROPERTY PLANNING COMMITTEE** – Enclosed please find a memo from Selectman Shupert in the subject regard, for Board consideration.

9. 8:30 COMMITTEE INTERVIEW, GARY R. SULLIVAN, ASSOCIATE MEMBER OF THE PLANNING BOARD – Enclosed please find Mr. Sullivan's VCC Application, for Board consideration.

10. 8:45 COMMITTEE INTERVIEW, JOANNE BISSETTA, FULL MEMBER, BOARD OF HEALTH - Enclosed please find Ms. Bissetta's VCC Application and the request to elevate Ms. Bissetta from an Associate to Full Member, for Board consideration.

11. 9:00 COMMITTEE INTERVIEW, EDMUND R. STARZEC, ASSOCIATE MEMBER OF THE PLANNING BOARD - Enclosed please find Mr. Starzec's VCC Application and the recommendation from the VCC for his appointment as an Associate Member of the Planning Board, for Board consideration.

12. 9:20 HEARING, BOARD OF ASSESSOR'S MEMBER, LESTER GOODRIDGE – Enclosed please find confidential materials in the subject regard, for Board consideration.

## **V SELECTMEN'S BUSINESS**

13. TEMPORARY SIGN REQUEST – Enclosed please find a request for temporary signs on the Common in conjunction with the Congregational Church's Annual Antiques Show for Board consideration.

14. LOWELL REGIONAL TRANSPORTATION AUTHORITY REPRESENTATIVE (LRTA) - Enclosed please find a request for reappointment for Mr. Herskovitz as Acton's Representative to the LRTA, for Board consideration.

15. COMMITTEE REAPPOINTMENTS – Enclosed please find a listing of Committee Reappointments for Board consideration.

16. PROPOSED HISTORICAL MEMORIAL FOR FRANCIS FAULKNER – Enclosed please find materials from Chairman Hunter in the subject regard.

17. YIN PEET AGREEMENT – Enclosed please find materials in the subject regard, for Board consideration.

## **18. OTHER BUSINESS**

## **VI CONSENT AGENDA**

19. ACCEPT MINUTES – Enclosed please find copies of the May 10, and May 24, 2004 Minutes for Board consideration.

20. SPECIAL USE PERMIT #04/20/04-397, INDOOR SPORTS LLC., 30 GREAT ROAD – Enclosed please find a draft decision, for Board consideration.

21. SPECIAL USE PERMIT #04/07/03-391, STEVEN NUENIGHOFF, 2 CRAIG ROAD – Enclosed please find a draft decision, for Board consideration.

22. ACTON COMMUNITY HOUSING CORPORATION (ACHC) REQUEST FOR ENDORSEMENT – Enclosed please find materials in the subject regard, for Board consideration.

**23. ACTON COMMUNITY HOUSING COOPERATION (ACHC) REQUEST FOR FUNDS –**  
Enclosed please find a request for Board Approval of expenditures from the "New View" Fund, for Board consideration.

**24. COMMITTEE ELEVATION APPOINTMENT, WILLIAM KING –** The Planning Board has asked that Mr. King be elevated from Associate Member to Full Member to fill Pat Halm's expired term, for Board consideration.

**25. ANNUAL ACTON CENTER CONGREGATIONAL CHURCH ANTIQUES SHOW –**  
Enclosed please find an application from the Acton Congregational Church, along with staff comment for Board consideration.

**26. NARA FEE WAIVER REQUEST –** Enclosed please find a confidential request for a fee reduction for the NARA Youth Summer Program for Board consideration.

**27. CHILDREN SIGN –** Enclosed please find a request and recommendation from the Safety Officer regarding the installation of an advisory sign on Faulkner Hill Road, for Board consideration.

**28. ONE DAY LIQUOR LICENSE –** Enclosed please find a request for a One Day Liquor License in conjunction with an Engagement party at NARA PARK, for Board consideration.

**29. ONE DAY LIQUOR LICENSE –** Enclosed please find a request for a One Day Liquor License in conjunction with a wedding celebration at NARA Park, for Board consideration.

**30. ACCEPT GIFT –** Enclosed please find a request for Board acceptance of a donation from the Citizens Library Auxiliary for the Tot-Time Program, for Board consideration.

**31. ACCEPT GIFT –** Enclosed please find a request for the acceptance of Frasier Fur trees donated by Brewster Conant, for Board consideration.

**32. ACCEPT GIFT –** Enclosed please find a request from the Commission on Disability for acceptance of a plaque which is being donated by Standing Ovations, for Board consideration.

## **VII TOWN MANAGER'S REPORT**

## **VIII EXECUTIVE SESSION**

**33. THERE WILL BE A NEED FOR AN EXECUTIVE SESSION –** Enclosed please find confidential materials in the subject regard.

### **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.

August 16 AHA appointment, ACHC appointment, Site Plan continuation 253 Arlington Street, Nazzaro, Rail Road Realty Trust, 19 Railroad Street Continuation  
Sept. 13, 27

Oct. 18

## **GOALS 2004-2005**

1. Establish Protocol for Manager and Supt. of Schools to confer weekly to improve liaison (Dore')
2. Produce Morrison Farm Development Master Plan (Bob/Walter)
3. Improving Intra Board Communication (Dore')

### **GOALS carried forward**

4. Monitor Labor Negotiations (Peter/Trey)
5. Improve Communication with Town Boards (ALL)
6. Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision, and to get a first rough cut of what happens next year before school is out for the summer (Trey/Peter)
7. ALG process be used for purpose of Budget Planning for FY05 (Dore'/Peter)
8. Process Planning for "Life after NESWC" (Bob)
9. Joint IT process-organizational change (Walter/Dore')
10. Middlesex Pension Alternatives (Walter/Trey)