

BOARD OF SELECTMEN MEETING

December 17, 2018
Francis Faulkner Room 204
6:50 PM
To view the video, please [click here](#)

Present: Katie Green, Joan Gardner, Jon Benson, Peter J. Berry, Janet K. Adachi, Town Manager John S. Mangiaratti, and Recording Secretary Lisa Tomyl

Executive Session

The chair called the meeting to order and announced that the board would be entering executive session to discuss strategy with respect to litigation on pending arbitration of the Acton Permanent Firefighters Local 1904 and Town of Acton case# 01-18-0004-4596 Promotional Grievance
Mr. Benson called role.

Ms. Adachi – aye

Mr. Berry - aye

Ms. Green – aye

Ms. Gardner – aye

Mr. Benson - aye

Citizen Concerns

None

Operational Minutes/Chair Report

Katie Green – Zagster bike program has been taken off-line until April. Senior Center having annual countdown to New Year on December 31st at noon. Town office close on Christmas and New Year's Day.
Happy Holidays.

John S. Mangiaratti – Looking forward to the budget presentation tonight.

Appointments

7:10 PM Liquor License Transfer, Mayuri Exotic Foods, Inc. from SVR Group Foods, Inc, 508 Nagog

Park – Applicants were not present for hearing, Mr. Benson moves to continue to January 7, 2019, Mr. Berry seconds, all ayes (5-0) Mr. Benson moves to vacate liquor license transfer continuance to 1/7/19, Ms. Gardner seconds. All Ayes (5-0). Ms. Adachi moves to approve the liquor license transfer from SVR Group Foods, Inc. to Mayuri Exotic Foods, Inc., Ms. Gardner seconds. All Ayes (5-0)

7:15 PM –

- a. **Common Victualler, Mayuri Exotic Foods, Inc** Mr. Benson moves to continue to January 7, 2019, Mr. Berry seconds. All ayes

Applicants arrived 5 minutes late, and the manager introduced himself. Mr. Benson moves to vacate common victualler hearing to 1/7/2019, Ms. Gardner seconds. All Ayes (5-0). Ms. Adachi

moves to approve a common victualler license to Mayuri Exotic Foods, Inc., Ms. Gardner seconds. All Ayes (5-0)

b. Use Special Permit #11/5/18-472, 20 Main Street

Chris Banard, John Anderson from 20 Main Street. Requesting to instruct indoor golf at 20 Main Street. Ms. Adachi questioned about any change regarding additional parking or thought in adding bike racks with the close proximity on the ARRT. Mr. Anderson wants to give it a year to see how the use of the trail will be – has some security concerns, but will consider it within the next year.

Resident thanks Ms. Adachi regarding considering adding bike racks. Feels there is a matter of discretion on the Planning Department to include bike racks on site plans. Would hope the Board would give direction to TM to the Planning Department to have bicycle parking enforced for future site plans due to the zoning bylaw. Ms. Adachi moves to approve Use Special Permit #11/5/18-472 for 20 Main Street, Mr. Berry seconds. All Ayes (5-0)

8:00 PM – Use Special Permit #7/31/18-469, 930 Main Street (continued from November 5, 2018)

Representing Cross Fit Gym is Robbie Blanchard. Mr. Blanchard updated the Board on efforts to reduce the noise of the music to appease Ms. Daigle. Has added rubber mats, and noise decreasing padding to Board members have visited the site early in the morning and note walls and turning off 2 of the 6 speakers.

Speaking on behalf of the complaint is Kevin Daigle, and still insisting that with the improvements it still affects the complainant. Requesting that the music level be decreased by 20%.

Resident mentioned noise pollution is a health issue under state law and that there is a state law regarding timing of the day, and the availability of bike parking.

Several Board members have visited the site early in the morning and noted that the most noise they could hear was from road traffic from rt 27. Also, the complainant sent and complained about noise on a Saturday at 6:15 am – the instructor stated that they don't open until 7 AM.

Mr. Mangiaratti suggested 3 options, approve, deny, or approve with conditions. Could suggest conditions the applicant should make all efforts of volume/bass between the hours of 5:30 AM – 7AM and or when the garage door is open.

Resident mentioned a SPSP a few years back regarding a noise complaint of firewood production. Mr. Benson moves to approve Use Special Permit #7/31/18-469, 930 Main Street with a condition that the applicant make all effort to reduce the volume/bass level daily between the hours of 5:30 AM – 7:00 AM and when the garage door facing Mains Street is opened during class sessions, Ms. Gardner seconds. All Ayes (5-0)

Selectmen Business

FY20 Budget Presentation –

Mr. Mangiaratti presented his first budget report to the Board for FY20. Highlighted accomplishments in the past year.

Mr. Berry glad to see increase in sidewalk fund, glad to see Tasers to be added to the Police Department equipment.

Ms. Adachi commented about a fine job on focusing controlling the use of reserves, Mr. Benson commented on a concise presentation, and looking forward to Budget Saturday Ms. Green commented about knowing of the challenges the town has had to deal for the year, continuing the Minuteman capital project, concerned it was going to be a higher increase than 35 million, increase senior tax program to 12%, question to decrease to enterprises subsidies or one particular subsidy – increasing for transportation and decreasing for ambulance enterprise fund – generally supportive of the budget.

Ms. Adachi had questioned regarding an increase in Middlesex retirement, Mr. Mangiaratti commented regarding an increase in staff particularly with police department.

Dog Park Committee –

Claire Siska, Chair of the Dog Park Committee presented an update to the Board. Locations with possibilities is the Walker Property in conjunction with the AHA proposal. Concerns are traffic safety on a main rode. Another location is Great Hill Conservation.

Board members thanked Ms. Siska for the hard work the committee has done in their research. Minimum amount of land would be an acre and a half. Ms. Green commented on an increase in dog license, the use of fobs for getting into the park, parking issues, concerns regarding stretching town staff for maintenance. Suggests having another public forum in the future with more detail.

Graham Knowland, Estabrook Road – just heard about the dog park committee, just learned that the abutting property as a buffer for his property was being considered as land for a dog park. Concerned there was no neighbor or abutter outreach.

Terra – should spend money to send out abutter notices. Likes the idea of the 348-365 Main Street property. Should be a town meeting vote because it is a change of use.

Board to Vote to Sign Agreement for 670 Massachusetts Ave –

Mr. Mangiaratti commented that town counsel recommends the Board to sign due to a title issue. House is in extreme disrepair and the agreement moves it out of affordable housing stock – candidate for a knockdown.

Ms. Adachi moves to agree to sign the agreement for 670 Massachusetts Ave, Mr. Berry seconds. All Ayes (5-0)

Board to Vote to Open the Warrant for Annual Town Meeting –

Mr. Mangiaratti went over the proposed timeline leading up to Town Meeting. Suggested that the warrant close on January 7th – but have since suggested the warrant closes on the 28th. Mr. Benson moves to open the warrant for annual town meeting, Ms. Gardner seconds, all ayes (5-0)

Designate Member to Represent Board in Discussion with Acton Water District -

Ms. Adachi and Ms. Green stepped down from consideration. Mr. Benson agreed to take on the appointment.

Ms. Adachi announced she will not seek additional term. Ms. Green will make her former announcement on her intentions on January 7th.

Consent Agenda

Ms. Adachi moves to accept consent items 9-14, Ms. Gardner seconds. All Ayes (5-0)

Ms. Adachi moves to adjourn, Ms. Gardner seconds. All Ayes (5-0) Meeting adjourned at 9:50 PM

Lisa Tomyl

Lisa Tomyl, Recording Secretary

Jon Benson

Jon Benson, Clerk