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TOWN CLERK  
ACTON

## SELECTMEN'S MINUTES July 15, 1997

**Present:** F. Dore' Hunter, Wayne L. Friedrichs, Herman Kabakoff, Nancy Tavernier, Town Manager Don Johnson and Assistant Mgr. Murray. (The meeting was televised)

### CITIZEN'S CONCERNS

None were expressed.

### PUBLIC HEARINGS AND APPOINTMENTS

#### PAPA GINO'S - ISSUANCE OF STOCK, NEW STOCK HOLDERS AND CHANGE OF MANAGER 82 POWDERMILL ROAD

Representatives from Papa Gino's were present to answer questions regarding the proposed stock issues. They have new stockholders and have changed the corporation from the Acquisition Group Inc. to Papa Gino's, and are asking Board approval for a Change of Manager from William Massick to Eric Gentile. HERMAN KABAKOFF - Moved to approve the changes and Change of Manager to Eric Gentile. WAYNE FRIEDRICHES - Second. UNANIMOUS VOTE

#### MARGARET A. CARROLL - COMMITTEE INTERVIEW

HERMAN KABAKOFF - Moved to appoint Margaret to the Conservation Commission as an Associate Member for a term to expire 6/30/98. - WAYNE FRIEDRICHES - Second. UNANIMOUS VOTE.

#### KENNETH SGHIA-HUGES - COMMITTEE INTERVIEW

NANCY TAVERNIER - MOVED to appoint Mr. Sghia-Hughes as an Associate Member of the Planning Board with a term to expire 6/30/98.

#### TREE REMOVAL HEARING - SCHOOL STREET

Jean Sifleet urged the Board to approve the removal of the trees so that the sidewalk could be completed.

Mr. Marvin Pope doesn't think the sidewalk is necessary and questioned why the Board did not take this land by eminent domain. Dore' explained that the Board does not like to use eminent domain and that if used, it would take over three years and cost over \$20,000 in legal costs.

Bonnie and Meg Johnston presented a list signed by residents urging the saving of the trees.

Kathy Cunningham, John Cunningham, Mike Kelley, Todd Sifleet, Jim Hancock, Mr. And Mrs. Tim Racey all urged the Board to remove the trees as they felt it was a safety issue and that the removal and continuation of the side walk to contribute the sense of neighborhood.

Dore' Hunter said that he lives in the area on Foster Street and has had occasion to walk from the W. Concord Train Station. He agrees this section of School Street going east is dangerous and while he doesn't want to take the trees, feels it is a safety issue.

Herman Kabakoff said he too would like to save trees but is convinced it is a public safety issue and feels that it is in the public's safety to remove the trees in question.

Wayne Freidrichs said he had at one time started a petition on his street to save a tree slated for removal for sidewalks and understood the opposition. He however, drove School Street and feels it is important to remove the trees for public safety.

Nancy Tavernier was leaning toward not removing the trees until she drove west bound, it is heavily forested and in fact a tree is growing into the street pavement and for the Public's safety, she had to vote to remove the trees.

**HERMAN KABAKOFF** - Moved to remove the subject trees on School Street in order to complete the sidewalk. **WAYNE FRIEDRICHES** - Second. UNANIMOUS VOTE.

Herman Kabakoff asked that the staff inventory similar public safety issues with regard to other trees in the public way that will present a problem and possible power outage situations.

## **SELECTMEN'S BUSINESS**

### **REFORMULATING OF TAC**

The Board reviewed Nancy's Memo regarding the charge and how membership will be selected. Wayne asked if Anne Fanton had formally applied. It was the Boards recollection that she seemed reluctant to serve at the previous meeting. The Board felt that the committee could review sidewalk issues and site plans and that five members would be a good working number.

**NANCY TAVERNIER** - Moved to re-establish the TAC with five members appointed by the BOS with three year staggered terms, with the opportunity for Associate members. **HERMAN KABAKOFF** - Second. UNANIMOUS VOTE.

### **REAPPOINTMENT TO TOWN BOARDS AND COMMITTEES**

The Board discussed the reappointment listing submitted by VCC. Wayne and Herman asked that the board hold their decision on the Historic District as they have not had a chance to present their report to the Board. Wayne felt that Anne Forbes and Tom Peterman should be appointed to a 6 month term until such time as he and Herman can make their recommendations. Nancy disagreed stating that if the committee were abolished then the term made no difference and wanted to vote the list as submitted by the VCC. She did want to check with the Cable Advisory Committee on the appointment of Peter Robinson. (John Covert latter attended the meeting and asked that Peter be reappointed as he was a member that was contributing to the committee).

**WAYNE FRIEDRICHES** - Moved to extend the HDC appointments for Forbes and Peterman six months to 1/1/98. **HERMAN KABAKOFF** - Second. Dore' Hunter Abstaining, Nancy Tavernier, No. Motion passes.

### **SCHOOL BUILDING COMMITTEE**

Dore' reported on the status of the committee. They have not formed up any of the alternatives and there has been no mention of cost. Cost he expects will be high. He is also concerned with the timeframe. Herman asked for a calendar of how all town meetings and time frames looked and asked for it for the August 20 ALG meeting.

July 15, 1997

## MISCELLANEOUS

Herman asked for an update on the Beaver situation and the Gardner Field. Don has been with Bill at the field and he will update soon. He also asked about the trimming of trees around signs and most importantly the power lines. He asked that Boston Edison be given written notice to take care of the trimming of these trees where they are on the wires to avoid possible power outages.

**LRTA** - The Board asked staff to notify VCC to advertise for a member for LRTA.

**CABLE VISION** - John Covert will draft a response for the Board's review and signature. They feel they need to acquire more information before acting on the request.

**NESWC** - John Murray gave a brief overview of the recently received contracts. He has not had a chance to review it completely. He stated the 5-7 communities will not go forward with the deal, feels that contract has to be approved by all in order to make dates Special Town Meetings would have to be held by September. Dore' asked him to send the letter as drafted to Senator Durand.

## CONSENT AGENDA

NANCY TAVERNIER - Moved to. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

## TOWN MANAGER'S REPORT

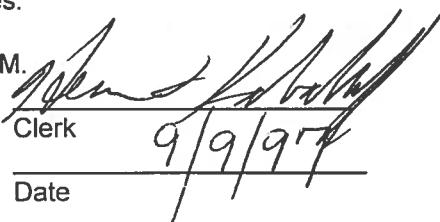
Need for Executive Session.

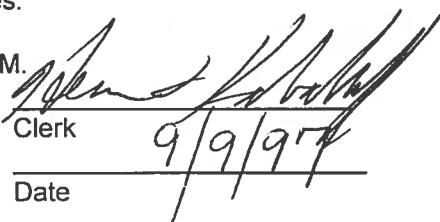
## EXECUTIVE SESSION

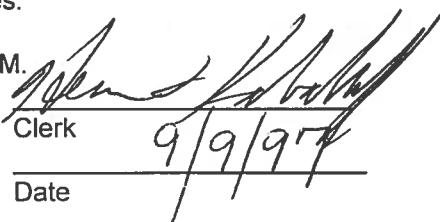
HERMAN KABAKOFF- Moved to go into Executive Session for the purpose of discussing Potential litigation and Real Property and Negotiations of Labor Contracts. DORE' HUNTER - Second. UNANIMOUS VOTE.

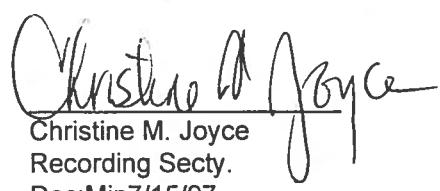
Roll Call taken by Mr. Kabakoff - All Ayes.

The Board adjourned at 9:45 P.M.

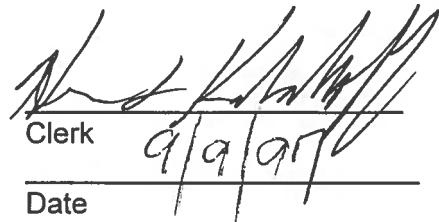
  
Clerk

  
9/9/97

  
Date

  
Christine M. Joyce  
Recording Secty.  
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Adjourned 11:00 P.M.

  
Clerk 9/9/97  
Date

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Christine M. Joyce  
Recording Secty.  
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July 8, 1997

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

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**AGENDA**  
Room 204  
July 15, 1997  
7:30 P.M.

**I. CITIZEN'S CONCERNS**

**II. PUBLIC HEARINGS & APPOINTMENTS**

1. 7:35 **PAPA GINO'S** - Enclosed please find a notice for public hearing on behalf of Papa Gino's Inc., for the issuance of stock, new stock holders and a change in manager from William Massick to Eric Gentile at 82 Powdermill Road.
2. 7:40 **MARGARET A. CARROLL - COMMITTEE INTERVIEW** - Enclosed please find a citizen resource sheet and VCC's recommendation to appoint Ms. Carroll as an associate member of the Conservation Commission with a one year term to expire 6/30/98.
3. 7:45 **KENNETH S. HUGHS - COMMITTEE INTERVIEW** - Enclosed please find a citizen resource sheet and VCC's recommendation to appoint Mr. Hughs as an associate member of the Planning Board with a one year term to expire 6/30/98.
4. 8:00 **TREE REMOVAL HEARING - SCHOOL STREET** - Enclosed please find a legal notice for a public hearing relative to the removal of trees located near 124 School Street.

**II. SELECTMEN'S BUSINESS**

5. **REAPPOINTMENTS TO TOWN BOARDS** - Enclosed please find reappointments for the Town's Committees and Boards expiring on June 30, 1997.
6. **TRANSPORTATION ADVISORY COMMITTEE** - Enclosed please find request to reestablish the Transportation Advisory Committee.

**IV. CONSENT AGENDA**

7. **ACTON HOUSING AUTHORITY** - Enclosed please find a draft letter to the Office of Public Housing for Board signature and approval.
8. **TREE REMOVAL - 3 SCHOOL STREET** - Enclosed please find staff comments concerning tree removal for the School Street Bridge.

9. **ELEANOR VOORHIES - COMMITTEE APPOINTMENT** - Enclosed please find the citizen resource sheet and VCC's recommendation to appoint Ms. Voorhies as a regular member of the Council on Aging with a one year term expiring 6/30/98.

10. **MINUTES** - Enclosed please find minutes from the April 1, 1997 and May 27, 1997 meeting for Board approval and signature.

## **V. TOWN MANAGER'S REPORT**

11. **NESWC** - Information has not been received as of this date, it will be forwarded to the Board upon receipt.

## **VI. EXECUTIVE SESSION**

**There will be a need for executive session for the purpose of discussing contract negotiations.**

### **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.

Aug 12 -           Cablevision  
                         Peg Erlanger - VCC Committee interview

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