

Selectmen's Minutes
September 12, 1995



Present: William C. Mullin, Nancy C. Tavernier, F. Dore' Hunter, Wayne Friedrichs, Herman Kabakoff, Town Manager Johnson and Assistant Murray. (The Meeting was televised)

Citizen's Concerns: None were expressed.

PUBLIC HEARINGS AND APPOINTMENTS

JEAN SCHOCH
COMMITTEE INTERVIEW FOR VCC

Mrs. Schoch has served and continues to volunteer her time the Town on several committee's as well as being a member of the League of Women voters. She felt her main reason for applying for the VCC was that she felt her experience working with volunteers and recruiting them in the course of her job would be beneficial to the town in this capacity. The Board members were familiar with Mrs. Schoch's qualifications and expressed appreciate for her volunteerism. Mr. Hunter MOVED - To appoint Mrs. Schoch to a three year term on the VCC. Mrs. Tavernier - Second. UNANIMOUS VOTE.

BOSTON EDISON - OLD HIGH STREET PETITION

Mrs. Tavernier - MOVED to approve. Mr. Kabakoff - Second. UNANIMOUS VOTE.

ROBERT FERRARA - SINGLE SALES FACTOR LEGISLATION

Mr. Ferrara was in to discuss the Boards support to encourage the legislature to support the Single Sales Factor. Mr. Ferrara explained the purpose of the need for support by communities. Manufacturing jobs are Vital and good jobs for many residents in the town of Acton as well as the Commonwealth. Governor Weld supports the proposal with amendments.

Mr. Kabakoff asked for a brief overview of the legislation. Mr. Ferrara said the proposal would affect any sales at one single rate based upon gross sales within the State. Object is to save jobs and make the Commonwealth competitive with other states which offer Single rates. An incentive to save jobs in manufacturing.

Mr. Hunter quoted from a letter to a Malden company which projects a savings of 12 to 23% if they relocated to Virginia.

Mrs. Tavernier was opposed to the legislation and doesn't think a piece meal approach to tax policy is a good one. However, she too felt that taxes should be looked into to retain all businesses in the State, not just the manufacturing end. Mr. Ferrara said it is now broad based although it started out for manufacturing and Raytheon it is now a state wide manufacturing issue. Mrs. Tavernier noted that the Department of Revenue released a study saying it would cost 200million each year to fund such legislation and that happens to be the same amount promised in new School Aid. She feared that if towns endorsed this tax cut, the cuts would be made in local aid and that the costs would be shifted to other non-manufacturing industries.

Mr. Mullin agreed on the narrow approach not being a good one and cited possible ripple effects but would like to support but he was also interested in where the funds would come from to fund these reforms.

Mr. Kabakoff was inclined to support the concept and did not see the harm in that but on the other hand noted we did not have any information on why we shouldn't. He wanted to see more information or resolution through the legislature endorsed which would result in the retention of manufacturing jobs or tax revisions considered and he could endorse. He reiterated he was inclined to wait for more information.

Mr. Hunter felt uncomfortable with the issue also and wanted more information.

MRS. TAVERNIER - MOVED to take no action. MR.' HUNTER - Second. Motion fails 3-2 Tavernier and Mullin, yes - Kabakoff, Friedrichs and Hunter, No.

MR. HUNTER - Moved we recognize that Massachusetts manufacturers are at a competitive disadvantage vis a vis manufacturers located in other states and we urge that the Governor and Legislature take appropriate steps to reduce such competitive disadvantages through revised tax policy or other appropriate legislative steps or executive action designed to retain manufacturing in Massachusetts. MR. FRIEDRICHES - Second. UNANIMOUS VOTE.

GLENN BERGER - EXCHANGE HALL ENTERTAINMENT LICENSE APPLICATION

Mr. Berger submitted to the Board several more issues that he had developed with regard to the entertainment license he had submitted for Board action.. The Board suggested that he continue to work with staff to further fine tune his requirements in order to comply with the Mass General Laws with regard to the Board's issuance of an Entertainment License. The Board felt they needed more information before they could act on the request, citing the unique location of the property and its relationship to the neighborhood. The Board took no action on the license application and will re-hear the application when all issues are resolved to comply with the M.G.L. The Board discussed the feasibility of delegating the authority of permitting the functions to the Town Manager. Mrs. Tavernier felt that an issue like this needed to be voted on by the Board as the law outlines the Selectmen shall approve such Entertainment License Requests. She felt that if the requests could not be submitted to the Board for action in a timely manner that was an issue that Mr. Berger should address. She felt that a large function would take time to plan and the Selectmen meet every two weeks and saw no reason they could not schedule such requests for action within that time frame.

Mr. Kadison, representing Doris Richi, a direct abutter submitted a signed petition from 40 residents against the issuance of such a permit for entertainment. Mr. Kadison said he was confused as to where Mr. Berger would find all the parking spaces noted on his application. He also felt that 25 spaces were not enough for 100 people and further questioned the 200 person capacity of the Building. He also noted the neighborhood's experience with the lack of sanitary facilities for that amount of people attending. He also said times have changed and that when the building was used years ago music was not amplified and circumstances were different. Rock Concerts held in the Exchange Hall have been disruptive to the neighborhood and urged the Board to hold public hearings and stay in control of the situation. He said that the police presence was inadequate to control the crowds at recent concerts. He urged the Board not to make a decision that would overburden the neighborhood. Citing the Rock Concerts, Mr. Kadison questioned why functions for the senior class were not booked and held at the school facilities. He felt that facilities at the School were far more appropriate for these functions.

JAMES LEE - MINUTEMAN AIRFIELD UPDATE

Mr. Lee outlined his various duties as Acton's representative to Magic, MAPC and the Planning Board. Mr. Mullin noted that he would not be participating in this portion of the meeting. Mr. Lee has reviewed and supports the comments to Secretary Cox as prepared the Judy Allard of MAPC. The main issue is the protection of water resources. Heath Hen Meadow is in the same area which feeds Fort Pond Brook. The public safety was a major concern as well as proximity to playfields. Boxborough's main concern is the protection of water resources as they are on entirely private well dependent for drinking water. MAGIC wants more thorough detail and review in order to mitigate the negative impacts. He felt that the airport safety improvements will be supported by MAGIC and would attract business and that is good for the area and State. It is presented by the owner of the property and feels it will improve the area.

Mr. Mullin asked if the Planning Board was reviewing this. Mr. Lee replied no.

Mrs. Tavernier felt that the statement was very balanced and she could support. Mr. Hunter asked if it was the responsibility of the proponent to institute the recommended changes. Mr. Lee felt yes. Mr. Hunter further asked if the revised EIR would be commented on to see if the suggested changes to the draft had been included. Mr. Lee felt that he was sure comments to the Draft would be reviewed and hoped those suggestions would be incorporated into the final document.

Mr. Hunter asked about impacts on Acton. The only issue that would affect Acton or could affect Acton would be the water resources area. Mr. Hunter asked if the runway was to be extended under the plan. Mr. Lee said that proponent says no, that the additional land was purchased for safety reasons.

MR. HUNTER - Moved to thank Mr. Lee for his efforts for use of the best remedial mitigation efforts made on this project. MRS. TAVERNIER - Second. 4-1 Mr. Mullin abstaining.

EXXON CORP. SITE PLAN CONTINUATION 289 Main Street - Site Plan 6/16/95-350

Mr. Hunter asked that the record reflect his non-participation in this issue as he represents Exxon on unrelated issues.

Mrs. Tavernier reopened the hearing and explained the issues carried over for resolution from the last meeting. The traffic engineer explained the changes that were incorporated after the discussions at the August hearing. They have closed the opening on to No Name Street. They added additional landscaping and extended the fence on the abutting yard. They have also reduced the yard lights to 39" which will mitigate that issue. They have incorporated all the changes suggested by the town and outlined them on the final plan for Board review.

Mrs. Tavernier stated that all issues had been answered to the Town staff's satisfaction.

Mr. Freidrichs asked about noise and the condition of the door to the car wash being closed during operation. The petitioner said that they did not have a problem with shutting the doors and that with them shut, the noise would not leave the site.

Mr. Kabakoff asked about traffic counts and effects if the counts were on the low side. The petitioner indicated the site should not increase traffic and that a patron was most likely to come back later if it were busy. Mr. Kabakoff asked about the disposition of the road salt during

winter washed off of vehicles. They explained that the car wash is a 100% reclaimed operation. The water is in three tanks and during the winter months, the sediment tanks are pumped more frequently.

The plan reflects 12 feet of pavement, a small 6 foot addition, relocation of the trash container and parking space reductions which be required as variances from the Board of Appeals.

Mr. Mullin asked about the cash bond for police details in the event traffic needed to be controlled. The Representative from Exxon said that was agreed to and would be replenished as needed according to the requirement voted.

Mrs. Tavernier noted that this was the first site plan since the Kelly's Corner Plan. This plan upgraded the site, lighting will improve, a sidewalk will be added, and was a good first step for that area. MRS. TAVERNIER - Moved to take under advisement. MR. KABAKOFF- Second. 4-1 Mr. Hunter Abstaining.

Mr. Kabakoff commented on the level of review by staff and cooperation of all those involved in the process.

GARRY RHODES - BUILDING DEPARTMENT OVERVIEW

Garry Rhodes outlined the duties and responsibilities of the Building Department. He related the changes that have taken place the creation of this department. He updated the Board on the many certifications and activities that he and his staff obtain and maintain. The Department is quite heavily used by citizens as well as builders and others inquiring about property and buildings in Acton. He expected that his office services a minimum of 20 people per day on various issues. In addition to Building he oversees and assists the Board of Appeals. He is very happy with his department and staffs ability to service the public.

Mr. Hunter commented that he had been experiencing the care and sensitive manner in which the services of the Building Department. He has witnessed the professional manner in which people are treated in the office.

Mrs. Tavernier commented positively on the Department and Garry's assistance with regard to the Train Whistle issue. She asked if any articles had been prepared for the municipal Quarterly outlining what requires permits to educate the public on the requirements with regard to renovations, decks and woodstoves.

Mr. Friedrichs also commented on the professional manner in which he was treated when he was not a Selectman.

Mr. Mullin noted that Garry and his department are highly regarded by builders.

SELECTMEN'S BUSINESS

OKTOBERFEST

Mr. Friedrichs outlined the permits and activities with the Board with Jan Rigstano. The West Acton Merchants are asking for blanket fee waivers and help and permission to install the banner in West Acton Square. The Board discussed the fact that a policy should be in place for fee waiver requests. They felt uncomfortable allowing this waiver and denying others. Mrs. Tavernier reminded the Board that last year it was the feeling that it benefited the community as a

whole as opposed to one group as in the case of a church or other group. The Board granted the waiver last year to promote a sense of community.

Jan Ristagno said that a great deal of community spirit was cultivated by this activity last year that patrons were talking about how great it was for months. They would really appreciate the fee waiver so that more funds could be funneled to the groups selected for recognition.

Mr. Mullin noted the wonderful time he and his family had last year and how they were looking forward to it this year. He felt it was a wonderful community spirit builder.

Mr. Hunter volunteered to prepare a policy for the future.

MR. FRIEDRICH - Moved to authorize the Town Manager to handle details of the banner and permits required for Oktoberfest. Mr. HUNTER - Second. UNANIMOUS VOTE.

MR. HUNTER - Moved to waive the fees in conjunction with Oktoberfest. MR. FRIEDRICH - Second. UNANIMOUS VOTE.

SOUTH ACTON CENTER SEWER PROJECT

Mr. Hunter outlined the actions so far on the South Acton Sewer. Notices have been sent out for the Meeting on the 26th. They discussed the time line and membership of the team for Designer Qualifications Board. The Town Meeting needs to appoint the Board of Selectmen as the Sewer Commissioners and Sewer Regulations need to be adopted by the Commissioners.

They have \$120,000 of gift money from Great Hill Project (Slattery Gift) to allocate. The Special Town Meeting will need to be in early December and ask Town Meeting to appropriate funds under Free Cash for the RFP.

The Board discussed mandatory vs. voluntary hookups. South Acton Project has limits on the number of hookups based on capacity. What about the people who have the pipe go right by but have just replaced a system and will not need hookup until a problem arises? The Board recognized the problem but if the gallons were reallocated you could not get them back when the system who choose the by-pass wanted to participate. They are considering mandatory hookup but would like to recognize those citizens that have been good citizens and have replaced the systems to protect ground water and felt a sliding scale could be used. They don't want to create operation of marginal systems.

LEGAL SERVICE BILLING REVIEW

Mr. Kabakoff outlined his conversation with Mr. Alpert who has volunteered to review the legal billing for the Town. Mr. Kabakoff felt his offer had merit and he felt it is a voluntary offer from a citizen and we should take advantage of his expertise in the field of bill review.

Mr. Hunter was concerned about the client confidential issues and feels questions of efficiency of task need to be reviewed. He also cautioned that all inquiries requiring contact with the vendor be channeled through the Town Managers office.

Mrs. Tavernier felt we should interview Mr. Alpert to determine what in fact Mr. Alpert would be offering the Town. Mr. Kabakoff agreed that the Board should interview. It was decided to give Mr. Alpert copies of the last two legal bills for his review prior to his coming in to speak to the Board on his offer to review bills as an example of what we are currently receiving. Staff will arrange a time on the agenda for Mr Alpert.

CONSENT CALENDAR

MRS. TAVERNIER - Moved to approve the Consent Calendar as printed. MR. FRIEDRICH - Second. UNANIMOUS VOTE.

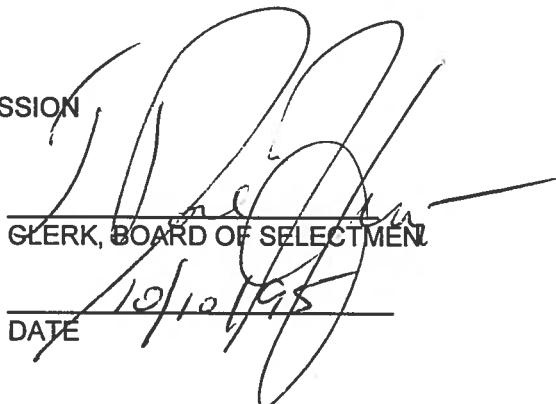
TOWN MANAGER'S REPORT

DARE VEHICLE DONATION - Don Johnson reviewed his memorandum and attachments with the Board. He noted that the issues noted had been addressed with regard to the clarification of use of vehicle of official use. MR. HUNTER - Moved to accept the gift of the 1991 Explorer from Mr. Bertolami for use in the Police Department by the Dare Program. MRS. TAVERNIER - Second. UNANIMOUS VOTE.

EXECUTIVE SESSION

MR. HUNTER - Moved to go into Executive Session for the purpose of discussing land negotiations. MRS. TAVERNIER - Second. UNANIMOUS VOTE. Roll Call Taken, all AYES. It was noted the Board would adjourn the meeting at the conclusion of the Executive Session and not return to open session.

MEETING ADJOURNED INTO EXECUTIVE SESSION


CLERK, BOARD OF SELECTMEN

DATE 10/10/95

CHRISTINE JOYCE
RECORDING SECTY

SEPT.12DOC.

September 8, 1995

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

AGENDA
Room 204
September 12, 1995

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 **BOSTON EDISON - OLD HIGH STREET** - Enclosed please find a request to perform work on Old High Street along with staff comment, for Board action.
2. 7:35 **ROBERT FERRARA** - Mr. Ferrara will be in to discuss support of "Single Sales Factor." legislation.
3. 7:45 **GLENN BERGER - ENTERTAINMENT PERMIT APPLICATION - EXCHANGE HALL - SCHOOL STREET** - Enclosed please find Mr. Berger's application for an Entertainment License, along with staff comments and correspondence for Board action.
4. 7:55 **JAMES LEE - MINUTEMAN AIRFIELD UPDATE** - Mr. Lee will be in to brief the Board on the Minuteman Airfield proposal.
5. 8:00 **JEAN SCHOCH - COMMITTEE INTERVIEW** - Enclosed please find Mrs. Schoch's Citizen Resource Sheet and VCC recommendation of appointment as a full member of the VCC, for Board action.
6. 8:15 **EXXON Corp. - 289 Main Street #6/16/95-350** - Continued Site Plan Hearing - Enclosed please find materials relative to the continued Hearing.
7. 8:35 **GARRY RHODES, Building Commissioner** - Garry will be in to brief the Board on the functions and activities of the Building Department.
8. 8:45 **TOM TIDMAN, Director of Natural Resources and Cemeteries** - Tom will be in to brief the Board on the functions and activities of the Natural Resources and Cemeteries Departments.

III. SELECTMEN'S BUSINESS

9. **South Acton Center Sewer Project** - Enclosed please find a copy of a memorandum from Mr. Hunter dated August 31st regarding the organizational issues for discussion.

10. **OKTOBERFEST 1995** - Enclosed please find materials regarding the proposed activities for 1995, along with requests for approvals/waivers from the Board.
11. **LEGAL SERVICE BILLING REVIEW** - Enclosed please find comments from the Town Manager in the subject regard.

IV. CONSENT AGENDA

12. **ACTON TOYOTA** - Enclosed please find a request for Class I License amendment along with staff comment for Board action..
13. **JUST LOAF'N BREAD COMPANY - SITE PLAN 7/11/95 -351** - Enclosed please find a draft decision for Board action.
14. **ACCEPT GIFT** - Enclosed please find a request from West Acton Library to accept a gift of \$2,000 from the Auxiliary to be used for Tot -Time for Board acceptance.
15. **DISPOSAL OF SURPLUS EQUIPMENT** - Enclosed please find a request from the Highway Superintendent for declaration as Surplus the various items listed on the attached memorandum, for Board action.

V. TOWN MANAGER'S REPORT

16. **D.A.R.E PROPOSAL** - Enclosed please find a proposal for the provision of a D.A.R.E. vehicle, along with staff recommendations, for Board action.

VI. EXECUTIVE SESSION

17. **There will be a need for an Executive Session. Please see enclosed memo from the Town Manager.**

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.

September 26 - Boston Edison Introduction overview appointment new Representatives
Memorial Library Foundation

Planning Dept. Overview Meeting

October 10 - Special Use Permit - Indoor Sports One Keefe Road