

SELECTMEN'S MEETING

OCTOBER 24, 1995



The Board of Selectmen held their regular meeting on Tuesday, October 24, 1995, at 7:30 P.M. Present were William Mullin, F. Dore' Hunter, Nancy Tavernier, Herman Kabakoff, Wayne Friedrichs, Town Manager Don Johnson, and Assistant Town Manager John Murray. {The meeting was televised by cable}.

CITIZENS CONCERNS

Elizabeth Golden, 433 Main Street, brought to the Board's attention the fact that she had submitted a citizen's petition to the Town Clerk in order to acquire Camp Acton for conservation purposes in the amount of \$400,000. The Board asked Ms. Golden if she had asked any other Board members to include it on the warrant for special town meeting and that she should have asked the Board to reserve a spot on the warrant. Don stated that he was concerned because there have been on-going negotiations with the Boy Scouts and the numbers agreed for in purchasing are different. The Board stated that by including \$400,000 figure in article puts the Town in an difficult position.

Beatrice Perkins, 4 Spring Hill Road, stated that she was an original member of the committee that asked the Town to consider this purchase and is very upset with the way this has been handled.

Fred Seward, 369 Pope Road, stated that he sponsored this because he did not want to hear down the line that they missed their chance to purchase this.

PUBLIC HEARINGS AND APPOINTMENTS

BOSTON EDISON MAIN STREET

F. DORE' HUNTER - Move to approve subject to Engineering Department conditions. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

ACTON CONVENIENCE, INC. COMMON VICTULLER LICENSE 465 GREAT ROAD

Mr. Hantzis, owner and operator of Acton Convenience stated that the concerns of the building commissioner have just come to his intention that he will need a special use permit from the Board of Appeals prior to having seating at this location. Mr. Hantzis stated that he will withdraw his request for a common victuller license in order to talk with the Building Commissioner. F. DORE' HUNTER - Move to withdraw application without prejudice. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

SUNDAY HOLIDAY PACKAGE
STORE OPENINGS

NANCY TAVERNIER - Move to approve all requests to be opened Sundays for the Holiday season. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

TONY RASSIAS
FINANCE DIRECTOR

Mr. Rassias came before the Board to be formally introduced as the new Finance Director for the Town of Acton. Mr. Rassias stated that he had been working for Department of Revenue for the last 15 1/2 years dealing with auditing to tax assessment. Mr. Rassias stated that he has found the employees of the Town both positive and helpful and that he is eager to do a good job for the Town.

LEAGUE OF WOMEN VOTERS
SUGGESTED CHANGES TO THE TOWN CHARTER

Representatives from the League of Women Voters have reviewed the existing bylaws and have suggested proposed changes. Loretta Roscoe, stated that she hopes the Board will approve of the revisions. The Board stated that they were pleased that changes have been made and that they would include this on the warrant at the annual town meeting in April. Herman questioned the procedure for this. Bill stated that a spot would be reserved on the annual town meeting, that there would be meetings for public comment and Board comment. Herman will talk to representatives of the league to determine the rationale regarding the proposed changes. Dore' stated that most of the changes were in the language.

MR. GERALD GALLAGHER
BOARDING HOUSE REQUEST
57 CONANT STREET

Mr. Gallagher stated that he has been operating a Boarding House at 57 Conant Street since 1988. In 1988, Mr. Gallagher applied for a permit and received a permit from the Board of Health and has the premises inspected twice annually. F. DORE' HUNTER - Move to approve Boarding House permit located at 57 Conant Street. HERMAN KABAKOFF - Second. Four (4) yes to one (1) no. Nancy Tavernier stated that she was confused because she thought a boarding house permit request had been previously asked for at 9 Main Street which Mr. Gallagher also owns. In order to operate a Boarding House in the Town of Acton the owner needs to reside at that address. Ms. Tavernier asked Mr. Gallagher what address he lived at. Mr. Gallagher stated 57 Conant Street. Nancy asked why he was listed as residing at 9 Main Street and that if he was indeed residing at 57 Conant Street then he should reflect that on this years census.

INDOOR SPORTS, L.P.
ONE KEEFE ROAD
SPECIAL USE PERMIT #8/22/95 - 353

Many principles of the proposed Indoor Sports arena were present before the Board to answer any questions the Board might have. The proposed rinks will be indoor playing spaces without ice. Two rinks are proposed, one large and one small, along with a pro-shop, concession stand, bathrooms, upgrade of existing sprinkler system, and the installation of handicap accessibility. Outside, will utilize the existing parking area and the installation of a new septic system. The existing entrance road to the former Acorn Structures Building contains a bridge that allows one vehicle access at a time. The existing railing will be replaced on this bridge and they are working with the Engineering Department. In the future, an additional rink is proposed which would require a traffic study and a curb cut from the State. A gift of the amount it would cost to install sidewalks has been offered in order for the town to use the money to install sidewalks wherever the Town chooses.

The owners have an easement from an abutter which would allow access for emergency vehicles, if needed. The Board stated their concerns regarding the one way bridge. Herman questioned whether or not a traffic light should be installed to eliminate any potential problems. A representative from Indoor Sports stated that utilizing a two way stop should be adequate. He also stated that a traffic study will have to be done if a third rink is installed and they will address any concerns the Board has when the application is filed.

NANCY TAVERNIER - Move to take Special Use Permit #8/22/95 - 353 under advisement.
WAYNE FRIEDRICHES - Second. UNANIMOUS VOTE.

BOSTON EDISON
DISCUSSION

Representatives from Boston Edison came before the Board to discuss various issues with the Board. Assistant General Council, Wayne Frigard, for Boston Edison addressed concerns raised by Municipal Power Study Committee. Wayne stated that Boston Edison has responded to the public's concern regarding the rates that Boston Edison charges. An E-Plan has been developed which will possibly lower rates, however, the general public will not see this rate reduction for a few years. Also, a large reduction has been made in management personnel and efforts to improve reliability have been made.

Boston Edison stated there were several issues regarding municipalization of electricity. There are regulatory obstacles, negotiations with Boston Edison (assuming they will sell), DPU filing, administrative burdens, commitment of monies, time and attorneys. Boston Edison presented a chart which used the Municipal Power Study Committees April report:

	MPS Committee	Boston Edison
Cost to acquire	9 mil	9 mil*

New Materials/facilities	2 mil	2 mil*
Property Tax	0	200,00 year
Wheeling of Power	0	1.5 - 2 mil
Cost to operate municipal Light Department	0	2.4 mil/year
Stranded Cost	0	55-100 mil

* Used study committees estimates for comparison purposes only.

Bill Mullin asked Edison if they had ever sold properties to a municipality before. Wayne stated no, and he wasn't sure if any municipality had tried. It was asked why Mass. Electric and Littleton have lower rates. Edison answered that they didn't know where they get their power so they don't know what they base their rates on. It was asked why Stow was able to join Hudson. It was stated that the Town of Stow has a special statute with Hudson dated back to the turn of the century which allows them to break away from Boston Edison. The Board asked Edison to provide written comments on the Municipal Power Study Committee's final report which Edison has not yet seen. Staff will provide Edison with this. The Board asked Wayne what Edison pays wholesale for electricity. Wayne stated he would get that information to us. Bill Mullin asked Mr. Frigard what price Edison would sell at. Mr. Frigard stated that he thought it was Boston Edison's intent not to sell. Edison will provide the answers to these questions by November 7, 1995.

**MR. SAWYER
DOG ISSUE
41 MINUTEMAN ROAD**

Mr. Sawyer has an outstanding dog issue in which he was asked to come into the Board for a status review. Mr. Sawyer failed to show for the meeting. The Board has received word that the dogs have been removed from the premises. The Board stated their displeasure that Mr. Sawyer ignored their request to come in for a scheduled hearing. NANCY TAVERNIER - Move to direct the Town Manager to have the police check to make sure the dogs have been removed from 41 Minuteman Road. F. DORE' HUNTER - Second. UNANIMOUS VOTE.

**DOUG HALLEY
HEALTH DEPARTMENT OVERVIEW**

Doug Halley was present before the Board for an overview of the Health Department. Doug stated all the functions of the Health Department and the list was quite impressive. Doug stated that the

Health Department has implemented hazardous waste programs, tobacco control programs, food inspection programs, water monitoring programs, well child clinics, health fairs, and radon testing kits which are available to the residents of Acton. The Board stated that they were very impressed by the Health Department functions.

ISA ZIMMERMAN CHAPTER 70 AID REQUEST

Dr. Zimmerman stated that the School actually has three requests of the Board. First is Chapter 70 Aid - The town will be receiving \$50.00 additional per student. Dr. Zimmerman would like this placed on the warrant for special town meeting. The Board of Selectmen first need to vote to appropriate these additional revenues to the school. The school also asks for additional warrant articles for regional assessment in order to be consistent with minimum spending. Revolving funds needs to be set up for these additional monies. F. DORE' HUNTER - Move to exceed to the School Departments request to put article on special town meeting for chapter 70 monies for a total of \$98,500 for local schools. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

F. DORE' HUNTER - Move to put article on special town meeting to allow local schools to raise Acton - Boxborough assessment to \$18,000. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

F. DORE' HUNTER - Move that the Board of Selectmen add revolving fund as a warrant article for Special Town Meeting, with the Town accountant to provide wording. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

FALL SPECIAL TOWN MEETING

Staff provided the Board with a list of items that need to be included on the special town meeting warrant. The Board agreed what to include and added the three additional school articles. DORE' HUNTER - Move to set the special town meeting to Wednesday, November 15, at the High School auditorium commencing at 7:30 PM. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

DORE' HUNTER - Move to close warrant at conclusion of this meeting. NANCY TAVERNIER - Second. UNANIMOUS VOTE. Herman questioned why this had to be closed tonight, he felt that we should give the public some notice. Dore' stated that the selectmen can still vote to add and that anyone can add something by citizen's petition.

DORE' HUNTER - Move to accept Nylander Way as a public way. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

DORE' HUNTER - Move to authorize that the chairman sign the draft letter to Kevin Sweeney regarding the acceptance and his setting up the gift in an escrow account. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

ARTICLE A - NYLANDER WAY STREET ACCEPTANCE: NANCY TAVERNIER - Move to defer recommendation on Article A. F. DORE' HUNTER - Second. UNANIMOUS VOTE.

ARTICLE B - SELECTMEN AS SEWER COMMISSIONERS: DORE' HUNTER - Move to place article that the Selectmen act as Sewer Commissioners. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

ARTICLE C - RESOLUTION APPROVING COMMENCEMENT OF SOUTH ACTON CENTER/MILL CORNER SEWER DESIGN: F. DORE' HUNTER - Move Article C, defer recommendation. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

ARTICLE D - SCHOOL STREET SIDEWALK EASEMENT - FINNEAULT: NANCY TAVERNIER - Move to include Article D, recommend it, indicate by consent. F. DORE' HUNTER - Second. UNANIMOUS VOTE.

ARTICLE E - REZONE ACTON WATER DISTRICT LAND: NANCY TAVERNIER - Move to include Article E, recommend it, indicate by consent. F. DORE' HUNTER - Second. UNANIMOUS VOTE.

ARTICLE F - ACTON BOXBOROUGH REGIONAL SCHOOLS' INCREASED ASSESSMENT: F. DORE' HUNTER - Move to include Article F, recommend it. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

ACTON PUBLIC SCHOOLS ADDITIONAL ASSESSMENT: F. DORE' HUNTER - Move to vote to approve motion to increase Chapter 70 monies by \$98,500, and recommend it. NANCY TAVERNIER - Second.

ARTICLE G - POWER CONVERSION FEASIBILITY STUDY: F. DORE' HUNTER - Move to defer recommendation on Article G. NANCY TAVERNIER - Second. THREE YES TO 2 NO.

ARTICLE H - INITIATE CONVERSION TO A MUNICIPAL POWER ORGANIZATION: NANCY TAVERNIER - Move to not recommend Article H. F. DORE' HUNTER - Second. Four yes to one no.

ARTICLE I - FORMATION OF ACTON MUNICIPAL POWER TRANSITION COMMITTEE: F. DORE' HUNTER - Move to not recommend Article I. NANCY TAVERNIER - Second. FOUR YES TO ONE NO.

ARTICLE J - PLOWING OF PRIVATE WAYS: NANCY TAVERNIER - Move to not include Article J. F. DORE' HUNTER - Second. UNANIMOUS VOTE.

ARTICLE K - LEASH LAW: WAYNE FRIEDRICH - Move not to include Article K due to the lack of paperwork. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

ACQUISITION OF CAMP ACTON: F. DORE' HUNTER - Move that we include petition for the Boy Scout Land as article as part of this warrant as both petitions in one Special town meeting. NANCY TAVERNIER - Move to defer recommendation. F. DORE' HUNTER - Second. UNANIMOUS VOTE.

F. DORE' HUNTER - Move to give chairman authorization to list articles. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

EOCD SOFT SECOND LOAN

Don will draft letter.

NYLANDER WAY STREET ACCEPTANCE

F. DORE' HUNTER - Move to issue formal notice for public hearing. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

NESWC

Bill asked the Board their comments regarding the NESWC briefing meeting that was held on October 18, 1995. Wayne stated that it was positive to get others involved. Nancy stated that it would take a series of meetings to get the full understanding. Dore' stated that a decision would have to be made. The Board thanked staff for putting together this meeting.

Dore' asked how we are doing regarding the Financial Format Committee. Herman stated that he and Sidney had worked on this and the report will be out soon. Herman stated that he would convert this information to a disk if requested to do so in order to make sure this information is readily accessible.

CONSENT AGENDA

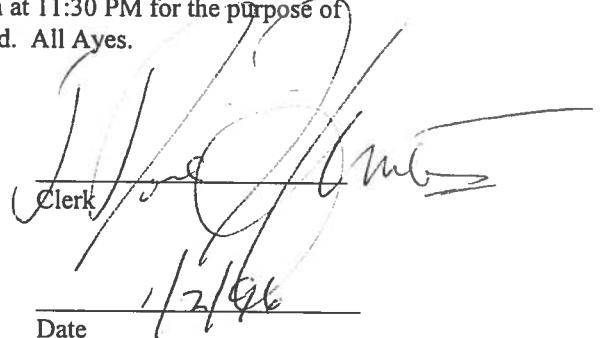
F. DORE' HUNTER - Move to approve consent calendar as printed. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

TOWN MANAGERS REPORT

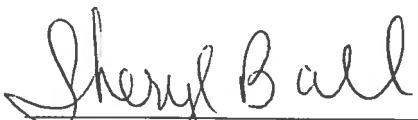
SOUTH ACTON RAILROAD BRIDGE LAND DAMAGE

F. DORE' HUNTER - Move to have Board of Selectmen sign request from Mass Highway.
NANCY TAVERNIER - Second. UNANIMOUS VOTE.

NANCY TAVERNIER - Move to go into executive session at 11:30 PM for the purpose of discussing negotiations and litigation. F. DORE' HUNTER - Second. All Ayes.



Sheryl Ball
Clerk
1/2/96
Date



Sheryl Ball

Sheryl Ball
Recording Secretary
Min 10_24.Doc

OCTOBER 20, 1995,

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

AGENDA
Room 204
OCTOBER 24, 1995

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 **BOSTON EDISON- Main Street** - Enclosed please find Boston Edison Petition and Staff comment for Board action.
2. 7:35 **ACTON CONVENIENCE INC. - 465 GREAT ROAD - COMMON VICTULLER LICENSE** - Enclosed please find application and staff comment and recommendation for Board review and action.
3. 7:40 **PUBLIC HEARING FOR SUNDAY HOLIDAY PACKAGE STORE OPENINGS** - Enclosed please find notice and requests as required under the State Statute for Sunday Permits for Board action.
4. 7:43 **TONY RASSIAS, FINANCE DIRECTOR** - Mr. Rassias will be present to be formally introduced to the Board.
5. 7:45 **LEAGUE OF WOMEN VOTERS** - Representatives from the League will be before the Board to discuss their review and suggested changes to the Town Charter. A copy of their recommendations have been included for your review.
6. 8:10 **INDOOR SPORTS L.P., One Keefe Road- Special Use Permit #8/22/95-353** - {Continued from October 18th. }
7. 8:00 **MR. GALLAGHER, BOARDING HOUSE REQUEST** - Enclosed please find application and staff comment and recommendation for Board action.
8. 8:15 **BOSTON EDISON** - Representatives from Boston Edison will be in to discuss various issues with the Board, in addition, please find materials from Boston Edison and the Municipal Power Committee for your review.
9. 8:40 **MR. SAWYER** - Mr. Sawyer has been asked to update the Board on the status of his actions to resolve the dog complaint at 41 Minuteman Road.

10. 8:45 HEALTH DEPARTMENT OVERVIEW - Doug Halley will be in to brief the Board on the functions and activities of the Health Department.

11. 9:00 DR. ZIMMERMAN - Dr. Zimmerman will be in to discuss Chapter 70 Aid.

III. SELECTMEN'S BUSINESS

12. FALL SPECIAL TOWN MEETING - Enclosed please find a packet of possible items for placement on the Fall Warrant for Board review and discussion. A date for the meeting and date for warrant closure will need to be determined.

13. ECOD SOFT SECOND LOAN PROGRAM - Enclosed please a letter from the ACHC regarding the Soft Second Loan Program for Board discussion.

14. NYLANDER WAY STREET ACCEPTANCE - Enclosed please find the Public Notice to begin the hearing process for Town acceptance of Nylander Way for Board review and signature.

15. NESWC - Reaction/Responses from Board members regarding the NESWC Briefing meeting held October 18, 1995.

IV. CONSENT AGENDA

16. ACCEPTANCE OF GIFT - Enclosed please find a memo from the Police Chief requesting the Board acceptance of a DARE GRANT for Board action.

17. ACCEPTANCE OF GIFT - Enclosed please find a request from the West Acton Citizen's Library for Board acceptance of a gift of \$100.00 from the Acton Women's Club to be used for books for Board action.

18. ELECTION WORKERS - Enclosed please find a request from the Town Clerk for approval of Election Workers for Board action.

19. SITE PLAN SPECIAL PERMIT AMENDMENT - LELYONNAIS - Enclosed please find the amended Decision for Board signature.

20. ACCEPT MINUTES - Enclosed please find September 26, 1995 minutes for Board acceptance.

V. TOWN MANAGER'S REPORT

21. SOUTH ACTON RAILROAD BRIDGE LAND DAMAGE AGREEMENT - The Town Manager will update the Board on the attached request from the Mass Highway Dept. and staff comment on Tuesday evening.

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.

Nov. 7 - Pizza Hut Mgr. Change
Nylander Way Street Accept. Hearing
ISAC
Nov. 21 - Acton Beverage Pledge Change
Classification Hearing
Dec. 5 - Budget

Pcc/oct.10.DOC