

SELECTMEN'S MINUTES

December 3, 1996



Present: Nancy Tavernier, F. Dore' Hunter, William C. Mullin, (Wayne L. Friedrichs only for the Consent Calendar Vote), Herman Kabakoff, Town Manager Don Johnson and Assistant Mgr. Murray. (The meeting was not televised)

CITIZEN'S CONCERNS

Robert Caldwell thanked the Board of Selectmen for their Proclamation and gift presented to him at his party. He said he was proud to represent Acton when he received the Tutt Award which honors one person each year from the United States for their contribution toward hockey Programs. The Board thanked him for his activities and contributions to the youth of Acton.

Steven Arronson of 236 Newton Road expressed concern that the public meetings were not being televised by cable. He is very concerned with the lack of coverage of these important meetings. He asked the Board to register a complaint as he felt it is a violation of contract for them not to broadcast these public meetings. The Board echoed his concern and the Chairman will write the Chairman of the Cable Advisory Committee, John Covert to have the Committee look into the lapse in televised coverage.

PUBLIC HEARINGS AND APPOINTMENTS

Roberts Suns Trust Site Plan Amendment #3/13/78-150

Kenneth Sudburg spoke on behalf of the Trust and the request to sub-divide the lot. He explained that the block building that houses the repair facility is under purchase and sale agreement to the current tenant. They wish permission to subdivide the lot into three lots with various easements for septic and access as shown on the plans reviewed by staff. DORE' HUNTER - Moved to approve Amendment to #3/13/78-150 as presented. WILLIAM MULLIN - Second. UNANIMOUS VOTE.

BOSTON EDISON CENTRAL STREET

WILLIAM MULLIN- Moved to approve. HERMAN KABAKOFF - Second.
UNANIMOUS VOTE.

NYNEX SITE PLAN #10/17/96-356 MAIN STREET

Nynex representatives explained that they plan to build a roadway to reach the building that will hold the 150 foot tower. Herman Kabakoff asked about sidewalk construction issues. The representative indicated that the issues could be worked out to address the Selectmen's concerns and requirement for sidewalk construction. Dore' Hunter asked what the top of the pole would look like. They explained there would be

three raised panels. He further asked if the pole could be painted to blend better. They felt that the current color would blend best with the sky line under most conditions. It will be galvanized and should age. The representatives indicated that this site will fulfill their in Acton for Towers. Depending on contour of the property, they require a tower every 5-10 miles and they currently have two in Acton. Dore' Hunter asked how many companies the tower is built to handle. They responded that it could handle three companies. Mr. Hunter asked that that statement be recorded in the minutes. HERMAN KABAKOFF - Moved to take the matter under advisement. DORE' HUNTER - Second. UNANIMOUS VOTE.

**ACTON AUTO DISCOUNTERS
140 Great Road Class II License**

Applicants were before the Board. The number of vehicles and operation will be the same as previously approved Class II for Mirak which is on file. DORE' HUNTER - MOVED TO APPROVE - HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

**SICHUAN PAVILION
PETER WONG MANAGER CHANGE**

Mr. Wong is the replacement manager for the Sichuan Pavilion. He has extensive liquor experience through his employment in the restaurant business. The restaurant also filed a copy of their Liquor serving policy. DORE' HUNTER - Moved to approve Peter Wong as the new Manager for Sichuan Pavilion. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

BUDGET PRESENTATION

Don Johnson made his budget presentation to the Board. The Board was pleased with the presentation. Mr. Mullin said it was a first class presentation, magnificent and anticipated all of his questions. He admires the focus on staffing flexibility. He asked about the usual budget busters. Don noted that they did not have any this year that we were aware of. Don noted that the budget was in fact rather benign.

Chairman Tavernier reiterated Mr. Mullin's comments and noted that the big push will be on for final votes by February 4th. At the January 7th meeting she wanted serious highlighting of areas for discussion at the day long January 11th meeting.

DORE' HUNTER - Moved to send the budget on to the FinCom with the understanding that it is not the final version. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

Chairman Tavernier thanked Mr. Penderville, member of the Fin Com for his solid service and attendance at tonight's presentation and for his participation at the sewer meetings.

Steve Arronson noted that the up front cost of the soft ware was now beginning to pay off.

Mr. Mullin noted that he will be traveling for the next three months and would like to know what the others thought about this absence. He wondered how much deliberation electronically could take place. Nancy felt we should find out how much was acceptable. They noted that while he could not vote electronically, perhaps he could stay in touch electronically.

SELECTMEN'S BUSINESS

1997 LICENSE RENEWALS - The Board discussed the 1997 License renewals and will vote on the renewals with the exception of Liquor Licenses as a public hearing for the change in hours will take place at the December 17th meeting. **WILLIAM MULLIN** - Moved to take no action on Liquor Licenses. **DORE' HUNTER** - Second. **UNANIMOUS VOTE**.

WILLIAM MULLIN - Moved to approve the Common Victuller Licenses for 1997. **HERMAN KABAOKOFF** - Second. **UNANIMOUS VOTE**.

WILLIAM MULLIN - Moved to approve the Class II Licenses. **DORE' HUNTER** - Second. **UNANIMOUS VOTE**.

DORE' HUNTER - Moved to approve the Class I licenses with the exception of Swanson Pontiac/GMC. **WILLIAM MULLIN** - Second. **UNANIMOUS VOTE**.

WILLIAM MULLIN - Moved to approve the license to tell fortunes, Billiards, Entertainment, Taxi, Bowling Alley, Automated Amusement, 24 hour Permit. **DORE' HUNTER** - Second. **UNANIMOUS VOTE**.

HERMAN KABAOKOFF - Moved to approve the Boarding House Permit for Mr. Gallagher - **DORE' HUNTER** - Second. **UNANIMOUS VOTE**.

HALLOWEEN BYLAW - The Board discussed the draft Town Meeting Article. Herman felt we should not legislate Halloween behavior. Dore' felt it was a useful approach and felt that a communal code of what is appropriate should be addressed. He further noted that Town Meeting could vote this code of behavior. He said it was a useful exercise in community dialogue of what is appropriate. Mr. Mullin said that it needed to address the curfew and ability to enforce such a curfew. He feels the police need ability to enforce a penalty. He urged the curfew aspect and work on the Rules of Halloween and the dissemination of this through the schools and media. Chief Robinson felt a resolution at Town Meeting and the publishing of appropriate behavior would accomplish the same result.

Herman suggested that the Chief come up with a comprehensive plan for civic behavior.

DORE' HUNTER - Moved to place a Resolution and Curfew Bylaw on the warrant as holding articles and decide latter which one to bring forward. - **WILLIAM MULLIN** - Second. 2-2 Tavernier and Herman No.

Steve Arronson urged the board not vote a curfew bylaw. He said it would impact 99% of the good kids. He felt a Resolution would be acceptable.

WILLIAM MULLIN - Moved to reserve a holding article for a bylaw to allow for Curfew. NANCY TAVERNIER - Second. 1-2, Tavernier and Kabakoff No, Hunter Abstaining.

DORE' HUNTER - Moved to present a Resolution to Town Meeting. WILLIAM MULLIN - Second. 3-1 Kabakoff No.

SIGN WAIVER REQUEST - WILLIAM MULLIN - Moved to approve the Waiver request submitted by the United Way. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

EAGLE SCOUT COURT OF HONOR - Nancy will represent the Board.

COMMUNITY SURVEY - The Board discussed the memo prepared by Selectmen Hunter and Kabakoff. The Board will send minutes of their meetings to those committees that requested them. They will have an oversight meeting with ABCC.

CONSERVATION LAW FOUNDATION LETTER - The Board discussed the re-establishment of the Transportation Advisory Committee to address the concerns for sidewalks etc. A temporary task group could be formed. Mr. Mullin was against forming a task force. He felt the Planning Board would be the best area to discuss the items raised in Ms. Robbins letter as they pertain to zoning and planning issues. Chairman Tavernier will write the Planning Board.

SEWER ACTION COMMITTEE - Nancy outlined John's analysis which now shows flow more in the area of 250,000 gal/day and the cost is doubled because it was a flow based analysis and originally done on a 500,000 gal/day. Nancy noted disappointment with the lack of Fin Com and School Committee representatives participation with the Committee. The committee has developed a list of items for a scope of work the Steering Committee would like to use funds from the Slattery Gift Fund to fund the Supplemental Report to see how many pump stations would be needed, update costs, maps etc. More information on plant that would handle 1/2 the flow first phase, site plan for Adams Street and financial impacts of the 50/50 bylaw on users. They also want to do a cash flow analysis on different scenario's. The cost for the Scope of Work is \$21,500 from the quote given by SEA. revised to November 27, 1996.

Dore' felt that this was needed to move forward in a professional way, much like the studies done for Town Hall and the Library projects.

The Steering Committee would provide SEA with the Consensus /non-binding information from the 2001 Meeting and ask them to address the 6 points under Alternative B to the extent reasonable.

Dore' noted that the 2001 consensus was more a policy exercise vs. SEA, which would provide a more professional analysis.

Nancy felt SEA would provide information to the Steering Committee and then they would recommend action/suggestions to the Board of Selectmen.

Herman wanted commitment from the Steering Committee that they would give consideration to the work done by 2001 group. Nancy said they can't speak for the Committee, but felt they would.

Bill was disappointed in the Fin Com members lack of participation in the process and hopes it will change. The Finance Committee sub-committee should have analyzed these issues already.

Bill was concerned about incremental approach and asked about flow surprise. It was explained that the Water District's new Manager discovered the discrepancy. The Water District was converting data and they weren't ready until after the 2001 exercise was conducted.

WILLIAM MULLIN - Moved to approve the appropriation of funds from the Slattery Gift Fund for the Scope of Work as outlined in the revised 11/27/96 proposal. DORE' HUNTER - Second. UNANIMOUS VOTE.

Steve Arronson suggested phasing in incrementally and use as a pilot plan.

CONSENT AGENDA

DORE' HUNTER - Moved to Approve. WILLIAM MULLIN - Second. UNANIMOUS VOTE. (*Mr. Friedrichs was present for this vote*)

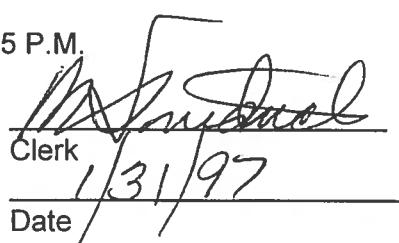
TOWN MANAGER'S REPORT

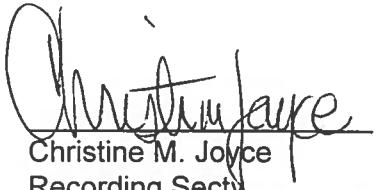
EXECUTIVE SESSION

DORE' HUNTER Moved to go into Executive Session for the purpose of discussing collective bargaining and potential litigation strategy. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

Roll Call taken by Mr. Hunter - All Ayes.

The Board adjourned at 11:45 P.M.


Clerk
1/31/97
Date


Christine M. Joyce
Recording Secty.
Doc:Min12/3/96.

COMMUNITY SURVEY PAGE 4 AMENDED to DELETE REFERENCE TO HDC REQUEST FOR STAFF. Amended by BOS vote of 1/21/97.

Nov. 27, 1996

TO Board of Selectmen

FROM: Nancy E. Tavernier, Chairman

SUBJECT: Selectmen's Report

AGENDA
Room 204
December 3, 1996

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 **ROBERTS SUNS TRUST, SITE PLAN MODIFICATION -3/13/78-150** -Enclosed please find a request and staff comment and recommendation regarding the subject site plan for Board action.
2. 7:34 **BOSTON EDISON, CENTRAL STREET** - Enclosed please find a petition and staff comment for Board Action.
3. 7:35 **NYNEX SITE PLAN # 10/17//96-356, 982 Main Street** - Enclosed please Site Plan application and staff comment for Board review.
4. 7:45 **ACTON AUTO DISCOUNTERS - CLASS II, 140 GREAT ROAD** - Enclosed please find application and staff comment for Board review and action.
5. 7:50 **PETER WONG - CHANGE OF MANAGER- SICHUAN PAVILION** - Enclosed please find the necessary forms and staff comment for Board review.
6. 8:00 **BUDGET PRESENTATION** - The Town Manager will present the FY98 Budget and supporting materials.

III. SELECTMEN'S BUSINESS

7. **1997 LICENSE RENEWALS** - Enclosed please find a list of licenses to be renewed for 1997 for Board action.
8. **HALLOWEEN BYLAW** - Enclosed please find a Draft Halloween Bylaw for Board discussion and review.
9. **SIGN POLICY WAIVER** - Enclosed please a request from the Acton Boxborough United Way for a waiver from the size and duration limits of the Selectmen's Sign Policy of use for Board action.
10. **COMMUNITY SURVEY** - Enclosed please find recommended actions from the committee surveys that were returned and coordinated by Selectmen Hunter and Kabakoff for Board action.

11. **SEWER ACTION COMMITTEE** - Enclosed please find a recommendation for expenditure from the South Acton Gift Fund for additional analysis of financing of sewers by SEA.

12. **EAGLE SCOUT** - Enclosed please find an invitation for Matthew Finn's Court of honor on January 4, 1997 for Board assignment.

IV. CONSENT AGENDA

13. **ACCEPT GIFT** - Enclosed please a request from the Police Chief for acceptance of Funds from the donation of junk vehicles to the Dare Gift Fund for Board action.

14. **ACCEPT MINUTES** - Enclosed please find the October 22, 1996 minutes for Board acceptance.

15. **SURPLUS DECLARATION** - Enclosed please find a request from Richard Howe for the declaration of certain equipment as Surplus for disposal/sale purposes for Board action

16. **CONCORP. Site Plan #10/02/96-355, 1012 Main Street** - Enclosed please find a Draft Decision for Board review and action.

17. **HISTORICAL COMMISSION APPOINTMENT** - Enclosed please find a recommendation from VCC for appointment of Peter Grover to the Historical Commission as a full member with a term to expire 6/30/98 for Board action.

18. **CONSERVATION COMMISSION APPOINTMENT** - Enclosed please find a recommendation from VCC for appointment of Andrew Magee as a full-member of the Conservation Commission with a term to expire 6/30/99 for Board action.

V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

MEETINGS

19. **December 2, 1996 room 204 @ 7:30 p.m. Route 2 CAC**

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.

DEC. 17 - Oversight meeting w/A/B Cultural Council
Class II - Dolan - Main Street

Pcc/Dec.3.DOC

January 31, 1997

TO: TOWN CLERK

FROM: CHRISTINE JOYCE

SUBJECT: AMENDED MINUTES OF 12/3/96

Enclosed please find page 4 and 5 of the Selectmen's minutes of December 3, 1996 which the Board of Selectmen voted to amend at their January 21, 1997 meeting. Please replace these two pages in your official documents with these revised pages.

Cc: Board of Selectmen

Anne Forbes