



## **SELECTMEN'S MEETING**

### **FEBRUARY 27, 1996**

The Board of Selectmen held their regular meeting on Tuesday, February 27, 1996 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**

Art Harrigan presented a modified warrant article for the Municipal Power Study Committee and asked that the Board replace it with the existing article the Board has on the warrant. The Board stated that they would take this under advisement.

### **PUBLIC HEARINGS AND APPOINTMENTS**

#### **ACORN PARK DEVELOPMENT HOUSE ACCEPTANCE 3 WEST ROAD**

Steve Graham was present on behalf of the Acton Housing Authority to present the Board with the second affordable house in Acton located at 3 West Road. The Acton Housing Authority is seeking an endorsement of the Local Initiative Program (LIP) application by Acorn Park. Mr. Graham stated that the home currently uses electric heat, however, prior to sale this will be changed to oil heat. NANCY TAVERNIER - Move to approve affordable unit located at 3 West Road, as part of the LIP program. DORE' HUNTER - Second. UNANIMOUS VOTE.

#### **STREET ACCEPTANCE HEARING PRESCOTT ROAD, OVERLOOK DRIVE, OVERLOOK DRIVE EXTENSION AND JAY LANE**

Dave Abbt, Engineering Administrator, was present to discuss the proposed street acceptance of Prescott Road, Overlook Drive, Overlook Drive Extension and Jay Lane. Mr. Abbt stated that these roads meet the recommendations required for street acceptance and the Planning Board has recommended that we approve. Mr. Abbt stated that the deed will need to be put in final form. NANCY TAVERNIER - Move to accept Prescott Road, Overlook Drive, Overlook Drive Extension and Jay Lane as public ways. DORE' HUNTER - Second. UNANIMOUS VOTE.

## CABLE ADVISORY COMMITTEE

Sharon Ingraham, Cable Advisory Committee, was in to discuss the upcoming renewal contract from the Cable Company. This renewal will require the services of professional people skilled in the telecommunications field. Ms. Ingraham stated that approximately \$50,000 is needed for this process. Ms. Ingraham stated that Acton's existing contract is good, but it is full of holes. Ms. Ingraham stated that Acton needs to develop a plan, hire good telecommunications people and proceed ahead with the renewal process. Don stated that we do not have these type of people on staff and recommends that there be an article for \$50,000 to cover expenses in the renewal process.

## BOARD OF HEALTH

Doug Halley, Health Director and Bill McInnis, Chairman of the Board of Health were before the Board to discuss various articles relating to tobacco control bylaw and hazardous waste.

Mr. McInnis presented the Board with a 7 page summary listing why the Board of Health is proposing a bylaw update. Mr. McInnis stated that the existing bylaw requires a smoke free environment in all public places except restaurants and the new proposal would eliminate that exception. Mr. McInnis stated that since the existing bylaw was accepted, second hand smoke has been classified as a Class A carcinogen. The Board of Health held a public hearing on February 12, 1996 in which 26 people came, as a result of that public hearing a working group was formed. The working group suggested a bylaw amendment that requires 80% of seats non-smoking by July 1996, 90% by July 1997 and 100% by July 1998 with two exceptions being outdoor seating and if the restaurant offers separate ventilation. There would also be a variance provision offered. Mr. McInnis also presented the Board with a proposed vending machine bylaw change. The amendment proposes that any vending machine must be located within 10 feet of the person operating the lockout device. The existing bylaw states that the vending machine must be located within 20 feet. NANCY TAVERNIER - Move to recommend Tobacco Control Bylaw amendments as presented by the Board of Health. DORE' HUNTER - Second. 4 - 1 (Bill Voting NO). Motion passes. DORE' HUNTER - Move to recommend amendment stating that vending machines be located within 10 feet of a supervisor. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

Mr. Mullin asked Mr. Halley how many complaints have been received against smoking in restaurants. Mr. Halley stated that there have been a handful. Mr. Mullin disagrees with the financial impacts regarding complying with this bylaw. Mr. Hunter stated that he was in favor of these changes due to the incentive of going smoke-free or providing proper ventilation so non-smoking section is truly smoke-free. Wayne stated that we should send this message to surrounding communities. Herman asked how much

a ventilation system would cost. Wayne stated that they installed one where he works and it cost \$2,000 for an area of 500 square feet.

Mr. Halley briefly discussed the Hazardous Waste Minimization article. This article is designed for public education and also to be able to re-use hazardous waste. Mr. Halley has proposed that a collection area be set up and every Saturday there will be a collection for approximately four (4) hours. The collection will receive and distribute hazardous waste products and a container for hazardous waste will also be there for hazardous waste that is unwanted. This article is proposed for \$20,000.

### **PLANNING BOARD**

The Planning Board presented the Board with numerous articles. The first ten articles have to do with Kelley's Corner Plan. The Planning Department presented the Board with the proposed article changes. The Planning Board met on February 26, 1996 and have made additional revisions. The Board of Selectmen asked the Planning Board to get those revisions and present them tonight. Changes to Kelley's Corner District Use regulations are an increase in the FAR, and changing the appearance of the sites by making them more pedestrian friendly. The Kelley's Corner Planning Committee has worked on these changes for 19 months, one day a week and are recommending these changes to the Kelley's Corner related articles. DORE' HUNTER - Move to recommend the ten Kelley's Corner articles, as amended. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

Trey Shupert, Chairman of the Planning Board, spoke on behalf of the adult uses, sexually oriented businesses article. Mr. Shupert stated that he met with Maynard last night regarding this. Mr. Shupert stated that presently there are no regulations regarding these uses and this article is designed to restrict these types of businesses from entering Acton. Originally three areas in Acton were designated to allow these businesses, which are the Nagog Park Mall area, W.R. Grace land, and Rt. 62. Maynard strongly opposed the Rt. 62 area so the Planning Board has withdrawn this section from the proposed bylaw. Mr. Shupert stated that if the Town does not vote this article then we will open ourselves up to these uses. NANCY TAVERNIER - Move to recommend Adult Uses, Sexually Oriented Businesses article. DORE' HUNTER - Second. 4 - 1 (Bill Voting No). Motion passes.

The Planning Board stated that they have decided to pull articles Nursing Home and Full Service Retirement Community and Groundwater Protection District Boundary Determination and also Site Plan Special Permit at 500 square feet..

NANCY TAVERNIER - Move to recommend and place on consent article NonConforming Lots, Uses, Etc. DORE' HUNTER - Second. UNANIMOUS VOTE.

DORE' HUNTER - Move to recommend and place on consent article Corrections, Clarifications and Minor Adjustment. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

## **SELECTMEN'S BUSINESS**

### **EDFAAB SPELLING BEE**

Bill, Wayne and Nancy to represent the Board at the spelling bee. Bill asked the Board for donations.

### **AYSHA'S COMMUNITY SHUTTLE SERVICE**

Ernest Dulin, d/b/a Aysha's Community Shuttle Service, is asking permission to pass through the Town of Acton on Route 2, transporting inmates to and from Correctional Institutes in Massachusetts. DORE' HUNTER - Move to grant permission to Ernest Dulin, d/b/a Aysha's Community Shuttle Service, to pass through Acton via Rt. 2 with the condition that there be no stops in the Town of Acton. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

### **CITIZENS LIBRARY - RENAME**

Karen Thomas, 23 Blackhorse Drive, has asked the Board to consider a name change from the West Acton Citizens Library to the Suzi M. Pomeroy Memorial Library. Don stated that he has spoken with the trustees of the library and they have stated that they do not wish this change and have suggested that a memorial be done in Suzi's name. This request did bring up the fact that a policy still needs to be written regarding renaming, etc.

### **BOY SCOUT COURT OF HONOR CHRISTOPHER MILLERICK**

Nancy will represent the Board.

### **DRAFT SIGN POLICY**

The Board questioned whether one person could be allowed to have two banners at the same time.

### **CONSENT AGENDA**

F. DORE' HUNTER - Move to approve consent calendar pulling #12 for discussion and with the addition of the EDFAAB Spelling Bee sign request in extra info tonight. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

Herman questioned the Forest Stones Gift at the Arboretum asking what happens if the grant money did not come through. HERMAN KABAKOFF - Move to accept the consent calendar #12 as printed. DORE' HUNTER - Second. UNANIMOUS VOTE.

## **TOWN MANAGERS REPORT**

### **ST. MATTHEWS METHODIST CHURCH FEE WAIVER REQUEST**

stated that he would abstain from discussion. A representative from St. Matthews Methodist Church was present before the Board to discuss design plans for the addition of the existing church. Construction cost is estimated at \$1.1 million dollars. St. Matthews has received mortgage approval and is seeking fee waivers for town to keep construction costs down. Renovations will consist of full accessibility, storage space and expanded group meeting rooms. The expanded space would allow for Town groups to meet as needed. The Towns fees to be approximately \$6,600. The Board stated that they are currently fee waiver policy and asked if this request is in line with the proposed policy. It was stated that this request far exceeds the proposed fee waiver policy. The that they would review this request and consider it when reviewing and fee waiver policy.

Hunter stated that St. Matthews has relied on pledges to keep this project many members have opened their hearts and pockets. Mrs. Hunter also stated this renovation will allow their membership to grow and stated that the meeting room space will be more beneficial to the Town than the fees they will collect.

**CY TAVERNIER - Move to take this fee waiver request under advisement**  
**HERMAN - Second. UNANIMOUS VOTE WITH DORE' HUNTER ABSTAINING.**

### **MILL CORNER**

Board received a copy of a letter from Chris Tolley regarding Mill Corner - dated February 22, 1996. The consensus of the Board was that Mill Corner Association was seeking another concession without providing the Town with concerning finalizing the necessary release documents.

ected the Town Manager to:

abance any engineering work concerning the Mill Corner/South Acton

ize a meeting with Mill Corner and South Acton residents to discuss the Tolley raised in his letter.

chose not to change its deferred recommendation on the Mill Corner ing resolution of the issues raised by the Mill Corner condominium

**TER - Move to direct Town Manager to suspend negotiations and contract**  
**til the next Board meeting. NANCY TAVERNIER - Second.**

**IS VOTE.**

## COMMUTER LOT STICKERS

There has been a question about who should receive commuter lot stickers. It has come to our attention that people who own vacant parcels in Acton but live elsewhere have purchased stickers. Don would like direction from the Board regarding these sales. The Board directed Don to handle the matter at his discretion.

## BUDGET

The Board discussed the amended article submittal by Art Harrigan at the beginning of this meeting. It was stated that there have been substantial changes made to the existing article submitted by citizen petition and that the amendments are not within the scope of the original article. DORE' HUNTER - Move to continue with existing article and that it is not recommended by the Selectmen. WILLIAM MULLIN - Second. UNANIMOUS VOTE. The Board stated that they would like to invite Art Harrigan in to a Board meeting after Town Meeting.

NANCY TAVERNIER - Move to approve \$85,000 for a trash trailer under the NESWC Enterprise Fund. DORE' HUNTER - Second. UNANIMOUS VOTE.

Bob Craig, Fire Chief has asked for \$56,500 for sick leave coverage to cover salaries. Mr. Hunter stated that he was satisfied with Chief Craig's memo and that he would like coverage so there will not be a public safety issue. Mr. Kabakoff stated that he was concerned with encouraging the use of sick time by adding this additional sum into the Fire Departments budget. Mr. Kabakoff stated that he would like this amount in a separate line item so it does not get passed through in the next budget. DORE' HUNTER - Move to fund \$56,500 to cover sick time coverage for the Fire Department. NANCY TAVERNIER - Second. UNANIMOUS VOTE. DORE' HUNTER - Move to place this amount in a separate line item of the operating budget in order to advise the Board. WAYNE FRIEDRICHES - Second. 4 - 1 (Bill voting no). Motion passes.

DORE' HUNTER - Move to place \$25,000 in the operating budget for cable contract renewal process. NANCY TAVERNIER - Second. WITHDRAWN. DORE' HUNTER - Move to place \$42,500 as a separate warrant article for the cable contract renewal process. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

NANCY TAVERNIER - Move to recommend operating budget for FY97. DORE' HUNTER - Second. UNANIMOUS VOTE.

Mr. Mullin stated that the conservation commission will not be voting until March 12, 1996 for the Environment Protection Bylaw regarding vernal pools. BILL MULLIN - Move to recommend Deferral. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

F. DORE' HUNTER - Move to go into executive session for the purpose of discussing contract negotiations. NANCY TAVERNIER - Second. All Ayes.

MS. Sudnik  
Clerk

4/16/96  
Date

Sheryl Ball

Sheryl Ball  
Recording Secretary  
Min 2\_27.Doc

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February 23, 1996

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

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**AGENDA**  
**Room 204**  
**FEBRUARY 27, 1996**  
**7:30 P.M.**

**I. CITIZEN'S CONCERNS**

**II. PUBLIC HEARINGS & APPOINTMENTS**

1. 7:30 ACORN HOUSE ACCEPTANCE, 3 WEST ROAD - Enclosed please find a request from the ACHC for the Board's approval and endorsement of a Local Initiative Program (LIP) application by Acorn Park.
2. 7:35 STREET ACCEPTANCE HEARING - Enclosed please find documentation and staff recommendations regarding acceptance of Prescott Rd., Overlook Dr. and Jay Lane.
3. 7:45 CABLE ADVISORY COMMITTEE - At the Board's request, the Cable Advisory Committee will be in to discuss negotiation of the Cable TV Contract and any need for an appropriation in this regard. Enclosed please find correspondence from the Cable Advisory Committee for your review.
4. 8:00 BOARD OF HEALTH - At the Board's request, the Board of Health will be in to discuss their proposed Warrant Articles.
5. 8:15 PLANNING BOARD - At the Board's request, the Planning Board will be in to discuss proposed Zoning Articles.

**III. SELECTMEN'S BUSINESS**

6. EDFAAB SPELLING BEE - The chairman would like to complete the discussion on the enclosed materials.
7. AYSHA'S COMMUNITY SHUTTLE SERVICE - Enclosed please find a request for permission for a shuttle service to pass through Acton for Board action.

8. CITIZEN'S LIBRARY - Enclosed please find a note addressed to the Town Manager regarding changing the name of the West Acton Citizen's Library for Board discussion.

9.. EAGLE SCOUT COURT OF HONOR - Enclosed please find an invitation to an Eagle Scout Court of Honor to be held on March 30, for Board assignment.

10. DRAFT SIGN POLICY - Enclosed please find a draft policy for signs within the Public Right of Way for Board review and direction.

#### IV. CONSENT AGENDA

11. SECTION 8 RENEWAL CONTRACT - Correspondence regarding renewal of the Section 8 Annual Contribution Contract for the Acton Housing Authority will be given to you Tuesday night in your extra information. This document will need the approval/endorsement of the Board of Selectmen.

12. "FOREST STONES" GIFT - Enclosed please find a request from the Acton-Boxborough Cultural Council for acceptance of the gift of a sculpture, "Forest Stones", to be permanently installed at the Arboretum.

13. CIVIL DEFENSE GIFT - Enclosed please find a letter from Joan and Walter Gates transmitting a gift for use by the Civil Defense Department for Board acceptance.

14. GIFT OF VEHICLE - Enclosed please find a very generous offer from Colonial Chevrolet to replace the vehicle currently used by Civil Defense, along with a request from the Highway Superintendent for permission to dispose of the old vehicle if the new one is accepted. Both are submitted for Board acceptance.

15. DARE GIFT - Enclosed please find from Capizzi and Company transmitting a gift for use in the DARE Program, for Board acceptance.

16. RED CROSS PROCLAMATION - Enclosed please find a request from the American Red Cross for a proclamation from the Board.

17. USED BOOK SALE - Enclosed please find a request from the Friends of the Acton Libraries for permission to hold their annual Used Book Sale and erect a sign prior to the sale.

18. ONE DAY LIQUOR LICENSE - Enclosed please find a request from Congregation Beth Elohim for a one day liquor license for Board action.

#### V. TOWN MANAGER'S REPORT

19. MILL CORNER - Enclosed please find correspondence from Chris Tolley regarding Mill Corner. The Town Manager will seek appropriate direction from the Board.

20. COMMUTER LOT STICKERS - Enclosed please find correspondence from the Town Manager's Office seeking policy direction from Board.

21. ST. MATTHEWS METHODIST CHURCH - Fee waiver request. See enclosed material.

#### VI. EXECUTIVE SESSION

**There will be a need for an Executive Session. Please see enclosed materials.**

**MEETINGS**

**Monday, February 26 at 7:00 P.M. - Jr. High School Library, Joint Board Meeting**

**Wednesday, February 28 at 7:30 P.M. - Room 114 Jr. High School, ALG Meeting**

**Wednesday, March 27, Fincom Public Hearing on Budget**

**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.

March 12  
March 26 (after 8:00)

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