



## SELECTMEN'S MINUTES

### June 2, 1998

Present: Wayne L. Friedrichs, Herman Kabakoff, F. Dore' Hunter, Peter Ashton, Town Manager Don Johnson and Assistant Mgr. Murray. Nancy Tavernier was not present due to vacation. (The meeting was televised by cable)

### CITIZEN'S CONCERNS

None Expressed.

### PUBLIC HEARINGS AND APPOINTMENTS

#### LESTER GOODRIDGE BOARD OF ASSESSORS

Mr. Goodridge stated that he has time to volunteer and this committee is related to work he is doing in retirement. Dore' asked if Mr. Goodridge would like to take the state assessors course. Mr. Goodridge stated that he would be interested. Mr. Goodridge is currently doing insurance inspections and makes recommendations to insurance companies. Mr. Ashton asked why he is volunteering. Mr. Goodridge stated that he saw an application and was interested. PETER ASHTON - Moved to appoint Lester Goodridge as an Alternate Member of the Board of Assessors with a term to expire June 30, 1999. - DORE' HUNTER - Second. UNANIMOUS VOTE.

#### MARTHA DAY RECREATION COMMISSION

Was not present for the interview process.

### DEVELOPMENT ISSUES AND QUESTIONS

Lupine Path and Nylander Way are two examples of developments that have not been completed according to plan proposal. It was asked why these developers do not have to complete all the conditions of original decisions. The Board of Selectmen are seeking to eliminate the loop holes that these developers are using. Herman also asked why variances are being granted to these developments and stated that these variances should be looked at quite extensively. The developer shows plans at a public hearing of intent as to what these developments will look like and then do not even come close to their original intention. Peter stated that he would like the speed of the conditions addressed. Dore' questioned if the waivers and conditions could be tied together. Herman noted that the Board of Selectmen has been discussing Lupine Path publicly for some time and everything is still status quo.

John Pavan, Planning Board member stated that the waivers are granted by the Board of Appeals and stated that there is a need for philosophical discussions between the Board of Appeals and the Planning Board. The Planning Board does issue waivers based on the need only if the waiver will result in public benefit ej. Open Space. Lupine

Path waivers consisted of a waiver for some technical issues regarding the roadway. By granting the waiver the Planning Board eliminated four proposed curb cuts. The developer stated that in turn he would not clear a large area. However, the developer cleared it anyway which is a issue that would be difficult to enforce since any owner has the right to clear the land.

Wayne stated that the Board is looking for improvements in these areas. Dore' stated that we should be more in tune with perception and state of mind with the public stating at the time of the public hearing that the developer has promised to do these conditions, however, we do not have the jurisdiction over enforcing these conditions and to make this information clear at the hearing.

Mr. Heitman, 117 Homer Street, stated that the plans should not even be shown to the public. Has asked the Planning Board how come the developer is not required to complete conditions A, B, and C, and do conditions E and F which were not even listed. Mr. Heitman stated that the repines he received from the Planning Board regarding his letter was inadequate. The Planning Board issued a response to Mr. Heitman's letter by directing the letter to the developer with the hopes that the developer would voluntarily address the concerns. The Board agreed that Mr. Heitman should receive a proper response. Peter will draft this response. Bill Thistle, 244 School Street, suggested that a way to prevent these problems would be to place topography on the plans and any major change to the plans will be visible by topography. Mr. Thistle stated that the discussion at the Lupine Path hearing was the abutters voicing there concerns for their privacy and the expectations of the public are what these proposed plans represent.

## **SELECTMEN'S BUSINESS**

**MINUTEMAN TECH** - Wayne stated that the ALG voted to support House Bill H-3979, however Wayne would like more time to digest the new information provided tonight. Dore' stated that the cap limitations should be discussed and the Board concluded that H-3979 bill needs to be read. Dore and Peter asked if this bill should be spread out to include other than Vocational Schools. DORE' HUNTER - Move to place on June 23, 1998 agenda. PETER ASHTON - Second. UNANIMOUS VOTE.

**SPECIAL TOWN MEETING AND WARRANT DATE** - The Board discussed tentatively picking October 5, 6 and 7th as special Town meeting dates with Friday July 31, 1998 as the warrant closing date. The warrant will need to be posted by September 21. These issues will not be voted tonight. Peter expressed concern over closing the warrant on July 31, 1998 stating that this is a tight time frame.

**BOY SCOUT COURT OF HONOR** - Ian Manter - Dore' to represent the Board.

**OTHER** - Regional Agreement Group - Dore stated that the Regional Group met and had a pleasant and productive group of sessions. The group worked through list of issues and made a number of proposed changes. It was discussed that the Group would like to appear before the Board on June 23. It was also stated that the two towns need to discuss these issues and changes prior to appearing on warrant for special town meeting. Herman questioned instead of discussion to schedule special town meeting tonight wait

until two Boards talk and not actually vote these dates tonight. Wait until Boxborough has a chance to see these issues prior to actual discussion tonight.

**MAPLE CREEK II** - John Pavan, Planning Board member stated that Maple Creek Farm and the PCRC were approved together. Mr. Sweeney exceeded the time frame for completion of first Maple Creek Farm decision and the Planning Board ultimately extended the time frame for Mr. Sweeney which has since expired. The Planning Board has again asked Mr. Sweeney to complete all outstanding issues. It was asked why Mr. Sweeney is receiving new project approvals when he has not completed the first set of requirements. Mr. Sweeney has applied for Maple Creek Farm II and asked for permission to utilize the current property for access so the current site will not need to be completed. Currently there is a dispute between residents and Mr. Sweeney regarding access rights and the Planning Board is trying to stay out of private land issues.

**2001 PLANNING** - Nancy typically represents the Board, however, Wayne volunteered to attend, however, he has asked that this date be rescheduled. Don stated that this Board requires consistency. Herman volunteered to attend if the meeting date could not be rescheduled.

**SPECIAL OLYMPICS** - Does the Board want to endorse this request. The Town Manager is in the process of validating this organization. DORE HUNTER - Move to endorse this organization if this group proves valid. PETER ASHTON - Second. UNANIMOUS VOTE.

**SEWER ACTION COMMITTEE** - Dore' stated that he would like this item scheduled for July 21, 1998 Board of Selectmen meeting. Dore' stated that John Prendiville has done an excellent job on the Financial Task Force.

#### **CONSENT AGENDA**

HERMAN KABAKOFF - Moved to approve consent calendar with the addition of Acton Emergency Management Obsolete equipment memo. DORE' HUNTER - Second-UNANIMOUS VOTE.

#### **TOWN MANAGER'S REPORT**

**YEAR END SPENDING** - Don stated that he anticipated a conservative approach, regarding year end spending and has only recommended items that he feels comfortable with and anticipates that there will be approximately \$342,500 left. A significant turnback will come from Health Insurance, Finance and Assistant Finance Director. The Memorial Library will need monies for budget expenses of approximately \$40,000 due to project shortfalls. The GIS bids have come in at a higher than budgeted rate and if the GIS is not implemented there is a possibility of losing a \$75,000 state grant. It is anticipated that there is a \$50,000 shortfall. Approximately \$30,000 is needed for a Kelley's Corner upgrade of signals and restriping. Wayne indicated that the Transportation Advisory Committee should be given the opportunity to ask questions regarding upgrades. Herman stated that all Don's recommended items should be placed on a future warrant at Town meeting with the exception of GIS which would result in a lose of state grant monies. Herman suggested that these monies be placed in free cash. Peter Ashton stated that the Kelley's Corner issues should be supported due to the need for safety improvements

at this intersection. Dore' stated that he agrees with Herman regarding GIS and also supports money for Memorial Library furnishings. Dore' asked if the Kelley's Corner upgrade would be done prior to winter. Don indicated that depending on equipment needs this could be completed prior to the winter. Dore' also questioned why the school committee has not asked for any monies since they have stated that they are needed. DORE' HUNTER - Move to authorize \$50,000 to supplement GIS - HERMAN KABAKOFF- Second. UNANIMOUS VOTE.

DORE' HUNTER -Move to authorize \$40,000 for Library Furnishings. PETER ASHTON - Second. 3-1 (Herman voting No) Motion passes. Wayne indicated that he is pleased with the Library Trustees for not coming back to us for money when they realized they were short and tried to cut back has much as they could and succeeded in reducing the costs considerably.. Herman stated that these additional monies need to go back to Town Meeting to explain the shortage and ask for approval citing the Morrison Property, PETER ASHTON Move to authorize \$30,000 for Kelley's Corner upgrade contingent on TAC approval. DORE' HUNTER Second. 3-1 (Herman abstained) Motion passes. Herman stated that this item has been part of a controversy. Wayne is in favor of the upgrade of light and this item should have been done years ago and that this expense might help us make future decisions regarding the Kelley's Corner FAR's. Peter stated that at a meeting last night it was indicated that this is much needed money. Dore' asked if the Town could state that this intersection would not be widened in the future. Herman asked what the disadvantage of holding this to the fall is. Loss of time is the biggest factor and a vote could not be placed at the Fall Town meeting since Free Cash is not certified.

KC additional study - Defer to next meeting.

**BUILDING DEPARTMENT AND BOARD OF APPEALS** - Court case recently ruled unanimous decision in our favor.

**POLICE CHIEF - CIVIL SERVICE** = Don indicated that himself, John Murray ,George Robinson, Charlie Jones and Tom Rogers, new president of the police union, under a home rule petition testified this week to take the police chief out of civil service. A unanimous vote in our favor was issued.

**NESWC - 3 MILLION APPROPRIATION** - Bob Durand, State Senator placed an amendment on the floor for this money to be used for scrubbers and/or closing of the plant since the bill did not clear the Senate.

**NESWC BUDGET** - John indicated that the balance of the NESWC Enterprise Fund will be approximately \$725,000 on June 30, 1998. This balance is due to the Board of Selectmen ordered that all Acton funds on deposit be with NESWC be returned to the Town.

The People for the Environment Groups are seeking closure of the plant citing potential and current Medical problems people are exposed to. On another note the Town of North Andover has decided that the plant will need a height variance soil removal variance and a parking variance.

The Board adjourned at 9:45 P.M.

*Nancy E. Tavernier*

Clerk

*6/23/98*

Date

*Sheryl Ball*

Sheryl Ball  
Recording Secty.  
Doc:Min6/2/98