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**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**

TOWN CLERK ACTON  
**July 12, 2010**

**Acton Town Hall**

**Francis Faulkner Hearing Room**

**Regular Meeting begins at 6:30 P.M in Room 204**

**Executive Session, Room 126, 5:30 P.M**

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Present: Lauren Rosenzweig Morton, Michael J. Gowing, Terra Friedrichs, Janet K. Adachi, Pamela Harting-Barrat, Asst. Town Manager Murray, Recording Secretary; Christine Joyce. The Meeting was televised for regular session

Ms. Rosenzweig Morton – Moved to open into public session only to go into Executive Session to consider the purchase, exchange, lease of value of real property, and declares that an open meeting may have a detrimental effect on the negotiation position of the Board of Selectmen, further, that Regular Session will reconvene at the conclusion of the Executive Session. Ms. Friedrichs – Second. Ms. Friedrichs took Roll Call, All AYES

**CITIZENS' CONCERNS**

None

**CHAIRPERSON'S UPDATE**

Ms. Rosenzweig Morton updated the citizens about the 275<sup>th</sup> Anniversary held on July 3<sup>rd</sup>. It was well attended thanked all the sponsors including Mr. Donelan and Mr. Gould for the Fire Works, as well as the committee.

**OPERATIONAL MINUTE**

Mr. Murray reported that there is an outside watering ban in place by the Water District; you can only water using watering cans. Go to the Water District's Web site for more information.

**PUBLIC HEARINGS & APPOINTMENTS**

**SOUTH ACTON TRAIN STATION ADVISORY COMMITTEE**

Ms. Rosenzweig Morton outlined what the committee wanted guidance on. It was noted that Peter Berry would now be an at large member now that he is not a Selectman. The Board wanted to have 3 color schemes to make a choice from.

Ms. Harting-Barrat said it was a hard working committee and felt they did an amazing job and need to be able to make decisions promptly. Ms. Friedrichs asked about look of the design proposed. She did not want to approve a charter without getting comments from people on the committee. It was noted that the Committee supports this MBTA design.

The committee went through and slide show of 30% design.

Mr. Gowing asked about the switch-backs is there a reason for it on one side. The width was the same and would require more land taking. He asked about bike lockers and they will have them on the north side.

Ms. Friedrichs asked about the State approval and wants to know what the public input was. Claire Siska said there is a level of urgency to move the design forward so we would not delay funding. The committee is asking to move forward to make decisions in a rapid time frame.

Mr. Gowing – Moved the SATSAC be allowed to move forward and have an architect from HDC or DRB serve as a member to help make these decisions. Ms. Harting-Barrat – second.  
UNANIMOUS VOTE

#### **JOINT MEETING WITH ACTON PUBLIC SCHOOL COMMITTEE ELECTION**

*Members Present:* Janet K. Adachi, Terra Friedrichs, Mike Gowing, Pamela A. Harting-Barrat, Xuan Kong, Terry Lindgren, Sharon Smith McManus, John Petersen, Lauren Rosenzweig-Morton

*Members Absent:* Michael Coppolino

*Others:* Dennis Bruce, Vera Gill, Christine Joyce, Herman Kabakoff, Paul Murphy (via telephone), Beth Petr, and members of the public

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The Joint meeting was opened at 7:07 pm by Lauren Rosenzweig-Morton, chairperson of the BOS and John Petersen, chair of the APSSC. A majority of nine is required for a successful vote.

#### **Appointment of New School Committee Member to Fill Unexpired Term of Jonathan Chinitz**

##### **Introduction**

The Acton Public School Committee and the Acton Board of Selectmen are charged by state law to fill the vacancy on the School Committee created by the resignation of Jonathan Chinitz on June 7th. By joint agreement of the Chairs, the deadline for application to fill the vacancy was July 2nd.

##### **Applicants for the School Committee Appointment**

Dennis Bruce	22 Olde Lantern Road Acton, MA 01720
Vera Gill	2 Northbriar Road Acton, MA 01720
Herman Kabakoff	27 Robinwood Road Acton, MA 01720
Jesse Liberty	2b Farmstead Way Acton, MA 01720
Paul Murphy	16 Revolutionary Road Acton, MA 01720

##### **Introduction**

John Petersen explained the agenda and the voting process.

##### **Approve voting procedure**

Terry Lindgren proposed using a Kemeny-Young model where the process is in two pieces. First, all members vote on all pairings, creating a ranking of all pairs, then they vote on the top two by roll call. Terry moved that we adopt this procedure. It was

seconded. Xuan Kong asked what would happen if we vote on the two finalists and there is a technical error. Lauren said we would reconvene and revote.

*It was moved, seconded and*

**VOTED:** to use the proposed voting method with the amendment that if there is a technical difficulty the joint committee will reconvene and revote. The motion was approved with Xuan Kong abstaining.

It was asked if Michael Coppolino (absent School Committee member) was given the chance to vote electronically. He was not because the Open Meeting Law does not permit it.

#### **Candidate introductory statements**

Dennis, Vera, Herman and Paul gave introductory statements.

#### **Questions for the candidates from the joint committee**

Terra made a disclosure statement that Herman works for her father and that she was paid for some work that she did. Town Counsel said as long as she feels that she can make an objective decision, she can vote. Terra said that she could be objective.

Pam Harting-Barrett asked the questions from the BOS. "Identify 3 core values of the school community and how they would guide your work on the School Committee."

Xuan Kong asked the questions from the School Committee. "Often a policy question coming before the SC is specific to Acton but other school districts have faced similar issues. What should the process be that the SC follows?"

Pam asked, "Do you believe that the Town side of policies may or may not affect the schools? Why or why not?"

Xuan asked, "In balancing the athletic budget last spring, the SC decided to raise fees for all sports and add a surcharge for some sports because their costs are higher than others. Do you agree with this or not?"

#### **Public Comment/Questions**

Astrid Trostorf urged the committee to choose a candidate that will strongly support our schools.

Daniel Factor asked about dealing with stress experienced by our children, including the large amounts of homework they are given. He asked if the candidates agreed that it was a problem and if so, what could be done?

Charlie Kadlec asked the candidates how meetings should be conducted regarding the Open Meeting Law that requires that business be done in the open. What do they think of the SC's reaction to the violation last year?

Dick Calendrella asked if the candidates are regular attendees of School Committee meetings.

#### **Committee Discussion**

Pam Harting-Barrat spoke highly of Jesse Liberty and was sorry that he was unable to attend due to a family emergency.

Terra Friedrichs felt a lot of the focus for the questions was on near term cost, instead of long term quality.

Terry Lindgren emphasized that the SC needs to work as a team going forward.

Xuan Kong thanked all of the candidates for volunteering.

Sharon McManus thanked Jonathan Chinitz for his years of dedication and for always keeping the students' interests a priority.

John Petersen urged all of the candidates to stay involved with their interest in the SC and consider running in the future.

#### **Candidate closing statements**

The four candidates made closing statements.

#### **Voting**

The Kemeny-Young method of voting was used. Terra Friedrichs and Terry Lindgren tabulated the ballots. Results attached: *07-12-10 Joint APS and BOS mtg – Kemeny Young Voting Final.xls*.

The tally winners were Dennis Bruce and Herman Kabakoff.

Committee members voted by roll call for one of these two candidates:

John Petersen – Kabakoff

Xuan Kong – Bruce

Terry Lindgren – Kabakoff

Sharon McManus – Bruce

Janet Adachi - Kabakoff

Pam Harting-Barrett – Kabakoff

Lauren Rosenzweig - Bruce

Mike Gowing – Bruce

Terra Friedrichs – Kabakoff

Herman Kabakoff is the appointee to the School Committee, 5-4.

#### **Concluding remarks**

John and Lauren thanked all of the candidates for volunteering.

The Joint Acton Public School Committee and Acton Board of Selectmen adjourned at 8:55 p.m. Both committees continued their respective meetings.

#### **CROSSROADS CAFÉ' ALLEGED LIQUOR OVER SERVICE**

Jay Manning spoke about the years they have been in business and had not violated. He takes it very seriously and he has employees who count on him. The employees were TIP's certified in February. His bartenders are veteran bartenders. Mr. Manning produced the receipt of the person who was stopped later by the police. Ms. Harting-Barrat asked about how many drinks she had, he said 2 1/2. Ms. Harting-Barrat asked about TIP's training Mr. Manning said they are certified for 3 years. When asked about the breath test results, Chief Widmayer replied she was twice the legal limit allowed by Law.

Ms. Rosenzweig Morton was concerned about Crossroads being before the Board again as this was the fourth time and noted other problem establishments have not violated for 4 years.

Mr. Gowing asked about the level of her intoxication. He is bothered that Mr. Manning is here before the Board. He was very frustrated and suggested a 3 day suspension as Mr. Manning had three previous warnings from the Board.

Ms. Friedrichs asked the connection between the convenience store stop.

Ms. Rosenzweig - Moved to suspend the license for one day on a Thursday. No second – Motion fails

Ms. Friedrichs -Moved for a one day suspension on a Tuesday – Motion failed

Mr. Gowing - Moved that the suspension be 3 days as there has already been three warnings and this is the fourth offence. No second. Motion Fails.

Ms. Harting-Barrat - Moved to issue a one day suspension on a Wednesday to be determined by the Board, and employee retraining in 6 months Ms. Rosenzweig- second. 3-2 Ms. Friedrichs and Mr. Gowing No. Motion passes 3-2.

#### **ACTON CONVENIENCE STORE, ALLEGED SALE OF ALCOHOL TO INTOXICATED PERSON**

It was noted that this was the first offence. Atty. John Goreville was present with Mr. Russo the owner. They have not had a violation in the 10 years they have owned the store. Most employees are trained for Tips. His attorney gave his scenario of what happened that evening.

Ms. Adachi noted the clerk should have noticed that the woman had been drinking. She asked that employees step back and take a minute to observe patrons actions before selling alcohol.

Terra noted that the officer did not stop her getting into her car. She believes that there must be a warning.

Ms. Adachi - Moved that this is a formal warning to Acton Convenience Store, 465 Great Road, and to require all employees who sell liquor to be Tip's trained within 3 months. Mr. Gowing – second – UNANIMOUS VOTE

#### **ANNUAL OVERSIGHT MEETING – DESIGN REVIEW BOARD**

Anne Sussman outlined the DRB's successes over the past year. They include the TD Bank, on Mass Ave, Power Mill properties owned by Mr. Bertolami, and Windsor Ave building. They have been asked to review 3 40B's and the South Acton Train Station. They need to change their charge to become current. They were formed in 2007; things have changed since they originally were formulated. Ms. Rosenzweig wanted the process to remain voluntary to the developers, but suggested that they go before the DRB.

Ms. Adachi asked about the proposed change in the membership and that they were removing the four people from the committee. Anne said that they had folded those people in to a general group.

Ms. Adachi wanted to be sure it remains an advisory to the Board of Selectmen. Anne said they want to fix the Charter to meet the needs of today.

Ms. Friedrichs would like stronger design requirements. Several changes were suggested. Citizen Tom Michelman said it needs to be tightened and agreed to submit a red line copy with his comments and issues.

Michaela Moran – Member of HDC noted that good design is essential for the Town to be welcoming and a viable community. She supports the expanded Charter.

## **SELECTMEN'S BUSINESS**

### **MORRISON FARM REUSE PLAN**

Ms. Rosenzweig Morton outlined the Site Walk they held on Saturday. Mr. Gowing proposed that we create a Blue Ribbon Commission to generate an action plan to investigate how much this will cost and what order to do the various improvements. He wants the committee have enough stake holders on it so that all are involved. Mr. Gowing wanted to know what the BOS in visioning saw and to move forward. Mr. Gowing reviewed his documents outlining the Charge and asked the board to give him input

Ms. Rosenzweig -Moved to adopt the charge for Morison Farm. Ms. Harting-Barrat –second. UNANIMOUS VOTE.

Ms. Rosenzweig noted that we need 7-9 members and to form this committee to hone down the list leaving some decisions for the Board.

Ms. Friedrichs agreed with 7-9 people and who would choose the members for this Group. Mr. Gowing said he has a potential group but has not spoken to any potential members at this time.

Ms. Adachi wanted to clarify that the Board will be going through the charge and items. We would be giving what we wanted them to address. Ms. Harting-Barrat suggested we get in touch with the Old East Acton committee folks to see if they are interested in participating. John wanted to have the Town finance and operations to be included.

Ms. Rosenzweig Morton - Moved that after we identify what the goals are based on and the lists of actual goals, that we have the Blue Ribbon Commission carry it forward. Mr. Gowing -second UNANIMOUS VOTE

Ruth Martin asked about the changes from former reports. The committee will be answering to the Board of Selectmen.

Dorothy Campbell spoke about the need for fields.

Steve Reuman of 5 Alcott Street for 20 years said he loves the Morrison property and felt he should have commented earlier and wanted to ask that the board think of this property carefully.

Mia Spies wanted to say that she hopes that they will set an agenda item in the near future and go down that list that has been created. She wanted the Board to know this is the first time that the Meadow has been included in the discussion.

**SELECTMEN'S REPORTS**

None

**OTHER BUSINESS**

None

**CONSENT**

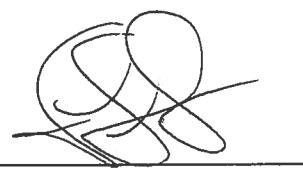
Mr. Gowing – Moved to accept the items listed under Consent. Ms. Harting-Barrat – second  
UNANIMOUS VOTE

**EXECUTIVE SESSION**

To discuss land litigation (2 Stow Street)

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Christine Joyce, Recording Secty



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Clerk  
Date: \_\_\_\_\_

**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**  
**June 7, 2010**  
**Acton Town Hall**  
**Francis Faulkner Hearing Room**  
**7:00 P.M.**

**Executive Session @ 6:00 p.m. Room 126**

Present: Lauren Rosenzweig Morton, Michael J. Gowing, Terra Friedrichs, Janet K. Adachi, Pamela Harting-Barrat, Town Manager Ledoux, Recording Secretary; Christine Joyce. The Meeting was televised

**Executive Session**

Ms. Rosenzweig Morton – Moved to open Public Session to go into Executive Session to discuss Real Estate Negotiations. Ms. Friedrichs took roll call, all Ayes.

**CITIZENS' CONCERNS**

None

**CHAIRPERSON'S UPDATE**

Ms. Rosenzweig Morton discussed the upcoming Special Town Meeting to accept the firefighters Contract.

Memorial Day activities went off smoothly, Gail Sawyer was thanked

July 3<sup>rd</sup> 275 Anniversary activities will be held at NARA. More information will be forth coming for the Board and the Public

**OPERATIONAL MINUTE**

Mr. Ledoux mentioned that there were two other place holders on the Special Town Meeting Warrant for Police and Highway union that would be passed over. He gave an overview of the activities planned for the 275<sup>th</sup> Anniversary at NARA Park

**PUBLIC HEARINGS & APPOINTMENTS**

**BETSY BALL SCHOLARSHIP PRESENTATIONS**

Rachel Schwartz and Erin Sweet accepted their Scholarship awards in the amount of \$1,000 each from the Betsy Ball Fund.

## **LIQUOR LICENSE TRANSFER, NEW LONDON PIZZA, 555 MASSACHUSETTS AVE**

Barbara Epstein explained the process of working through this transfer. Mrs. Bottos and her late husband ran the restaurant together until his death. She is now attempting to transfer the Beer and Wine License to her. There have been no violations at this location.  
Ms. Freidrichs – Moved to approve the transfer. Mr. Gowing – second. **UNANIMOUS VOTE**

## **SELECTMEN'S BUSINESS**

### **REPORT FROM THE TOWN MANAGER ON CAPITAL WARRANT ARTICLES**

Mr. Ledoux outlined his request to keep open certain articles and close others. Ms. Friedrichs asked for clarification on raise and appropriate or stabilization fund, Mr. Ledoux noted that the Stabilization Fund is no longer used. The Board supported the recommendations outlined in the document presented to them.

### **McCARTHY VILLAGE II**

Kelley Cronin Director of the AHA explained the process that the AHA goes through to get approval. Mass Housing Partnership will fund the project.

Ms. Rosenzweig Morton asked about the design and inquired if the buildings would be stepped back or flush.

Ms. Friedrichs spoke about her concern with the project. She asked about the Design Review. Ms. Cronin said members of the Design Review had attended and they were included and will continue to be invited to future meetings.

Mr. Gowing noted the reserved septic field part of the parcel that was not needed. He asked if we would see a request for future expansion in the space that was not used for septic.

Ms. Adachi asked when the site walk would take place. It was planned and then they had to cancel it. Kelly invited Janet to come to a personal site walk with her.

Kristin Alexander's comments were discussed and Ms. Rosenzweig Morton asked for comments from the Board or Public. Ms Adachi - Moved that the Town Manager put together a letter to MHP and to add that the BOS supports the solid vegetation. Mr. Gowing – second. Ms. Friedrichs -abstaining 3-1 motion passes

### **DISCLOSURE OF FINANCIAL INTEREST, KATE CROSBY, GREEN ADVISORY BOARD**

Lauren outlined the Disclosure of Financial interest with regard to Ms. Crosby disclosure. Lauren asked her if she would recuse herself with any issues with paid staff. Ms. Friedrichs - Moved to approve Kate's continued involvement with Green and to recuse herself and may continue to participate in discussions of the Green Advisory Board. Mr. Gowing – second. **UNANIMOUS VOTE**

## **SELECTMEN'S REPORTS**

Mr. Gowing reported on the Commission on Disability and an appeal issue, they will have a training session on ADA guidelines for the Commission and Building Commissioner

Ms. Friedrichs wants to understand what happened with Lothrop Mill sewer privilege fee and why it was approved. She wanted to know why we did not wait until HDC finished the hearing before allowing an applicant to move forward. She reminded the board that the sewer capacity is a strategic asset. Ms. Rosenzweig Morton explained that what the Board as Sewer Commissioner's had done in this regard.

Ms. Friedrichs spoke about the Fin Com and discussions with Maryanne Ashton regarding costs saving committee. The cost savings committee would be coming forward with a summary shortly.

Ms. Adachi reported on her meeting with WANT committee. She went to a seminar about municipal finance and noted it was very educational and interesting.

Ms. Rosenzweig Morton spoke about the Planning Board and site for a cell tower. She announced her marriage and stated that her marital name would be Ms. Rosenzweig Morton.

## **OTHER BUSINESS**

Committee reappointment Draft document – Staff will bring forward the completed List on the June 21<sup>st</sup> Meeting for Board action

## **CONSENT**

### **Ms. Adachi wanted to Hold on 11**

Ms. Adachi wanted to bring her changes to the Draft Letter to the Boards attention.

Mr. Gowing – Moved to accept the consent items 12-16. Ms. Friedrichs – second.  
UNANIMOUS VOTE.

Ms. Friedrichs - Moved to accept Item 11, Draft Letter to MBTA with Ms. Adachi's changes. Mr. Gowing - second. UNANIMOUS VOTE

## **EXECUTIVE SESSION**

The Board held an Executive Session at 6:00 p.m. to 7:00 p.m. to discuss Real Property.

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Christine Joyce, Recording Secty



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Clerk  
Date: \_\_\_\_\_