

**SELECTMEN'S MEETING**  
**DECEMBER 16, 1997**

RECEIVED & FILED

JUL 22 1998

TOWN CLERK

The Board of Selectmen held their regular meeting on Tuesday, December 16, 1997 at 7:30 P.M. Present were F. Dore' Hunter, Wayne Friedrichs, Herman Kabakoff, William Mullin, Nancy Tavernier, Town Manager Don Johnson and Assistant Town Manager John Murray.

{The meeting was televised by cable}.

Herman Kabakoff stated that he would run for re-election and it as been a pleasure and privilege serving the Board these last three years.

William Mullin stated that he would not run for re-election due to time constraints required for his job as a management consultant and family. Mr. Mullin also stated that he thought the Town would benefit from some new "blood", stating that people seem to know what he is going to say before he says it. Mr. Mullin stated that he felt he met his objectives which include, improving the quality of Ice House Pond, obtaining funding for the North Acton Recreation Area, supporting the reconstruction of the South Acton Bridge, ensuring a vote at Town Meeting for sewers, and making progress on the Assabet River Rail Trail. Mr. Mullin encouraged all people in Acton to get involved.

**CITIZENS CONCERNS**

Jasmine Brandies, AB Celebrations, came before the Board to request permission to install a 4 X 8 sign at Kelley's Corner for 15 days, advertising First Night 1998. The Board questioned the location at Kelley's Corner asking if it was private property. WILLIAM MULLIN - Move to approve waiver of the sign bylaw to allow the placement of a 4' X 8' sign to be placed at Kelley's Corner for a period of 15 days. HERMAN KABAKOFF - Second. UNANIMOUS VOTE. Bill Mullin questioned whether the placement at Kelley's Corner is located on private property and asked staff to check into it.

Coles Brook abutters were present stating that they are pleased that the Concord Auto Auction is being proposed as an office park, however, they are concerned with traffic impact and access from Hosmer and Piper Road. There is a December 31, 1997 deadline to express desire on whether or not there should be a Environmental Impact Study (EIF) done on the Auction property. Nancy suggested that anyone interested should contact the Planning Department for more details.

## **PUBLIC HEARINGS AND APPOINTMENTS**

### **BOSTON EDISON LEDGE ROCK WAY**

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

### **STEVEN ST. ONGE COMMON VICTUALLER LICENSE 5 SPRUCE STREET**

WILLIAM MULLIN - Move to approve Common Victualler License to replace the current license (Phillips Coffee Emporium) located at 5 Spruce Street to Steven St. Onge.  
HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

### **CONCORD ACTON SQUASH CLUB SITE PLAN #11/7/97 - 359 29 KNOX TRAIL**

The Concord Acton Squash club located at 29 Knox Trail, is proposing international squash courts. The area is located in the General Industrial District and approvals from various departments have been obtained. WAYNE FRIEDRICHES - Move to take site plan #11/7/97 - 359 under advisement. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

### **DAVID BLACK BOARD OF APPEALS INTERVIEW ALTERNATE**

Mr. Black seeks an Alternate position on the Board of Appeals. Mr. Black stated that he has lived in Acton for seven years and decided that he would like to give something back to the community. Bill Mullin told Mr. Black that this Board has the potential of being tense and asked Mr. Black how he would handle that type of situation. Mr. Black stated that he would look at individual requests , ask specifics and be fair and impartial. WILLIAM MULLIN - Move to appoint Mr. David Black as an alternate member of the Board of Appeals with a term expiring June 30, 2000. WAYNE FRIEDRICHES - Second. UNANIMOUS VOTE.

### **CARA VOUTSELAS BOARD OF APPEALS INTERVIEW ALTERNATE**

Ms. Voutselas seeks an Alternate position on the Board of Appeals. Ms. Voutselas stated that she has time to volunteer. Ms. Voutselas attended one Board of Appeals meeting which was

continued, however, she was able to confer with the members. Ms. Voutselas is a lawyer , presenting only doing pro-bono work and raising a family. Ms. Voutselas stated that when placed in a tense situation she would think of herself as the petitioner and also make a fair and impartial decision. HERMAN KABAKOFF- Move to appoint Ms. Cara Voutselas as an alternate member of the Board of Appeals with a term expiring June 30, 2000. WAYNE FRIEDRICHES - Second. UNANIMOUS VOTE.

**HERMAN KABAKOFF - Move to enter executive session to discuss law enforcement matters and to come out to return to regular session. WAYNE FRIEDRICHES Second. ROLL CALL TAKEN - ALL AYES.**

**HERMAN KABAKOFF - Move to reenter regular session. WAYNE FRIEDRICHES - Second. UNANIMOUS VOTE.**

**MAKAHA RESTAURANT  
LIQUOR LICENSE VIOLATION**

It has come to the Board's attention that Makaha has transferred ownership of the business, changed the corporate makeup, and has filed an affidavit for the 1998 liquor license renewal which names a manager who is no longer involved as Manager or President. These changes have been made without receiving approval from the Board of Selectmen and the Alcoholic Beverage Control Commission. Mr. Lim, Attorney for the Makaha, and the new manager Mr. Raymond Cheng were present to discuss these issues with the Board. Mr. Lim stated to the Board that he had advised his clients not to file the necessary paperwork and obtain the necessary approvals until after the renewal process. The Board informed Mr. Lim that it would have been a wise business decision to contact the Town prior to recommending this advise. Mr. Lim also indicated that another reason was due to the fact that a valid lease was not signed and finalized until recently and his client load did not allow him time to file paperwork until this month. There has been previous alcohol serving problems with the Makaha in the past, however, there have been no instances reported to the police in the last six (6) months. The Board asked Mr. Cheng to take an updated TIP class and also to provide staff with a written liquor serving policy(to be provided at scheduled January 6th public hearing).. WILLIAM MULLIN - Move to extend Makaha's 1997 liquor license until January 6, 1998. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

**CATHERINE BELBIN  
TOWN CLERK  
SPECIAL ELECTION ISSUES**

Ms. Belbin was present to discuss the laws regarding a special election. Ms. Belbin stated that if the Board of Selectmen vote at their next meeting, January 6, 1998 to hold a special election the earliest that election could be held is February 10, 1998. Also if an election is held the ballot question will never expire, however, Office of Campaign and Finance laws will kick in after the vote. The Office of Campaign and Finance will come out to Acton to conduct a seminar

for the School Committee, Finance Committee, Board of Selectmen and anyone else interested in attending.

## BUDGET PRESENTATION

Don Johnson, Town Manager, presented the Board with the proposed FY 99 Budget. Don stated that the purpose of local government is to "serve the community, and make a difference." The town deals with daily issues which include: maintaining the infrastructure, care of the elderly, aid the injured, keep the peace, broaden the mind, preserve history, verify the quality, protect the health, assure safety, plan for the future, honor the past, safeguard the environment, defend the freedom, nurture the young, strengthen the body, and soothe the mind.

New projects which have been approved in the last three years will be affecting FY99 budget. These include a number of new staff positions, associated primarily with the Memorial Library.

The budget again this year has been presented in two volumes, Volume I includes the Budget Message, ALG Plan, Object Budget, Departmental Object Budget, Departmental Detail Budget, back-up materials and the Revolving and Enterprise Budgets. Volume II includes our multi-year program of new and replacement capital, and new personnel and new programs (all with backup).

The Priority List approach has also been done this year as well. The Budget retreat this year produced a solid budget and draft list of priorities which have been used to prepare these recommendations.

ALG guidelines have been followed to prepare this budget. Salaries are proposed to be increased by a 3% COLA and steps if needed. Projections of the ALG and 2001 indicated that Operational Overrides will be needed to staff and equip the upcoming school expansion projects.

Free Cash is an important element to the Town's financial planning and consistently we have been able to maintain Free Cash in excess of the State's average and we have done this primarily through Municipal turnbacks.

New Growth predictions also influence the economic trends and the long range aspects. Acton is growing, however, most of the growth has been primarily residential. FY 97 Actual Revenues were only 0.6% over our projections of last year. We have also had to work with declining State Aide over the last few years. The ALG Plan includes the total estimated revenue levels of FY 99. The Tax Levy Revenues include the allowable 2 1/2% increase, approved Debt Exclusions, anticipated New Growth and Overlay. The proposed FY99 Municipal Appropriation is \$14,918,000 which is a 6.73% increase from FY98.

Staff will be prepared to make a recommendation on the NESWC Fund Balance on January 6, 1997 and looks forward to the budget workshop scheduled for January 10th.

## SCHOOL BUILDING COMMITTEE PRESENTATION

Dr. Isa Zimmerman, Superintendent of Schools and School Committee member Nancy Banks were present to discuss the Elementary school building expansion. Dr. Zimmerman explained that enrollment is increasing which is causing space and maintenance problems. The

Merriam School reopened with approximately 700 students attending. A projection for the year 2001 estimates approximately 2,464 students and currently there is 2,371. There is currently a capacity classroom size of 93 with 98 sections and the proposed classroom size would be 112 with 112 sections. Currently, in some classrooms, the School Committee's policy regarding class size has been exceeded. The State will reimburse the Elementary School project 63% with the total projected cost being 21 million. Maintenance costs have been projected to decrease with the proposed new school/renovations. Twelve FTE professionals will also need to be hired. Taxpayers will be asked to absorb the capital costs of the project. The Board asked to see a breakdown of the estimates which have not been provided at this time.

The School Building Committee also suggested an organizational chart which states the following:

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School Committee/School Administration (establishes & implements policy)
|                                         acts as Acton Town Manager)
Building Committee (oversees wk, consults
|           | with above)
OMR- Project Manager (represents owner by contract works
|           | with Building Inspector)
Clerk of Works (daily oversight of project)
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Herman questioned the need for this many classrooms because he does not see that enrollment will increase as projected. Wayne asked for more information regarding the maintenance costs and questioned how some of the figures were arrived at. Wayne asked where the OMR draft is since we have already expended \$82,000. Dr. Zimmerman stated that one single report has not been received, however, the school has a three-ring binder full of materials that the Board can look at. Nancy Tavernier stated that she was disappointed that a detailed cost report has not been submitted. The school has projected that construction cost to be \$135/per square foot. The Board asked how this figure compares with other town's school projects. WILLIAM MULLIN - Move to post Special Town Meeting warrant (Article 1 - Local School Construction and Renovations). NANCY TAVERNIER - Second. UNANIMOUS VOTE. WILLIAM MULLIN - Move to recommend article. NANCY TAVERNIER - Second. UNANIMOUS VOTE. The Board members discussed this last vote in depth. Dore and Bill are comfortable with the article, however, Herman, Nancy and Wayne all would like to see more detailed numbers.

Charlie Kadlec stated that the Board should be commended for their time and energy. Mr. Kadlec stated that if class size is so important then why hasn't it been made top priority and also feels that enrollment is not a big issue. Mr. Kadlec also stated that even if there is a new McCarthy Town School maintenance costs still exist.

Dore' stated that FINCOM also voted to recommend this evening.

## **SELECTMEN'S BUSINESS**

HERMAN KABAKOFF - Move to send recommendation that an ENF be done on the Concord Auto Auction property. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

## **CONSENT AGENDA**

WILLIAM MULLIN - Move to approve consent calendar as printed. WAYNE FRIEDRICHES - Second. UNANIMOUS VOTE.

## **TOWN MANAGERS REPORT**

### **CENTRAL ARTERY CLAY**

Don stated that the Town has been approached by the contractor of the Central Artery Tunnel indicating that clay was available. It was suggested that the clay should be moved at night so there will be less disruption. Tests were conducted on November 8, 1997 and December 6, 1997 with no problems from neighbors. WILLIAM MULLIN - Move to allow Town Manager to negotiate for clay. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

### **STATE AID BORROWING**

John alerted the Selectmen that he would need signatures from the Board before the end of the month for State Aid Borrowing.

The meeting adjourned at 11:00 PM.

Nancy E. Tavernier  
Clerk

7/21/98  
Date

Sheryl Ball  
Sheryl Ball  
Recording Secretary  
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December 12, 1997

**TO** Board of Selectmen  
**FROM:** F. Dore' Hunter, Chairman  
**SUBJECT:** Selectmen's Report

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## **AGENDA**

**Room 204**

**DECEMBER 16, 1997**  
**7:30 P.M.**

### **I. CITIZEN'S CONCERNs**

### **II. PUBLIC HEARINGS & APPOINTMENTS**

1. 7:31 **BOSTON EDISON - LEDGE ROCK WAY** - Enclosed please find petition and staff comment for Board review.
2. 7:33 **STEVEN ST. ONGE - COMMON VICTULLER LICENSE - 5 SPRUCE STREET** - Enclosed please find application and staff comment for Board action.
3. 7:35 **CONCORD ACTON SQUASH CLUB - SITE PLAN #11/7/97-359** - Enclosed please find staff comments for Board review.
4. 7:45 **DAVID BLACK - INTERVIEW FOR BOARD OF APPEALS ALTERNATE APPOINTMENT** - Enclosed please find Mr. Black's Resource Sheet for Board action.
5. 7:55 **CARA VOUTSELAS - INTERVIEW FOR BOARD OF APPEALS ALTERNATE APPOINTMENT** - Enclosed please find Ms. Voutselas's Resource Sheet and VCC minutes forwarding her to the Board's attention for Board action.
6. 8:00 **MAKAHA RESTAURANT- LIQUOR LICENSE PUBLIC HEARING** - Enclosed please find materials regarding the renewal of the Alcoholic Beverage License for Board action.
7. 8:10 **CATHY BELBIN, TOWN CLERK** will be in to discuss Special Election issues.
8. 8:15 **BUDGET PRESENTATION** - The Town Manager will present his recommended FY99 Budget to the Board.
9. 8:45 **SCHOOL BUILDING COMMITTEE PRESENTATION**.

### **III. SELECTMEN'S BUSINESS**

10. **OTHER**

## **IV. CONSENT AGENDA**

- 11. ACCEPT SELECTMEN'S MINUTES** - Enclosed please find minutes from October 21st and November 18th for Board acceptance.
- 12. COMMITTEE APPOINTMENTS** - Enclosed please find copies of Resource Sheets and VCC recommendation for appointments to various Boards and Committees for Board Action.
- 13. CONSERVATION COMMISSION APPOINTMENT** - Enclosed please find a request to elevate current associate member Margaret Carroll to a full member to fill the unexpired term of Maureen Bodner with a term to expire June 30, 1997 for Board action.
- 14. NEW YEARS EVE LIQUOR LICENSE EXTENSION** - Enclosed please find a request from the Jazz Cafe for an extension until 1:00 a.m. on December 31/Jan 1, in conjunction with New Year's Eve celebration for Board action.
- 15. ACCEPT GIFT** - Enclosed please find a request for Board acceptance of funds (\$250) from the trustees of the West Acton Citizen's Library for Board action.
- 16. ACCEPT GIFT** - Enclosed please find a request from the Municipal Properties Director to accept donations with a cash value of approximately \$7,400.00 from the Acton Boxboro Youth Baseball/Softball organization for Board action.
- 17. SIGN REQUEST** - Enclosed please find a request from the Acton Garden Club to place a sign on Town owned land.

## **V. TOWN MANAGER'S REPORT**

## **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.

#### **JANUARY 10th -**

#### **BUDGET REVIEW MEETING WITH FINANCE COM. & BOARD OF SELECTMEN**

##### **Jan 6**

Site Plan - 80-82 Nagog Park  
Class II Public hearing  
Cons. Com. Interview  
Pizza Hut Stock transfer  
Pcc/Dec16.97.doc

##### **Jan 20**

Planning Board Presentation of articles  
Re-open Site Plan #3/15/354