



## Selectmen's Minutes

### April 22, 2002

7:00 P.M.

Present: Peter Ashton, Trey Shupert, Pam Harting-Barrat, F. Dore' Hunter, Walter Foster, Town Manager and Assistant Town Manager. Meeting was televised.

## CITIZEN'S CONCERNS

Howard Moftage – He asked about the overflow parking for the train on Martin Street at the playground, and what could be done to prohibit the parking as it is unsafe. Dore' asked about partial day parking and asked Don to come up with a plan to address this situation.

## PUBLIC HEARINGS & APPOINTMENTS

PETER ASHTON – Moved to Nominate Trey Shupert and Chairman. DORE' HUNTER – Second. UNANIMOUS VOTE

PAM HARTING-BARRAT – Moved to nominate Walter Foster as Vice-Chairman.

DORE' HUNTER – Second. UNANIMOUS VOTE.

TREY SHUPERT – Moved to Nominate PAM HARTING-BARRAT as Clerk. WALTER FOSTER – Second. UNANIMOUS VOTE.

**DANIELA'S TACORITA– FULL LIQUOR LICENSE 208 MAIN STREET** - Dore' noted that the reference to foreign passports be eliminated from the Policy as most people don't know what they look like. He also warned them that they would be subject to Police stings and that the Board takes Alcoholic Beverage service very seriously. Peter noted Tips training. Tracy noted she has been Tips trained. PETER ASHTON – Moved to approve the Full Liquor License contingent upon making the handicapped space compliant as noted in the Building Commissioner's memo. DORE' HUNTER – Second. UNANIMOUS VOTE.

**NICHOLAS ZAVOLAS – 45 MARTIN STREET** – Spoke about the situation regarding the sewer service to his home. The Zavolas's have submitted the bottom line to them versus other users in the District. They will invest and support the grinder over the years of use, and proposes that if he does the installation he felt that the Town should waive the betterment fee to mitigate this problem.

Trey asked about the other properties in the district, if they had up hill service do we require the homeowner to supply and maintain the grinder pumps and pay their full betterments.

Trey then asked about the costs and questioned the option of other properties connected to gravity feed which would eliminate the grinder.

Dore' asked when the PS was signed, and when they purchased their home, and his assertion about 1998 knowledge through a plan and he asked to be shown a copy of the plan. He doesn't seem to see the 98 plan in his materials.

Dore' asked that it be supplied to him. Mr. Zavolas wants his service at the curb line and is disinterested in the line coming to the property as an easement from the neighbors. It was noted that it would be better to not rely on machinery to get the gravity feed, and was asked if the town could get an easement would he be interested. He said yes, but was concerned about clogs happening, and felt that handling it his way vs. involving the two other properties whom do not wish to hooked-up at this time might be better. Dore' asked if he had plans to sub-divide his property. He had no plans but would not put it in a Conservation Restriction.

Mr. Zavolas feels their solution was the least costly, but if the Town were to get and pay for the easements and install the pipe he would do it that way. He wants sewer to his property but felt that his suggestion was more generous.

Peter indicated they had said they would try to resolve this and he asked about any concern about that type of solution that was offered.

**MAKAHA RESTAURANT DISCIPLINARY HEARING** - Chief Widmayer gave an overview of what has been taking place since the last Board Meeting. They have supplied the officers and he suggested that the attorney be allowed to speak on behalf of his client.

He had asked that they be allowed to have time (three months) to complete changes before the Selectmen made their decision. They offered money to the DARE program to educate children to promote responsible alcohol use. They want to have a doorman vs. police detail and only on Friday night. They asked about shutting off liquor at an earlier time such as 11:00. He feels that they would like to institute the suggestions in his letter for them to see if they will work to address the problem long range.

**DORE' HUNTER** - Moved to accept a continuation as requested, and we revisit it after 3 months at our July 15<sup>th</sup> meeting at which time we will review it again. **WALTER FOSTER** - Second. Attorney Diemert will prepare a supplement to his letter for the Chief and Town Manager.

It was suggested the Thursday and Friday be the nights to have a person at the door. His client would like to have it revisited. The Police Chief suggested the time be changed to 7-12 for the Doorman.

Walter reminded them that if the Board receives any complaints before the 3 months we address it immediately.

**DRINKS AND COMPANY, INC. - TRANSFER OF ALL ALCOHOLIC LICENSE AS A PACKAGE STORE** - The Board discussed liquor service policy and the importance of responsible sales of alcoholic beverages. They are scheduled to take the Tips course and have been working in the store since August. They had several people present who attested to Mr. Ciotti's ethics and character, and urged the Board approve this transfer.

PETER ASHTON – Moved to approve. PAM HARTING-BARRAT – SECOND.  
UNANIMOUS VOTE.

## SELECTMEN'S BUSINESS

**ACTON LIONS CLUB FAIR REQUEST** – Don thought that the prison officials need to be involved. He was concerned about whether or not the fields might be planted or in case of rain, it would be a major problem as well as safe parking. He will continue to find alternative sites. They noted that it had to be soon, as the Lions needed to know whether or not to book the event.

### **9 HOSMER STREET – REQUEST TO MOVE A SPEED ZONE SIGN**

DORE' HUNTER – Moved to Approve. PAM HARTING-BARRET – Second.  
UNANIMOUS VOTE.

**EDC BROCHURE** - Trey asked Pam and Walter to comment. Pam said that are waiting to have this approved by the Board. Changes have been made and it looks better. Dore' commented that the notation of sewer fees is not correct. The map could be clearer and slide it to the right.

**PROPOSED SELECTMEN'S AGENDA** - The schedule was approved at presented.'

**SETTING APRIL'S O&M SEWER RATE** - John Murray informed the Sewer Commissioners that the average amount of daily flow had increased from approximately 21,000 gallons in February/March period to approximately 31,000 gallons in April period. This increase resulted in a decrease in the unsubsidized rate per gallon to cover only period expenses from six cents in Feb./March to three and a half cents in April.

John also briefed the Sewer Commissioners on three significant concerns regarding the financial viability of operating the sewers in the Middle Fort Pond Brook Sewer Area. The first was recapturing O&M costs, which occurred before the plant and collection system were accepting flow. Referencing information previously provided to the Sewer Commissioners, Mr. Murray pointed out that approximately \$24,500 of costs had not been charged to the users in the Sewer Area. The Sewer By-Law (Town By-Law D10) mandates that users to pay for 100% of the operations and maintenance costs. Therefore, it requires these expenses be recaptured before June 30, 2002.

The second concern was for the lack of any working capital. Mr. Murray informed the Sewer Commissioners that financially the O&M function was operating hand –to- mouth. The lack of working capital was requiring vendors to wait for payment and requiring the early payment of monthly charges by the Town and Schools.

The third financial concern was the use of gift funds for funding cash flow needs, construction expenses and to provide a rate subsidy to residential users of the system. John is concern that the demands for funding from each need may exceed the total amount of the gifts.

Sewer Commissioner Shupert stated that he was concerned by both the lack of working capital and recapture of the pre-flow O&M costs. Sewer Commissioner Hunter stated his priority was the continuation of the subsidy to residential customers. In

addition, he believed the subsidy was a key component in the decision for additional residential users to connect to the system. Sewer Commissioner Ashton asked if Staff had a recommendation given the financial concerns. Mr. Murray recommended that the Sewer Commissioners adopt an amount greater than the 3.5 cents necessary for April expenses to cover a portion of the pre-flow operations costs. Due to the fact, Doug Halley was quoted in the Beacon that the UN-subsidized rate would soon be 3.8 cents; John felt that was the maximum rate he could recommend.

The Sewer Commissioners also expressed their dissatisfaction with the Water District's requirement that the Town sign a document, which states in part that the Water District is not responsible for the accuracy of water readings provided to the Town for the calculation of sewer O&M charges. Sewer Commissioner Hunter stated that he had sent to the Water District Manager a list of questions concerning this matter and copied the Sewer Commissioners. The Water District Manager responded to Sewer Commissioner Hunter's questions by stating the questions related to policy matters rather than operational decisions and as such, the questions were being forwarded to the Water Commissioners. Sewer Commissioner Ashton obtained a consensus of the Sewer Commissioners for Staff to arrange a public meeting between the Water Commissioners and the Sewer Commissioners to resolve this issue.

DORE' HUNTER Moved to establish the unsubsidized rate at 3.8 cents per gallon, set the residential rate at 1 cent per gallon, to appropriate the difference between subsidized rate of 1 cent and the unsubsidized rate of 3.8 cents for residential users only from the Sewer Gift Funds, and to bill on a percentage of Title V flow utilized in Feb/March billing process. PAM HARTING-BARRAT - seconded UNANIMOUS VOTE

#### **OTHER BUSINESS**

**SELECTMEN'S REPORT** – It was decided to add the Sewer Commissioner's Report to each Agenda and to add it as Roman numeral four.

#### **CONSENT AGENDA**

DORE' HUNTER –Moved to approve. WALTER FOSTER – Second. UNANIMOUS VOTE

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

**USE OF THE TOWN COMMON** - Nashoba Valley Church has asked permission to use the Town Common for a Prayer Service in conjunction with the National Day of Prayer. The Board approved.

## EXECUTIVE SESSION

PAM HARTING-BARRAT – Moved to go into Executive Session to discuss LITIGATION STRATEGY - PETER ASHTON - SECOND. The Board will only return to open session to adjourn. Roll Call taken by the Clerk, All Ayes.

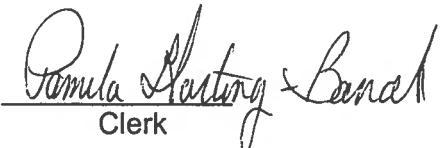
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Christine Joyce  
Recording Clerk

Clerk

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Date



April 19, 2002

**TO:** Board of Selectmen/Sewer Commissioners  
**FROM:** Peter Ashton, Chairman  
**SUBJECT:** Selectmen and Sewer Commissioners Report

**APRIL 22, 2002**  
**THE MEETING BEGINS AT 7:00 P.M.**

**BOARD REORGANIZATION** – The Board will vote to Reorganize for the upcoming Year.

**I. CITIZEN'S CONCERNS**

**II. PUBLIC HEARINGS & APPOINTMENTS**

1. 7:05 **DANIELA'S TOCORITO, INC. 208 MAIN STREET, STORE 7B** – Enclosed please find applications and staff comment with regard to Daniela's Tocorito request for a full liquor license at the above location.
2. 7:15 **NICHOLAS ZAVOLAS – 45 MARTIN STREET SEWER HOOK-UP** – Enclosed Please find materials in the subject regard for Board review.
3. 7:45 **MAKAHA RESTAURANT** – Enclosed please find materials in the subject regard for Board discussion relative to a formal disciplinary hearing.
4. 8:15 **DRINKS AND COMPANY INC. – 11 SPRUCE STREET – LIQUOR LICENSE TRANSFER APPLICATION** – Enclosed please find materials for the transfer of an All Alcohol Package Store from Acton Beverage, Inc. to Drink's and Company, Inc, along with Staff comment for Board review.

**III. SELECTMEN'S BUSINESS**

5. **ACTON LIONS CLUB FAIR** – Enclosed please find a request from the Lion's Club to hold their Annual Town Fair on the School Street Fields on June 24-June 30th. The Recreation Director and staff have submitted comments and recommendations for Board review.

6. **9 HOSMER STREET – SPEED ZONE SIGN** – Enclosed please find staff comment regarding the request to move a Speed Zone Sign located on Hosmer Street for Board consideration.

7. **EDC BROCHURE** – Enclosed please find the EDC Brochure for Board consideration.

8. **PROPOSED BOARD OF SELECTMEN'S MEETING SCHEDULE** – Enclosed please find the E-Mails to and from staff for Board consideration.

9. **SETTING APRIL O&M SEWER RATE**

10. **OTHER BUSINESS**

## **IV CONSENT AGENDA**

- 11. ACCEPT MINUTES** – Enclosed please find March 11, 2002 minutes for approval.
- 12. MOLLY O'NEIL** – VCC has asked that Ms. O'Neil be elevated from her recent appointment to a Regular Member to fill the unexpired term of Mark Benedict to expire June 30, 2003 for Board consideration.
- 13. ROBERT COAN – APPOINTMENT AS AN ASSOCIATE MEMBER OF THE HISTORICAL COMMISSION** – Enclosed please find VCC's recommendation and Mr. Coan's Volunteer Application for appointment to the Historical Commission for a term to end June 30, 2003.

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

## **VI EXECUTIVE SESSION**

- 14. There will be a need for Executive Session to discuss litigation strategy**

### **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.

APRIL 29, Special Meeting for AT&Tb  
MAY 6  
MAY 20  
JUNE 3  
JUNE 17

### **GOALS 2001-2002**

1. Resolution of on-going Labor Negotiations (Peter/Trey)
2. Improve Communication with Town Boards (Peter)
3. Towne Building Reuse (Walter/Dore')
4. ALG process be used for purpose of Budget Planning for FY '02 (Peter/Trey)
5. Residential and Commercial Growth (Walter/Trey/Pam)
6. Open Space and Recreation Plan (Peter/Walter)
7. Health Insurance Trust Agreement (Peter)
8. HDC Bylaw Review (Dore'/Peter)
9. Decision on Pentamation Accounting System (Dore'/Pam)
10. Process Planning for "Life after NESWC" (Pam)

### **FY 2000 GOALS carried forward**

11. Public Safety Facility (Dore'/Trey)
12. Determine future - 17 Woodbury Lane House.
13. Provide looking at salary levels in the organization, include liaison with Personnel Board (Trey /Peter)