



## SELECTMEN'S MINUTES

July 16, 1996

**Present:** Nancy Tavernier, F. Dore' Hunter, William C. Mullin, Wayne L. Friedrichs, Herman Kabakoff, Town Manager Don Johnson and Assistant Mgr. Murray. (The meeting was televised)

### CITIZEN'S CONCERNS

None Expressed.

### PUBLIC HEARINGS AND APPOINTMENTS

#### TRAFFIC RULES AND ORDERS AMENDMENT SPRUCE STREET/ARLINGTON AND SUMMER/WILLOW STREETS

John Kennedy of VHB discussed the sight distance problem at Spruce and Arlington Streets in the area of the West Acton Post Office. They have reviewed all issues including the impacts on the railroad for queuing situations. There will be no queuing problems at the location according to the review they have done. They reviewed several ways to solve the problem, they settled on a 4 way stop as the most cost effective measure.

Mr. Hunter felt it was a worthwhile effort to at least try the 4-way signs and if they don't improve the situation then a lot of monies have not been expended to try it. They all agreed that the No Parking in front of the Post Office should be implemented.

Mr. Robert Guba, resident of Central Street supports the stop sign and parking prohibition in front of the Post Office. He also noted concern with the speed of vehicles on Arlington Street and urged more aggressive enforcement.

HERMAN KABAKOFF - Moved to approve amendment of the Traffic Rules and Orders as prepared to install a 4-way Stop at Spruce and Arlington Streets and to prohibit parking in front of the Post Office in concert with comments by the consultant. WAYNE FREIDRICHS - Second. UNANIMOUS VOTE.

WILLOW AND SUMMER STREETS: John Kennedy reviewed his report which concludes difficulty in determining a sight problem at that location. They find the speed is high on Willow Street. They looked at what could be done, they could not find any suggestions for the sight improvements, they thought perhaps a beacon warning motorist could help, but they felt the 4-way stop would be the best resolution. They felt it would address the speed issue at the same time by making the cars stop it would slow the speed.

Mr. Mullin asked about current signage at the location. There is a cross street sign in place, however, it was noted that doesn't seem to slow speed of motorist according to

Mr. Kennedy. The queuing was addressed and the report indicates 3 cars waiting depending on the traffic flow, or 15 second delay to pass through the intersection. 1,900 cars use this intersection, or 90 per hour.

Mr. Friedrichs noted that the report concludes it will prevent 5 accidents per year and referred to the previously noted experience of the intersection in Newton.

Jeff Carter an abutter to the intersection urged the Board not to install the signs and to do more research, perhaps redesign the intersection. He disagreed with the consultant, he feels there is a sight problem at this location. He did not want to see 4-way as it would snarl traffic and would impact the residents of that location. Mr. Kennedy, disagreed with the potential of traffic snarling. He referenced the recent Barratt's Road installation with no back-ups and no accidents. Mr. Carter said he would be willing to consider giving some of his land away to fix the problem if a redesign was considered.

Greg Little said he was glad the Town was taking steps to look at this dangerous location. He disagreed with the sight line issues and asked about flashing lights. John Kennedy felt it was not going to help. Mr. Little asked about double stacking signs, flashing stop signs, improved warning signs, Dangerous intersection warning on Willow could be moved.

Selectman Tavernier asked that all comments and suggestions be submitted to the Board to review at a later meeting.

Mr. Hunter noted that he himself had an accident with a bike at that location, after he had stopped and looked, and felt it would not have happened if it had been a 4-way stop.

Mr. Manter said it was a geometric problem, he felt it currently appears as a 90 degree angle but really closer to 60 to 120 degrees and urged the Board to look into reconfiguring the intersection but taking land from Mr. Carter, Tucker and Loring properties. He noted the present signs are partly covered by trees and should be moved toward Homestead Street.

Joe Collentro noted that people do not stop at the signs already installed and they would go right through the ones installed. He noted that there would be a bigger back-up if made a four way. He suggested the flashing red warning stop signs at the approach to the intersection as a helpful consideration.

Mrs. Riches felt that a 4 way stop sign would not work.

Mrs. Tavernier felt that the issues has been heard and that the intersection required additional review before moving forward with any actions. The consultant was asked to review effect of possible aggressive signage, traffic patrols with staff. The issue will be revisited on or about September 24th.

WILLIAM MULLIN - Moved to take under advisement . HERMAN KABAKOFF- Second.  
UNANIMOUS VOTE.

**TRAFFIC RULES AND ORDERS AMENDMENT  
LIBERTY STREET AND STOW STREET**

No one was present to make comment from the public. Staff has recommended a three way stop at this location, with a removal of a Yield Sign. WILLIAM MULLIN - Moved to amend the Traffic Rules and Orders as prepared by removal of the existing Yield Sign and installation of a Stop Sign at Liberty Street. DORE' HUNTER - Second. UNANIMOUS VOTE.

**TITAN AUTOMOTIVE - 140 GREAT ROAD  
CLASS II LICENSE**

Mr. D'Agostine representing his client appeared before the Board for the Class II Application for Titan Automotive. His clients propose to operate the business in the same manner as the current Mirak Rental Company. HERMAN KABAKOFF - Moved to Approve the Class II License Application for Titan Automotive CO. -DORE' HUNTER - Second. UNANIMOUS VOTE.

**CABLEVISION TRANSFER OF LICENSE**

Mr. Peter Atherton and Joe Magno of Cablevision were present to answer any questions the Board had on the transfer before them. They noted it was a Stock Transfer and would have no outward effect of subscribers.

Sharon Ingraham of the Cable Television Committee stated she had reviewed the transfer documents and had no problem, her review revealed no change.

DORE' HUNTER - Moved to approve the Transfer of Stock Transaction as presented by Cablevision-A/Russell. WAYNE FREIDRICHS - Second. UNANIMOUS VOTE.

**TRANSFER OF BEER AND WINE LIQUOR LICENSE  
DONELAN'S SUPERMARKET - 248 GREAT ROAD**

The Board reviewed Mr. Donelan's application and supporting materials. They noted that the paperwork was outstanding. Mr. Friedrich's asked about the current location and reason for relocation. Mr. Donelan felt that the new location would be better for business and looked forward to the move. He will be retaining the current Liquor Manager employed by Triple A and has no plans of changing the way the liquor end of the business is operated.

The Board noted Triple A's fine reputation and thanked them for the many years of good working relationship with the community.

WILLIAM MULLIN - Moved to approve the Transfer of the Liquor License from Triple A Market to Donelan's Supermarkets, Inc.. DORE' HUNTER - Second. UNANIMOUS VOTE.

## SELECTMEN'S BUSINESS

### FEE WAIVER REQUEST - SCHOOL DEPARTMENT

WILLIAM MULLIN - Moved to deny the Regional School Fee Waiver portion of Board of Health Permit fees. DORE' HUNTER - Second. UNANIMOUS.

Mr. Mullin asked that a copy of the policy be forwarded to the Superintendent's office. Bill noted what is the context of the request for \$30.00 waiver when there is a balance in the schools accounts. Nancy Tavernier noted that fees from inspections are in the revolving funds for town departments operations.

### TOWN MANAGER'S CONTRACT

WILLIAM MULLIN - Moved to approve the performance Salary increment of 4%. DORE HUNTER - SECOND. UNANIMOUS VOTE.

The Board noted that they will be reviewing Long Term Disability in the upcoming year as well as Severance Pay and life insurance amounts to bring the contract more in line with standard business practices as noted by comment from the Personnel Board.

Nancy urged the Town Manager to learn to say no to some requests, even those from the Board.

Herman would like to make an observation about severability clause being too generous. He would like to see that addressed and revised in light of comments by the Personnel Board.

Dore' noted the original clause was added in lieu of LTD, and to protect the Town Manager's status as he had been a long time employee. Dore' questioned what was being given to the other employees for Merit. Don replied anywhere from 1 to 2 1/2 percent is what he had been awarding. DORE' HUNTER - Moved to approve a one time 2 percent Merit Bonus to Don for his exemplary performance. WILLIAM MULLIN - Second. UNANIMOUS VOTE.

Wayne noted he felt that 2 percent was modest in light of his performance. Herman asked if the money was budgeted or would another employee loose by the granting of these monies. John Murray said no one would have to give up monies to award this One-time bonus with equates to around \$1,900.

Bill noted that he did not realize when he prepared the review and asked for 4% that that was what the organization was given for COLA and feels that Don deserves the bonus. Nancy noted that he deserves the raise and agreed with Wayne that it was modest.

WILLIAM MULLIN - Moved to approve the contract and extension to June 30, 1999. DORE' HUNTER - Second. UNANIMOUS VOTE. It was noted that the Board will be looking into LTD and Life Insurance issues in the next cycle of the contract.

## REX LUMBER AGREEMENT

WILLIAM MULLIN - Moved to sign the agreement with Rex Lumber as negotiated by the Town, Rex and Mr. Redman. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

Bill noted that Don's outstanding work of this project was appreciated. He was a calming negotiator and saved the Town a lot of money.

DAVIS ROAD - John Murray presented the "Mock Check" for the long outstanding back tax issue in the amount of \$311,000. Staff was thanked for their part in securing this payment.

SCHOOL SPACE STUDY: Mr. Hunter updated the Board on his work with the Space Study Committee and the issues around the Arlington Street property. That is no longer a viable site. He said all in all the Committee has made a good beginning.

NESWC FUND BUDGET OVERVIEW- Mr. Mullin and Mr. Friedrichs presented a memo expressing Fund Balance Assumptions. These recommendations reflect current assumption and the volatility in the analysis is shown in the paperwork. They decided first to present separate recommendations for the fund balance at budget time, and at the next meeting after the Town Manager presents his proposed budget to BOS they look at it again. It was too hard to figure out is the conclusion they both mutually agreed on. The appropriate level of Fund Balance is a very difficult issue to determine. Wayne was now concerned they need a Fund Balance and the amount needs to be discussed at ALG meeting, a 1.5 million item is not out of line and could easily justify more in the Fund Balance. Bill felt another session with the School, Fincom NOT in Executive Session to get more info out to everyone would be worthwhile.

WILLIAM MULLIN - Moved to adopt the Recommendations as outlined in the Memo . DORE' HUNTER - Second - UNANIMOUS VOTE.

Herman felt it was boiling down to a political issue, more than just a financial analysis and has struggled with the issue since becoming a Selectmen. He endorses the study, feels it was well done and Board needs to make political decisions and find most palatable way to do so.

WETHERBEE STREET - Mr. Mullin inquired about the status of Weatherbee Street Bridge project. Don has information that work should begin again next week.

ADULT ZONING - The Manager asked for Board direction about the recent Attorney General's decision. He asked if we should be backing off or should be pressing it since counsel feels he has overstepped his authority.

DORE' HUNTER - Moved to direct the Town Manager to pursue all appropriate legal action but to check back before filing and to have counsel provide a budget before proceeding. WILLIAM MULLIN - Second. UNANIMOUS VOTE.

FIRE STATION ROOFS - Don updated the Board. All bids were received over the appropriation. He will be talking with Dean and the consultant to see how they developed the original price guidelines and why bids received were so far off.

Chairman Tavernier noted the great success Richard Howe had with reaching the required tonnage at NESWC. She commended him for his continued fine work in monitoring the trash situation which takes considerable time and energies.

A public notice was made that Nynex will be switching off the phones in Acton on July 19 and the phones will be down for five minutes around midnight.

### CONSENT AGENDA

DORE' HUNTER - Moved to Approve as printed. WAYNE FRIEDRICHS - Second. UNANIMOUS VOTE.

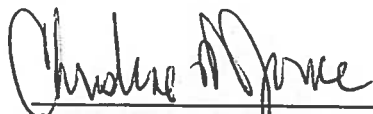
### TOWN MANAGER'S REPORT

REVENUE PROJECTIONS - FY96 \$150,000 shortage in revenue will be covered by turnbacks. 1997 Cherry sheets have offset, Mr. Mullin felt the issue should be discussed at ALG meeting regarding municipal turn backs and the adjustment to the plan will have to be made to reflect the Aid and shortages of revenue predicted. He felt we should find out what they plan to do with excess funds they received. Mr. Mullin noted he was waiting until Spring to see how to use Free Cash.

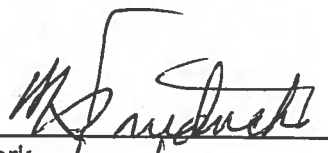
### EXECUTIVE SESSION

WAYNE FRIEDRICHS - Moved to adjourn into Executive Session for the purpose of discussing Real Property- HUNTER - Second. UNANIMOUS VOTE. Roll Call taken by Clerk, All Ayes.

The Board adjourned at 10:30 P.M.



Christine M. Joyce  
Recording Secty.  
JULY16,1996.DOC

  
Clerk  
8/20/96  
Date

July 12, 1996

TO Board of Selectmen

FROM: Nancy E. Tavernier, Chairman

SUBJECT: Selectmen's Report

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## Revised

### AGENDA Room 204 JULY 16, 1996

- I. CITIZEN'S CONCERNS
- II. PUBLIC HEARINGS & APPOINTMENTS
  1. 7:35 **TRAFFIC RULES AND ORDERS AMENDMENT: SPRUCE ST./ARLINGTON and SUMMER/WILLOW STREETS-** Enclosed please find the public hearing notice and staff comment regarding the proposed amendment to the Traffic Rules and Order for the installation of Stop Signs at the above intersections for Board review and action.
  2. 7:40 **TRAFFIC RULES AND ORDERS AMENDMENT: LIBERTY ST. AND STOW STREET:** Enclosed please find the public hearing notice and staff comment regarding the proposed amendment to the Traffic Rules and Order for the installation of a Stop Sign at the above intersection for Board review and action.
  3. 7:45 **KEVIN SWEENEY-** Mr. Sweeney will be making a presentation of the Mill Corner monies for Board acceptance. ***(Mr. Sweeney will be unable to attend)***
  4. 8:15 **CLASS II LICENSE, 140 GREAT ROAD - TITAN AUTOMOTIVE -** Enclosed please find application and staff comment regarding Titan Automotive Class II License request for Board action.
  5. 8:30 **PUBLIC HEARING - CABLEVISION -** Enclosed please find materials required for the Application to Transfer the license under Mass Cable Television Regulation(207/CMR Section 4.00) for public hearing before the Board. Representatives from Cablevision and Acton's Cable Television Committee will be present to answer questions.
  - 6.. 9:00 **TRANSFER OF LICENSE - TRIPLE A MARKET, 248 GREAT ROAD -** Enclosed please find application and proposed liquor handling policies as well as staff comment regarding the proposed transfer of an Beer and Wine liquor license from Triple A Markets to Donelan's Supermarket for Board review and action. *Note this is not a location change, Donelan's will be occupying the same retail space as occupied by Triple A Markets.*

**III. SELECTMEN'S BUSINESS**

- 7. FEE WAIVER REQUEST - Enclosed please find request from the School Department for Waiver from Board of Health fees and staff comment for Board review.
- 8. TOWN MANAGER'S CONTRACT
- 9. REX LUMBER AGREEMENT- Enclosed please find the agreement negotiated in conjunction with NARA Project for Board signature.

**IV. CONSENT AGENDA**

- 10. ACCEPTANCE OF MINUTES - Enclosed please find minutes from May 14 and 28th for Board acceptance and signature.
- 11. ANNUAL ANTIQUE SHOW- - Enclosed please a request from the Acton Center Congregational Church for the Annual Antique Show and staff comments for Board Board action.
- 12. ACCEPT GIFT - Enclosed please find a request from staff for an acceptance of \$30.00 to be used by the Nursing Service for the purchase of a clinical reference text for Board action.
- 13. BICKFORD'S RESTAURANT - Enclosed please find a request to modify the hours of operation on the Common Victualler's License and staff comment for Board action.

**V. TOWN MANAGER'S REPORT**

- 14. The Town Manager will discuss the Attorney General's "Approval"/Amendment of the Sexually Oriented Business Zoning Bylaw.
- 15. FY96 & FY97 - Revenue Projections.

**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.

Aug 20 - Windsor Ave. Traffic issues  
Mr. Panetta, Kevin Hurley, Sudbury Road  
Sept. 10

Pcc/July16.DOC