

**SELECTMEN'S MEETING  
DECEMBER 17, 1996**

The Board of Selectmen held their regular meeting on Tuesday, December 17, 1996 at 7:30 P.M. Present were Chairman Nancy Tavernier, F. Dore' Hunter, Wayne Friedrichs, Herman Kabakoff, William Mullin, Don Johnson, and Assistant Town Manager John Murray.

{The meeting was televised by cable}.

**CITIZENS CONCERNS**

A resident of 63 Hammond Street expressed his concern with the intersection of Route 27 and Newtown Road. He stated that the intersection is unsafe and dangerous. Nancy Tavernier stated that the Board will address this intersection during budget discussions.

**PUBLIC HEARINGS AND APPOINTMENTS**

**EARTH DAY PRESENTATION**

Members of the Earth Day Committee were present to ask the Board to declare April 1997 as Earth Day. DORE' HUNTER - Move to declare April 1997 as Earth Day. WAYNE FRIEDRICHS - Second. UNANIMOUS VOTE. The Committee also stated that they are requesting the State also declare April 1997 as Earth Day.

**RICHARD DOLAN**

**CLASS II**

**928 MAIN STREET**

The applicant, Richard Dolan, is seeking a Class II license located at 928 Main Street for a non-display license. WILLIAM MULLIN - Move to approve. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

**ACTON/BOXBOROUGH CULTURAL COUNCIL**

**OVERVIEW MEETING**

The Acton Boxborough Cultural Council (ABCC) was present to give the Board an overview of their committee functions. The funding for the ABCC comes from the State lottery revenues. Presently the ABCC receives \$9,500 in order to promote culture in Acton and Boxborough. In 1995, the ABCC sponsored artist collections at the Arboretum. The ABCC is also in the midst of purchasing one of the items done by a local artist at that showing. The State has informed the committee that they are the best managed committee in the State.

The ABCC asked the Town for additional funding in the amount of \$5,000 and also asked permission to use the postage machine located in the Town Hall. The Board questioned the committee as to what the funding would be used for. The ABCC stated that they would like to upscale their performances and exhibits. The Board stated that they would take this request under advisement during budget discussions in January and February.

### **LIQUOR LICENSE CLOSING HOUR MODIFICATION MAKAHA, CROSSROADS, & SCUPPER JACKS**

The Board discussed modifying the hours of the Liquor licenses for the Makaha, Crossroads, and Scupper Jacks. Their existing licenses go until 1:00 A.M. The Board has stated that all licenses should go until 12:00 Midnight. This modification has been discussed due to violations that have occurred over the past years, not necessary at these three locations. The Board feels that by closing at 12:00 Midnight instead of 1:00 AM the potential for late night problems might be eliminated. All three establishments have stated that this closing time is acceptable to them, with Crossroads indicating that they presently close at 11:00 PM on weekdays and 12:00 Midnight on weekends. Bill Lee from the Makaha stated that they presently give last call around 12:00 Midnight or 12:30 AM and would not have a problem with stopping at 12:00 Midnight. HERMAN KABAKOFF - Move to have all liquor licenses end at 12:00 Midnight with the ability to ask for an extension for special occasions such as New Year's. DORE' HUNTER - Second. UNANIMOUS VOTE.

### **BOSTON EDISON SERVICE ISSUES RELATED TO STORM ON DECEMBER 7TH.**

Nancy Tavernier introduced members of Boston Edison, Representative Resor, and Paul Glavin representing Robert Durand. John Higgins, Vice President of Human Resources, apologized to the residents of Acton for any inconveniences that we created as a result of the storm. Mr. Higgins stated that an independent survey is being conducted. Mr. Higgins stated that Edison relied too heavily on the weather forecasters and did not realize the amount of damage the storm created. Edison stated that they had management teams out Saturday evening and they noted that a lot of circuits were out and it wasn't until Monday that they realized it wasn't a problem with the circuits. Upon realizing the extent of the problem on Monday, Edison then began moving forward by setting up an 800 number with open paths for 8,000 lines. Edison then realized that trees were down everywhere which was the route of the problem with the power outages. Edison also stated that communication from the area towns was poor and suggested we appoint a representative who will be in charge of notifying Edison of problems.

Staff called the DPU on Tuesday morning and secured an 800 number for customers to register complaints. DPU was not aware of Acton's problems, however they stated that Framingham, Wayland, Sudbury, Westford and Chelmsford and all the way up through Nashua

had been hit hard by the storm. Staff also asked DPU if Edison appeared to have been ready for this storm. DPU stated that Edison seemed to be behind on this particular storm and that since the Town called the DPU an investigation would result.

Tuesday afternoon, Joanne O'Leary called and informed us that Acton had been declared a MEPO (Major Emergency Plan of Operation) site. Allen Douglas was sent to Acton to open an emergency office at the DPW building. By mid afternoon Edison had assigned Bill Clancey, Service Manager for the City of Boston Territory to take charge of the work in Acton, Wayland and Framingham. Mr. Clancey was in touch with staff giving status reports as needed. By the time evening came most areas had been restored and crews were working hard to get the others up. The MEPO office was closed Wednesday around 3:00 PM.

The Board asked Mr. Higgins to provide assurance that these problems would not happen again in this magnitude and what was being done to provide that assurance. Mr. Higgins stated that if Acton had been declared a MEPO site prior to Tuesday that this magnitude of problems would not have occurred and asked that Acton appoint a contact representative in order to inform Boston Edison of problems. Many angry residents were present to state their displeasure's with Edison's performance. The concerns were with the lack of communication and response, not enough phone lines with informative people on the other end and being told their were crews out working when their really wasn't. It was suggested that a protocol be developed and presented. One citizen even suggested a reduction in their monthly bills, and that consideration should be taken place regarding loss of foods, and mechanical problems which resulted with storm outages.

The Board presented Edison with a list of questions and invited them back for the January 21, 1997 meeting at 7:45 PM.

## **LAND STEWARDSHIP COMMITTEE**

### **OVERVIEW**

This agenda item was postponed until January when more time could be given to address this committees concerns.

## ***SELECTMEN'S BUSINESS***

### **1997 LIQUOR LICENSE RENEWALS**

WILLIAM MULLIN - Move to renew the following Common Victuler Licenses to Expose, Keep for Sale and to Sell all Kinds of Alcoholic Beverages to be drunk on the premises, holding the Makaha for discussion.

1. Acton Jazz Cafe
2. Claude Miquel, Inc.
3. Acton Seafood Sales
4. Gerard Labrosse
5. Sahapanit Corp., d/b/a Benjarong

6. ScupperJacks
7. Jaman Corp.
8. Sichuan Pavilion
9. High Potential

WAYNE FRIEDRICHS - Second. UNANIMOUS VOTE.

WILLIAM MULLIN - Move to renew the following Retail Package Goods Store, License to Expose, Keep for Sale and to sell All Kinds of Alcoholic Beverages, not to be drunk on the premises, and the following Retail Package Goods Store, License to Expose, Keep for Sale and to sell Wines and Malt Beverages, not to be drunk on the premises, and the following Common Victuler License to Expose, Keep for Sale, and for licenses to Sell Wine and Malt Beverages to be drunk on the premises:

RETAIL - ALL

1. Elm Associates, Inc.
2. Robert L. Malnati.
3. Last National Wine Co., Inc.
4. Liquor Outlet, Inc.

RETAIL - BEER AND WINE

1. ALBY Corp.
2. Acton Convenience
3. Donelans Supermarket

COMMON VICTUALER - BEER AND WINE

1. Beef N' Ale
2. Pizza Hut of America, Inc.
3. New London Style Pizza
4. Papa Gino's Acquisition Group

WAYNE FRIEDRICHS - Second. UNANIMOUS VOTE.

The Board discussed the renewal of the All Kinds of Alcohol Liquor License for the Makaha restaurant. A sting was conducted by the Acton Police Department. Eighteen locations were checked, and out of the eighteen, five served the underage drinker. The Makaha served the underage drinker and it was the third time they have been caught recently. The Board would like to bring the Makaha in for a hearing to discuss this violation along with the other four establishments that had violations. It was also noted that this was the second violation for Benjarong. The Board expressed their displeasure regarding these five violations. WILLIAM MULLIN - Move to extend Makaha's liquor license for one month, and invite the Makaha to the next meeting. HERMAN KABAKOFF - Second. UNANIMOUS VOTE. WILLIAM MULLIN - Move to invite Donelan's, Buscemi's Market, Sichuan Pavilion, Makaha, and also Benjarong

who should be prepared to show cause as to why their liquor license should not be suspended and to appear before the Board for a hearing. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

### **CHARTER CHANGES**

WILLIAM MULLIN - Move to accept warrant article for Charter Changes for inclusion at Town Meeting. WAYNE FRIEDRICHS - Second. UNANIMOUS VOTE.

### **BUDGET DISCUSSION**

The Board briefly discussed the detailed budget presented to the Board. Board members stated that they would like some more time to review the budget prior to discussion. Staff suggested that the Board make a list of recommendations. The Board stated that all Department heads should be invited to the Budget workshop on January 11, 1997.

### **ALG REPORT**

The Board discussed the deficit of 1.5 Million for FY 98. The Board discussed their options regarding this deficit. The Board suggested some alternatives. For example an override, cutting operating expenses, using free cash to offset the deficit, or possibly eliminating or reducing the COLA. The Board discussed these options and stated that they would not use Free Cash to offset the budget. WILLIAM MULLIN - Move to not use Free Cash for recurring operating expenses and to either have an operating expense decrease or an operating expense override or a combination of both. DORE' HUNTER - UNANIMOUS VOTE.

### **HALLOWEEN RESOLUTION**

WAYNE FRIEDRICHS - Move to approve Halloween Resolution to include on the 1997 warrant for Town Meeting approval. DORE' HUNTER - Second. UNANIMOUS VOTE.

### **SEWER ARTICLES**

DORE' HUNTER - Move to place four (4) draft sewer warrant articles on draft warrant subject to further discussion. WAYNE FRIEDRICHS - Second. UNANIMOUS VOTE.

### **METROPOLITAN PLANNING ORGANIZATION**

WILLIAM MULLIN - Move to appoint the Chairman of the Board of Selectmen as the Metropolitan Planning Organization representative. DORE' HUNTER - Second. UNANIMOUS VOTE.

**\* It is now 12:00 Midnight.**

## **CONSENT AGENDA**

DORE' HUNTER - Move to accept Consent Agenda items 14 - 17, AND 19 holding 18 until Herman re-enters the room.. WAYNE FRIEDRICHS - Second. UNANIMOUS VOTE.  
DORE' HUNTER - Move to accept agenda item 18. HERMAN KABAKOFF - Second.  
UNANIMOUS VOTE.

## **TOWN MANAGERS REPORT**

### **NESWC FUND BALANCE**

John Murray presented the Board with a brief history regarding the NESWC fund balance. In 1993, refinancing of the debt in the contract was backloaded even though Acton objected. The backloading created major financial problems for all communities. This problem has been further enhanced by the Clean Air Act which will result in huge costs to the communities. Acton saw these problems long ago and began to formulate a plan to control our destiny. Most of the other communities have opted for a re-negotiated or extended contract, with prorated debt payments, in order to solve these problems. MRI has not offered Acton a contract beneficial to Acton at this point. Staff recommends planning revenues, expenses, and reserves to cover the expected costs through the end of the contract period (2005) and then moving to the open market:

1. Cost control of the elements of our NESWC Enterprise Fund Budget.
2. Careful utilization of our reserves (Fund Balance and Tip Fee Stabilization Fund at NESWC) to supplement and stabilize our Sticker Fees and Tax Subsidy through the end of our contract.
3. Maintain brokerage program.
4. Limit Tax Subsidy portion of the total equation to today's recommended level (\$667k).
5. Hold Sticker/User Fees constant through the end of the contract.

DORE' HUNTER - Move to adopt Town Manager's plan. WILLIAM MULLIN -  
Second. UNANIMOUS VOTE.

### **STORM CLEANUP**

The Town is into the second phase of the storm cleanup. Staff would like direction as to what the Selectmen would recommend regarding cleaning up. The first option would be to state that residents will be responsible for their own debris and should find their own solution regarding cleanup. Staff stated that this option is not reasonable due to the fact that there is too much debris. The second option would be to allow debris to be brought to a designated area at the Transfer Station limiting delivery to trucks no bigger than pickups. Anticipated costs would range from \$10,000 to \$20,000 and might take as long as six (6) months. The third option would be curbside pickup which would cost approximately \$50,000 and might last until next

summer. The Board discussed and agreed that second option of allowing residents to bring in their own debris would be the best for the town.

**MMA ANNUAL MEETING VOTING AUTHORIZATION**

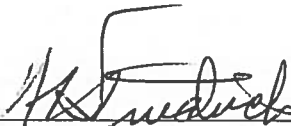
WILLIAM MULLIN - Move to authorize Don Johnson voting authorization for the annual MMA meeting in January. DORE' HUNTER - Second. UNANIMOUS VOTE.

**ANIMAL CONTROL WARRANT ARTICLE**

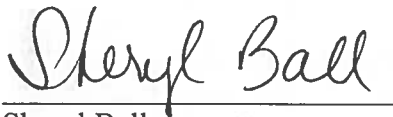
WILLIAM MULLIN - Move to hold space for the Animal Control in the warrant. DORE' HUNTER - Second. UNANIMOUS VOTE.

The Board adjourned regular session to go into Executive Session at 12:30 AM .

DORE' HUNTER - Move to go into executive session for matters related to potential litigation.. Roll Call, All ayes.

  
Clerk

2/4/97  
Date



Sheryl Ball  
Recording Secretary  
MIN12\_17.Doc

Dec. 13, 1996

TO Board of Selectmen

FROM: Nancy E. Tavernier, Chairman

SUBJECT: Selectmen's Report

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**AGENDA**  
**Room 204**  
**December 17, 1996**

**I. CITIZEN'S CONCERNS**

**II. PUBLIC HEARINGS & APPOINTMENTS**

1. **7:32**      **EARTH DAY PRESENTATION** - Representatives from Earth Day will be in to announce plans for 1997's Earth Day..
2. **7:35**      **RICHARD DOLAN - CLASS II, 928 MAIN STREET** - Enclosed please find application and staff comment for Board review and action.
3. **7:45**      **ACTON/BOXBORO CULTURAL COUNCIL** - Members of the ABCC will be in for an oversight meeting with the Board.
4. **8:00**      **LIQUOR LICENSE CLOSING HOUR MODIFICATION HEARING** - Enclosed please find copies of the letter sent to the three license holders that the Board will be considering a modification of hours.
5. **8:15**      **BOSTON EDISON** - Boston Edison officials will be in to discuss issues of service regarding the recent storm and the outages experienced by Acton residents.
6. **8:30**      **LAND STEWARDSHIP COMMITTEE** - Members will be in to discuss the activities.

**III. SELECTMEN'S BUSINESS**

7. **1997 LIQUOR LICENSE RENEWALS** - Enclosed please find a list Liquor Licenses to be renewed for 1997 for Board action.
8. **CHARTER CHANGES** - Enclosed please find the final draft of the warrant article regarding Charter Changes for Board review.
9. **BUDGET DISCUSSION**
10. **ALG REPORT** - Discussion of deficit shown on enclosed ALG plan FY98.
11. **HALLOWEEN RESOLUTION** - Enclosed please find Halloween Resolution for Board discussion.
12. **SEWER ARTICLES** - Enclosed please find proposed Sewer Articles.



13. **METROPOLITAN PLANNING ORGANIZATION(MPO)** - Enclosed please find the procedure to select the local officials to participate and staff comment for Board action.

#### **IV. CONSENT AGENDA**

14. **ACCEPT GIFT** - Enclosed please find a request from the Fire Chief for acceptance of Teddy Bears and a banner for Board action.

15. **ACCEPT GIFT** - Enclosed please a request from the West Acton Library for acceptance of Funds for Board action.

16. **ACCEPT MINUTES** - Enclosed please find the November 5, 1996 minutes for Board acceptance.

17. **ACTON BOXBORO CULTURAL COUNCIL APPOINTMENT** - Enclosed please find a recommendation from VCC for appointment of Jo Goldman to the ABCC as a full member with a term to expire 6/30/98 for Board action.

18. **NYNEX SITE PLAN DECISION**- Enclosed please find a draft decision for Board review.

19. **NEW YEAR'S EVE EXTENDED HOURS:** Enclosed please find requests from Chez Claude and The Acton Jazz Cafe for extension of liquor license hours for New Year's Eve for Board action.

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

20. **NEWSC FUND BALANCE** - Enclosed is a memo from the Town Manager. Staff will present a recommendation Tuesday evening.

21. **STORM CLEAN-UP**- Enclosed please find a memo with staff comment regarding the storm clean up procedures. The Town Manager will seek direction from the Board.

22. **MMA ANNUAL MEETING VOTING AUTHORIZATION** -Enclosed please find Voting Authorization for the MMA Annual Meeting for Board action.

#### **VI. EXECUTIVE SESSION**

23. **An Executive Session will be required for the purpose of Collective Bargaining**

##### **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.

Jan 7 - Budget Discussion

Jan 11 - All day

Jan 28(maybe)