

## SELECTMEN'S MINUTES

May 28, 1996

**Present:** Nancy Tavernier, F. Dore' Hunter, 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

#### BOSTON EDISON/NEW ENGLAND TELEPHONE WETHERBEE ST./GREAT ROAD

DORE' HUNTER - Moved to approve the petition with comments from abutter Mr. Moritz noted. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

#### BOSTON EDISON/NEW ENGLAND TELEPHONE LAWSBROOK/LISA LANE

HERMAN KABAKOFF - Moved to approve the petition. DORE' HUNTER - Second. UNANIMOUS VOTE.

#### BOSTON EDISON LAWSBROOK/LISA LANE

DORE' HUNTER - Moved to approve the petition with comments from abutter Mr. Moritz noted. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

### BARBARA EPSTEIN - CONSERVATION COMMISSION INTERVIEW

Ms. Epstein is an Environmental Law graduate and interested in matters of conservation. She has been attending the Conservation Commission Meetings and feels she would be useful to the Commission. Mr. Kabakoff thanked her for her volunteering. Mr. Hunter asked what she felt would be important issues the Commission would be attending to in the future. She felt that continuing issues regarding Camp Acton and Vernal pools would be issues of the future. Mrs. Tavernier thanked her for her patience in the paperwork mix-up due to Mr. George's ill health.

DORE' HUNTER - Moved to appoint Barbara Epstien as a Regular member of the Conservation Commission for a term to expire on June 30, 1999. WAYNE FRIEDRICHS-Second. UNANIMOUS VOTE.

### WINDSOR AVE. TRAFFIC CONCERNS JOHN PAVAN & JOSH CHERNIN

John Pavan represented the residents of Windsor Ave's concerns regarding vehicular traffic and sidewalk complaints. The south end of Windsor Ave Intersection is

dangerous and the intersection of Windsor at Mass Ave. has sight problems in their opinion. They were also concerned with the fragmented condition of the sidewalks serving Windsor Ave.. They feel that the issues will be worsened when the ITC is up and running. They want the Board's and Town's help to implement the suggested changes. Several residents made presentations and spoke in regard to the issues they feel are in question and representatives of the ITC also spoke in support the residents concerns. They submitted a petition that had been started earlier but the effort to address these issues have been accelerated upon the learning of the ITC use for the day care center on Central Street.

Nancy Tavernier commented on Town Engineer David Abbt's memo. She felt the sidewalk issue was one that could be easily addressed. The Town has performed the traffic speed testing and it came out to be within the accepted range and therefore the speed limit of 30 is valid. Many residents disagreed with the testing results. Nancy reminded them that it was done by a machine. The same results were obtained in 1994 when the Town did the testing of this area.

Mr. Chernin suggested a one-way from Mass Ave. To Pearl Street as solution. The Board felt that would just move the problem to another area.

Mr. Kabakoff asked about ITC impact on traffic on Windsor Ave. ITC has 107 children with 125 trips in the am and more spaced out in afternoon-evening pickups and that their calculations appeared to add 10% more traffic on to Windsor Ave. They have no intention on increasing he number of clients at this proposed facility, so the traffic would not double as previously stated.

Mr. Hunter felt we could do the crosswalk painting without much wait, and possibly change the geometry of the Street at Central Street to slow the traffic in the future. He was opposed to the one-way suggestion.

After entertaining all the concerns, the Board asked staff to prepare an RFP for Board review. The RFP should include the Banning of parking at the corner of Mass Ave. And Windsor, having the geometry of Central Street at Windsor examined, one-way from Mass. Ave. To Pearl Street and the installation of crosswalks. The Board hoped to discuss proposed issues/solutions at the June 25th meeting if possible.

**THE ACTON JAZZ CAFE - 452 Great Road  
COMMON VICTULLER'S LICENSE**

HERMAN KABAKOFF- Moved to approve the Common Victualler's License for the Acton Jazz Cafe. DORE' HUNTER - SECOND. UNANIMOUS VOTE.

**THE ACTON JAZZ CAFE - 452 Great Road  
ENTERTAINMENT LICENSE**

F. DORE' HUNTER - Moved to approve the ENTERTAINMENT LICENSE for the Acton Jazz Cafe. WAYNE FRIEDRICHS - Second. UNANIMOUS VOTE.

**THE ACTON JAZZ CAFE 452 Great Road**  
**TRANSFER, ALTERATION OF PREMISES AND PLEDGE OF LICENSE**  
DORE' HUNTER - Moved to approve the Transfer, Alteration of Premises, and Pledge of License from David's Bistro to Robert Rosenberg, d/b/a The Acton Jazz Cafe.  
HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

**ANDREW MAGEE - CONSERVATION COMMISSION INTERVIEW**

The Board noted Mr. Magee's impressive resume and qualifications and thanked him for his volunteerism. DORE' HUNTER - Moved to appoint Mr. Magee as an Associate Member of the Conservation Commission. HERMAN KABAKOFF - Second.- UNANIMOUS VOTE.

**SELECTMEN'S BUSINESS**

**MAKAHA DECISION**

Mr. Kabakoff noted that again he would not be participating in the process of determining the actions to be taken in regard to the Liquor License Violation before the Board.

Mr. Hunter discussed his draft decision and the Board agreed except that Mrs. Tavernier felt that finding 3, Hindering had been proven by Ptl. Prehl's report of the incident.

Mr. Fredrichs felt the two week suspension was more in line for a violation of this type. Mr. Hunter had suggested in his decision that three days would be levied. Mrs. Tavernier felt the three days was too short of a time for the violations and suggested two weekends. The Board members further discussed the length of the suspension and decided that seven consecutive days over a weekend would be made.

NANCY TAVERNIER - Moved to suspend the Liquor License from Friday, May 31, 1996 at 1:00 A.M. until 1:00 A.M. on Friday, June 7, 1996. WAYNE FREDRICHS - Second. UNANIMOUS VOTE.

DORE' HUNTER - Moved to approve the written Decision with amendments to the Charge three. WAYNE FREDRICHS - Second. UNANIMOUS VOTE.

Mr. Kabakoff stated that he would be writing his thoughts on the Board's action in a memo to the Board. Mr. Kabakoff again joined the discussion of limiting operation hours. The Board further discussed changing the closing time of the restaurant from 1:00 A.m. until 12:00 A.M. to be in line with other restaurants as they felt it is inconsistent with other closing times and that that may be why they have these incidents. A notice to all those with 1:00 A.M. closing times will be sent notifying them of the Board's intent to limit the hours to 12:00 A.M. at renewal time to all those who are open after midnight. This would be an administrative issue and licensee's would be given time to comment on this change.

**ROSEN ASSOCIATES**

Mr. Kabakoff noted that Rosen has decided to pass on the CAA site at this time. He thanked all those who participated in the very active campaign on behalf of the

community. Mr. Hunter also noted his appreciation with the neighboring communities as well as staff participation in defeating this proposed Mall.

#### **ALG DISCUSSIONS**

The Board reviewed Mrs. Tavernier's memo regarding the issues to be addressed at upcoming meetings. (Point A moving Town meeting and election to May) Dore' felt that we should be looking in to it and felt it had merit.

(Point D Development of a Timeline) They felt that would also be beneficial (Point E Free Cash Certification) The Board agreed that it would be very beneficial to have the Free Cash money numbers. The Board asked staff to restore the audit schedule to ensure this. Mr. Kabakoff asked for the cost of this restoration. Mr. Murray indicated he was working with the auditors on a package of costs and would update the board as they progressed.

#### **2001**

Bart Wendell has agreed to continue to lead the process. The next meeting after discussion was decided on for September 11, 1996.

#### **FORT DEVENS REUSE**

Mr. Kabakoff noted the recent letter from Steve Joncas. Don Johnson said Roland Bartl will be responding to this letter

#### **MPO NOMINATION**

The Board was asked to nominate a member to the MPO for two year term. The Board decided to postpone any appointments to this until later.

#### **CONSENT AGENDA**

DORE' HUNTER - Moved to Approve as printed. HERMAN KABAKOFF - Second. UNANIMOUS VOTE. The Board noted that they wanted to schedule the Prison Advisory Committee in at a later meeting to get an update.

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

##### **Willow Street Intersection Improvements**

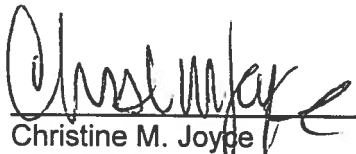
Don Johnson discussed the recent staff and consultant reports and asked if the Board had any interest in pursuing or scheduling a public hearing for further discussions. The Spruce Street/Arlington Street issues at the Post Office were also discussed. The Town Manager reported that staff has asked the owner of the bush if we could move it for them. They were totally against us or them touching the bush. The Board then discussed proposal of a four way stop and no parking on Arlington Street alternatives. No action was taken.

**OLYMPIC TORCH** - The Town Manager notified the Board that Steve Graham was chosen to take the torch through Acton on June 15th. They will be going through Acton on route 27. They will not be stopping, however, there will be a ceremony held in the K-Mart vicinity.

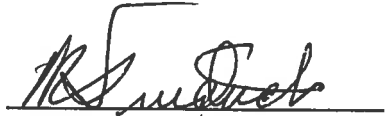
**NARA-** The Town Manager reminded the Board of the Monday Board of Appeals Hearing on the NARA.

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

The Board adjourned at 10:30 P.M.



Christine M. Joyde  
Recording Secty.  
May28, 1996.DOC

  
Clerk \_\_\_\_\_  
Date 7/16/96

May 22, 1996

TO Board of Selectmen

FROM: Nancy E. Tavernier, Chairman

SUBJECT: Selectmen's Report

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**AGENDA**  
**Room 204**  
**MAY 28, 1996**

**I. CITIZEN'S CONCERNS**

**II. PUBLIC HEARINGS & APPOINTMENTS**

1. 7:31 **BOSTON EDISON & NEW ENGLAND TELEPHONE - Wetherbee St/Great Road -**  
Enclosed please find a request and staff comment for Board action.
2. 7:32 **BOSTON EDISON & NEW ENGLAND TELEPHONE -Laws Brook Rd/Lisa Lane**  
-Enclosed please find a request and staff comment for Board action.
3. 7:33 **BOSTON EDISON - Laws Brook Road/Lisa Lane -**  
-Enclosed please find a request and staff comment for Board action.
4. 7:35 **BARBARA EPSTEIN - CONSERVATION COMMISSION INTERVIEW -**  
Enclosed please find Ms. Epstein's Citizen Resource Sheet and comment from VCC.
5. 7:45 **JOSH CHERNIN and JOHN PAVAN-** Enclosed please find a memorandum from  
Josh Chernin and John Pavan regarding traffic concerns on Windsor Ave. and Central  
Street.
6. 8:00 **THE ACTON JAZZ CAFE - 452 Great Road - COMMON VICTULLER'S**  
**LICENSE -** Enclosed please find a request for a Common Victuller's License and an  
Entertainment License for the Acton Jazz Cafe with staff comment for Board review and  
action.
7. 8:05 **THE ACTON JAZZ CAFE - 452 Great Road - TRANSFER OF AN ALL**  
**ALCOHOLIC BEVERAGE LICENSE -** Enclosed please find a request to transfer the  
Liquor license with staff comment for Board action. In addition, Mr. Rosenberg has  
requested approval of the Pledge of the License to David Vadenais.
8. 8:30 **ANDREW MAGEE - CONSERVATION COMMISSION INTERVIEW -** Enclosed  
place find Mr. Magee's Citizen Resource Sheet and recommendation from the VCC.

**III. SELECTMEN'S BUSINESS**

9. **MAKAHA DECISION -** Enclosed please find Selectmen comment and staff recommendation  
for Board review and action.
10. **ROSEN ASSOCIATES -** Enclosed please find materials relating to the Auto Auction parcel for  
Board discussion.

- 11. **ALG DISCUSSION POINTS** - Enclosed please find a follow-up memo for Board discussion.
- V. **CONSENT AGENDA**
- 12. **APPROVAL OF MINUTES** - Enclosed please find minutes for April 16, 1996 and April 30, 1996 for Board acceptance and signature.
- 13. **NAGOG DEVELOPMENT CO. SITE PLAN DECISION #03/15/96-354** - Enclosed please find the Decision for Board review and signature.
- 14. **EOCD LETTER** - Please find the annual certification letter regarding the LIP home located at 15 Minuteman Road for Board signature.
- 15. **MATTHEW LIEBMAN - CONSERVATION COMMISSION APPOINTMENT** - Mr. Liebman was previously interviewed and appointed by the BOS as an Associate member of the Conservation Commission on March 26, 1996. Enclosed please find comments from the VCC.
- 16. **TERRA FRIEDRICHS - CABLE ADVISORY COMMITTEE APPOINTMENT**- Enclosed please find Ms. Friedrich's Citizen Resource Sheet and comments from the VCC regarding appointment as a Member for a term to expire 6/30/99.
- 17. **COUNCIL ON AGING APPOINTMENTS** - Attached please find a memorandum from the VCC seeking appointments of Royce Christensen as a Full Member and Jane Olesin as an Associate Member with terms expiring 6/30/97.
- 18. **PRISON ADVISORY COMMITTEE** - Enclosed please find a citizen resource sheet and recommendation for Ms. Clark as a regular member of the Prison Advisory Committee for a three year term expiring 6/30/99.

V. **TOWN MANAGER'S REPORT**

- 19. **INTERSECTION IMPROVEMENT AT WILLOW/SUMMER AND ELM/ARLINGTON** - Enclosed please find proposed changes to intersections for Board review.

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.

- June 25
- July 16
- Aug 20
- Sept. 10

Pcc/May 28.DOC