

***SELECTMEN'S MEETING  
JUNE 6, 1995***



The Board of Selectmen held their regular meeting on Tuesday, June 6, 1995 at 7:30 P.M. Present were William Mullin, F. Dore' Hunter, Nancy Tavernier, Wayne Friedrichs, Herman Kabakoff, Town Manager Johnson, and Assistant Town Manager John Murray. {The meeting was televised by cable.

***CITIZENS CONCERNS***

Bea Perkins, a member of the League of Women Voters, stated that the League has for sale a copy of a book that contains factual information about Acton, and complete listings of social services, recreation, etc. A complimentary copy was presented to each Selectmen. The price of the book is \$2.50 and is available for distribution.

***PUBLIC HEARINGS AND APPOINTMENTS***

**BARBARA SMITH  
CONSERVATION COMMISSION INTERVIEW**

Barbara Smith is presently an associate member of the Conservation Commission and is seeking full-time membership. Bill Mullin asked Ms. Smith why she wanted to be a member. Ms. Smith stated that she welcomed the ability to be able to participate instead of observing. Wayne questioned whether or not she had an opinion regarding mosquito spraying. Ms. Smith stated that she was pleased with Town Meeting vote regarding mosquito spraying. F. DORE' HUNTER - Move to appoint Barbara Smith from an associate member to a full time member to fill the unexpired term of Andrew Durham. NANCY TAVERNIER. UNANIMOUS VOTE.

**COMMON VICTUALLER LICENSE  
NEW ENGLAND BRANDS  
D/B/A BAGELS PLUS  
93 GREAT ROAD**

The Board questioned the applicant as to whether or not he had previous restaurant experience. The applicant stated that he is new to the business, however, his brother is bringing 8 years experience with him. A small addition to the back of the building will be constructed and a building permit has been applied for. All food will be prepared on the premises. NANCY TAVERNIER - Move to approve a common victualler's license to New England Brands, d/b/a Bagels Plus located at 93 Great Road. F. DORE' HUNTER - Second. UNANIMOUS VOTE.

## **CONSENT AGENDA**

NANCY TAVERNIER - Move to accept consent agenda as printed. F. DORE'  
HUNTER - Second. UNANIMOUS VOTE.

### **PUBLIC HEARINGS AND APPOINTMENTS (Con't)**

#### **ARMSTRONG AMBULANCE SPECIAL PERMIT APPLICATION 54 KNOX TRAIL**

Armstrong Ambulance Service brings to Acton over 50 years of service. They presently have 9 satellite offices in other communities. They are seeking a Special Use permit to operate a transportation service at 54 Knox Trail. They presently have contracts with some of the surrounding health care facilities for transportation services. They also stated that they have no intention of providing emergency service to Acton residents. They did state that if Acton ever needed help or help with emergency planning that they would be available. All vehicle maintenance will be done off site at their Waltham facility. BILL MULLIN - Move to take Armstrong Ambulance special use permit under advisement. NANCY TAVERNIER - Second. Herman questioned the Board as to why this is taken under advisement. Bill explained that a decision would be submitted in draft form for the next meeting and it is done this way to make sure all applicable conditions are listed in the decision. UNANIMOUS VOTE.

#### **MINUTEMAN REGIONAL VOCATIONAL TECH DISCUSSION RON FITZGERALD AND BOB WILTSE PRESENTATION**

Ron Fitzgerald and Bob Wiltse were present to discuss the letter sent by Don Marquis, Town Manager of Arlington regarding the collective bargaining process of the Minuteman Vocational Technical School System. Mr. Fitzgerald submitted to the Board a summary that includes Minuteman's cost per pupil, programs that are offered, and what the Board can do to help Minuteman continue with high quality service. Don Marquis stated that Minutemans' teacher salaries are too high. Mr. Fitzgerald stated that

information has been provided to the Board and given past history he asked the Board to make their own judgment regarding the teacher's salaries. Previous communications regarding Minuteman have been through FINCOM and Don Johnson, Mr. Fitzgerald stated that the Board would be receiving a lot more information in the future.

Herman asked why we were informed after the fact regarding the teacher's raises. Mr. Fitzgerald stated that they are still in ratification. Herman also questioned why some of the raises were as high as 8%. Mr. Fitzgerald stated that the 8% included step raises and cost of living. Bob Wiltse pointed out to the Board that Ron Fitzgerald has managed to save money on health insurance, and that Minuteman is lucky to have him.

### **SEWER ACTION PLAN CONTINUED DISCUSSION**

Nancy stated to the Board the changes that were made to the Sewer Action Plan.. Nancy stated that the decision on whether or not to sewer has previously gone before Town meeting on two occasions. The consensus of the Board was that they bring this back to Town Meeting prior to spending any money.

Joseph Bolger, 128 Pope Road, stated his educational background to show the board his credibility and asked the Board to come up with long range plan for South Acton and Kelley's corner and the entire town.

Art Harrigan stated he is concerned with the proposed sewer plan. Mr. Harrigan proposed an alternate plan. His alternate plan includes using non-elected citizens to chair the committee and some re-organization. Mr. Harrigan's plan also assumes that the whole town be sewered. Dore' asked Art if he was backing away from his concern of last meeting which was that no more than 10% of funding for sewers be made through taxation. Mr. Harrigan was also asked why he opposed going forward on sewerage Kelley's Corner back in 1988. Mr. Harrigan stated that he did not recall opposing this.

Dore' stated that he is happy to volunteer his time, knowledge and expertise since he has been through the "sewer wars," and he opposes Art's plan because he feels the Board should be more involved. Nancy stated that the proposed Selectmen's plan will move sewerage forward more quickly.

Michael Bradley, 75 School Street, stated that he is still angry that sewers are being fought for, and Mill Corner is a solution to the problems that South Acton has with on site disposal which includes limitation of space and sewage running on the streets. He sees Art Harrigan's plan as more delays.

Mr. Richter, stated that he has been a resident for 40 years and has been pushing for sewers for 35 years and he strongly agrees with the Selectmen's sewer action plan.

Herman stated that he does not see how Mr. Harrigan's proposal impacts Kelley's Corner and South Acton and that these projects should continue to move forward. Mr.

Harrigan stated that Kelley's Corner and South Acton should be done right away and his plan should be used to sewer to the rest of the town. Bill Mullin questioned Mr. Harrigan if his only paying for sewers with 10% of taxation still applied. Mr. Harrigan stated that it would create a problem and that is why the whole town should be considered.

Sandra Whaley, 1 River Street, stated that people have fought long and hard for sewers and have failed previously and Art Harrigan, along with FINCOM, shot down previous proposals. Ms. Whaley questioned why the town would now want to have Mr. Harrigan head the committee. Ms. Whaley stated that the Mill Corner solution would solve 1/3 of the sewer district and that it is a start. Ms. Whaley also stated that there are two people on the Board, Nancy and Dore,' that have learned a lot through the years and would be the best people to head the committee. Ms. Whaley stated that Art Harrigan's plan assumes no knowledge of all the previous studies done in the last 12-15 years.

F. DORE' HUNTER - Move to adopt the Sewer Action Plan proposal presented by Nancy Tavernier and F. Dore' Hunter. WAYNE FRIEDRICHS - Second. Four (4) members in favor with Mr. Kabakoff abstaining. Passed. Dore' stated that anyone who would like to participate in this committee to please contact himself or Nancy Tavernier.

### ***EXCHANGE HALL CONCERT***

Amity Law was present before the Board asking for permission to have a concert at exchange hall on Saturday, June 10, 1995. Ms. Law was not aware that a permit from the Board of Selectmen was needed to hold the concert. The concert will consist of four bands and will run from 8:00 P.M. to midnight. The Board stated their concerns regarding notification to abutters, noise levels, amount of people in attendance and that there be police officers present. The Board received a letter from an abutter stating that the last concert was too much for him and that he would like to be notified prior to a concert. Ms. Law stated that they would knock on doors and notify abutters that a concert was going to be held. F. DORE' HUNTER - Move to approve the concert scheduled for Saturday, June 10, 1995 with the following conditions:

- That the noise levels be controlled appropriately.
- That detail officers be provided.
- The maximum number of people does not exceed 175.
- That sponsors will notify abutter prior to the concert.

NANCY TAVERNIER - Second. UNANIMOUS VOTE. Bill Mullin wanted to point out that if complaints or problems arise from this concert, then having concerts in the future might not be allowed.

**RECONSIDERATION OF TRANSFER  
STATION STICKER FEES BY SELECTMEN KABAKOFF**

Herman has requested that the fees for the Transfer Station stickers be reconsidered by the Board. Bill Mullin stated that the fees have been voted on previously by a five member board and the fees reflect the Board's wishes and should not be reconsidered. HERMAN KABAKOFF - Move to reconsider the setting of residential transfer station fees. BILL MULLIN - Second. 4 No's, 1 Aye. Reconsideration fails.

Nancy stated that the Board chose to maintain a fund balance and that is what was represented to Town Meeting. Nancy also stated that Town Meeting voted not to take \$663,000 from fund balance to lower increases. Nancy stated that the Board should respect the wishes of the townspeople. Bill Mullin stated that would not be a good precedent to set to allow the opening up of previous decisions.

Art Harrigan stated that if the Board would allow this to be reconsidered it would make the Board look as if it was an open body government, rather than a closed body government. Mike Guzzo, 20 year Acton resident, stated that he disagreed with Art's statement and we should trust our government to make the right decision.

***SELECTMEN'S BUSINESS***

**CONTINUED DISCUSSION  
PLUMBING INSPECTOR FEES**

Garry Rhodes was present to discuss his proposal to increase his plumbing inspector fees to make them equivant to the prevailing wage. Garry's main concern is keeping good quality help. The proposed fees are based on the actual time it takes to do the work. These fees have not increased since 1987. NANCY TAVERNIER - Move to adopt recommended Plumbing and Gas fees as recommended by Garry Rhodes, Building Inspector. F. DORE' HUNTER - Second. 4-1 with Herman voting no. Herman stated that the fees should be structured so they are consistent with the CPI. Nancy stated that the CPI may be eliminated in the future, therefore it would not be good to use in calculations. Don also pointed out that the increase in rates is not money making for the town, it's just to be able to keep competent help. Bill Mullin stated that he respects the work of the building commissioner and requests that Garry give the Board a progress report in sixth months. DORE' - Move to bring the fee schedule back to the Board in 6 months for a progress report and that the electrical fees be considered at that time. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

**COUNCIL ON AGING  
ROY TRAFTON  
SUNSET RULE WAIVER REQUEST**

F. DORE' HUNTER - Move to waive the sunset rule for Roy Trafton and appoint to Council on Aging. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

**THEATER III SIGN REQUEST**

Theater III would like to place a sign on the property advertising upcoming productions and also request a waiver from the sign bylaw that has a 28 -day limitation on the placement of signs in a calendar year and associated fees. Staff attempted to reach Ms. Sandra Nawrocki, who requested these waivers, and was unable to do so. The Board stated that they were unclear as to what exactly Theater III needs and suggested that they come back with a representative at a future meeting. Mike Guzzo, who was present at the meeting, stated that he happens to be involved in Theater III and would get word to someone that the Selectmen have concerns regarding the letter from Ms. Nawrocki.

**GIRL SCOUT COURT OF HONOR**

Herman to represent Board.

**BOARD'S SUMMER MEETING SCHEDULE**

The Board members reviewed their summer schedules and came to a consensus on the summer meeting schedule. It was decided that the Board would meet, July 11, August 1 (Casual Meeting), August 15, and August 29, 1995.

**FINCOM INFORMATION REQUESTS**

John alerted the Board as to previous Finance Committee requests for information. John stated that Sidney Johnston, Sharon Summers, and Sharron Gaudet (Chairperson) had met last week and reviewed all Town information. John stated that both Sharron Gaudet and Sidney Johnston stated that all requested information from FINCOM has been received by the Town.

**SOUTH ACTON BRIDGE UPDATE**

Don stated to the Board that South Acton Bridge plans are coming along and questions still remain regarding materials to be used.

## ***SELECTMEN'S CONCERNS***

Dore' questioned the results of the speed count on Central Street that Robert Guba had requested at a previous meeting. Staff stated that they would check into this.

John stated that Elliott Whitney had resigned from the Information Systems Advisory Committee (ISAC) and that he would seek a new member, preferably from the Finance Committee.

Bill stated that he had accepted an award from the High School Seniors on behalf of Norm Lake. The award was given to Norm for "Community Service Person of the Year ". The Board stated that it was touching that seniors would recognize Norm's contributions to his community.

Herman questioned whether Acton Water District has enough water to subsidize growth in Acton. Dore' suggested that the Board speak with the Water District regarding this concern.

Herman stated that the Town should take a strong position regarding compliance of the tobacco bylaw. It was suggested that the Board ask the Board of Health if they would like help with this.

The Board questioned the status of overlay surplus, and would it be factored into free cash. The Assessors have a meeting scheduled for June 19, 1995 to vote on this.

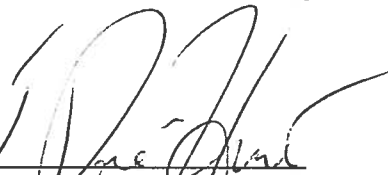
## ***TOWN MANAGER'S CONCERNS***

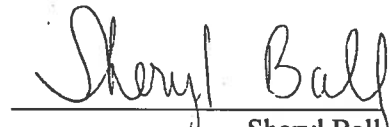
Don questioned the Board with whether or not the Board would like the Power Study to come before the Board. Wayne stated that he would contact them to check on the status.

The Board voted to adjourn at 10:57 P.M.

Clerk

Date

  
8/15/95

  
Sheryl Ball  
Recording Secretary  
Min6\_6.Doc

June 2, 1995

**TO: Board of Selectmen**  
**FROM: William C. Mullin, Chairman**  
**SUBJECT: Selectmen's Report**

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**AGENDA**  
**Room 204**  
**June 6, 1995**

**I. CITIZEN'S CONCERNS**

**II. PUBLIC HEARINGS & APPOINTMENTS**

1. 7:32: **BARBARA SMITH - CONSERVATION COMMISSION INTERVIEW** - Enclosed Please find Mrs. Smith's Citizen Resource Sheet and VCC recommendation to be moved from Associate Member to Full Member to fill the unexpired term of Andrew Durham for Board action.
2. 7:35 **NEW ENGLAND BRANDS - COMMON VICTULLER LICENSE** - Enclosed Please find application and staff comment regarding the application of New England Brands for a Common Victuller's Licenses at 93 Great Road for Board Action.
3. 7:45 **ARMSTRONG AMBULANCE - #4/24/95-349** - Enclosed please find staff comment regarding the Special Permit Application for Board Action.
4. 8:00 **MINUTEMAN VOCATIONAL SCHOOL DISCUSSION** - Supt. Fitzgerald and Robert Wiltse will be in to discuss recent negotiation issues and Town Manager Marquis letter.
5. 8:15 **PROPOSED SEWER ACTION PLAN DISCUSSION** - Continued discussion from the May 23rd meeting. Enclosed also please find correspondence from Art Harrigan for continued discussion.
6. 8:45 **RECONSIDERATION OF TRANSFER STATION STICKER FEES** - Discussion per Mr. Kabakoff's request for review of FY95 Fees.

**III. SELECTMEN'S BUSINESS**

7. Continued Discussion and presentation on proposed revision to the Plumbing Inspector Fees.



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8. **Committee Assignments**

9. **Council on Aging Request** - Enclosed please find a request for a waiver of the Sunset rule for Roy Trafton for Board discussion.
10. **Theatre III Request** - Enclosed please find a request and staff comment regarding the waiving of fees for Board discussion and action.
11. **Girl Scout Court of Honor** - Enclosed please find an invitation to a Court of Honor for Anne McDonough for Selectman assignment.
12. **Board's Summer Meeting Schedule** - Enclosed please find the proposed Summer schedule that I have recommended for comment.
13. **Finance Committee Information Requests** - I will update the Board regarding information requests from the Finance Committee.

IV. **CONSENT AGENDA**

14. **South Acton Bridge** - Enclosed please find draft correspondence from the Historic District Commission to Chuck Kostro for Board comment.

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.**

June 20      S. A. Depot Reuse Project Public presentation  
                  Traffic Rules and Order Amendment Public Hearing Martin St.  
                  New England Telephone Public Hearing