

SELECTMEN'S MEETING
MARCH 7, 1995

T. Clark

The Board of Selectmen held their regular meeting on Tuesday, April 25, 1995 at 7:30 P.M. Present were William Mullin, Nancy Tavernier, F. Dore' Hunter, Wayne Friedrichs, Herman Kabakoff, Town Manager Johnson, and Assistant Town Manager John Murray.
{Representatives from cable were present}

CITIZENS' CONCERNS

Art Harrigan expressed his concerns regarding the efforts toward Kelley's Corner Package Treatment Plan system design without considering a solution for the total Town.

He felt it is very important to have a solution that addresses the whole town, some homeowners could be forced to pay high costs to repair systems. These costs are estimated as approaching one million dollars for the citizens as a whole. He also cited the affects on home values and the environment if a solution is not found. He urged the Selectmen to define a sewage system to be used in Acton, develop a way to provide 90% of the funding outside of local taxation, appoint a committee as well as working with the State. He further supports the Municipal Power Study Committee's recommendations of April 3 in support of a townwide sewage system plan.

Mr. Friedrichs corrected Mr. Harrigan's assumptions of the "full speed ahead" attitude for Kelley's Corner. He said the committee is not pushing anything forward without looking into the effect on the entire town, that is was merely one option they had looked at. He assured him that the small package plant alternative was beginning to look like the answer to the sewerage problems in Acton. Acton currently has many privately owned small package plants throughout town, and the former concept of a centralized plant was not an viable option for Acton. Mr. Friedrichs stated that he did not agree with the Municipal Power Committee's recommendation at this time. He felt that we should wait until the effects of deregulation were realized before moving forward with any plan of a municipally provided power system.

Nancy Tavernier said that the State had changed their opinions on package plants and were accepting them as the cost effective solution. She felt that the package plants were going to the be solution for Acton and would be appropriate. She further cautioned that it was impossible to think that the 90% of the funding would not come out of taxation.

Mr. Hunter did not want to delay or take any action that would delay the solution for Kelley's Corner and the South Acton problems. The Board agreed.

Mr. Kabakoff asked if the formation of the committee suggested would be a permanent one. Mr. Harrigan thought not, that it could be disbanded after the charge had been fulfilled.

Mrs. Tavernier suggested that any proposed committee have a specific charge developed before moving forward. Mr. Hunter wanted to be sure any action taken would not prevent the Mill Corner project from getting up to speed right now. It was agreed that the sooner sites were investigated and identified for the proposed plants the

better so that plans could be layed out for the future.

It was noted that the Sewer Advisory Committee could be charged with investigating potential sites if small package plants are the way to address the sewerage problem. It was noted that at least 12 people would be needed and the Selectmen should head it up. Mr. Mullin asked that Nancy and Dore' develop a point plan for discussion at the May 23rd, meeting.

PUBLIC HEARINGS AND APPOINTMENTS

MOSQUITO SPRAY REQUEST -DR. ZIMMERMAN

Dr. Zimmerman was in to discuss her request for one final spraying of Malathion for the comfort of those attending this year's graduation exercises. The Selectmen discussed the issue of one town meeting vote vs. another and the intent of the vote taken at this year's meeting. The audience members urged the rejection of this request to have the school sprayed. Kathy Hammil felt private property owners should honor the No Spray wishes expressed at Town Meeting. Sue Funk urged the School not to spray and suggested that the graduation could be moved to earlier in the day to avoid the mosquito problem. Jon Bosworth urged the Board to honor the town meeting vote taken this year and not spray. Mr. Hill from the Conservation Commission suggested the application of a powder type repellent to the school grounds somewhat like that used by Chelmsford. They have indicated it works very well and avoids the invasion of spray into the surrounding properties. Mr. Charter said that the Town could not give the truck and left over Malathion to the schools for use by them as regulations prohibit use by unlicensed people. Mr. Charter was asked to estimate the cost of a private contractor to perform the spraying. He thought in the ball park of 400-500 hundred dollars. The Board felt that while they could not perform the spraying, that perhaps a financial contribution could be considered.

Mr. Kabokoff was concerned about a precedent being set by spraying for graduation and what about other events held in town that are held at night, where were the funds to sustain this to come from?

Mr. Arronson, Chair of the Acton/Boxborough School Committee said that precedent is that the Town has sprayed in the past for graduation, that Town Meeting votes are fiscal year votes and the vote taken last year should be honored and they program should continue until June 30th this year. He said that while they are sensitive to the wishes of Town Meeting, comfort of those attending this years graduation was also important.

Mr. Hunter reminded everyone that the property is in control of the Regional School Committee and that they can undertake any mosquito control effort it wishes, including contracting with a private contractor for fogging, but that the Selectmen should decline Dr. Zimmerman's request for the Town to spray.

DORE' HUNTER - Moved to respectfully decline favorable consideration of the Superintendent's request, and to offer reasonable financial assistance for monies to address the problem subject to the Town Manager determining an amount available as surplus from the mosquito budget to accomplish this task, contribution not to exceed the balance. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

**HIGH POTENTIAL- d/b/a Ginger Court
36 GREAT ROAD - COMMON VICTUALLERS LICENSE**

DORE' HUNTER - Moved to approve the Common Victuallers application from High Potential. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

**HIGH POTENTIAL- d/b/a Ginger Court
36 GREAT ROAD - TRANSFER LIQUOR LICENSE**

Josephine Bia the proposed Manager was asked about her plans to control the serving of alcoholic beverages to minors and such. The Board asked her to consider taking a training course such as TIPS and to offer it to her employees. They cautioned her about the serious nature in which the Board reviews liquor license holder issues.

DORE' HUNTER - Moved to approve the Common Victuallers application from High Potential. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

**GREENE LAND 61A RIGHT OF FIRST REFUSAL
372 POPE ROAD**

Mr. Roop representing the purchasing group Spenbrook Associates was present to offer any answers to questions that the Board might have and asked that the Board decline the Town's right of first refusal so that his group could move forward on the purchase of this land.

The Board reviewed the staff comment and voted. DORE' HUNTER - Moved to decline the right of first refusal with regard to the offered Greene Land, 372 Pope Road. NANCY TAVERNIER- Second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

Mr. Mullin expressed his thanks on behalf of the Board and townspeople to outgoing Selectman Norman Lake. Norm's expertise and input on issues affecting Acton will be missed by the Board. He further welcomed Mr. Kabakoff to the Board of Selectmen.

BOARD RE-ORGANIZATION: NANCY TAVERNIER - Moved to appoint WILLIAM Mullin Chairman. DORE' HUNTER - Second. UNANIMOUS VOTE

DORE' HUNTER - Moved to appoint Nancy Tavernier Vice-Chairman. WAYNE FRIEDRICHS- Second. UNANIMOUS VOTE.

WILLIAM MULLIN - Moved to appoint Dore' Hunter clerk. HERMAN KABAKOFF- Second. UNANIMOUS VOTE.

Chairman Mullin shared his thoughts on the upcoming issues facing the community which he felt would be important areas for the Board to address in the years ahead. NARA, the South Acton Bridge replacement, Acton's portion of the Rail Trail System, sewerage relief for the entire community, improvement in expanding the trust and understanding in the Town to avoid the misconception problems and issues that have been experienced in the past.

CONTRACT WITH BUSINESS COMMUNITY - Mr. Mullin outlined the refined/revised affirmation for adoption. Sandy Pitcher of the Chamber thanked all involved for the towns participation in the process. WILLIAM MULLIN - Moved the adopt the contract with the business community and to appoint a sub-committee of Dore' and himself to consult and make changes as needed. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

SOUTH ACTON BRIDGE UPDATE - Chuck Kostro presented a overview of the meeting held at MHD with Town representatives to address the plans and received 31 issues raised. Abutments and stone facing will be sought to match existing ston. Left hand turn lane dedication was discussed, but it was determined not to be the best idea and it was decided to continue the dual lane past High Street. This would require more survey work and be completed next Fall. They will be starting work on the temporary bridge in Sept. and open it in the Spring and will finish the entire project on schedule. The temporary bridge won't be used during the winter, but that would be an advantage. Dore' said it sounded like the lane on High Street was a good idea and a positive move and thanked Chuck for his help and input into the successful progress of this project.

EAGLE SCOUT COURTS - Mr. Kabakoff volunteered to attend on behalf of the Board on both invitations.

J&B MOTORS - DORE' HUNTER - Moved to extend the Class II license for J&B Motors until 12/30/95. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

ACTON GARDEN CLUB SIGN REQUEST - DORE' HUNTER - Moved to approve subject to the location determined by the Town Manager. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

MOSQUITO CONTROL SUPPLIES AND FOGGER - The Board reviewed correspondence from Dean Charter on the declaration as surplus for disposal the fogger and supplies. The fogger is 14 years old and in need of replacement if the town ever went back to a town program and the supplies on hand will be a storage problem and suggested they be sold to remove any liability of storage.

DORE' HUNTER - Moved to authorize the disposing as surplus of the chemical Malathion. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

HERMAN KABAKOFF - Moved to dispose as surplus the fogger. NANCY TAVERNIER - Second 4-1 Wayne Friedrichs Abstaining.

TOWN CHARTER - PERSONNEL BOARD - Mr. Kabakoff asked about the Personnel Plan/Board as outlined in the Charter. The Board discussed the actions surrounding the reasons why the Personnel Board was not currently appointed as outlined in the Charter as background to Mr. Kabakoff's questions. Mrs. Tavernier asked who had expressed the concern received by Mr. Kabakoff on this particular issue. It was noted that the issue should be reviewed and put to rest, if the Personnel Board is not needed, reference to it should be removed from the Charter. Mr. Mullin asked that the Town Manager prepare his formal thoughts about this issue and schedule it on an upcoming Selectmen's Agenda for discussion. It was further decided to discuss this issue again on June 20th.

CONSENT CALENDAR

DORE' HUNTER - Moved to accept as written. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

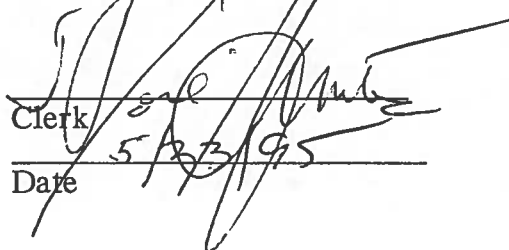
BICYCLE RACKS - COMMUTER LOT - The Town Manager outlined the proposal to install the bike racks at the Commuter Lot. Mr. Kabakoff remarked that he had paced the area and felt a telephone pole was in the way. Mrs. Tavernier was assured engineering staff had prepared the plan with care, but that his concern would be brought to staff's attention.

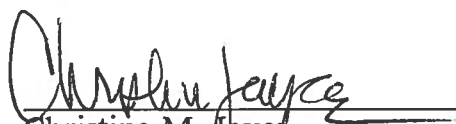
DORE' HUNTER - Moved to approve the battleship racks to be installed at the Commuter Lot. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

WIDE AREA NETWORK - The Town Manager updated the Board on his discussions with Dr. Zimmerman. She does not want to disband her committee but would be willing to share information. He felt a higher profile should be taken with regard to the process. Mr. Hunter agreed, and would like to support formation of a committee charged to advise town staff in establishing a Wide Area Computer Network, and offered to continue as the Board's representative on the committee. The Committee would look at all proposals and evaluate public input and give technical advice as needed. The meetings will be posted as required by law.

DORE' HUNTER - Moved to adopt the Town Manager's recommendation and establish an Information Systems Advisory Committee (ISAC) to advise staff with the understanding that the group be utilized as appropriate with regard to the establishment of the WAN. This advisory committee to be comprised of, and an offer to participate extended to, Samuel Schwartz, Robert Ferrara, Kent Quirk, John Murray, Sharon Summers, Lt. Widmayer and a Representative from the Board of Selectmen, Fin Com and School, further that the committee be sunsetted at the completion of its task of installation of the WAN. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

The Board adjourned 10:30 P.M.


Clerk _____
Date 5/23/95


Christine M. Joyce
Recording Secty.
cmjW11-(611)

APRIL 21, 1995

TO: Board of Selectmen
FROM: William Mullin, Vice-Chairman
SUBJECT: SELECTMEN'S REPORT

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AGENDA
ROOM 204
APRIL 25, 1995

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 DR. ISA ZIMMERMAN - Enclosed please find Dr. Zimmerman's request for mosquito spraying for Graduation ceremonies in June, along with other related correspondence for discussion by the Board. In addition, staff is seeking the Board's direction regarding disposal of spraying materials and equipment.
2. 7:44 HIGH POTENTIAL - 36 Great Road - Common Victualler's License - Enclosed please find application and staff comments for Board review and action.
3. 7:45 HIGH POTENTIAL - 36 Great Road - TRANSFER OF FULL LIQUOR LICENSE - Enclosed please find application forms and staff comment regarding the proposed transfer from the Golden Bull Restaurant to High Potential Corp. for Board review and action.
4. 7:50 GREENE LAND 61A RIGHT OF FIRST REFUSAL - 372 POPE ROAD - Enclosed please find materials submitted on behalf of the owners regarding the subject parcel and staff comment for Board review and action.

III. SELECTMEN'S BUSINESS

5. BOARD REORGANIZATION
6. CONTRACT WITH BUSINESS COMMUNITY - Enclosed please find the revised contract for Board discussion/review and comment.

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7. EAGLE SCOUT COURT OF HONOR - Enclosed please find a request for Selectman attendance at a Court of Honor for Seth Bishop on May 23rd (Note: Board of Selectmen meeting also scheduled for that date) for Selectman assignment.
8. EAGLE SCOUT COURT OF HONOR - Enclosed please find a request for Selectman attendance at a Court of Honor for David J. Bergart on June 11 for Selectman assignment.
9. J&B MOTORS - CLASS II - The Board previously voted to delayed approval of the full year license until the site was brought into compliance. Staff has reviewed the site (see memo) and it is now in compliance. A vote to continue the license until 12/30/95 is recommended.
10. ACTON GARDEN CLUB - Enclosed please find a request and staff comment regarding placement of a sign on the library lawn for Board action.

IV. CONSENT AGENDA

11. ACCEPT MINUTES - Enclosed please find Selectmen's Minutes of February 28, March 7 and 21 for Board acceptance.
12. BOND RELEASE - Enclosed please find a recommendation from the Building Commissioner for release of a Bond held in conjunction with Special Permit #10/1/94-347, Littleton Restaurant, for Board action.
13. ACCEPT GIFT - Enclosed please find a copy of a check from Ms. Jones for acceptance by the Board as a gift for Emergency Management purposes.
14. FRIENDS OF THE ACTON LIBRARIES - Enclosed please find a request to hold the annual used book sale on the Memorial Library grounds.
15. LIONS CLUB - Enclosed please find the Annual request for the Acton Town Fair to be held July 1-5 for Board action.
16. ONE DAY LIQUOR LICENSE - Enclosed please find an application from Chez Claude for a One Day Liquor License for Sunday, May 14, 1995, for Board Action.
17. ACCEPTANCE OF GIFT - Enclosed please find a request from the Friends of the Arboretum to accept gifts of trees for the Arboretum.
18. UNDERGROUND STORAGE LICENSE - Enclosed please find the Fire Chief's recommendation that the Underground Storage License for Mobil Oil, 44 Great Road, be corrected to correct "a slight discrepancy".

V. TOWN MANAGER'S REPORT

19. Bicycle Racks - Enclosed please find a memo from the Town Manager regarding installation of bike racks at the Commuter Lot for Board direction.
20. WIDE AREA NETWORK - Enclosed please find the Town Manager's recommendation regarding a public process and technical advisory committee for development of the Wide Area Computer Network.

VI. EXECUTIVE SESSION

MEETINGS

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which 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.

May 9 - NESWC Presentation

May 23- Staff Presentation on Gas/Plumbing and Septic Fees