

BOARD OF SELECTMEN MINUTES

April 24, 2006



All Board members were present the Town Manager was absent, the meeting was televised

CITIZENS' CONCERNS

None

SEWER COMMISSIONERS' BUSINESS

BOARD REORGANIZATION – Peter outlined the procedure for reorganization – PETER ASHTON – Moved to appoint Walter Foster as new Chairman. ANDY MAGEE – second. UNANIMOUS VOTE

PETER ASHTON – Moved to appoint Andy Magee as Vice Chairman – WALTER FOSTER – second. UNANIMOUS VOTE

WALTER FOSTER – Moved to appoint Lauren Rosenzweig as Clerk. PETER ASHTON – Second. UNANIMOUS VOTE.

PUBLIC HEARINGS & APPOINTMENTS

OPERATIONAL MINUTE – John gave an overview of the Paving or Fuel vendors have refused to honor their contracts. John said we will pursue all legal means to ensure compliance. Walter asked for an outline for next Board meeting.

CLASS I DEALER'S LICENSE, ACTON SUZUKI RENT-A-CAR, 50 POWDER MILL ROAD-
The Board announced the withdrawal. The process must start step I and that the Board is notified when application is re-submitted and it shall not have an expedited process.

MAKAHA LIQUOR VIOLATION HEARING – Chief Widmayer outlined the process and referred to Prosecutor Fred Rentscheler. Officer Krug noted that a man walked into route 2A and was exhibiting signs of intoxication such as slurred speech and then Officer Krug took him into protective custody. Officer Cogan transported to the station. The man was non-responsive and was obviously intoxicated at .13 on the PBT. His wife was contacted and she did not want him released in this state. The Police went to the Makaha and asked if an elderly gentleman was served. Mr. Pat Cheng agreed he had just left and Mr. Cheng served him 4 Gray Goose screwdrivers and then the gentleman left the bar yelling on his cell phone.

Andy asked how long he was held. Sgt. Grey said over eight hours. He was asked the legal limit. Fred noted it was .08 in Massachusetts.

Walter noted that statement made by his wife that he sometimes walks to bars from Colonial Spirits Parking lot. The Police Officers were asked if they searched the vehicle, they did not, as they had no legal reason to look in to his car.

Raymond Cheng noted that he was sorry that he was before the Board again. He said that his review of the police report seemed like he left the building around 5:00 and then came back. He said he may have been over served.

Patrick Cheng was the Bartender on duty that day. Walter asked if it was true that he served four drinks. He said yes. Andy asked him if he was driving, Mr. Cheng did not know.

Peter asked about the situation with Affiliated Monitors. They come once per month and Jim Staples gives field training and lectures on how not to over serve and to provide legal review of identification. Peter asked if they had installed the video surveillance camera, he replied it was too expensive at this time. Raymond said they have estimates for this and he can't afford it. Peter asked about the reports from Affiliated Monitors. Raymond will provide the reports.

Patrick Cheng said that he was walking around by the door looking for the older gentleman and noted that police officer was in their lot.

Lauren asked about how many drinks in the hour they serve. They have a 2 drink limit but it depends on the person and they may serve more. Lauren suggested that they stick to the 2 drink Limit. He was not served any food.

Andy asked if they have shut any one off. Raymond said a couple of months ago.

Andy asked about the history of why they have been here before. Walter will summarize the situation.

Raymond Cheng said that it happened and they work with the Town to comply with all the laws and placed a Police Officer at the door when it was required by the Selectmen. He has tried to conform he has hired a person to replace Mr. Tam. He said he has no control over what customers do after they have left their Restaurant/Bar.

Chief asked for a witness for rebuttal. Officer Krug was asked the time of the incident, what time was that he said around 6:00. He did not see anyone leave the building he said that the person would have been seen by Officer Krug.

Chief Widmayer was asked what he suggested. It had the potential twice for the man being hit. He is concerned that Mr. Cheng does not have an attorney representing him and would follow with progressive discipline. He suggested two weeks of suspension.

Dore' said that this can't happen again, and noted that if the camera was in place, we would not be here if it proved the patron's condition was ok. He feels the approval and license continuation rests on the tapes to review. He feels that it would protect them also. He suggested that they let the Management Company go and put in the cameras. Dore' noted that there is not other establishment with this many violations. Dore' said a two weeks suspension and order the installation of a camera was he opinion action to be taken.

Peter noted that they have had 6 violations; he does not see any of this getting better. He is concerned that if this person had found his car he would have been in danger and danger to the public. He said he was surprised at the Chief's recommendation. He would have the license lifted. He will only approve if the cameras were installed and thought a 4 week suspension would be appropriate. Peter noted that he thought the cameras had been installed.

Lauren agreed with the Chief's recommendation.

Andy asked about violations, and that they probably miss some. He felt that this was not acceptable. He said he does not think that Raymond grasps the importance of this issue. He said he too wanted to have the cameras installed.

This person was not shut off after 2 drinks, he was served 4 drinks.

Walter said that the man was very intoxicated from the time he left the Makaha. Walter said that he really should have had his attorney present and would ask that they be revoked. He will not be the one to tell

WALTER FOSTER – Moved to revoke the Liquor License. PETER ASHTON – Second. The Board then discussed the motion.

Dore' said that we should have more time than two weeks. He was somewhat hesitant to revoke at this time. Dore' asked the Chief about the successful use of the camera. Chief Widmayer said it would help their case as well as ours. Four weeks suspension and surveillance camera satisfactory to the Police Chief be put in place and operating, as well as the right to have the police go in a see that the camera is running and used. Dore' also said that if it happens that they have their license revoked.

Walter said that any further violations he would hope the Board would revoke their license.

Andy supported that he would vote for 4 weeks and to have the camera operational and tested and its use watched by the Chief.

Lauren asked Chief when this went to court. There was no court action taken as he was not breaking any laws by being intoxicated because he was not in a vehicle.

Walter will withdraw his prior Motion, WALTER FOSTER - Moved to suspend the license for 4 weeks and to further condition it on the installation of closed camera system to the Chief's satisfaction as well as to have the Chief check randomly to insure it is operating properly. DORE' HUNTER – second. UNANIMOUS VOTE

Walter reminded him he has to adhere to the two drink limit.

Dore' said that if the camera was not installed he will vote to revoke the license. Mr. Cheng was asked to contact his legal counsel to determine what signage, if any, is necessary for notification of patrons.

DAVIS PLACE 40B/LIP, 159 PROSPECT STREET – Louis Levine representing the petitioners. He outlined the last three months working with ACHC on Prospect at Mass Ave. with eight units, 2 are affordable. They need a letter of support from the Board of Selectmen.

Dan Barton the Architect explained the project.

Dore' noted the presentation was one of the best he has seen.

Andy asked about the basin. Lou noted that it may not be a basin but a vault.

Lauren noted Roland Bartl's comments. She commented about the porches on the street side. They expected some people would use the porches.

Peter noted that complicated subject that was made understandable. Peter asked why they are all three bedroom units. Market research said that three bedrooms would be best. Peter asked about accessibility. They will look at this.

Dore' noted that a bedroom on the first floor would help with aging parents. Dore' noted that he wanted to see a vault.

Kathy Finnegan direct abutters spoke about the meetings they have had with the builders and developers. The plans they have don't list the dumpsters that may be on site. There will be no dumpsters as these are single family homes. They asked for a privacy fence to be installed at their property line.

Shawn Towey – He noted that there were references to drainage and wetlands and asked that they look at those issues so that neighbors would not be impacted by drainage. He also asked that this not be reviewed by the new 40B rules.

Walter thanked them for going to work with the ACHC and neighbors. Walter noted that he had a question for the next meeting. What does the number of affordable 10% right now that would stop for every one of these 40 B projects for the Board for a progress mark.

Peter commented that he would hope that they will work with the Finnegan's and install a privacy fence. Attorney Levine said that they will work with the neighbors.

Walter also noted that the issue will ensure the territorial boundaries. There will be items addressed such as drainage.

A letter is needed from the Board of Selectmen supporting this development to DHCD with their submittal. DORE' HUNTER – Moved to support and issue such letter on the project with conditions. . PETER ASHTON – second. UNANIMOUS VOTE. John was asked to prepare a letter with the concerns noted, noise barrier, vault vs. retention basin, historical significance of the house and drainage and wet lands calculations.

In addition, the Board wishes for staff to continue to provide preliminary comments and to ask any developer to provide (1) a listing of all historic sections, (2) architectural and physical (wetland delineations, flood plain delineations, drainage calcs., septage test pit data and load bearing data) plans. The reason for the physical plans is to determine if the architectural and layout plans submitted to the Board are achievable. (3) In addition, Staff shall report with each LIP project and with each 40 B project and the current status of the Town as it relates to meeting our affordable housing number.

Nancy Tavernier reminded them that they don't have many LIP's and that the State will have the final word after their review. Nancy said that they have asked for more engineering plans than is ever provided at this stage. She said that can have their concerns noted on the letter of support. The Board can again have input in the process under comprehensive Permits, it must go to DHCD.

CLASS II NON-DISPLAY CLASS II AUTO DEALER'S LICENSE, STEWART AMAS – Walter asked if they would be stored in Acton. The cars will never come to Acton. Mr. Amas was cautioned that there is no storage on site. If the Mill Corner Condominium Directors ever decide that they don't want to have the business going on, we would have to revoke the Class II license. PETER ASHTON – Moved to approve with the conditions. DORE' HUNTER – Second. UNANIMOUS VOTE

SELECTMEN'S BUSINESS

RESIDENCES AT ROBBINS BROOK, PHASE II, REQUEST FOR APPROVAL OF TWO NEW STREET NAMES - DORE' HUNTER – Moved to accept Trevor Way and Preston Lane. **ANDY MAGEE** – second. **UNANIMOUS VOTE.**

VERIZON NEW ENGLAND, INC, REQUEST FOR PERMANENT OVERHEAD WIRES, JOHN SWIFT ROAD - Dore' noted that while this neighborhood has poles and overhead wires, and there was no opposition to this request from the neighborhood, they will allow the return to the poles. **PETER ASHTON** – Moved to allow permanent overhead wires. **DORE' HUNTER** - **UNANIMOUS VOTE**

ACTON MEMORIAL LIBRARY LONG RANGE PLANNING COMMITTEE –Walter discussed the memo asking for formation of the AMLLRPC. They are looking to plan for 09 to 013 for the Library.

Lauren said that she wanted to see 2 citizen at large appointments from those who use the library. Dore' asked why they sought Selectmen approval; he noted that he assumed that they would have done it in house.

John said that the Selectmen are the only ones that can appoint these groups. They all agreed that they add 2 citizens at large and to offer the public the opportunity to participate. Peter asked if we wanted to have a selectman on the committee. Dore' offered to be the Selectmen assigned as the liaison. Also to provide a schedule for the process. John was asked to prepare the letter to Marcia and provide it to the Chairman for signature.

SOUTH ACTON COMMUTER PARKING LOT – Lauren discussed the new plan at Jones field. They would have no affect on wetlands. The Committee reviewed the proposed parking at Jones Field. They will move the parking forward so that they don't go into the road way. They will change the guard rail so that they cannot park on the field and near the wetlands. Conservation Commission approved. The fee would be \$50.00 per month for this reserved parking. They propose an increase to other parking fees. The most interesting outcome of this review is the interest in having a shuttle bus service and perhaps it could be used by residents and elderly when not transporting commuters. They said that a regional shuttle which would help. They suggested a shuttle committee which could be advertised at the markets with bag stuffers. They will be setting up a Shuttle Advisory Committee a sub group of TAC. They would be disbanding the South Acton Commuter Taskforce. Walter wanted to take up the three suggestions to raise rates and reserve parking with a rate of \$50.00 a week and to make physical changes at Jones Field.

Andy noted area rates, and felt that they are in the range of what is done elsewhere. He noted that he would raise the rates. Andy noted that he didn't want to chase anyone away if there is a demand.

Walter thanked the members of the committee and their forums. He was fine except for the Resident parking increase. He suggested \$35 for the permit from \$25 dollars.

A resident suggested we could even go to \$100 per year or 4 dollars a month.

Peter said that we need to raise the price and felt we could double the sticker price for residents. He feels that demand is there and would maybe to raise to \$100.00. **LAUREN ROSENZWEIG** – Moved to raise the resident fee for stickers from \$25 to \$50 and to increase the meter rate from \$2.00 to \$2.50 and to provide Reserved spaces at Jones Field at \$50.00 per month not less than three months, and to do the parking changes as prescribed at Jones Field.

Further that the walking route signage shall be installed. DORE' HUNTER – second. We need to advertise to commuters. 4-1 motion passes.

Dore' said he would suggest that we not disband the Committee until the composition of the Shuttle Committee be established.

JENKS FUND REQUESTS FOR 2006 FUNDING –PETER ASHTON – Moved to reduce the grants awarded to cover the overage. DORE' HUNTER- second. UNANIMOUS VOTE

DISPOSAL AGREEMENT AND REQUIRED FINDINGS IN REGARD TO ACHC'S ACQUIRING THE PARCELS AT 214 CENTRAL STREET AND 28 WILLOW STREET – Walter asked about the memo from John. There needs to be a declaration of surplus. DORE' HUNTER – Moved that the Town No longer has a reason to retain it, and moves to approve the Disposition Agreement PETER AHSTON – second UNANIMOUS VOTE

OTHER BUSINESS

Lauren asked Nancy Tavernier to forward her thanks for the work performed by the ACHC.

Towne School Housing RFP's - They will be interviewing the bidders this Thursday evening and will hope to make a recommendation to the Town Manager next week.

Dore' asked for feedback on the Fitchburg Line materials.

Dore' asked for a policy of submitting minutes. He noted that the South Acton Taskforce reports very quickly. He said the minutes in draft form to the degree that they are circulated so the Board of Selectmen are aware of what other Boards are doing on a timely basis. He suggested the use of E-mail for the drafts. He asked that an appropriate time limit be reviewed. Staff was asked to draft a policy.

Lauren briefed the Board on MAPC Metro Futures. She did not attend but said she had already attended one. It is on their Web site.

Peter asked that new recreation fees and financial review be brought to the Board for review at their next meeting.

Walter asked that a defined time period be set for Recreation Fee Reduction requests. The purpose is to define the universe before acting on a single request.

CONSENT AGENDA

Andy wanted to be sure that the minutes of March 13 be revised to reflect his comments about the signs and the violations they had been issued.

Andy asked to put a Hold on the Comprehensive Permit Policy – Andy noted the wetlands set back issues he was concerned. Lauren asked the question about the historical significance. Madison place found it was on the list but Lauren voted for the LIP Project as it was in the best interest of the Town. Andy wanted to hold it to review it more. Peter noted that they put reference about the cultural resources list on list on page five. Dore' felt that we could have Peter present to BOA and he could make changes to it at a later date. Andy agreed to review it for changes later. DORE' HUNTER – Moved to send to BOA. ANDY MAGEE – second. UNANIMOUS VOTE.

Nancy Tavernier noted the urgency to move forward with the Willow/Central Project. They need to move forward and have resolution with BOA.

Walter asked to hold all three confidential requests for waivers. John will get back with them about the Recreation Beach Fees. Walter felt that six week was a very high amount for one person. Walter wanted to hold this until more review could be done. We could fund it a half and then come back later to review it. DORE' HUNTER - Moved to approve the waiver for both except for #20 and they will address it later. ANDY MAGEE - second. UNANIMOUS VOTE We will hopefully get the rates and waiver requests for the next meeting. It was noted to place a notice in the Recreation newsletter.

Proposed meeting schedule will be reviewed at the May 8th meeting.

TOWN MANAGER'S REPORT

No Report

EXECUTIVE SESSION

None Needed


Christine Joyce

Lauren S. Rosenzweig, Clerk

DATE

BOARD OF SELECTMEN AGENDA

APRIL 24, 2006

Francis Faulkner Hearing Room
Acton Town Hall
7:00 P.M.

I CITIZENS' CONCERNS

II SEWER COMMISSIONERS' BUSINESS

III PUBLIC HEARINGS & APPOINTMENTS

1. 7:05 BOARD REORGANIZATION.
2. 7:10 OPERATIONAL MINUTE – The Town Manager will give the Board a brief update on various topics.
3. 7:15 ACTON SUZUKI RENT-A-CAR, 50 POWDER MILL ROAD – Enclosed please find materials in the subject regard, for Board consideration. **(Petitioner has asked to withdraw his application at this time)**
4. 7:30 MAKAHA RESTUARANT LIQUOR SERVICE HEARING - Enclosed please find materials in the subject regard, for Board consideration.
5. 7:45 DAVIS PLACE, 159 PROSPECT STREET, LIP - Enclosed please find materials in the subject regard, for Board consideration.
6. 8:00 CLASS II NON-DISPLAY USED CAR LICENSE, STEWART AMAS, 40 NYLANDER WAY - Enclosed please find materials in the subject regard, for Board consideration.

IV SELECTMEN'S BUSINESS

7. RESIDENCES AT ROBBINS BROOK, PHASS II, REQUEST FOR APPROVAL OF TWO NEW STREET NAMES – Enclosed please find materials in the subject regard, for Board consideration.
8. VERIZON NEW ENGLAND, INC, REQUEST FOR PERMANENT OVERHEAD WIRES JOHN SWIFT ROAD – Enclosed please find a memo from staff in the subject regard, for Board consideration.
9. ACTON MEMORIAL LIBRARY LONG RANGE PLANNING COMMITTEE – Enclosed please find materials in the subject regard, for Board consideration.
10. COMMUTER PARKING LOT – This topic has been placed on the agenda by Selectman Hunter and Rosenzweig.

11. **JENKS FUND REQUESTS FOR PROGRAMS FOR YOUNG ADULTS BETWEEN THE AGES OF 11 AND 21** – Enclosed please find materials in the subject regard for Board member assignment.

12. **DISPOSAL AGREEMENT AND REQUIRED FINDINGS IN REGARD TO ACHC'S ACQUIRING THE PARCELS AT 214 CENTRAL STREET AND 28 WILLOW STREET**– Enclosed please find materials in the subject regard, for Board consideration.

OTHER BUSINESS

VI CONSENT AGENDA

13. **ACCEPT SELECTMEN'S MINUTES OF MARCH 13, 2006** - Enclosed please find materials in the subject regard, for Board acceptance.

14. **ACTON/40B WOODLANDS AT LAUREL HILL – FOURTH AMENDMENT TO MOA** – Enclosed please find a copy of the subject agreement, for Board consideration.

15. **REQUEST FOR APPROVAL OF EXPENDITURES, ACTON COMMUNITY HOUSING CORPORATION (ACHC)** – Enclosed please find materials in the subject regard, for Board consideration.

16. **COMPREHENSIVE PERMIT POLICY** – Enclosed please find materials in the subject regard, for Board consideration.

17. **INTERNET DOMAIN NAME** – Enclosed please find a request from the IT Director for approval of a new, additional Domain Name, for Board consideration.

18. **REQUEST FOR DISPOSAL OF SURPLUS EQUIPMENT** – Enclosed please find a request from the IT Director for approval to dispose of defective, or otherwise unusable technology, for Board consideration.

19. **REQUEST TO USE TOWN COMMON AND DISPLAY TEMPORARY SIGNS, ACTON GARDEN CLUB** – Enclosed please find materials in the subject regard, along with staff comment, for Board consideration

20. **NARA PARK REQUEST FOR FEE WAIVER (CONFIDENTIAL)** – Enclosed please find confidential materials in the subject regard, for Board consideration.)

21. **NARA PARK REQUEST FOR A REDUCED FEE (CONFIDENTIAL)** - Enclosed please find confidential materials in the subject regard, for Board consideration.

22. **NARA PARK REQUEST FOR FEE WAIVER (CONFIDENTIAL)** – Enclosed please find confidential materials in the subject, for Board consideration.

23. **ONE DAY LIQUOR LICENSE, ST. ELIZABETH OF HUNGARY** – Enclosed please find a request in the subject regard, for Board consideration.

24. **ONE DAY LIQUOR LICENSE, NARA PARK, ACTON FAMILY NETWORK** – Enclosed please find a request in the subject regard, for Board consideration.

25. **ACCEPT GIFT, CAMBRIDGE SAVINGS BANK** – Enclosed please find a gift in the amount of \$5,200.00 from the Cambridge Savings Bank, to be used for two movie nights at NARA, for Board acceptance.

- 26. **ACCEPT GIFT, JIM FRANK SCHMIDT** - Enclosed please find a gift in the amount of \$25.00 from Jim Frank Schmidt, to be used for the Elm Street Light Replacement Project, for Board acceptance.

VII TOWN MANAGER’S REPORT

VIII EXECUTIVE SESSION

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.

GOALS 2004-2005

- 1. Produce Morrison Farm Development Master Plan (Walter)
- 2. NARA Park
- 3. Pursue Commercial Tax Base
- 4. Master Plan review meeting once per year

GOALS carried forward

- 5. Monitor Labor Negotiations (Peter)
- 6. Improve Communication with Town Boards (ALL), Improving Inter-Board Communication (Dore')
- 7. Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision, and to get a first rough cut of what happens next year before school is out for the summer (Peter)
- 8. ALG process be used for purpose of Budget Planning for FY05 (Dore'/Peter)
- 9. Process Planning for "Life after NESWC"
- 10. Middlesex Pension Alternatives (Walter)