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ACTON

SELECTMEN'S MEETING

JANUARY 6, 1998

The Board of Selectmen held their regular meeting on Tuesday, January 6, 1998 at 7:30 P.M. Present were F. Dore' Hunter, Wayne Friedrichs, Herman Kabakoff, William Mullin, Nancy Tavernier, Town Manager Don Johnson and Assistant Town Manager John Murray.

{The meeting was televised by cable}.

CITIZENS CONCERNS

None Expressed.

PUBLIC HEARINGS AND APPOINTMENTS

**PIZZA HUT
TRANSFER STOCK AND CHANGE
CORPORATE NAME**

WILLIAM MULLIN - Move to approve. WAYNE FRIEDRICHS - Second.
UNANIMOUS VOTE.

**NAGOG DEVELOPMENT
80-82 NAGOG PARK
SITE PLAN 11/13/97-360**

NANCY TAVERNIER - Move to continue Site Plan 11/13/97-360 at the request of the owner until February 3 at 7:35 PM. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

A resident of Pine Cone Stand questioned why he was not notified by certified mail of the hearing. The Board stated that only 300' of abutters need to be notified.

**SITE PLAN AMENDMENT
WETHERBEE PLAZA**

At the request of the owner, Mr. Leo Bertolami, the site plan will be withdrawn pending traffic issues. The owner will re-file when these matters are resolved.

**MAKAHA RESTAURANT
LIQUOR LICENSE TRANSFER PUBLIC HEARING**

The Makaha is present before the Board tonight to request a liquor license transfer and change of manager. The Board requested and received a copy of the liquor policy from the new manager of the Makaha. WILLIAM MULLIN - Move to approve transfer of the liquor license. NANCY TAVERNIER - Second. UNANIMOUS VOTE. WILLIAM MULLIN - Move to extend alcoholic beverage license. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

**JON BOSWORTH
ASSOCIATE MEMBER
CONSERVATION COMMISSION INTERVIEW**

The Board thanked Mr. Bosworth for his previous services on the Board of Health and asked why he left the Board. Mr. Bosworth stated that he needed a rest, however, he finds he has time now to commit to the Conservation Commission and also left because the Board of Health, at that time, supported malithion spraying of mosquitoes and Mr. Bosworth could not personally support the spraying. WILLIAM MULLIN - Move to appoint Jonathan Bosworth as an associate member of the Conservation Commission with a term to expire June 30, 1998. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

**IMPORT DOMESTIC AUTO CENTER-
CLASS II DEALER'S LICENSE REQUEST
317 CENTRAL STREET**

**** THE POLICE CHIEF HAS MADE A NEGATIVE RECOMMENDATION CONCERNING THIS LICENSE , THEREFORE , HERMAN KABAKOFF - Move to enter into executive session to discuss reputation or character with regards to a CORI issue. WAYNE FRIEDRICHS - Second. ROLL CALL TAKEN - ALL AYES.**

***RETURN TO REGULAR SESSION**

Scott Sanford is seeking a Class II license at 317 Central Street. Staff has commented on this application and had some concerns. The Health Department outlined three concerns and approval of this license would be contingent on resolution of the conditions. The Building Department recommended issuance of this license with the same conditions as the previous owner. The Board asked Mr. Sanford if he had any connection to the previous owner who owes outstanding taxes. Mr. Sanford answered no. Mr. Sanford owns and operates a store in Maynard and has found that most of his clients are from Acton and he would like to open an additional store in Acton. Mr. Sanford will be cleaning, fixing, and selling cars at this location. The Board informed Mr. Sanford that the license will only allow for a maximum of 13 cars to be sold on the lot at one time. Nancy Tavernier stated that she has been one of Scott's customers off and on and hopes Scott will run the business well. Mr. Sanford has previously applied for license in Acton but ran into problems with the previous owner. HERMAN KABAKOFF - Move to approve

Class II license to Scott Sanford, 317 Central Street. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

**METRO DELI
COMMON VICTUALLER LICENSE
208B MAIN STREET**

Gikas Kakouros seeks a Common Victualler License for 208B Main Street. Mr. Kakouros has purchased the restaurant and will initially operate the restaurant in the same manner, however, eventually would like to include breakfast and dinner. The site is limited to 19 seats by a special permit and if the sign is replaced it will need a new sign permit from the Building Department. WILLIAM MULLIN - Move to approve Common Victualler License to Gikas Kakouros, 208B Main Street. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

**SCHOOL BUILDING COMMITTEE
PRESENTATION**

Wayne Friedrichs had additional questions in regards to the maintenance numbers stating that in ALG a group of numbers had been agreed on previously.

SELECTMEN'S BUSINESS

SPECIAL ELECTION

The Board needs to consider tonight whether or not to call a Special Election in February. The Board stated that the Special Election should not be held during February School vacation. If an election is voted on tonight it can be held as early as February 10, 1998. The motion will be conditioned upon approval of the debt exclusion override vote. WILLIAM MULLIN - Move to call a special election for February 10, 1998 using the motion presented tonight (see copy attached). NANCY TAVERNIER - Second. (VOTE NEEDS 2/3 VOTE BY THE BOARD TO PASS).

Herman stated that he did not agree with the motion as submitted and would vote against the motion. He also stated that he would like the motion to be split into two questions stating that by doing this it would provide the citizens more flexibility.

Wayne stated that he also would not support the single ballot question stating that he needs to get his questions answered from the schools regarding maintenance numbers.

Nancy Tavernier stated that two weeks ago the Board voted unanimously to recommend 21 million for Town Meeting action. Nancy also stated that she wants one simple ballot question since two would confuse the voters. Nancy also stated that the time to split the motion would be on Town Meeting floor, if desired.

Bill Mullin stated that the Board all voted in favor of the school project at a previous meeting. Dore' Hunter stated that he will vote for the one motion.

Herman stated that he voted to support the 21 Million taking the position that we should have two numbers in the vote.

School Building Committee members addressed Herman's and Wayne's concerns. Phil Zeilkow stated that by splitting the motions the no's would win the vote and the reason they do this is the same reason why we vote for President and Vice President together. Mr. Zeilkow asked Wayne to vote yes tonight with the promise of answering his questions and if he still wishes to vote no do it on Town Meeting floor. Mr. Zeilkow also stated that the renovations have been set up so that each school can house the other school during renovations and if two don't go through then the plan will not work. Lees Stuntz stated that the project is a package and they are not easily separated. Nancy Banks stated that the split vote was evaluated by the School Building Committee and it was decided that a lot of money would be spent on one school and it would not solve the problem.

Charlie Kadlec questioned if the ballot question is approved does it give the vote a blanket approval. Steve Aronson stated that the the Board of Selectmen should not take action against this vote, and should let the School Committee take any questions or concerns from the residents. Mr. Aronson asked Herman and Wayne to reconsider their votes.

Dore' Hunter asked that a 10 minute recess be called.

****Back in Session 9:40 PM****

Wayne stated that he appreciated Mr. Zeilkow and Mr. Aronson's comments and stated his disappointment that the School had not provided all the information that he has requested and that maybe someone from the school should have called him with the answers he was seeking. Wayne stated that he would support the ballot question as presented tonight. Wayne also stated that he would hate to see the whole project fail when maybe one would have be approved.

Herman stated that he feels the School Committee is making a mistake regarding not splitting the ballot question and will be faxing a matrix to the schools this week and would like the questions answered. Herman also stated that he would reluctantly vote for the motion only in the spirit of cooperation.

**DORE' CALLED FOR VOTE ON MOTION. ALL IN FAVOR UNANIMOUS VOTE.
MOTION PASSES.**

Bill Mullin stated that we should trust Town Meeting voters and felt obligated to speak after listening to a string of negative comments. Mr. Zeilkow thanked the Board for their cooperation.

**FENCE INSTALLATION
3 TAYLOR ROAD**

The Engineering Department has reviewed and recommended the installation of the fence in a public way located at 3 Taylor Road with conditions. The owner of the property has agreed to the conditions. The Board has previously approved a similar request at another located. WILLIAM MULLIN - Move to approve the installation of a fence within a public way located at 3 Taylor Road with the conditions set forth in the memorandum by the Engineering Department dated December 16, 1997. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

BUDGET DISCUSSION

The FY99 Budget books have been completed and distributed. Dore' asked the Board to submit any comments or questions to staff. Herman stated that he had 3 pages of questions and will be faxing them to staff by the end of the week.

PLANNING BOARD WARRANT ARTICLES

The Planning Board will be present at the next Board of Selectmen meeting to go over their proposed warrant articles for Town Meeting.

DAVID BERGART

Herman stated that he has the pleasure of knowing David Bergart and wishes to see the Board recognize Mr. Bergart's achievements in ski/arc. Mr. Bergart is rated number 2 in the nation at this sport and will be going to Italy to compete in the World Championships at the end of January. The Board directed staff to give Mr. Bergart either a proclamation or letter that recognizes his achievements.

CONSENT AGENDA

Bill Mullin requested that item #12 (December 2, 1997 Selectmen's Minutes) be held for discussion. NANCY TAVERNIER - Move to approve consent agenda items 13-18. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

Bill Mullin suggested that the December 2, 1997 minutes be amended. WILLIAM MULLIN - Move to approve December 2, 1997 minutes following amendment. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

**TOWN MANAGERS REPORT
VOTING AUTHORIZATION**

WILLIAM MULLIN - Move to authorize the Town Manager to vote at the MMA conference. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

SATURDAY BUDGET HEARING

Don presented the Board with a draft agenda of Saturday's budget hearing with the Fincom, School Committee and Selectmen. Dore' suggested that the agenda be followed as close as possible and that if needed, we will work through lunch.

COMMUTER LOT

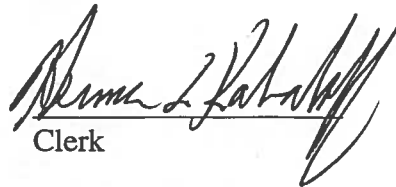
Don stated that the Police have recently been more active in their enforcement of the commuter parking lot. Mr. Immerman has contacted Don regarding his car being towed for parking in an illegal spot and is seeking reimbursement from the expenses incurred from being towed. Mr. Immerman stated that he arrived at the commuter lot at 7:20 AM to find all resident spots taken and his options were to miss the train or park illegally in an endcap area. Mr. Immerman arrived at work at 8:50 AM and telephoned his wife to pick up the car and was unable to reach her. Mrs. Immerman arrived at the commuter lot at 10:45 AM to find their car had been towed. Mr. Immerman then found out that his car had been towed to Classic Cars. Mr. Immerman stated that he has a valid resident sticker, that there is shortage of spaces, and questioned why we cater to non-residents, the lot is congested and unsafe.

The Board stated that they are not sympathetic to Mr. Immerman since the lot is clearly posted that if you park illegally your car will be towed and that more time should be planned for so a parking spot can be obtained. The Board also suggested that residents car pool and suggested that people look for other parking alternatives.

NESWC

John Murray discussed the Inspector General's report regarding the NESWC facility. Most of the report included information that Acton already was aware of, however, point seven spoke about a confidential source. John wondered, who leaked the information, how it was leaked, is it new or existing information, and where are the two hundred boxes of confidential information.

WAYNE FRIEDRICHS - Move to adjourn at 10:40 PM. HERMAN KABAKOFF - Second.
UNANIMOUS VOTE.



Clerk



Date



Sheryl Ball
Recording Secretary
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