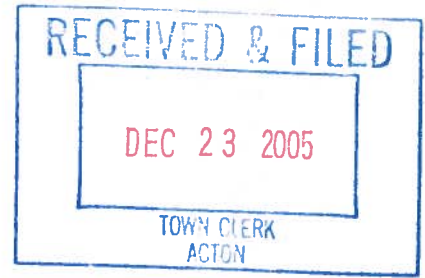


**SELECTMENS MINUTES
November 14, 2005
7:00 P.M.**



PRESENT: Peter Ashton, Walter Foster, Dore' Hunter, Lauren Rosenzweig, Town Manager and Asst. Manager. The meeting was televised

CITIZENS' CONCERNS

None

SEWER COMMISSIONERS' BUSINESS

PUBLIC HEARINGS & APPOINTMENTS

OPERATIONAL MINUTE – Don announced the budget workshop to be held this week and next Monday with Dept, Heads.

BOARD OF HEALTH INTERVIEW, DR. WILLIAM A. TAYLOR - Peter thanked him for volunteering. Dore' asked about his involvement on the Pandemic Committee. Dore' asked if he has attended any of the meetings. Dr. Taylor noted that he has and is on the Board. He outlined his current position with Medicare. Walter noted his activities with the CDC for 15 years. Peter asked him if he would be available for helping the Health Insurance Committee.

WALTER FOSTER -Moved to appoint Dr. Taylor as full member of the Board of Health with a term to expire 6/30/08 LAUREN ROSENZWEIG– second UNANIMOUS VOTE

MAKAHA RESTAURANT LIQUOR LICENSE VIOLATION HEARING – Todd Fenniman Raymond Cheng and Mr. Tam were at the meeting. Todd discussed the Affiliated Monitors Audit of their liquor service operation. They have had one training session. Todd outlined the results of the monitoring. They have suggested that Mr. Tam not serve drinks after 2:00 in the afternoon. They will continue to send reports for the next 6 months. They will continue to have unannounced visits and training. Chief Widmayer said that they tried to gloss over the take out person drinking 2 Mia Tias in 10 minutes then they leave with their take out food and have an accident. Prosecutor Fred Rentscheler outlined the two incidents currently in court so that he could not discuss this incident. Officer Penny was the arresting officer.

Peter noted he was disappointed that they were here again. Walter asked Mr. Cheng about Affiliated Monitoring witnessing the service of two mia ties that were served within 10 minutes. Mr. Cheng said that he will monitor this activity. Peter noted he would want a full restriction on Mr. Tam's serving alcoholic beverages.

Dore' was concerned that the leadership of the organization and he feels that that Mr. Tam should not be associated with the Restaurant if they want to continue doing business in Acton,

Walter was concerned that the problem was with one of the owners. He was concerned about 2 drinks in 10 minutes. He also noted that Affiliated Monitoring did not do anything about the over service when they saw it happen and the person left and had an accident. Peter suggested that they not service drinks to take out customers. Lauren noted that she had reviewed the report. She felt it was not being taken seriously.

Peter spoke about the person arrested in Stow and the high speeds during the chase.

DORE' HUNTER - Move that if Makaha plans to continue the license to serve alcoholic beverages in Acton, that Mr. Tam be barred from any contact with the alcohol service and that the license be amended to not serve take out customers, and further that they have a three day suspension. Walter made a friendly amendment to increase the suspension to 7 days. Mr. Tam be removed as one of the owners of the Makaha. The Board amended the motion to serve the three day suspension previously stayed and then a 4 day suspension (equaling the 7 Days) and were asked to turn in their license on November 15th. WALTER FOSTER – second. UNANIMOUS VOTE
Atty. Fenniman asked that it be a three day and not seven. The Board said they could not support a reduction. It was noted that we will amend the license to reflect the motion.

PUBLIC TREE REMOVAL HEARING, POPE ROAD – Peter said he had driven by and felt that he did not see why the tree needed to be removed. Greg Niemski, chairman of the Planning Board noted the Ellsworth Village plan. The sight distance is part of the problem. Dean Charter did not think they should be removed. The Planning Board felt this was needed. The Selectmen now have the decision to make. Dean Charter noted that the trees were good species and should not be removed. They are 36 in diameter and it is a scenic road. The trees are healthy and sees no reason to take them down. He further noted that other roads in town have the same conditions. Carol Holley spoke about the counters that were installed on the holiday weekend when kids were home and she urged them to place the counters again. She felt that the trees needed to be saved. Betty lives off Pope Road and was concerned about safety and urged the trees be saved. Susan Mitchell-Hardt She had three points about the trees on Pope Road; she noted that extensive tree canopy. The EAV noted in their report maintaining the trees and suggested traffic calming. Terra Friedrichs noted Dean's effort to maintain the trees in Town. She asked about the size of the trees in Town. Mr. Chapen of Brabrook said it is the knoll not the trees that are the problem. Dore' noted he has not had time to review the site and would be more comfortable continuing it to the next meeting; Walter did go out to the site and noted the entire road is dotted with trees. He feels the tree should stay. Lauren noted the difficulty in this decision we have to weigh those issues of liability and if some thing did happen if we don't remove the trees. She wanted to have more time to review it. She said the sign was difficult to see. WALTER FOSTER Moved to close the hearing and take under advisement. DORE' HUNTER – second. UNANIMOUS VOTE.

CONSERVATION COMMISSION OVERSIGHT MEETING – Members of the Conservation Commission were present to discuss their activities. They reviewed the slide show. Jim Snyder-Grant gave an over view of the Land Stewardship Committee's activities. Lauren thanked them for their efforts to maintain the conservation lands in Acton. Walter also thanked them for their service. Dore' suggested they have tours of the Stone Chamber to get people interested in this CPC project. Peter commented on the trail system in town and noted it is a tremendous asset.

SITE PLAN SPECIAL PERMIT 403-411 MASSACHUSETTS AVE, SF PROPERTIES, INC. – The proponents outlined the changes they have been working on since the last meeting. They have met the lighting bylaw and will remove dead trees and plant new ones in accordance with the Tree Warden and Garry Rhodes, DORE' HUNTER - Moved to close the Hearing and take under advisement. WALTER FOSTER – second, UNANIMOUS VOTE.

SOUTH ACTON COMMUTER RAIL TASK FORCE – Members of the SACRTF were present to up date the Board on their activities. They wanted the Boards support with moving forward. Dore' felt the Board should support this and that it deserves a try. Peter asked how many people they felt would participate. They hoped they would get at least 30. Walter felt it should not be restricted to Acton only commuters. He liked the hang tags and also agreed that it would self police. Walter suggested it be phased in and we authorize up to 15 people. They will need some staff assistance and will try to minimize it. Terra suggested a blog. They have heard of some sites. DORE' HUNTER - Moved to approve the idea. LAUREN ROSENZWEIG - second. UNANIMOUS VOTE. The Town manager was asked to put together rough signs and tags.

SEWER BETTERMENT – AMIT BHAN, 16 SILVER HILL ROAD – Mr. Bhan was present to ask the Board for a Sewer Betterment Abatement on his property on Silver Hill Road. He outlined his reasons for asking for an abatement. Peter asked what it would cost to connect to the sewer. He said it was about \$10,000. Dore' and Peter said that they could not support the granting of the program. DORE' HUNTER – Moved to Deny. WALTER FOSTER – second. UNANIMOUS VOTE

TRANSFER STATION UPDATE - John Murray gave a slide show on where they are with regard to the program. They will need to dissolve NESWC and he is working on this with another community. Bruce Stamski noted we have received the permit for post closure. We now have in writing that the capping is complete. The capped landfill can be used for playing fields, DPW stockpiling and improvement of the recycling area. The conditions were standard in format and they don't present and undue hardship. Peter asked for a clarification on how much of the \$675,000 would we get. John said 5%. Peter asked about the clay we received. Peter noted the contract to dispose of trash that would be needed at the end of the NESWC contract. Dore' noted that we needed to supply a use forward to get the permit and we would not be held to those uses that we submitted. Walter talked about any risk we would take and asked about the \$4.4 Million. He noted that he needs some assessment of risk and would affect the 4.4 million, CDM is looking at landfill site in Peabody and they also took ash. There is risk and we are looking forward to the legislation. They will be looking at protection for Acton. Walter wanted recycling improved. Dore' did not see any monies we might receive being used for the Town side and not the schools. Herman Kabakoff asked for historical data on tonnage for recycling. He also asked about the improvements and where the money will come from. John said we have funds appropriated from Town Meeting and we should be able do these improvements this year. Jim Snyder Grant spoke about the recycling and supports us going forward. Jim asked about logistical problems. He asked about concerns that would keep us from going out to bid. Bruce said that they are looking at getting the most bang from the buck. They will be refining their numbers. John said the only problem would be with the small highway crew. Mary Michaelman was pleased with moving forward on the recycling and asked about the testing of the Big Dig Clay we received.

SELECTMEN'S BUSINESS

BUXTON PROPERTY – Peter outlined the advice of council that we have received with regard to the restrictions on this property. Don explained it is a large parcel and looks developable and then they find the restrictions attached. We asked if a 40B would fit and counsel said yes. The petitioner asked about the septic system being placed on the unrestricted parcel for a 40B. Council said no. Council thinks that a use of necessity may apply. Don said the Board needs to say, we agree with council. Peter said that now we have the answer we should forward it to the petitioner.

OTHER BUSINESS

Lauren alerted the Board about legislation on surplus land held by the state. We want right of first refusal, but we need to pay 85% of the cost. The ARC has asked us to identify our Brown Fields.

Peter noted that we have heard from Mr. Wren and he wrote the Governor and the Governor has responded to his request, DORE' HUNTER – Moved to notify Mass Highway about the lowering of the speeds on Route 2A. WALTER FOSTER - second. UNANIMOUS VOTE

Peter spoke about the MRS Audit Report and it confirms much of what we thought on how they do business. They don't have anything in place to handle many of the issues. Peter advocated that we have Town Council review and send letter from Gibson for a written update on how they are handling issues in the Audit. Peter also asked for interim drafts.

Walter noted it is a topic of great concern.

Walter updated the Board on Morrison Farm. They have been approached for actual uses for the building on site. They have also been approached by a day care for reuse of the residence.

Dore' asked if active recreation was still being looked at. Walter also spoke about organic farming and other farming uses.

CONSENT AGENDA

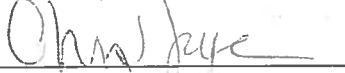
WALTER FOSTER - Moved to approve with the additional Extra Information Grant \$15,000 for Willow Street project. DORE' HUNTER –second. UNANIMOUS VOTE.

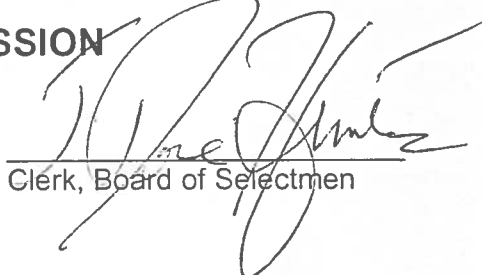
TOWN MANAGER'S REPORT

Don spoke about the Powder Mill Sewage Agreement and he will be getting the information into DocuShare. 11:00 P.M.

EXECUTIVE SESSION

None Required


Christine Joyce, Clerk


Clerk, Board of Selectmen

Date: 12-12-05

BOARD OF SELECTMEN AGENDA

NOVEMBER 14, 2005

7:00 P.M.

I CITIZENS' CONCERNS

II SEWER COMMISSIONERS' BUSINESS

III PUBLIC HEARINGS & APPOINTMENTS

1. 7:01 OPERATIONAL MINUTE – The Town Manager will give the Board a brief update on various topics.
2. 7:05 BOARD OF HEALTH INTERVIEW, DR. WILLIAM A. TAYLOR.- Enclosed please find Dr. Taylor's Volunteer Application and comments from the Volunteer Coordinating Committee, for Board consideration.
3. 7:15 MAKAHA LIQUOR LICENSE VIOLATION HEARING – Enclosed please find materials in the subject regard, for Board consideration.
4. 7:45 TREE REMOVAL PUBLIC HEARING, POPE ROAD – Enclosed please find materials in the subject regard, for Board consideration.
5. 8:15 CONSERVATION COMMISSION OVERSIGHT MEETING – Members of the Conservation Commission will be in for their annual oversight meeting with the Board.
6. 8:30 SITE PLAN SPECIAL PERMIT #8/26/05-404, 403-411 MASSACHUSETTS AVE, SF PROPERTIES, INC. (Continued) – Enclosed please find materials in the subject regard, for Board consideration.
7. 8:45 SOUTH ACTON COMMUTER RAIL TASK FORCE – Members of the South Acton Commuter Rail Task Force will update the Board on the status of their work.
8. 9:15 SEWER BETTERMENT ABATEMENT HEARING, AMIT BAHN, 16 SILVER HILL ROAD – Enclosed please find materials in the subject regard, for Board consideration.
9. 9:30 TRANSFER STATION UPDATE – Staff will provide a status update, for Board consideration.

IV SELECTMEN'S BUSINESS

10. BUXTON PROPERTY – Enclosed please find materials in the subject regard, for Board consideration.
11. OTHER BUSINESS

VI CONSENT AGENDA

12. **ACCEPT MINUTES** – Enclosed please find Board of Selectmen Minutes of October 11, October 17 and November 1, 2005, along with Minutes of the Special Sewer Commissioner’s Meeting of October 11, 2005, for Board consideration.
13. **IRON WORKS FARM PRESERVATION RESTRICTION AGREEMENT** – Enclosed please find materials in the subject regard, for Board consideration.
14. **ACCEPT GIFT** – Enclosed please find a request from the Town Planner for board acceptance of a gift of \$400,000 from Pulte Homes of New England, LLC, for Affordable Housing in Acton, for Board consideration.

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.

November 28	January 23 & 30
December 12 & 19	February 13 & 27
January. 7 (Budget Workshop)	March 13 & 27

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)