

Selectmen's Minutes

March 8, 2004

7:00 P.M.

Present, Walter Foster, Peter Ashton, F. Dore' Hunter Trey Shupert, Robert Johnson
Town Manager and Assistant Town Manager. Meeting was televised.

CITIZEN'S CONCERNS

Jean Butler representing ABCC, presented Walter and Trey plaques for supporting the Cultural Council.

Nancy Tavernier delivered background material for the next meeting in regard to the Fort Pond Brook Place. The ACHC supports this project.

Jim Deming updated the Board on the Westford Water request. A group approached them about getting water for a development in Acton. They then asked about land outside of Acton. He explained this to them and that we are only interested in the development within Acton. The only time that it would consider this if it were in the best interests of rate payers. The asked that the Water Commissioners to place the article on the warrant. If they did not, they could put an article on the warrant with 10 signatures. The Commissioners voted to allow it on the warrant 2-1. The Westford portion cannot be supplied with water; it is too difficult to get to. The developer felt that public water supply would be what they wanted but could plan to provide water. Dore' asked how this would affect our water supply. This does not compel the AWD to supply, only to negotiate at this time.

SEWER COMMISSIONER'S REPORT

NONE

PUBLIC HEARINGS & APPOINTMENTS

CONSERVATION APPOINTMENT – The Board interviewed Michael Eder for a possible elevation from Associate to Regular member. Trey questioned him about his activity in regard to leaflets. He responded to the question yes. Trey asked him if he supported the full golf course or houses for the 55 and over. He said from conservation view they have not seen any plans for the housing and would go away from the wetlands. Trey questioned him regarding the letter and meeting that the Beacon wanted to conduct. He was asked if he had contacted from DEP during the history of the golf course. Yes, he asked if he had contacted DEP during the golf course. Asked who he talked to at DEP he replied Barbara Kickman. He was asking for the consent decree from DEP. Andy Magee supported and knew about the contact. Peter asked about use of town staff as liaison or support. He said they have a good staff. Dore' noted that he is known as an activist in town. He noted that once you are on a board or commission and voting it is difficult and asked if he would promise to separate his activities between his appointed and personal activities.

Walter asked about the future and items that will come up and may be a problem. He said that the bylaws are in need to have a plan as to what happens to the larger parcels.

Trey spoke about the pictures of the encroachment and what the status was.
PETER ASHTON - move to appoint Michael Eder as full member to fill the unexpired term of Mr. Parent to 6/30/05. DORE' HUNTER – Second. UNANIMOUS VOTE

EDIC- Josh Chernin was here to be interviewed for a position on the EDIC. Trey wanted to have Josh sit in on the interviews of the remaining members. Trey asked what he expects the Board to provide. He said patience and the hope to get something done. DORE: HUNTER - Move to appoint Josh as acting chair and have him interview people interested and bring them before the Board TREY SHUPERT-Second. UNANIMOUS VOTE

STREET ACCEPTANCE – MAPLE CREEK FARM SUBDIVISION

Chairman Foster read into the record the notice. Joan Cholie Shady Lane asked about more and less term. It was explained that this is just a phrase being extra careful to cover a survey. . DORE' HUNTER – Move to Approve. TREY SHUPERT – Second. UNANIMOUS VOTE

STREET ACCEPTANCE – NORTH ACTON WOODS SUBDIVISION

Chairman Foster read into the record the notice. DORE' HUNTER – Move to Approve. TREY SHUPERT – Second. UNANIMOUS VOTE.

STREET ACCEPTANCE - BELLOWS FARM SUBDIVISION

Some unfinished work but a bond has been paid. DORE' HUNTER – Move to Approve. TREY SHUPERT – Second. UNANIMOUS VOTE

CLASSIFICATION HEARING (CONTINUED)

Jim Kotanchik was present for the hearing. He outlined the various options that could be adopted.

DORE' HUNTER Moved to not adopt Open Space Discount PETER ASHTON – UNANIMOUS VOTE.

DORE' HUNTER – Moved to not adopt the Small Commercial Exemption. TREY SHUPERT – Second.

DORE' HUNTER – Moved not to change the split. TREY SHUPERT – Second. UNANIMOUS VOTE.

CONTINUED SITE PLAN SPECIAL PERMIT#12/09/03-395, INTEGRITY BUILDERS - Bob felt we didn't need a side walk. Peter said a Cash gift in lieu of building a side walk would be alright. Dore' noted we have not waived sidewalk or gift in issue and felt that \$3,000 gift would be accepted. DORE' HUNTER – Moved to approve with the installation of the Fence, the Contribution, and additional Landscaping. PETER ASHTON- Second. UNANIMOUS VOTE.

DANELLIA'S TACORITO LIQUOR LICENSE HEARING

Chief Widmayer said he moved forward with this allegation because this is the second violation. The allegations are that the person was at the restaurant and was over served. The prosecutor outlined the events of the evening.

Tracy Boyd she was not there when it took place. Walter was concerned that the owner would not come to the hearing. Tracy is the day Manager and Geraldo Miranda is the night manager. Lucille the waitress said she did not remember such a patron. She was asked how long had she been there, she said 6 months. This was her first job as a waitress. Peter asked if it was possible that the Bartender could have served someone there with out her noticing, she said yes. Dore' said we should wait until the court action, and have them explain why we should not suspend the license. We will take action against the license if he does not take this seriously and come to the March 22, 2004 Board meeting to address the Board.

SELECTMEN'S BUSINESS

MIDDLESEX RETIREMENT REFORMATION - The Board reviewed the letter prepared for signature to other communities. Trey said he wanted to be sure other towns were interested. He suggested a task force and to let Charlie Kadelc. Dore' said the letter was fine but noted a lot of faxes to them will have them saying stop. Dore' said we hand out the list of those at state with faxes, emails and felt that people would support getting this **PETER ASHTON** – Moved to authorize the letter and send it out under the chairman's signature. **DORE' HUNTER** – Second. **UNANIMOUS VOTE.**

WARRANT - Walter spoke about the Out Door Lighting Committee. Garry Rhodes wrote a memo saying he has an enforcement issue. Trey agreed with Bob and he has spoken with Garry. He has enforcement issues, but felt we should go forward. Peter was not sure why we would put it on the books if we can't enforce it. He had a problem with the regulatory bylaw. Dore' He had a hard time going forward with this bylaw. He felt we should wait before bringing it to Town meeting.

David Dedrickson Chamber of Commerce. They only found out about this several months ago. They were concerned that there was a \$300 fine with them needing time to conform. He did not think it was ready to be voted and urged something in between the one paragraph and seven pages. Bill Lawrence asked about the fine, it is now 25.00. **TREY SHUPERT** - Moved to recommend BB. **BOB JOHNSON** –Second. 3-2 Motion passes.

PETER AHSTON – Moved to Not to Recommend, **DORE' HUNTER**- Second. 3-2 Trey will call Bernie

BT TREY SHUPERT – Moved to Recommend. **PETER ASHTON** – Second. **UNANUIMOUS VOTE.**

AQ – PETER ASHTON Moved to have it removed from the consent calendar. TREY SHUPERT – Second. UNANIMOUS VOTE. Be sure to include a sum to be determined.

.AR AS AT Public Schools, Region and Minuteman – (Recommended)
AU PETER ASHTON Moved to Approve. DORE' HUNTER – Second UNANIMOUS VOTE.

BC –Approve at 3 members

BD – Mellon Piper Road – DORE' HUNTER – Moved to Recommend BOB JOHNSON – Second. 4-1 Trey No

BE -They wanted to have order determined to put the motor boat restriction at the end of the EAVPC

BF – ENTERPRISE RENT A CAR – Don said we need to get written document with the property owner and he recommends we defer at this point.

TREY SHUPERT – Moved to Defer. DORE' HUNTER –Second.

BW – TREY SHUPERT – Moved to Recommend. PETER ASHTON – Second. Walter NO, wants more information.3-2 Walter and Bob

PEET Article - Removed

Kennedy – CA – TREY SHUPERT – Moved to Recommend. DORE' HUNTER – Second. Motion Passes, Walter Abstained .

CD and CR PETER ASHTON –Moved to Defer. TREY SHUPERT -Second. UNANIMOUS VOTE.

BN – East Acton R2 if they come back with response we will recommend. Bob wanted this revisited.

OTHER BUSINESS

Dore spoke about the housing handout

Peter will be appearing before BOA regarding Garry's decision on entrance and trash issue at Brook side Mall. Peter will write a memo to BOA.

CONSENT AGENDA

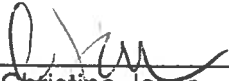
Leo Piro Sunday Package Store Openings– Requested that he be allowed to open on Sundays. DORE' HUNTER – Moved to approve. ROBERT JOHNSON – Second. UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

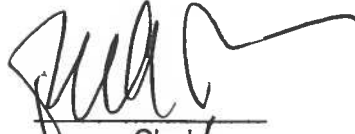
None

EXECUTIVE SESSION

None



Christine Joyce
Recording Clerk



Clerk
5/29/04
Date

March 5, 2004

TO: Board of Selectmen, Sewer Commissioners

FROM: Walter Foster, Chairman

SUBJECT: Selectmen and Sewer Commissioners Report

MARCH 8, 2004
MEETING BEGINS AT 7:00 P.M.

I. CITIZEN'S CONCERNS

II SEWER COMMISSIONERS' BUSINESS

III. PUBLIC HEARINGS & APPOINTMENTS

1. 7:10 **CONSERVATION COMMISSION, REGULAR MEMBER INTERVIEW –**
Mr. Michael Eder will be present to discuss his elevation from Associate to Regular Member of the Conservation Commission to fill the unexpired term due to the resignation of Scott Parent, to expire June 30, 2005
2. 7:15 **EDIC APPOINTMENT, JOSH CHERNIN –** Enclosed please find materials in the subject regard, for Board consideration.
3. 7:30 **STREET ACCEPTANCE –** Enclosed please find materials in the subject regard for Maple Creek Farm Subdivision, for Board consideration.
4. 7:35 **STREET ACCEPTANCE –** Enclosed please find materials in the subject regard for the North Acton Woods Subdivision, for Board consideration.
5. 7:45 **STREET ACCEPTANCE –** Enclosed please find materials in the subject regard for Bellows Farm Subdivision, for Board consideration.
6. 8:00 **CLASSIFICATION HEARING (Continued) –** Enclosed please find materials in the subject regard, for Board consideration.
7. 8:15 **CONTIUNUED SITE PLAN SPECIAL PERMIT #12/09/03-395, INTEGRITY BUILDERS-** Enclosed please find materials in subject regard including the Building Commissioner's comments, for Board consideration.
8. 8:30 **DANELLIA'S TACORITO –** Enclosed please find materials regarding the alleged Liquor License Violation for Board consideration

IV. SELECTMEN'S BUSINESS

9. **MIDDLESEX RETIREMENT REFORMATION –** Enclosed please find a draft letter in the subject regard, for Board consideration.

10. **WARRANT DISCUSSION** - Enclosed please find materials in the subject regard.

11. **OTHER BUSINESS**

V CONSENT AGENDA

12. **ACCEPT MINUTES** – Enclosed please find the minutes of December 15, 2003, for Board acceptance.

13. **ACCEPT GIFT** – Enclosed please find a check for \$600 from the Rosenzweig family for use by the Police Department, for Board acceptance.

14. **ONE DAY LIQUOR LICENSE** – Enclosed please find a request from the Acton Family Network for a One Day Liquor License in conjunction with their Annual Family Barbeque at NARA, Park for Board consideration.

15. **ONE DAY LIQUOR LICENSE** – Enclosed please find a request from the Council on Aging for a One Day Liquor License in conjunction with their Pot Luck Supper at the COA Building, for Board consideration.

16. **USE OF TOWN PROPERTY** – Enclosed please find a request and staff comment regarding the use of the Town Hall Parking Lot for the Acton Family Network's Tag Sale, for Board consideration.

17. **USE OF TOWN PROPERTY** – Enclosed please find a request and staff comment regarding the use of a portion of the Town Common for the Garden Club's Plant Sale, for Board consideration.

18. **LAND ACQUISITION DISPOSITION** – Enclosed please find materials for Board Signature.

VI. TOWN MANAGER'S REPORT

VII 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.

March 8 and 22, and (29th if necessary)

April 6, 7 and 8 Pre TOWN MEETING

April 26

GOALS 2003-2004

1. Labor Negotiations (Peter/Trey)
2. Improve Communication with Town Boards (Walter/Peter)
3. Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision (Trey/Peter)
4. Towne Building Reuse (Bob)
5. ALG process be used for purpose of Budget Planning for FY04 Walter/Trey)