

BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING

September 19, 2016

Francis Faulkner Room 204

Regular Meeting 7:00 PM

Present: Peter J. Berry, Janet K. Adachi, Franny Osman, Katie Green, Chingsung Chang, Town Manager Steven Ledoux, Lisa Tomyl, Recording Secretary

Mr. Berry opened the meeting at 7:00 PM and led the Pledge of Allegiance

Citizen's Concerns

None

Chairman's Update/ Operational Update

Mr. Berry - Several ballot elections – one tomorrow for Minuteman vote tomorrow. 12- 8:00 PM at RJ Grey Jr. High. Encourage everyone to attend. Early voting is available prior to the Nov. elections. Community Preservation Committee is taking new applications for grants to be awarded at Town Meeting in 2017. Town has been awarded \$400,000 for complete streets program by MassDOT. Concord Water District has proposal to build water treatment facility at Nagog Pond – held hearing on September 12th which has been continued to November 1st – Concord required to file a full Environmental Impact Report. Community Preservation Committee Litigation – 13 taxpayer citizens filed a complaint in Middlesex Superior Court.

Mr. Ledoux – Attending a ceremony at the statehouse Wednesday afternoon with additional towns/cities that have been awarded money for complete streets as well. Received a free cash certification notification. Kick off meeting of the Capital Improvement Planning Committee. Mid-August went in front of Energy Recourses with Electric Aggregation Plan – approved by Department of Energy Resources (DOER). Next to bring plan to the Department of Public Utilities. Put plan out to bid November 21st. Attending International City Managers Association meeting this Saturday and return on Wed 28th.

Public Hearings and Appointments

Gas Main Installation, National Grid – Mr. Berry read the public hearing notice. Representing National Grid is Dennis Regan. Ms. Adachi acknowledged some suggestions to the Board regarding suggestions in cutting down Town's dependence on fossil fuels from Green Acton and to put together some type of training for alternative fuel sources.

Ms. Green moved to approve gas installation but to add a date for policy changes on relying on fossil fuels for December 5th. Ms. Adachi moved to approve the application of National Grid to install and maintain approximately 190 feet, more or less of 2 inch main in Pope Road, from the existing 2 inch gas main at house #142, southerly to house #134 for new gas service, Ms. Green second. All Ayes (5-0).

Jim Snyder-Grant, Half Moon Hill gave a statement regarding heavy reliance on fossil fuels.

Alleged Over Service, Red Raven – Mr. Berry read the public hearing notice. Representing the Town is Officer Collins, Officer Rotella, and Det. Fred Renstchler, Acton Police Department, Jessica Wall, Town Counsel. Representing Red Raven is John and Jennifer Apazidis, owners. All witnesses have been properly sworn in. Deputy Chief Rich Burrows introduced the case to the Board. Detective Rentschler gave an overview of the case involving a motor vehicle accident. Ms. Adachi asked for clarification of the court order. Mr. Chang inquired about the time stamp on the receipt and the time of the accident. Ms. Green had no questions. Ms. Osman needed clarification (from Town Counsel) that there must be proof of intoxication prior to service of the last beverage. No further questions from the Board. Owners spoke briefly and confirmed all that happened on the date of the accident. John Apazidis spoke about their alcohol service policy and employee training. Jennifer explained about their seriousness about this event and uses the event as an example of over service issues. Ms. Green inquired length of employment of the server with the Red Raven. Ms. Apazidis stated a couple of years. The server's recall of the event is that he ordered food and drinks but seemed fine prior to leaving. The client was in 3 different locations in the establishments but unknown how many drinks total he consumed. Client was in a large group coming and going. Client was sitting with 1 other person, however the one other was not present at the time of the accident. Ms. Apazidis was unsure if he (other client at table) left early. Employee was placed on probation, and eventually left on their own. Ms. Osman inquired about how many times have you told someone to not serve them (a client) a drink. Ms. Apazidis stated not very often.

Mr. Berry closed the hearing. Ms. Adachi stated that under the circumstances with the time spent she believes there was a violation of the liquor license due to the accident and the police report. Ms. Osman seconds. Mr. Chang added that he finds it concerning there were people there for 6 hours and little knowledge of their activity. Employee no longer works for Red Raven, so lack of witness of the events. Ms. Green stated that the person caused an accident and was impaired which leads toward finding of a violation. Not concerned about the owners since they seem to be on the premise all the time. Ms. Osman feels need to find that a violation occurred. Ms. Adachi move to find a violation of the liquor license, Ms. Osman second. All Ayes (5-0).

Penalty – 1 day suspension is recommended by Deputy Chief Burrows. Ms. Adachi recommends a one day suspension. Ms. Osman suggested added video surveillance installation, Ms. Green agrees with a one day suspension but not video surveillance, Mr. Chang agrees with Ms. Green to not require a surveillance system installation. Mr. Berry stated the owners admitted a mistake.

Ms. Osman moved for a one day suspension for October 12, Ms. Green second. All Ayes (5-0).

Selectmen to Take Position on Warrant Articles and Assign Selectmen Representatives

Draft warrant has to go out Wednesday for upcoming Special Town Meeting Oct. 5. Steve Ledoux says powerpoints are available on warrant articles if the explanations in the draft warrant are not sufficient for deciding recommendations.

Article 1- Amend Town Bylaws to allow temporary Town Moderator at Town Meeting, Majority vote. Ms. Green moves to recommend, Mr. Chang seconds. All Ayes (5-0).

Article 2- Change Bylaws to allow electronic voting at Town Meeting. Mr. Berry points out wording re: accessibility. Ms. Green moves, Mr. Chang seconds. All Ayes (5-0).

Article 3- Fund Collective Bargaining Agreement with Fire Department- Ms. Green moves to recommend, Ms. Adachi seconds, All Ayes (5-0).

Article 4- Fund first year of Senior Center Lease, 2/3 vote. Includes other startup costs. Ms. Osman moves to recommend, Ms. Green seconds, All Ayes (5-0).

Similar to union contracts, we vote for first year and are on hook for all ten years.

\$252k to fund 1st year lease appropriation

\$100k transfer from Concord Muse Gift account

\$77k to be transferred from the Audubon hill gift account

\$75k to be transferred from free cash.

Mr. Ledoux says this cost includes a deposit of 1 month plus 8 months of rent, some fitup to bring I.T., moving costs, some kitchen equipment. Katie asks cost of FY18 lease, Steve says it will be \$16,000 x 12.

Article 5- Lease of 362-364 Main St. to Kennedy Landscaping. 2/3 vote. Selectman Green assigned. Mr. Chang moves to recommend, Ms. Osman seconds. All Ayes (5-0).

Article 6- Land Acquisition, Piper Lane. Franny: didn't move forward enough to have an appraisal done. Ms. Adachi moves to remove Article 6 from warrant, Ms. Green seconds. All Ayes (5-0).

Article 7- Land Acquisition, 53 River St., Appropriate \$908,000 from free cash to fund the acquisition. Purchase price \$875 plus Phase I and II environmental on the property, brings it to \$908,000. Peter: there will be a master planning committee as on Walker Property. Ms. Adachi moves to recommend, Ms. Green seconds, All Ayes (5-0).

Zoning Articles. Peter is Selectman assigned, but Ray Yacoubi of Planning Board.

Article 8- Amend Zoning Bylaw – Accessory Apartments

Article 9- Amend Zoning Bylaw- Nonconforming Lots

Article 10- Amend Zoning Bylaw Outdoor Lighting

Article 11- Amend Zoning Bylaw Restaurant Seating

Article 12- Sign Bylaw

Ms. Green moves to recommend, Ms. Osman seconds, All Ayes (5-0).

Question by Ann Chang: fewer fees mean loss of income? Steve: less staff time, as well.

A few minors edits further on draft warrant suggested by Ms. Osman (remove houses that are no longer there from map of Main St. property).

Selectmen to Take Position on Minuteman Article

Ms. Adachi explains that this is not obligatory but since School Committee voted to approve the ballot question on Sept. 1, and other committees voting support. Principal reason we can do so is that we recommended that related article April 4 at Town Meeting; this is same proposal, another way—ballot question. That time, we needed no member town to disapprove. Belmont disapproved.

Mr. Ledoux: Capital cost will kick in in FY 20 , \$325,000 impact on Town budget.

Ms. Osman has question about effect on Acton, as it was asked on Acton Chinese email list.

Mr. Berry: Town such as Boxborough that withdrew will have to pay higher per student cost in the future plus added capital contribution.

Ms. Adachi: More demand for vocational technical schools.

Ms. Green moves to recommend supporting ballot question that requests borrowing for Minuteman construction. Ms. Adachi seconds. All Ayes (5-0).

Sewer Fee Privilege Extension on Payment Request, 248 High Street – request to pay on first occupancy permit vs. building permit. Applicant is requesting to pay sewer privilege fee with each occupancy permit issued. Willing to pay interest incurred. Ms. Adachi moved to approve the sewer privilege fee (extension on payment request), Ms. Green seconded. All Ayes (5-0)

Selectmen to Assign a Date on License Suspension, Red White and Brew – Suspension to be served on Wednesday, October 5th. Ms. Green moved to have suspension served on October 5th, 2016, Ms. Adachi seconded. All Ayes (5-0).

Selectmen to Authorize Town Manager to Sign Purchase and Sale Agreement, 53 River Street – Ms. Green moved to authorize Town Manager to sign purchase and sale agreement as amended, Mr. Chang second. All Ayes (5-0).

Request for Use of Town Seal by Acton Boxborough Rotary Club – Ms. Green felt it was not appropriate to have the Town Seal Used by the Rotary Club as a show of support. Ms. Green move to deny the use of the Town Seal by the Acton Boxborough Rotary Club, Ms. Adachi seconded. All Ayes (5-0)

Discussion and Vote on Town Hall Paint Color - Powerpoint to show white and color proposed colors. Peter, Janet and Katie attended the Paint Forum. Historic colors vs. white. Budgeted at Town Meeting \$162k, historic, with alternate for white. 124k color, white was \$104k. Katie: There was a reason the

Town Hall was originally painted the colors- to blend in more with nature and it was historic colors of the time. White was when it was cheaper and color was in short supply. Thinks that we should go back to the historic colors. In support of the color and under what it was budgeted for. Janet: garish yellow was unacceptable, cream color more acceptable. Ms. Osman commented about liking the white (painted) buildings and is resistant to changing back to original colors, but does support the painting of Town Hall back to original colors. Mr. Berry does like the colors – and in favor of historic colors. Mr. Chang stated no real strong opinion, agrees having some color is nice. Ms. Green moved to approve painting Town Hall the historical colors, Ms. Adachi second. All Ayes (5-0)

Consent Agenda

Item 6 – Suspension Date – 10/5. Ms. Osman moved to approve consent items 12-14 and 16-23, Mr. Chang seconded. All Ayes (5-0). Item 10 Ms. Green moved to approve with condition that applicant goes back to the Design Review Board with the architect and engineer to discuss the DRB's recommendations regarding the updated design, Ms. Adachi seconded, 4 Ayes, 1 abstain (Mr. Berry) Ms. Adachi move to adjourn, Ms. Green second. All Ayes (5-0)

Meeting adjourned at 9:15 PM.

Respectfully Submitted,



Lisa Tomyl, Recording Secretary



Franny Osman, Clerk