

BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING

August 8, 2016

Francis Faulkner Room 204

Regular Meeting 7:00 PM

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

Absent: Peter Berry

Ms. Adachi opened the meeting at 7:00 PM and led the Pledge of Allegiance

Citizen's Concerns

None

Chairman's Update/ Operational Update

Ms. Adachi - 8/11 Kids concert at NARA Park by Ben Rudnick and Friends, 8/18 NARA Park Tanglewood Marionettes production of Hansel and Gretel, 8/20 NARA Park is the annual Essence of India Festival – see essenceofindia.org for more information. 8/25 NARA will be the Chinese Music and Dance Night. Sponsored by ACLS and the Town with grant from ABCC. 8/26 NARA will be Kashmir, a Led Zeppelin tribute band. The summer Film Series hosted by Acton Memorial Library on Wednesdays at 7:00 PM – sponsored by Friends of Acton Libraries – 8/10 Dave, 8/17 No. Monday 9/5 is Labor D (Town Buildings are closed except public safety). There will be a public informational meeting regarding the 9/20 ballot vote on the Minuteman new building project. Member-town representatives meeting later this week to start planning. Next Board of Selectmen meeting will be 9/12 at 7:00 PM for the continuation of hearing on the Nagog Pond Water Treatment Plant.

Mr. Ledoux – Announced Robert Hart as Fire Chief for Town. Started yesterday as official capacity. Tri-Board meeting of School Committee, Board of Selectmen and the Finance Committee. 3 potential dates for teambuilding exercise Sept 7, 14 and 21st and to be held at School Committee member Amy Kirshnamurtha's house. Ms. Adachi and Ms. Green came up with some date conflicts. Received a grant from Mass DOT for \$400,000 for the complete streets program. Received a personal call from Lt. Governor Polito to inform of the awarding of the grant. Corey York put a lot of work into the grant applications. Human Resource Director's father passed away over the weekend.

Public Hearings and Appointments

Liquor License Transfer, Bella Famiglia to Filho's Great Road, Inc. –Alleged Underage Service, Vasudav, Inc. – Ms. Adachi read the public hearing notice. Ms. Green – moved to approve, Ms. Osman second. All Ayes (4-0).

Alleged Underage Service, Vasudav, Inc. d/b/a Red White and Brew – Ms. Adachi read the public hearing notice. Ms. Osman swore in all parties. Representing the Police Department was Detective Dean Keeler,

Officer Mahoney, and Jessica Wall from Anderson & Krieger. Detective Fred Rentschler gave an overview of the incident on May 31, 2016. The clerk was arrested for 3 counts of sale to a minor and at the time he (the clerk) had an odor of alcohol on his breath. A breathalyzer was performed at the Public Safety Facility which produced evidence that he had consumed alcohol on premise. Representing Red White and Brew was Niravkumar Patel who was the clerk on duty. He apologized for his actions. Ms. Green asked did the people call, to order alcohol. Mr. Patel replied, " Yes, at 9:45". He was closing the store and helped bring the alcohol out of the store. Ms. Green inquired if people call ahead of time (to order alcohol). Mr. Patel confirmed that sometimes they do if we close the store early. Ms. Green inquired if Mr. Patel knows of an alcohol service policy (for the store) – Mr. Patel was unsure and does not know of one but has been trained in checking IDs. Ms. Osman is concerned that three underage people from Concord come to the store because they heard it is easy to buy at that store (not checking IDs). Ms. Green asked if Mr. Patel if he is the only person that works (at the package store). Mr. Patel explained that his parents work during the day and he works at night. Ms. Green asked what have you (employees/owners) done since the incident. Mr. Patel stated that they (owners/employees) are checking every ID. Ms. Green stressed that you (owners/employees) really should have training and a policy in place. Having a license in this Town is a privilege and one not to be taken lightly. Ms. Green also asked if he was drinking on premise – Mr. Patel stated he had a couple of drinks.

Terra Friedrich, Wright Hill Terrace – Are there specific penalties if there is satisfactory evidence, such as a warning and how does that relate with the court. Is court action separate from what you are doing (the "Board") Ms. Wall answered Ms. Friedrich's questions regarding the difference between the court decision and the Board's decision.

Ms. Green moved to close hearing, Ms. Osman second. All Ayes (4-0)

Mr. Chang moved find violation of liquor license under GL 138 §34, Ms. Osman second. All Ayes (4-0)

Deputy Chief Rich Burrows offered two recommendations for discipline; recommend a warning, or short suspension based on seriousness of the nature.

Ms. Green stated her concern about the seriousness of the nature and would recommend a suspension, and have a(n) (alcohol service) policy in place to assure incident does not happen again. Ms. Osman would recommend a TIPS training with proof of completion with a copy to the Police Department.

Mr. Chang agrees to have the training and policies as part of the liquor license and moves to recommend a one day suspension, require online TIPS training, have policies in place regarding service of alcohol, and provide the Board of Selectmen a copy of their alcohol service policy and provide copies of all training of TIPS Off Premise, Ms. Osman second. All Ayes (4-0).

Selectmen Business

Comprehensive 40B Permit,31-39-45 Martin Street – no conversation of the project as the applicant has withdrawn the current plan and will be submitting a new one.

Transfer Station Sticker Fee Recommendation – Corey York presented his recommendation on the Transfer Station Sticker Fee, and his recommendation was to not increase prices for FY17. Has seen an increase in sticker sales and users since the initial beginning of the program. Ms. Green thanked Corey for the work and congratulations on the complete streets grant. Program seems to be working as was

thought. Ms. Osman stated about being interested to see how the data is and comments regarding the trash bag sizes, etc. Concerned that there has been an increase in private hauler service since the beginning of the program last year. Mr. Chang inquired about the retention rate for the transfer station sticker purchase. Still interested in seeing that information. Ms. Green moved to keep transfer station sticker and fees as is according to the recommendation of the Department of Public Works Director. Ms. Osman seconded. All Ayes (4-0).

Cross Acton Transit (CAT) Update – Doug Halley (DH) presented an overview how the program is going. Service was launched in November 2015. June saw 250 riders – July saw 350 riders. Ms. Adachi thanked Mr. Halley for his hard work. Ms. Osman inquired if there is a way to capture people flagging down the bus. Mr. Halley stated he needed to figure out signage and safe areas for people to flag the bus. Ms. Osman inquired about accessibility. Mr. Halley explained that it (the bus) is an older vehicle but is not an updated accessible vehicle and looking for the MBTA to donate a more accessible vehicle. Katie Green – thanks for all the work with the CAT – has the Council on Aging (COA) only as a requested stop– can people request from the COA to schedule a pickup. DH – the COA gets a lot of service from the other transportation services. Not getting any rides, so it's not worth having the service to the COA. Terra Friedrichs, Wright Hill Terrace– need to target folks that don't have access to transportation like Parker Street, and governmental buildings, or at the food pantry and to be free if they cannot pay. Mr. Halley is working with Town of Maynard to put a southern loop to service the center of Maynard and the South Acton Train station. Ms. Friedrichs added that she hopes the signs are more country than city and would prefer it be made out of wood to be aesthetically pleasing or out of recyclable plastic. Mr. Halley explained that the signs have federal requirements.

Fall Town Meeting Including Closing Town Warrant Discussion – Planning Director Roland Bartl gave an overview of the five potential Zoning Bylaw articles for the Fall Town meeting. The first two articles were created at the recommendation of the Town Moderator. The Fire Department officials and the fire union ratified their contract earlier this evening. This is a push to get Advanced Life Support (ALS) service up and in service by July 1, 2017. Central Middlesex Emergency Response Association (CMERA) needs a minimum of 6 month notification, which needs to be done by December 31, 2016.

Ms. Green recommends to move forward with calling a town meeting and closing the warrant with the recent ratification of the fire union contract. Concerned about pushing the zoning bylaw changes to spring – Mr. Bartl is looking to reduce the department workload, and to make it easier for residents and businesses to do business with the town.

Ann Chang – believes that the articles for zoning be put on the warrant – especially the sign bylaw. Ms. Chang inquired if the revenue would cover operating costs and the Collective Bargaining Agreement – Mr. Ledoux confirmed for at least the first 2 years.

Terra Friedrichs, Wright Hill Terrace – Inquired if the electronic voting would be public or secret. Mr. Ledoux explained that it's not like congress. It's a number tally. Terra – opposes the electronic voting

due to issues with the “black box” and how the voting happened to be sure that people did have their vote counted. She prefers to see who is standing and voting for each article. Community Preservation Committee rumors of increase in taxation – will not be on the warrant. We have too much signage in town and too many bad looking signs. Town should work with Design Review Board to make better looking signs. Way too much lighting in town – work with residential lighting vs. commercial. Non-conforming lots should have more checks and balances for buildings not appropriate for neighborhoods.

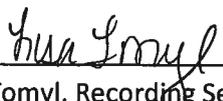
Ms. Osman moved to close warrant with 12 articles, Ms. Green seconds. All Ayes (4-0)

Consent Agenda

Ms. Green held item 10 to explain the wording that the appointment is to have Mr. Churchill an at large member of the Capital Improvement Planning Committee as a representative of the Acton Boxborough Regional School Committee. Ms. Adachi held item 8 to explain the Site Plan amendment and explain the reason it can be on as a consent item. Mr. Chang moved to approve consent items 7-17, Ms. Green second. (4-0)

Ms. Green moved to adjourn, Mr. Chang seconded. Meeting adjourned 9:15 PM.

Respectfully Submitted,



Lisa Tomyl, Recording Secretary



Franny Osman, Clerk