

SELECTMEN'S MEETING
JUNE 7, 1994

The Board of Selectmen held its regular meeting on Tuesday, June 7, 1994 at 7:30 P.M. Present were Norman Lake, William Mullin, Nancy Tavernier, Wayne Friedrichs and Town Manager Johnson.

{Representatives from cable were present}

NONE EXPRESSED

CITIZENS' CONCERNS



PUBLIC HEARINGS AND APPOINTMENTS

ACTON WINE AND SPIRIT D/B/A LIQUOR OUTLET
LIQUOR VIOLATION HEARING

Steve Zeitler, owner of the Liquor Outlet spoke to the Board about the incident and explained the background of the sale to the minor. He apologized for the infraction and outlined the steps he is taking to insure that it won't happen again. He has closed circuit cameras and reviews the tapes to ensure no one is slipping past without being carded. The Board thanked him for his proposal and apology letter and will place it in his file for reference in the event his establishment violates the law.

NANCY TAVERNIER - Moved to instruct the Town Manager to issue a letter to Liquor Outlet expressing the Board's displeasure with what happened and warning that if it happened again, there would be a revocation or suspension of the license.
WILLIAM MULLIN - SECOND. UNANIMOUS VOTE.

SITE PLAN SPECIAL PERMIT #4/15/94-345
Savory Lane - 251 Arlington Street

The Chairman read the notice of meeting and explained that due to an error with the publishing of the Notice of Hearing the hearing would have to be opened and continued. WILLIAM MULLIN - MOVED to continue the Site Plan Hearing for Savory Lane to June 21, 1994 at 8:00 P.M. NANCY TAVERNIER - Second. UNANIMOUS VOTE

WEST ACTON VILLAGE PLAN

Chairman Lake asked for Board comments on the plan. Bill noted the comments that staff had made on page two. Wayne was concerned that the train stop was reinstated verses the orginal review status. Nancy spoke about uses and the new zoning changes. Donna Jacobs said it was to be used as a reminder during Site Plan review by boards and staff. She also questioned the necking down of intersections and agreed with staff comments.

The installation of mirrors concerned Nancy because of liability. Donna explained that the mirrors would not be installed or maintained by the Town, but residents merely wanted the option to install without Town regulation or objection. Bill felt that staff comments should be resolved and asked the purpose of this review and document if the comments were not considered. He felt that staff comments should be reviewed and that any sections already covered by a Town Bylaw should be removed.

Don noted his problem with the term implementation. He felt that was an issue that staff would have a problem with. Nancy felt landscaping issues described could be addressed by the permitting process and review.

WILLIAM MULLIN - Moved to work with this document, each member will forward their comments to the Town Manager to forward to planning for review. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

ACTON BEVERAGE CO. INC.
133 GREAT ROAD - PACKAGE STORE TRANSFER AND LOCATION CHANGE

Mr. Malanti represented by his attorney outlined the applicants background and experience in the liquor industry. Currently they operate a facility in Bedford and have previously owned another license in Cambridge. They propose to move the current Notar's License from Massachusetts Ave. to 133 Great Road in the old Warren Rental Building. They will do some interior modifications and have submitted the floor plan which details those changes.

Selectmen Friedrichs asked if they had ever had a violation. Mr. Malanti replied that they had one about eight years ago.

Henry Dane, attorney representing Colonial Spirits outlined their opposition to the transfer and location change requested. He brought up several technical problems with respect to the filing which staff cleared up. He stated his concern that they had indicated a No answer on a question that asked if they had been convicted of a crime, when they admit to being found guilty of a violation eight years ago. He further urged the Board not to approve since the location would not be in the public's interest.

Several people spoke on behalf of the transfer. They spoke about the applicant's fine character as well as it being in the public's interest since they felt the prices were too high at Colonial and that this would induce competitiveness which would benefit the public.

An abutter Mr. Glick was concerned about the potential for hang outs, litter and cost to the Town for police. Mr. Steinberg added that the police on duty at his store are there on private detail, paid by them.

Molly Mink asked why the No answer on the question about being convicted of a crime was still being discussed since they admitted they were found guilty of one violation and asked if Colonial Spirits had ever had a violation. They replied yes.

NANCY TAVERNIER - Moved to approve the transfer and change of location on the application of Acton Beverage Co. Inc. upon proof of citizenship and five page application being amended to reflect the correct answer on being convicted of a crime. WAYNE FRIEDRICH - Second. UNANIMOUS VOTE.

**GOLDEN BULL RESTAURANT
LIQUOR HEARING**

Holly Lung representing the Golden Bull apologized to the Board and further stated that the waitress that sold to the minor was no longer working for them. They are now only hiring experienced help. The Board asked if they had received any alcohol management training. Holly replied no. The Board urged them to take whatever steps necessary to see that it did not occur again and suggested that they look into TIPS Training. They reminded them of the hard work they did just to get the license and they should take steps to protect it. The Board cautioned them that the Town takes these violations very seriously. The Board asked if they had a liquor serving policy on file. They do in English and Chinese and will remind the waitstaff of these requirements so as to insure no future violations.

NANCY TAVERNIER - Moved to instruct the Town Manager to issue a letter to the Golden Bull expressing the Board's displeasure with what happened and warning that if it happened again, there would be a revocation or suspension of the license. WILLIAM MULLIN - SECOND. UNANIMOUS VOTE.

SCHOOL EARLY RETIREMENT INCENTIVE (ERI)

Chairman Lake spoke about the analysis of savings developed by the School Personnel. It appeared to represent an overall savings of \$886.00. He was concerned about signing on to this when the numbers and formulas were not firm. He was concerned that once we were in, the Town would have to participate and was concerned too that the Town side would have to absorb any costs if the formula changed.

Steve Aronson of the School Committee explained that the School Committee has examined and re-examined the issue at the Regional Meeting. He spoke to the risks and the Board's concerns. The School Committee agreed that there were errors made in the formula and more could be discovered at a later date. He urged the Board's approval. They feel the teachers should be rewarded for their services. In the process new, energized

teachers would be brought on board which would benefit the children also. They understand the financial issues that concern the Townside. They have brought a document with them which would reinforce the School Committee's desire and moral promise to hold the Town harmless in the event that additional monies were required to fund the program. They said that they would fund any unforeseen shortages from School Choice monies which they felt would remain stable for the term of the proposed five year amortization schedule. They intend to pay it off as soon as possible to make it more feasible. He urged the Board's favorable vote on this request.

Bill Mullin asked for someone to go through the memo prepared by school staff so that he could better understand the issue. He asked about unfavorable money conditions and if they could amortize it on a longer schedule. They replied they chose the shortest amortization so the cost would be more effective. The Regional School District is already involved and would require no action on the part of the Board of Selectmen. Mac Reid has reviewed his calculations with their auditor and the auditor is comfortable with it mathematically.

Wayne Friedrichs was concerned with what appeared to be two formulas. Mac and Supt. Zimmerman explained that the two formulas were necessary to reflect health costs and other costs and that the worst case scenario was used in each case to come up with the final cost as it is presented today.

Norm Lake queried why the State would not let people out once they were in the program. He cautioned that the State had a history of changing the rules at the last minute. It was noted that the funds for FY95 might not even be available if the Legislature votes to use them to pay for last year's participants.

Nancy felt comfortable with it because of the written agreement offered by the School Committee which holds is intended to hold the Town harmless. She felt that while it was only morally binding, it would insure no financial impact/hardship would be borne by the Townside to fund this program.

Bill noted he would like the agreement amended to reflect real costs in each fiscal year and the date needed to be changed. Bill Ryan and school staff will amend the document and forward it to the Selectmen.

NANCY TAVERNIER - Moved to accept the ERI Program for the Acton Public Schools. WILLIAM MULLIN - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

WILLIAM MULLIN - Moved to accept the Consent Calendar as printed with #18 held for discussion and additional items added.
- NANCY TAVERNIER - Second - UNANIMOUS VOTE.

#18 Bill noted the grammatical errors contained in the document. He asked that it be proofread and corrected before being resubmitted to the Board. He asked that #5 be clarified to reflect who the permission is to be obtained from and definition of Town land. BILL MULLIN - Moved to send back to Municipal Properties for re-editing. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

New View Neighborhood Development - The Board discussed the second PCRC waiver requested by New View. The Board thought that it was a fifty-fifty issue and felt we should waive the second filing fee. NANCY TAVERNIER - Moved to grant the waiver to New View Neighborhood Development. WAYNE FRIEDRICHES - Second. UNANIMOUS VOTE.

Girl Scouts Court of Honor - Nancy volunteered to attend on behalf of the Board.

Sign request, Friends of the Library - NANCY TAVERNIER - Moved to approve with Highway Supt. review of location. WILLIAM MULLIN - Second. UNANIMOUS VOTE

Sign request, Acton Children's Playground Committee - WILLIAM MULLIN - moved to approve with Highway Supt. review of location. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

Appointment - Arts Council - NANCY TAVERNIER - Moved to appoint Susan Richmond for a term of 6/30/95

Appointment - Cable TV Committee - WILLIAM MULLIN - Moved to appoint Henry J. Hogan to fill the unexpired term to 6/30/96.

TOWN MANAGER'S CONCERNS

Transfer Station Fees - The board reviewed the report submitted by the Highway Supt. and John Murray regarding the transfer station and fees associated. They outlined that with action taken at the 94 annual town meeting the felt comfortable level funding the fee for this upcoming year. NANCY TAVERNIER - Moved to level fund the Transfer Station Sticker Fee for FY95 Schedule. WAYNE FRIEDRICHES - Second. UNANIMOUS VOTE.

Kelley's Corner Concentrated Development Center (CDC) - Donna Jacobs outlined the purpose of the request and signature on the letter designating this area a CDC. Donna felt with this designation it would help with MAPC funding for projects.

WILLIAM MULLIN - Moved to expand on Planning Board's recommendation for Kelley's Corner CDC. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

Year End Spending - The Board discussed the Town Manager's recommendations for Year End Spending. Don felt that by implementing his recommendations he could make some headway with projects and items that have slid behind like the paving. NANCY TAVERNIER - MOVED to approve the Town Manager's recommendations for Year End Spending - WILLIAM MULLIN - Second. UNANIMOUS VOTE.

Nancy then began to discuss the possibility of putting together a sidewalk program for next year to continue to provide a net work of sidewalks to the center and from the schools. It was felt that to have a plan on the shelf would be beneficial to the Town so that when and if monies became available they could implement them. Don cautioned that it is not that simple because easements must be obtained and that takes time.

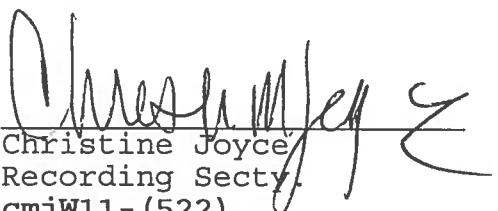
NANCY TAVERNIER - MOVED to direct the Town Manager to expend a portion of the \$15,000 on designing sidewalks looking toward providing future networks. BILL MULLIN - Second. After discussion Nancy withdrew her motion.

EXECUTIVE SESSION

None needed

The Board adjourned at 11:15 P.M.

Nancy E. Tavernier
Clerk 7/12/94
Date


Christine Joyce
Recording Secty
cmjW11-(522)

JUNE 3, 1994

TO: Board of Selectmen
FROM: NORMAN D. LAKE, Chairman
SUBJECT: SELECTMEN'S REPORT

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AGENDA

ROOM 204

JUNE 7, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:45 ACTON WINE AND SPIRIT CO. D/B/A LIQUOR OUTLET - Liquor license violation review.
2. 8:00 SITE PLAN SPECIAL PERMIT #4/15/94-345 - (MULLIN) Restaurant at 251 Arlington Street - Enclosed please find staff comment regarding this Site Plan filed by Savory Lane for Board action.
3. 8:05 WEST ACTON VILLAGE PLAN - Enclosed please find staff comment regarding the West Acton Plan for Board discussion.
4. 8:30 ALL ALCOHOLIC BEVERAGE PACKAGE STORE LICENSE - ACTON BEVERAGE INC. 133 Great Road - Enclosed please find a request for transfer of license from Notar's Market to Acton Beverage Co. as well as request for transfer of location from 391 Mass Ave. to 133 Great Road for Board action.
5. 9:00 GOLDEN BULL RESTAURANT - Liquor license violation review.
6. 9:15 SCHOOL EARLY RETIREMENT INCENTIVE (ERI) - Enclosed please find additional materials and the Town Manager's comments for the Board's consideration. Any vote of the board must be made by June 10.

III. SELECTMEN'S BUSINESS

7. New View Neighborhood Development Corp. - Enclosed please find a request from New View to waive a second PCRC Application Fee for Board review.
8. GIRL SCOUTS OF AMERICA - Enclosed please find an invitation from Troop #2001 to attend the Court of Honor being given for Clare Murray and Kirsten Peterson on June 17, 1994 for Selectman assignment.

9. SIGN REQUEST - Enclosed please find a request to post signs on Town property throughout town in conjunction with the Annual Book Sale. Staff comment has been attached for your review.
10. SIGN REQUEST - Enclosed please find a request to post signs on Town Property from the Acton Children's Playground Committee. Staff comment has been attached for your review.
11. ARTS COUNCIL APPOINTMENT - Enclosed please find a recommendation from VCC to appoint Susan Richmond as a full-member of the Arts Council with term to expire 6/30/95 for Board action.
12. CABLE ADVISORY APPOINTMENT - Enclosed please find a recommendation from VCC to appoint Henry Hogan to fill an unexpired term as a full-member of the Cable Advisory Committee with term to expire 6/30/96 for Board action.

IV. CONSENT AGENDA

13. SURPLUS EQUIPMENT - Enclosed please find a request from staff to declare the old voting equipment surplus for Board action.
14. JUNK CAR VIOLATION - Enclosed please find information and a letter for Board signature regarding a Junk Car violation at 28 Willow Street.
15. PROPOSED TIP AMENDMENT - Enclosed please find a copy of a letter drafted by staff for Board approval and Chairman's signature.
16. ACTON HOUSING AUTHORITY - Enclosed please find a copy of an amended filing required by HUD for Board signature. Original copies will be in the signature file on Tuesday.
17. ACCEPT GIFT - Enclosed please find copy of a check to be accepted and applied to the Civil Defense Agency account for Board action.
18. RULES AND REGULATIONS FOR USE OF TOWN LAND - Enclosed please find materials and comment from staff for your approval.

V. TOWN MANAGER'S REPORT

19. TRANSFER STATION FEE SCHEDULE - Enclosed please find staff comment regarding Transfer Station Fee Schedule for FY95 for Board review.
20. KELLEY'S CORNER CDC (Concentrated Development Center) - Enclosed please find staff memo for Board review. Staff will discuss this with the Board on Tuesday evening.

21. Year End Budget Status Report - Enclosed please find the Manager's projected Year End Budget Report and recommendations for Board action.

VI. EXECUTIVE SESSION

MEETINGS

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which 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.

June 21 - Crossroads Violation review
Savory Lane - Possible Site Plan Continuation
Atlantic Grill Violation review
David Brown - Interview Full-member Bd of Assessors
July 12 - Papa Gino's Violation review
July 26 -

839 acs