



## SELECTMEN'S MINUTES

April 1, 1997

Present: Nancy Tavernier, F. Dore' Hunter, Wayne L. Friedrichs, William Mullin, Herman Kabakoff, Town Manager Don Johnson and Assistant Mgr. Murray. (The meeting was not televised)

### CITIZEN'S CONCERNS

None Expressed.

### PUBLIC HEARINGS AND APPOINTMENTS

#### ACTON BEVERAGE - CHANGE OF LOCATION - ALL ALCOHOLIC BEVERAGE PACKAGE STORE LICENSE - FROM 133 GREAT ROAD TO 11 SPRUCE STREET

Mr. Malnati was present to discuss his wish to transfer location of his All Alcoholic Beverage License from 133 Great Road to 11 Spruce Street. His operation will remain the same. He submitted his Sales Policy for the file.

DORE' HUNTER -Moved to approve the change of Location from 133 Great Road to 11 Spruce Street. -HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

#### NEW LONDON STYLE PIZZA - COMMON VICTULLER'S LICENSE at 555 MASSACHUSETTS AVE.

The Board reviewed the application and staff comment regarding New London's request to have a Common victuller's License at their proposed new location at 555 Mass Ave. WILLIAM MULLIN - Moved to approve the Common Vicutller's License. DORE' HUNTER - Second. UNANIMOUS VOTE.

#### NEW LONDON STYLE PIZZA - SITE PLAN SPECIAL PERMIT - 555 MASSACHUSETTS AVE.

Engineer Bruce Ringwald representing Mr. Bottos explained the proposed use of the building at 555 Massachusetts Ave. as a Restaurant. The only addition to the present size of the building will be for cooler at back of bldg. It was noted that site constraints make drainage difficult. Mr. Mullin asked about traffic flows. Bruce Ringwald replied that the traffic will be 2-way at Mass Ave. With four parking spaces in the front and additional parking at rear with one way from Mass Ave. The proposed exit will be one way on to Arlington Street and Spruce Street as a 2 way exit. The Fire Department has checked to see that they can maneuver. Mr. Mullin asked if they concurred with the Bldg. Commissioners comments. Bruce replied that he had no problem. Dore' noted that he thinks they are doing a nice job with the site. Mr. Mullin asked if the car wash would be open during the restaurant hours. At the present time yes. The seating will increase from the current 40 to 90.

Mr. Kabakoff asked if HDC had reviewed. Bruce said they are in the process. WILLIAM MULLIN - Moved to take under advisement. DORE' HUNTER - Second. UNANIMOUS VOTE.

#### **DATA INSTRUMENTS - ABOVE GROUND STORAGE PERMIT 100 DISCOVERY WAY**

Representatives of Data Instruments reviewed their request for above ground storage at 100 Discovery Way. This is required in order to comply with the hazardous reduction plan. DORE' HUNTER - Moved to approve the application. WAYNE FREIDRICH - Second. UNANIMOUS VOTE.

#### **SELECTMEN'S BUSINESS**

**SUSPENDED ELECTION** - Pending a Judicial ruling, WILLIAM MULLIN - Moved that April 15 as the date for resumption of Election. DORE' HUNTER - UNANIMOUS VOTE.

#### **WARRANT ARTICLE DISCUSSION -**

Steve Aronson wanted to talk about the Economic Development Letter. He described what the Chamber of Commerce proposes. They were asking for \$5,000 in FY97 budget to inventory properties in town as described. COC has researched and find John Mullin is a top resource - also Uptown Inc., in Clinton in case town staff can not handle. Steve noted that the COC will offer whatever assistance they can. Wayne noted that MAPC is doing GIS. His Economic Development Study Committee has discussed and would like to pursue. Bill notes GIS is expensive system and notes that MAED is doing something along these same lines.

Steve Aronson mentioned Ft. Devens agreement to share inquiries with communities. COC is getting these reports. Current responses are minimal neither COC or Town Staff have time. This program might help. Nancy asked if \$5,000 was enough money. Steve felt it was more than enough. DORE' HUNTER - Moved to direct the Town Manager to utilize the \$5,000 in collaboration with COC to use in the best way. WAYNE SECOND. 4 Yes, William Mullin Abstained, Motion Passed.

Article 11 - APS Budget - WILLIAM MULLIN - Moved to Approve. DORE' HUNTER - Second. UNANIMOUS VOTE.

Article 12 - Budget Trans. - Herman deferred due to no firm number. Bill Ryan says it could be as low as \$75,000 or as high at \$111,000. He suggests we wait and take position prior to Town meeting. Dore' would like explanation with regard to bottom line budget and why didn't have the money in other accounts. Herman says Bill Ryan cut back on the other spending when saw problem coming, hence the 75K to 111K. Ryan pointed out this was accepted at ALG. William Mullin questioned why this has happened for the last three years, the Board agreed and noted it has been coming in late. The Board will discuss again at the pre-town meeting.

Article 13 ABRHS Assessment - WILLIAM MULLIN - Moved to recommend. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

Article 14 Minuteman - WAYNE FRIEDRICH - Moved to Recommend. DORE' HUNTER - Second. UNANIMOUS VOTE

Article 40 - Ground Water Cleanup - Herman described what bylaw has as goals. Notes W.R. Grace letter saying they will not comply. Notes BOC Gasses gave rationale for objecting. Bill felt a little uncomfortable with this. Dore' thinks it is important we have this standard. Nancy notes these are Water District standards. HERMAN KABAKOFF - Moved to Recommend. WAYNE FRIEDRICH - Second. 4-1 William Mullin Abstaining.

Article 47 - Free Cash - Nancy explained this article will cover Free Cash if needed. This article will probably be passed over. After discussion, the Board will Defer until next meeting.

Article 19 - Sewer Bylaw - Dore noted the current bylaw is 50/50. Sewer action Committee recommends 0% subsidy. Notes that this info in memo is model only. DORE' HUNTER - Moved that a 0% tax subsidy meaning general taxpayer out of property will only pay for capital that is proportion of public use. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

Nancy Tavernier was looking for what wording to use in bylaw and will refer to Counsel for wording. She feels that people should understand that public will be paying for proportion they use. Dore' noted that the model has been presented to give residential a conservative estimate of impact, it will be refined as design is refined.

Herman asked if the BOS as Sewer Commissioners make decision on calculation of fees. Nancy replied yes. Dore' and Nancy want to ask Town Counsel if we can have override to pick up old debt in future if needed.

Article 28 - AB Cultural Council - change term to 3 years. WILLIAM MULLIN - Moved to recommend. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

Article 26 - Morrison Land - Bill noted based on Board of Selectmen vote to take as General Municipal land what would BOS do if move was made at town meeting to take for Conservation? Nancy felt we would have to revisit recommendation. Bill recommended no backup votes. Strategy to be BOS is strongly in support of as General Municipal use and revisit only at Town Meeting.

**TOWN MEETING DISCUSSION-** John Murray flagged BOS that FinCom may oppose some of our articles based on Free Cash. The Board discussed Town Meeting issues in general.

**JENKS FUND DISBURSEMENT** - Herman Kabakoff presented his recommendation to the Board regarding the allocations from the Jenks Fund. Nancy felt that the Acton Housing Authority grant could be lowered slightly because the use of funds were to be paid to the School and she felt that the Community Education should be able to absorb some of the cost of these programs. HERMAN KABAKOFF - Move to distribute Jenk's Funds as follows: \$450, Housing Authority, \$300 for B.A.B.E.S. \$636.20 to the Memorial Library Summer reading Program. WILLIAM MULLIN - Second. UNANIMOUS VOTE.

**RECREATION WHITE PAPER DISCUSSION** - William Mullin recommends that VCC start looking for potential members for the Recreation Commission. He felt that the balance of recommendations be discussed at 1st meeting after the Annual Town Meeting. Dore' notes that Vanetta not enthusiastic about taking recreation from Community Education. Bill felt that Community Ed still would be involved doing what they do, we just start addressing recreation and NARA from this side. Nancy said the vision to be at or above all other communities is very broad. WILLIAM MULLIN moved to have the Town Manager contact VCC to accelerate process of finding Recreation Members. HERMAN KABAKOFF - Second. UNANIMOUS VOTE. Staff was asked to place this on the agenda for 4/29/97.

**PROCLAMATION** - DORE' HUNTER - Moved to sign the Proclamation for Rabbi Mintz. WILLIAM MULLIN - Second. UNANIMOUS VOTE.

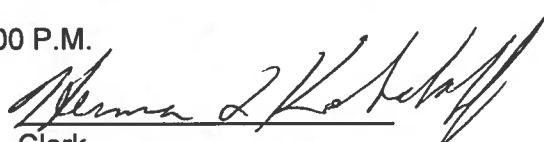
**AART BIKEWAY** - Wayne reported on the meeting he attended. There is a feeling that the path will interfere with the neighbors peace and tranquillity. Some took the position that they would not let the trail happen no matter what. Globe article on Minuteman Trail in Lexington inflamed abutters.

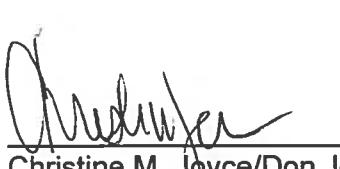
#### **CONSENT AGENDA**

DORE' HUNTER - Moved to Approve. WAYNE FRIEDRICHIS -- Second. UNANIMOUS VOTE.

#### **TOWN MANAGER'S REPORT**

The Board adjourned at 10:00 P.M.

  
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Clerk \_\_\_\_\_  
\_\_\_\_\_  
Date 7/15/97

  
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Christine M. Joyce/Don Johnson  
Recording Secty.  
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