

SELECTMEN'S MINUTES  
FEBRUARY 16, 1999



PRESENT: Wayne Friedrichs, Chairman, Herman Kabakoff, Nancy Tavernier, Dore' Hunter and Peter Ashton, Town Manager Don Johnson and Assistant Town Manager John Murray.

### CITIZENS CONCERNS

None Expressed.

### PUBLIC HEARINGS AND APPOINTMENTS

#### ACTON CONCORD SQUASH CLUB BEER AND WINE CLUB LICENSE

Steve Steinberg, Attorney and also a member of Acton Concord Squash Club was present to discuss the application for a Beer and Wine Club License. The club consists of four courts with just under 200 members and would like to serve beer and wine. Nancy Tavernier asked Mr. Steinberg if the squash club is actually a club as defined by the ABCC. The ABCC has indicated that in order to qualify as a club it must be managed by a Board of Directors and the management body must be chosen by the Board of Directors at its annual meeting. Mr. Steinberg indicated this facility would be classified as a club. There was discussion of whether or not beer and wine could be served to other than club members. Dore' suggested placing a condition on the permit stating that individuals served will have to play squash. Peter stated that a condition should be placed on the license only allowing alcohol to be served to paying guests and members. The owners of the facility indicated that as a rule individuals at the club are there to play squash. It was also stated that any one person can only be a guest twice a year. Herman stated that the license should be contingent on the two criteria outlined by the ABCC regarding meeting the definition of a club license. Don indicated that a variance on parking was issued due to the nature of the use and expressed concern that there may be a need to create additional parking. DORE' HUNTER - Move to approve Wine and Malt license to Acton-Concord Squash Club with the condition that they meet the definition of a club as defined by the ABCC. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

#### AUTO DEALERS OF CONCORD CLASS II LICENSE

Louis Levine, Atty for the Auto Dealers of Concord and Tom Caruso, Manager of the Auto Auction, were present to seek a Class II license for the property located at 77 Hosmer Street. The Auto Dealers previously held a Class II license at this site from January 1992 until January 1997 at which time the permit lapsed. Mr. Caruso indicated that Auto Dealers would now like to come back to the site and reopen the auto auction. Nancy asked about the proposed operation. Mr. Caruso stated that he hopes the business will grow and anticipates that it will be smaller than when they left. Mr. Caruso indicated that business will be conducted one day a week on Wednesday with an additional day every other week. Mr. Caruso indicated that 3 million will be spent in renovations with upgrades to the pavement, shops, and some landscaping along Hosmer Street. Dore' stated that when the Auction operated previously at the site there were concerns with minimizing traffic and restricting turns onto Hosmer and Route 2. Dore' indicated that he would like the Auction to re-start at the same level as when they left in early 1997. Dore asked about permission to park school busses on property. Mr. Caruso indicated that we may be able to work that out. Peter asked if the proposal would include the need for a site plan. Mr. Caruso stated that he would speak with Garry Rhodes. Dennis Krimins, stated that the existing site plan approval issued in 1990 allows one auction per week and every other week a second day. Wayne asked if the volume would be

different. Mr. Caruso indicated that business will be equivalent to 1995. Nancy asked if Framingham is closing. Mr. Caruso indicated that it is not. Acton will be a satellite operation to Framingham. Betty McManus, Acton Housing Authority, indicated that there are two housing units which are the closest to the speakers and asked if the speakers could be turned away from the buildings and also expressed concern over repairing the fence and water runoff concerns. Mr. Caruso indicated that a two way radio is used in lieu of the speakers and the fence will be repaired and they will look into water runoff concerns. DORE' HUNTER - Move to approve Class II license to the Auto Dealers Exchange of Concord, Inc., 77 Hosmer Street conditioned on meeting any conditions imposed by the Building Commissioner, Garry Rhodes. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

DORE' HUNTER - Move to accept Kirk Ware's withdrawal of a Site Plan Special Permit #01/30/98. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

#### FULL SERVICE RETIREMENT SITE PLAN CONTINUNANCE

Will Lopes stated that revised plans have been submitted for the Full Service Retirement Village. Peter asked whether they have reviewed Building Departments concerns and asked about sidewalk contribution of up to \$25,000 to install sidewalks to NARA. Peter expressed concern that staff has indicated that this amount is not sufficient and asked if they would be willing to increase the amount or phase this increase. The developer stated that might be willing to phase an increase. Peter also asked about age limitation stating that no one under 55 can live in the unit and no more than 3 people. The developer has issues with the amount and age restricted requirements. The developer would like to see a maximum of four people. Peter asked about transportation service and how many it will transport? The developer stated that there is usually 14 people in the van at any given day during the first phase. Peter asked if more van services would be added if the need arises. The developer stated that they would address that issue if the need arises. The Board also asked whether they will seek tax exempt financing and if there will be any affordable housing. The developer indicated that the financing has not been set but are hoping for tax exempt financing. The developer also indicated that if tax exempt financing is not obtained then it would be harder to provide affordable housing, however, an agreement needs will need to be reached in regards to the affordable units under the LIP process. Peter asked when the financing question will be answered. The developer indicated that the permit has to be issued prior to getting an answer on tax exempt financing and the process can take close to three months. Peter asked about the owner occupied units separation. The developer indicated that if there are problems with rentals then a condo document will be set up to resolve these issues. Peter asked about the disclosure statement. The disclosure statement was inadequate and it was suggested that it be subject to further review by the Board. Dore wants a document that will clearly highlight certain services either not supported or supported by the Town. Herman asked about building accessibility. The developer indicated that other developments used a standard of 5% accessible, however all units will be adaptable to accessible units if needed. Herman asked about van service being made available to other seniors in Acton. The developer indicated that this is a reasonable request and early on there will be some excess capacity. The developer indicated that they would like to hold an event and bring the rest of the seniors to them vis a vis their van. Herman asked about adult children moving back home into one of these units with the parents. There was discussion regarding whether or not Acton people will move out of there Acton homes and into an Acton assisted living. The developer indicated that they have not had any experience making those assumptions. Nancy asked if a current resident were to run out of money and sought state subsidies will they accept Medicaid funding. The developer indicated that they cannot be forced to keep such an individual, however, they would be inclined to keep a person under the adult foster care person. Larry Colleton, Treasurer Nashoba Sportsman Club, expressed concerns with disclosing that there are shooting ranges in their back yard. Mr. Colleton indicated that he would like to see the pig farm and the bike path disclosed, too. PETER ASHTON - Move to close the public hearing and take it under advisement. DORE' HUNTER - Second. UNANIMOUS VOTE.

## SELECTMEN'S BUSINESS

### FY2000 BUDGET

Bob Craig, Fire Chief, spoke to the new fire engine request and thanked the Board for a final opportunity to request a necessary new fire engine. Bob Craig indicated that existing engines are showing wear and tear, pumps are wearing and the tanks will need to be replaced. The engine in West Acton has had two major engine repairs, and by purchasing one new we may rotate the old. This new apparatus was requested many years ago and was placed on the back burner. The Board asked about other options available for financing. Dore stated that he has been persuaded to approve purchase of this request. Dore indicated that the apparatus should not be custom made. Dore' wants to see written justifications for next year why an assembly line engine is not satisfactory. Dore also wants to see us get more than 10 years life expectancy out of our engines. Dore' also stated that if it is decided to purchase custom engines we should look at surrounding towns purchases. Nancy asked if a lease was available. John stated that there are leases, however, it would negatively effect our bond rating. The lease rate would be about a percent more. The Board also asked about a Capital Override for one year which would also need to be approved by town meeting and election vote. Wayne asked about the rusting on the vehicles and why the engines are built with dissimilar metals which causes the rust. Herman asked about savage value. Bob indicated that the value would be about 3,000 for the 27 year old truck. DORE' HUNTER – Move to approve recommendation for \$210,000 for new Fire Vehicle. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

**MINUTEMAN ASSESSMENT:** The Board asked staff to get input from Bob Wiltse for the ALG meeting on Thursday night at 7:30 PM.

**CULTURAL COUNCIL:** – The Acton Boxboro Cultural Council has requested \$6,000 from the Town's budget. The Board stated that we need to make sure any funding is used for Acton uses only. This request is new to the budget process and will need to be included as a separate warrant article. NANCY TAVERNIER - Move to continue to fund at same level of \$5000 as a separate warrant article. PETER ASHTON - Second. UNANIMOUS VOTE.

**OTHER NEW CAPTIAL ITEMS:** -Gardner Field Parking, \$10,000, Town Hall Roof Repair Study, \$8,000, Aerial Platform, \$7,000, and CD Fire Alarm, \$6,500. NANCY TAVERNIER – Move to recommend these four items as part of the budget. DORE' HUNTER - Second. UANIMOUS VOTE.

**BUDGET** – NANCY TAVERNIER – Move to recommend budget. DORE' HUNTER – Second. UNANIMOUS VOTE. Herman asked about the streetlight purchase. John indicated that the DTE will not get the decision to us quick enough to need money for this years budget. Herman also asked about the foreclosure moneys in the finance budget. John indicated that there are 10 more possible foreclosures needed for this budget.

### 1999 ANNUAL TOWN MEETING WARRANT

The Board discussed the 1999 Town Meeting Warrant and made changes and voted articles. HERMAN KABAKOFF – Move to recommend COA Enterprise Budget, Nursing Enterprise Budget, Septage Disposal Enterprise Budget, NESWC Enterprise Budget, Section 53E ½ self Funding Program, Chapter 90 Highway Reimbursement Program, Emergency/Disaster Aid Appropriation, Merriam School Offset Receipts Budget. NANCY TAVERNIER – Second. UNANIMOUS VOTE. DORE' HUNTER – Move to recommend \$850,000 Budget Transfer. WAYNE FRIEDRICH – Second. UNANIMOUS VOTE. NANCY TAVERNIER – Move to recommend Town Operating Budget. DORE' HUNTER – Second. UNANIMOUS VOTE.

DORE' HUNTER – Move to **recommend** Capital Improvements – Sidewalks. PETER ASHTON – Second. UNANIMOUS VOTE.

DORE' HUNTER – Move to **recommend** Capital Improvements – Facilities and Equipment. PETER ASHTON – Second. UNANIMOUS VOTE.

NANCY TAVERNIER – Move to **recommend** Capital Improvements – Vehicle Replacements. PETER ASHTON – Second. UNANIMOUS VOTE.

PETER ASHTON – Move to **recommend** Elderly Tax Relief – Accept 166 of Acts 1998. DORE' HUNTER – Second. UNANIMOUS VOTE.

DORE' HUNTER – Move to **recommend** Elderly Tax Relief – Amend Clause 41A. PETER ASHTON – Second. UNANIMOUS VOTE.

DORE' HUNTER – Move to **recommend** Elderly Tax Relief – Accept CH 73 of Acts of 1986. – PETER ASHTON - Second. UNANIMOUS VOTE.

DORE' HUNTER – Move to **recommend** Elderly Tax Relief – Non Binding Resolution, Clause 18. – PETER ASHTON - Second. UNANIMOUS VOTE.

DORE' HUNTER – Move to **recommend** Elderly Tax Relief – Work Program and want summary of program indicating that there may be other sources of funding. – PETER ASHTON - Second. UNANIMOUS VOTE.

DORE' HUNTER – Move to **defer** Senior Center Eminent Domain Taking. PETER ASHTON – Second. UNANIMOUS VOTE.

HERMAN KABAKOFF – Move to **defer** Acton Public Schools Budget. DORE' HUNTER – Second. UNANIMOUS VOTE.

DORE' HUNTER – Move to **defer** Acton Boxborough Regional School Assessment. NANCY TAVERNIER – Second. UNANIMOUS VOTE.

DORE' HUNTER – Move to **defer** Acton Public Schools Capital Improvements Projects, Acton Boxborough Regional schools Capital Improvement, and Acton Boxborough Regional School District Wastewater Solution. PETER ASHTON – Second. UNANIMOUS VOTE.

DORE' HUNTER – Move to **defer** Blanchard Auditorium Transfer and Acton Boxborough Regional School district Regional Agreement Amendment. NANCY TAVERNIER – Second. UNANIMOUS VOTE.

NANCY TAVERNIER – Move to **recommend** Minuteman Regional School Assessment. PETER ASHTON – Second. UNANIMOUS VOTE.

NANCY TAVERNIER – Move to **recommend** Master Plan Update. PETER ASHTON – Second. UNANIMOUS VOTE.

DORE' HUNTER – Move to **defer** Zoning-Remove Density Bonus. PETER ASHTON – Second. UNANIMOUS VOTE.

DORE' HUNTER – Move to **defer** Zoning-Infrastructure Contributions. PETER ASHTON – Second. UNANIMOUS VOTE.

DORE' HUNTER – Move to **recommend** Street Acceptances. PETER ASHTON – Second. UNANIMOUS VOTE.

NANCY TAVERNIER – Move to **recommend** Acceptance of Land Gift and place on consent. PETER ASHTON – Second. UNANIMOUS VOTE.

NANCY TAVERNIER – Move to **recommend** Handley Woods and place on consent. PETER ASHTON – Second. UNANIMOUS VOTE.

NANCY TAVERNIER – Move to **recommend** Piper Ridge Subdivision Land and place on consent. PETER ASHTON – Second. UNANIMOUS VOTE.

NANCY TAVERNIER – Move to **recommend** New View Trail Easement and place on consent. PETER ASHTON – Second. UNANIMOUS VOTE.

DORE' HUNTER – Move to **recommend** Joint Municipal Contract with the State and to remove from Consent. PETER ASHTON – Second. UNANIMOUS VOTE.

DORE' HUNTER – Move to **recommend** Repurchase Cemetery Lots and place on Consent. PETER ASHTON – Second. UNANIMOUS VOTE.

DORE' HUNTER – Move to **recommend** Cemetery Fund Transfer Authorization subject to Town Council' opinion. PETER ASHTON – Second. UNANIMOUS VOTE.

DORE' HUNTER - Move to recommend Amend Town Bylaws, Sealer of Weights and Measure Fee Schedule, and recommend that Selectmen set fees. PETER ASHTON - Second. UNANIMOUS VOTE. PETER ASHTON - Move to recommend Plowing of Private Ways. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

NANCY TAVERNIER - Move to defer Use of Funds to Reduce the Tax Rate - Free Cash. PETER ASHTON - Second. UNANIMOUS VOTE.

## EAGLE SCOUT COURT OF HONOR

Herman to represent the Board.

## RELEASE OF EXECUTIVE SESSION MINUTES

Nancy suggested that this request be postponed until next meeting since the WR GRACE minutes need to be reviewed by counsel before release.

## OTHER

BELL TOWER CLOCK IN TOWN HALL - Wayne questioned the ringing of the bell tower stating that we had one complaint and that the time should be adjusted to not ring at night.

## AUDIT

Dore' asked about auditors recommendation to convert accounting/school software conversion.

Herman Kabakoff left the meeting at 9:45 PM.

## CONSENT AGENDA

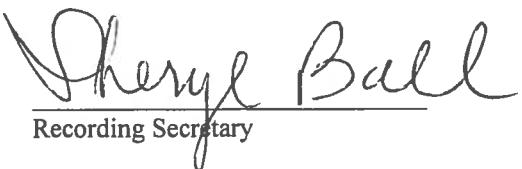
DORE HUNTER -Move to accept the consent calendar as printed. PETER ASHTON Second. UNANIMOUS VOTE.

## TOWN MANAGERS REPORT

None

NANCY TAVERNIER - Move to go into Executive Session to discuss potential litigation and to adjourn regular session. DORE HUNTER -Second. Roll Call taken. Nancy yes, Wayne yes, Dore yes and Peter yes. All ayes. Motion passes.

  
Clerk

  
Sheryl Ball  
Recording Secretary