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TOWN CLERK  
ACTON

1/23/06 - 17

December 12, 2005  
7:00 P.M.

PRESENT: Peter Ashton, Walter Foster, Dore' Hunter, Lauren Rosenzweig, Andrew Magee, Town Manager and Asst. Manager. The meeting was televised

## CITIZENS' CONCERNS

Ian Monroe representing neighborhood of the Spencer Road area wants to have their neighborhood sewered before the West Acton Businesses. Peter asked that other selectmen be available to meet with him and staff to discuss the petition Mr. Monroe submitted and suggested 7:30 in the evening on Tuesday. Lauren will attend as well as Doug.

Ann Chang asked about tapping in the Sewer Loan Fund to do some engineering on the neighborhood before Town Meeting. Peter asked where in the Enterprise Fund they should take it from.

## SEWER COMMISSIONERS' BUSINESS

## PUBLIC HEARINGS & APPOINTMENTS

**OPERATIONAL MINUTE** – Don reported on Friday during the snow storm.

### CLASS I CAR DEALER'S LICENSE, ACTON SUZUKI, INC., 60 POWDER MILL ROAD

Leo Bertolami spoke about his request for changing the Class I license from Acton Ford to Acton Suzuki, Inc. and discussed the amended site plan. Mark Donohue gave a presentation of the revised plans it was noted that he revised the plan to require 21 parking spaces. He spoke about the new cars and display area for 18 spaces the mix up was because the inspection bay was used in the parking space calculations. Peter asked if Garry had reviewed the present option, Peter wants Garry to review and have his comments to discuss this further at the next meeting. Andy suggested that Tom Tidman be involved in the staff meeting. Leo suggested that the license be issued as Acton Suzuki which will expire 12/31/05 if it does not work out it would expire at the end of December. Members of the Board were concerned about his request. Mr. Bertolami noted that this license if not amended would cause great hardship and would like to continue to work with the Board to some resolution.

### SEWER BETTERMENT ABATEMENT REQUEST, TATIANA BENHARBONE, 11 CENTRAL STREET

Ms. Benharbone made a request for abatement due to the parcel condition and numerous mature trees on the  $\frac{3}{4}$  acre parcel which abuts Main Street. She said that if she were to connect they would have to dig up Route 27. She is paying the betterment and has no chance of hook up. She said it was a burden for her as she is retired and has limited funds. Dore' asked about the stub location. Walter asked if she had talked to anybody to see what the price would be for hookup. She did not have the finances to

consider any hook up so she has spoken with no contractors. Walter asked if we could have a contractor come and give a ball park figure for hook up and necessary pumps. Peter suggested that perhaps she could get an application for a grant from the Property Fund as a possible funding source. Dore' wanted to get this held over until the questions were answered. Andy questioned her lot size and it cannot be subdivided. It was decided to hold over until the questions could be answered.

**CHANGE IN MANAGER FOR NOT YOUR AVERAGE JOE'S, 305 MAIN STREET**  
DORE` HUNTER – Moved to approve the new Manager, Bruce Jangro. WALTER  
FOSTER – second. UNANIMOUS VOTE

**NUISANCE DOG HEARING, MR. SULLO, 62 MAPLE STREET**

Chief Widmayer noted that after consulting with the Dog Officer, he had asked for this hearing. Officer Abramowitz spoke about the evening in question; the resident at 62 Maple Street was not home at that time, the female dog charged her and she retreated to the cruiser and sprayed the dog. The dog ran towards the house. Walter asked if the owner had contacted her. Tac Palmer, the Dog Officer gave a brief history on these issues with these two German Shepherds. They have bitten humans two times and the Dogs are aggressive. That night there was no one controlling them. Neighbors have complained in the past, but they have not reported incidents and area afraid to go out in their yards. He feels the fine is \$25 and obviously is not enough to have Mr. Sullo control his animals. Lauren asked about the bylaw. We have one that says that the dog has to be in the control by the owner when off the property. Walter asked about quarantined animals. The State requires this to protect the person who was bitten. Andy asked if the dogs pushed the doors open. Forrye Buckingham lives across the Street; Mr. Sullo is a good neighbor. However, he has been charged into his car. Baxter charged him in October and he was scared. Stephen Chen lives across the street they are different when they are roaming the neighborhood he asked that they have a plan in place. He has been bitten on his property.

Resident of 54 Maple Street wanted to speak to the issue of Mr. Sullo being a problem dog owner and spoke about her getting bit. She suggested a control program.

A School Street resident spoke about how nice the dogs are at the Great Hill.

87 School Street – He walks dogs with her at Great Hill and she thinks he will follow up to comply with what the Board asks.

Margaret Milley spoke about issues that have happened in the past and how she has tried to warn her small children what to do if the dogs come after them. Her two children are under age 6.

Chief said it is a problem and he feels that if the Police or Dog Officer has to come back again the dogs will have to be destroyed.

Mr. Sullo said that he was not at home at the time. He keeps them in a kennel. He said they will not touch children.

Dore' noted that we have not held many dog hearings for aggressive dogs, and they have been loose and he agrees that we have to do something and that the dogs need to

be kept in his control at all times. If it happens again he feels that the dogs should be destroyed. He does not want them running free in the neighborhood; it is a serious concern for the other residents and small children.

Lauren asked about a remedy for the dog's behavior and noted that the dogs should not be at Great Hill freely running.

Walter asked Tac about his interaction with Mr. Sullo, Walter was concerned that the other testimony we heard tonight was very compelling. He wanted a results based solution. Walter said that he agreed if it happens again he would support destroying the dogs.

Andy said that it is too late once a child is bitten and suggested a timetable to resolve this. Tac further stated that if one of the dogs was removed from the home, that would make the remaining dog less aggressive.

**DORE HUNTER -Order these dogs be restrained physically at all times, not allowed to run free on conservation lands or fields, and ask the Dog Officer write an order as soon as possible** **WALTER FOSTER – Second, UNANIMOUS VOTE**

Peter spoke about an incident he was involved in as a child watching a friend be mauled by a dog that was supposedly safe. We need to take very firm action tonight and was troubled that the dogs nipped at people while they are in his control and that they not run free at Great Hill. Dore' suggested that the minutes reflect that Mr. Sullo was present when the motion was taken and voted.

#### **MADISON PLACE, LIP, 737-741 MAIN STREET**

Jenn Shea, Dennis Ring and Jay Peabody were present. They have completed the LIP application and have been working on how they are going to resolve the house that was to be razed. They will be applying for a demolition permit under the Town Bylaws. They would be working with the Historical Commission. They are working towards Mr. Murphy's concerns with buffering.

Lauren spoke about the LIP application and that they have done everything right and they have continued to work with us. The house is where the septic system is to be constructed. She wanted a friendly 40B. She still would like to see the house incorporated into the plan. Jen said that the consultants have said that the project is not feasible with the house remaining on site. Peter asked that the letter be written to reflect the Board's concerns.

Dore' wanted to know if it can moved. They don't know at this time. Dore' asked about its former location on Harris Street.

Andy spoke about the plans and them keeping the project outside of the buffer. Andy asked if they would consider a conservation restriction. They responded they could perhaps put it in the Condo Documents.

**DORE' HUNTER – Moved to write a letter of support LIP with the chairman's language of what we would look for such as trying to keep the house.**

Mr. Murphy opposed the project but understood that the development would go forward. He thanked the developer for working with him.

## **SELECTMEN'S BUSINESS**

**DORE' HUNTER** – Moved to close the 2006 Annual Town Meeting Warrant at 5:00 on December 30, 2005. **WALTER FOSTER** - second. UNANIMOUS VOTE

### **TOWN SCHOOL BUILDING STATUS UPDATE**

Peter outlined the issues and discussed the problems with the site. Bob Whittlesey worked to scope out the feasibility portion; we had a successful bidder and then came to a halt because of the States stepping in. We received guidelines and if we follow them we will resolve them. We are in negotiations with the developer and we have not reached a final agreement. We need to resolve this as we do not have funds to continue maintaining the Building. The Manager to notify them we need to let them have a chance to withdraw and further to issue another RFP which includes the issues brought forward by the State.

Nancy Tavernier spoke about the developer and that he is non-profit and they would like to work with them. He may be interested in re-bidding the project.

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Bob Whittlesey agreed with Nancy and Don.

**DORE' HUNTER** - Move we go back and offer HRI the present deal and if they are not willing to take action soon we go out to RFP. **WALTER FOSTER** – Second

### **ACTON LEADERSHIP GROUP (ALG) UPDATE**

Peter updated the Board on the town/school split discussions. Lauren asked about the fee structure. Walter spoke about Capital Needs.

**COMMUTER LOT CAR POOL FEE – NON RESIDENT FEE** - **DORE' HUNTER** - Move to support a \$100 car pool fee for Non-residents, for a six month period at the Commuter Lot., **LAUREN ROSENZWEIG** – second. UNANIMOUS VOTE

**LICENSE RENEWALS** – We are waiting for solution to several items on the list. The list will be reviewed on the 19<sup>th</sup>.

## **OTHER BUSINESS**

Dore' updated the Board on CAC meetings.

Lauren – MAGIC Meeting Home land security Doug Halley was a speaker.

Lauren reported on the Sewer public meeting held Thursday.

## CONSENT AGENDA

DORE' HUNTER - Moved to approve with the additional Extra Information, WALTER FOSTER -second. UNANIMOUS VOTE. Foster hold 17<sup>th</sup>.

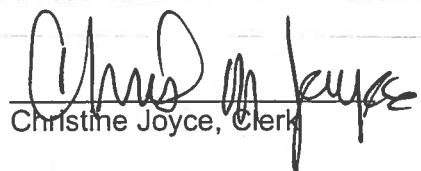
Walter asked what the items are to be disposed. He is concerned about resources and to ensure those resources are being recycled. Manager to get details.

## TOWN MANAGER'S REPORT

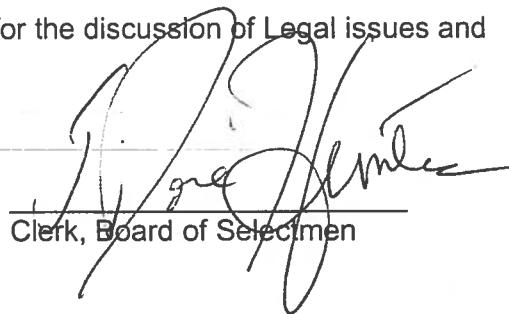
Selectman Rosenzweig asked about getting caught up to date on our MAGIC DUES. We held the invoice. Dore' felt that we should release it. Walter does not believe that MAGIC was a voice for us. He does not believe that they work for us. DORE' HUNTER Moved to Release the payment, LAUREN ROSENZWEIG - second. Walter Foster - No. 4-1, Motion passes

## EXECUTIVE SESSION

Dore' Hunter Moved to go in to Executive Session for the discussion of Legal issues and collective bargaining, All Ayes



Christine Joyce, Clerk



Dore' Hunter  
Clerk, Board of Selectmen

Date: 1-23-06

# **BOARD OF SELECTMEN AGENDA**

**December 12, 2005**

**Francis Faulkner Hearing Room  
Acton Town Hall  
7:00 P.M.**

**I CITIZENS' CONCERNS**

**II SEWER COMMISSIONERS' BUSINESS**

**III PUBLIC HEARINGS & APPOINTMENTS**

1. **7:05 OPERATIONAL MINUTE** – The Town Manager will give the Board a brief update on various topics.
2. **7:15 CLASS I CAR DEALER'S LICENSE, ACTON SUZUKI, INC., 60 POWDER MILL ROAD** – Enclosed please find materials in the subject regard, for Board consideration.
3. **7:45 SEWER BETTERMENT ABATEMENT REQUEST, TATIANA BENHARBONE, 11 CENTRAL STREET** – Enclosed please find materials in the subject regard, for Sewer Commissioners' consideration.
4. **8:00 CHANGE OF MANAGER REQUEST, NOT YOUR AVERAGE JOE'S, 305 MAIN STREET** – Enclosed please find materials in the subject regard, for Board consideration.
5. **8:15 NUISANCE DOG HEARING, GERARD SULLO, 62 MAPLE STREET** - Enclosed please find materials in the subject regard, for Board consideration.
6. **8:30 LOCAL INITIATIVE PROGRAM (LIP), MADISON PLACE, 737-741 MAIN STREET** (continued from November 28) – Enclosed please find materials in the subject regard, for Board consideration.

**IV SELECTMEN'S BUSINESS**

7. **TOWNE SCHOOL BUILDING STATUS UPDATE** – Enclosed please find a memo from Chairman Ashton, for Board consideration.
8. **ACTON LEADERSHIP GROUP (ALG) UPDATE** – Enclosed please find a memo from Chairman Ashton, for Board consideration.
9. **COMMUTER LOT CAR POOL FEE, NON-RESIDENTS** – Enclosed please find materials in the subject regard, for Board consideration.
10. **2006 LICENSE RENEWALS** – Enclosed please find materials in the subject regard, along with staff comment, for Board consideration.

11. **CLOSE ANNUAL TOWN MEETING WARRANT** – Enclosed please find materials in the subject regard, for Board consideration.
12. **SITE PLAN SPECIAL PERMIT #02/19/03-388, AUTOPLEX REALTY, 60 POWDER MILL ROAD** – Enclosed please find a request for a revision to the subject Site Plan Special Permit, along with staff comment, for Board consideration.
13. **OTHER BUSINESS**

## **VI CONSENT AGENDA**

14. **ACCEPT MINUTES, BOARD OF SELECTMEN, NOVEMBER 14, 2005** – Enclosed please find minutes for Board acceptance.
15. **ACCEPT MINUTES, BOARD OF SELECTMEN, NOVEMBER 28, 2005** – Enclosed please find minutes for Board acceptance.
16. **COMMITTEE APPOINTMENT, CONSERVATION COMMISSION, LINDA SERAFINI** – Enclosed please find a request from the Conservation Commission for appointment of Linda Serafini to fill the unexpired term of Andrew Magee, for Board consideration.
17. **APPROVE REQUEST, DISPOSAL OF ITEMS** – Enclosed please find a request from the Memorial Library Director for Board approval to dispose of certain library items that have been removed from circulation. The value of these items is estimated to be negligible.
18. **ACCEPT GIFT, WEST ACTON CITIZENS' LIBRARY** – Enclosed please find a request for Board acceptance of a gift of \$729.00 from the Citizens' Library Auxiliary to be used to fund the Tot Time Program, for Board consideration.
19. **ACCEPT GIFT, MUNICIPAL PROPERTIES DEPARTMENT** – Enclosed please find a request for Board acceptance of a rebate in the amount of \$2,340 from NSTAR Electric and Gas as reimbursement for motion sensor lighting installed as part of the construction of the Public Safety Facility, for Board consideration.
20. **ACCEPT GIFT, GATES SCHOOL** – Enclosed please find a request for Board acceptance of a gift of 300 shares of NURO (NEUROMetrix) stock with an estimated value of \$9,162 from Xuan Kong and Ning Zhuang, for the benefit of the Gates School, for Board consideration.
21. **WOODLANDS AT LAUREL HILL** – No materials are enclosed at this time; however, Town Counsel will forward two documents over the weekend for Board consideration. One will be a further extension of the agreement, the other will be a proposed letter to MEPA.

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

## **VIII EXECUTIVE SESSION**

22. There will be a need for an Executive Session. Enclosed please find materials in the subject regard.

#### ADDITIONAL INFORMATION

Enclosed please find additional correspondence that 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.

December 19	
January 7 (Budget Workshop)	February 13 & 27
January 23 & 30	March 13 & 27

#### GOALS 2004-2005

1. Produce Morrison Farm Development Master Plan (Walter)
2. NARA PARK
3. Pursue Commercial Tax Base
4. Master Plan review meeting once per year

#### GOALS carried forward

5. Monitor Labor Negotiations (Peter)
6. Improve Communication with Town Boards (ALL), Improving Inter Board Communication (Dore')
7. ~~Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision, and to get a first rough cut of what happens next year before school is out for the summer (Peter)~~
8. ALG process be used for purpose of Budget Planning for FY05 (Dore'/Peter)
9. Process Planning for "Life after NESWC
10. Middlesex Pension Alternatives (Walter)