Final

BOARD OF SELECTMEN AND SEWER COMMISIONER'S MEETING

July 28, 2014

Francis Faulkner Room 204

Regular Meeting 7:00 p.m.

Present: Mike Gowing, Katie Green, Janet Adachi, Peter Berry, Franny Osman; Town Manager Steven Ledoux. Lisa Tomyl, Recording Secretary

Chairman Gowing opened the meeting at 7:05 p.m.

Citizens' Concerns

None

Chairman's Update and Operational Update Mr. Gowing has been in Italy and has no report. Mr. Ledoux announced the resignation of Heather York, Acton Nursing Services – heavy heart and regrets her leaving. She will be staying on for the next month. Appropriations at Town Meeting to redo the North Wing – we have awarded the bid and have signed a lease at 33 Nagog Park. Plan to get the employees moved in on September 1st and move back in 6 months. Governor Patrick signed a bill to have package stores open at 10 am on Sundays. This will go to Board for approval. Law takes effect 90 days after signing of bill. Kickoff with ALG will be July 31st. Had lunch with new Superintendant to get to know him better and vice-versa.

Public Hearings and Appointments

7:10 p.m. **Site Plan Special Permit, #2/20/14 – 448, 848 Main Street, Tom Trudeau, Acorn Deck House**. Ms. Green is Selectmen Representative. Lou Levine as attorney for applicant Tom Trudeau. Reason for site plan is a complaint about improper paving. Since then applicant has filed a site plan. Filed in Feb – in April a memo from planning relative to the site plan. Applicant has worked with staff to revise the site plan for the various issues as outlined in the memo from the Planning Department. All issues have been addressed. Deputy Hart raised issues regarding the sprinkler system, Board of Health brought up issues with the paving over the septic system, applicant agreed to have sprinkler system brought to code by July 30th, and as well as installing a new septic system.

Scott Mutch – perhaps a new discussion on how long all requests will be completed (July 30 2016).

Ms. Adachi – likes the fact they are trying to restore open space, municipal properties director has reviewed as well. Ms. Adachi questioned how is the monitoring of the property as far as the work that needs to be completed by a timeline. Mr. Mutch has no problem entering the property with permission of the property owner to check on the status of progress.

Mr. Berry asked if any school bus maintenance was performed on site, Mr. Trudeau stated none. Inquired if Mr. Trudeau would consider a bond to make sure the work is done, Mr. Trudeau refused to entertain the idea stating he has spent too much money already in taxes and time. Mr. Berry stated that he acknowledges that the applicant has gone to great lengths to address the concerns of the departments.

Condition of the approval of the SPSP would be to ensure compliance and the approval of the Board of Health's approval of the septic system replacement

Mr. Gowing closed the public session. Board suggestion on decision.

Ms. Adachi – storm water drainage inspection on property – would like assurance they will be maintained, and inspected every 6 months

Ms. Green – moved to approve SPSP #2/20/14 - 448 on condition that they meet the conditions noted in the Planning Department memo July 23, 2014, the Fire Department memo July 23, 2014, Health Department memo July 17,2014, and Engineering Department memo from June 26, 2014, Dean Charter, Municipal Properties on July 18, 2014 and conditions to be met not to exceed 2 years (2016) and storm water maintenance per manufacturer's recommendation, Mr. Berry –second.

All AYES – Unanimous vote

7:45 p.m. **Makaha Restaurant Liquor License Suspension** - representing Makaha was Mr. Raymond Cheng, Manager and owner. Representing the Police Department was Deputy Chief Burrows, Detective Fred Rentschler presenting case. A brief review of the incident that took place in March 2014, that was addressed at a Selectmen Meeting on May 5th to assist Peter Berry (absent at that hearing) and the Board's decision. The incident on May 20th was presented by Detective Rentschler. The bartender that evening was named "Kenny". The incident on July 5, 2014 was also reviewed regarding over serving which resulted in the individual being transported to Emerson Hospital by the Fire Department.

Mr. Cheng stated that they were Spanish speaking customers that came in around 6 PM and left at 7:49. At 9:00 PM they came back – the bartender Kenny was on duty and they wanted more drinks and they were refused service. They were angry – one went to the men's room and the other went outside. After he left there was water running everywhere in the men's room from a broken toilet.

One of the patrons was a witness to the two men that returned at 9:00PM and witnessed their belligerent behavior and gave a verbal testimony.

Ms. Green inquired about the video surveillance system. Mr. Cheng stated the video system is not working.

Ms. Adachi - motion to move to suspend liquor license for 3 days (Thursday, Friday, Saturday) on grounds of over serving of customers between 6-8 pm, violation of non-maintenance of video surveillance; Ms. Green – second. Dates of suspension shall be August 7- 9, 2014, Makaha has 5 days from notification to appeal to ABCC. Video surveillance to be operating.

Ms. Adachi withdraw motion.

Ms. Adachi - Moves to find a violation on grounds of over serving and condition of violation of video surveillance requirement; Ms. Green second

All Ayes – UNANIMOUS vote

Mr. Berry - Move to suspend license for 3 days August 7,8,9, 2014 under condition that the video surveillance provide certification of function and that it is functioning every 6 months; Ms. Green – second.

4 Ayes, 1 Nay (Mr. Gowing)

9:00 – **Use Special Permit #06/16/14 – 449, 898 Main Street**

Applicant has applied for new permit – new hearing scheduled for August 11, 7:55 PM. Ms. Green – move to approve, Ms. Adachi – second.

All Ayes – UNANIMOUS vote

9:15 p.m. **Amendment to Traffic Rules and Orders**

Corey York gave a presentation regarding an amendment to the traffic rules and orders. Hayward Road is the only new updated amendment – the goal is to get it up to code to review on an annual basis.

Harris Street – Ms. Green move to approve, Ms. Adachi second - All Ayes

Quarry Road – Ms. Green move to approve, Ms. Adachi second – All Ayes

Mass Ave – Ms. Green move to approve, Ms. Adachi second – All Ayes

School Street – Ms. Green move to approve, Ms. Adachi second – All Ayes

Taylor Road – Ms. Green move to approve, Ms. Adachi second – All Ayes

Central Street – Ms. Green move to approve – Ms. Adachi second – All Ayes

Hayward Road – Ms. Green move to approve, Ms. Adachi second – All Ayes

UNANIMOUS VOTE

Selectmen's Business

Complete Streets Policy. Health Director Doug Halley presented the overview of the Complete Streets Policy for the 2 Selectmen that missed the primary presentation (PB/MG).

Ms. Osman – move to adopt complete streets policy; Mr. Berry – second

All Ayes – UNANIMOUS VOTE

Selectmen's Reports

Mr. Gowing – will email report

Ms. Green: Board of Health had their yearly meeting and decided to hold a public hearing about raising the age of purchase of cigarettes from 18 to 21. Meeting regarding the Morrison Farm improvements that were voted on during annual town meeting, some projects like re-doing the boardwalk, parking lot, etc.

July 28th: The Acton-Boxborough Regional School Committee held their Summer Workshop last week. There was a lot of discussion of administrative issues, including the decision to keep Paul Murphy as our liaison with Mike Coppolino as a back-up. They also agreed to investigate the issues of the class size policy and the high school and junior high school start times. They also agreed to participate in the Finance Committee's proposed three boards meeting, although there was some discussion of whether or not they should propose also including the Boxborough Board of Selectmen and the Boxborough Finance Committee.

August 11th: The Acton Boxborough Regional School Committee met and discussed the close out for FY'14. The numbers look good, in part because they received $432,000 more than what was included in the cherry sheet at the time the regional budget was voted. This is largely due to a higher regional school transportation reimbursement. They also heard from JD Head, who spoke about how they needed to find a new location to park the school busses. Previously, they had an agreement with a local business, which let them park the busses for free. The business is leaving, however, so they are in talks to lease space with one of the car lots on Route 2.

ALG met for the first time this year and mostly covered administrative issues and rules of the road.

Ms. Adachi: Acton Community Housing Corporation – Has submitted request for appointment to update Selectmen about various issues including housing production plan proposal.

Design Review Board, Wednesday, 7/16 - Will submit comments to Selectmen about 467 Great Road project, for which Selectmen will open hearing on 8/11. DRB has circulated draft revised charge to Selectmen, Planning Board. Ms. Adachi also will be requesting comments to the Selectmen from Planning Director, Municipal Properties Director, Acton Community Housing Corporation, Planning Board, Zoning Board of Appeals; topic will be on Selectmen agenda once all comments in.

Finance Committee, Tuesday, 7/22 – At the Committee's invitation, Ms. Adachi provided overview of Selectmen goals for coming year. Committee requested clarification of some goals that didn't make top 5—what the issue was, why some important tasks didn't make top 5, such as Town Meeting improvements and Nursing Service. Ms. Adachi explained that even if item not in top 5, Board or individual Selectman still might be working on it, as is true with Town Meeting improvements and Nursing Service. Mary Ann Ashton suggested that Board provide year-end report of progress on goals, in addition to Town Manager's periodic progress reports during year.

Final

Land Stewardship Committee, Tuesday, 7/15 – Committee voted to approve latest version of organizational "mission statement," previously called "charter, “after chairman was able work out last issues, including about liability coverage, with Town Counsel during June office hours. Members have created trails and installed boardwalks in newest Robbins Mill section from developer; boardwalks over gas pipeline easement area are removable if and when gas company needs to do work. Recent problems with yellow-jacket nests on boardwalks/bridges, which stewards and Natural Resources staff have been removing. Potential opportunities to work with Bay Circuit Trail proponents on funding, provision of information about trail access points.

Mr. Berry – Green Acton – moving forward to increase recycling in town, Corey York has plans for a drop and swap at the transfer station. A Pay As You Throw program will take a bit to bring to life as fee has to be determined. Continuing to research supporting the Extended Producer Responsibility legislation.

Met with GAB - they have questions about sharing the savings from the solar array with the Regional School District. Would take an amendment to the home rule legislation Also want to pursue working with the Regional Schools in administering the Green Communities grant and ensuring the projects are completed. Want to expand their charge to include advising the Regional School District. Mr. Berry will follow up by requesting a meeting with Superintendent Brand.

Also met with Acton 2020 Committee- Continuing to wrestle with how to achieve their charge to implement the 2020 Plan’s goals. Considering meeting with various Town boards to gather information about what has been accomplished and what is in future plans. Could provide support to committees working on accomplishing projects related to 2020 goals.

Ms. Osman – meeting with Cross Town Connect – very successful meeting in Westford.

Consent Agenda

Item 6 request to withdraw from consent and add to 8/11 consent agenda.

Item 7 request to refund 2 building permits for a total of $1121.00 and 2 electrical permits for $120.00. Ms. Green move to approve refund requests, Mr. Berry second. All Ayes – UNAMINOUS VOTE

Item 8 – Ms. Osman move to approve the one day liquor license with the condition of the applicant and adults ensure that there is no underage drinking and hold all responsibility. Ms. Adachi – second, All Ayes – UNANIMOUS VOTE

Items 9-11, Ms. Adachi move to approve consent items, Ms. Green – second, All Ayes – UNANIMOUS VOTE

Ms. Green motion to adjourn, Mr. Berry second

Meeting Adjourned at 10:52

Final

Respectfully Submitted,

_____ _____

Lisa Tomyl, Recording Secretary Peter J. Berry, Clerk