

## BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

August 3, 2015

Francis Faulkner Room 204

Regular Meeting 7:00 PM

Present: Katie Green, Janet Adachi, Chingsung Chang, Town Manager Steven Ledoux, and Lisa Tomyl, Recording Secretary

Chairman Green opened the meeting at 7:00PM

Franny Osman and Peter Berry arrived at 7:05

### Citizens' Concerns

None

### Chairman's Update and Operational Update:

Ms. Green: Reminder this is the only meeting in August, but have a special meeting on August 11 at 7:30 AM for the vote and signing of the ARRT easement agreements. The next regularly scheduled meeting will be September 14 (since rescheduled to the 8<sup>th</sup> due to the Rosh Hashanah holiday).

Upcoming Recreational events: Country Mile Band on Thursday, August 6 at 6:30 at NARA Park, free concert on August 13 by Dell Smart and Exit/In Band, Essence of India on August 15, 2<sup>nd</sup> Annual Chinese Dance and Music Festival on August 27<sup>th</sup>. Special Town Meeting tomorrow, August 4 at 7:00 PM at ABRHS Auditorium. , upgrades of main-distribution-frame closet upgrades at high school, and WiFi thermostat controls at Douglas and Conant Schools. Applied for \$250,000, state awarded \$245,000, with cuts necessitated by shortfall left to the community's discretion.

Mr. Ledoux: Green Communities Grant clean-energy grant program has awarded Acton \$245K for LED street lighting, interior LED lighting at the Parker Damon Building, RJ Grey Junior High and ABRHS, HVAC upgrades to the Parker Damon Building, main-distribution-frame-closet upgrades at ABRHS, WiFi thermostat controls at Douglas and Conant Schools. Applied for 250,000, so up to community decide where to cut \$5,000.. So all projects will be reduced by 2%. Grant agreement was signed on July 31, and the projects will be underway very soon. Many people were aware that during our last meeting bomb and suicide threats were called into Littleton Police Department and traced to an Acton condominium complex on Great Road. It was a hoax involving so-called "swatting." . The caller was in Tennessee at the time of the calls and has been picked up by Leominster Police and has warrants for similar incidents in Georgia

### Public Hearings and Appointments

All Alcoholic Beverage Transfer, Vasudav, Inc. from Pagren, LLC d/b/a Red White and Brew: Ms. Green read the public hearing notice. Representing Vasudav, Inc. was Attorney Peter Nicosia . Mr. Nicosia Board of Selectmen

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provided background information about the business and the application.. His client has background in retail operations involving the sale of alcoholic beverages and is certified in TIPS training;all employees working for him will be properly training in TIPS certification. Ms. Adachi noted that the applicant had provided a generic alcoholic beverage service policy apparently originating in Europe with no specifics about Massachusetts legal requirements and also more suitable for a bar or restaurant, as opposed to the applicant's package-store operation, which Mr. Nicosia affirmed would involve the sale of closed alcoholic beverage containers, with no bar-type service. Mr. Nicosia stated that the store's employee-training policy will be tailored specifically to the proposed operation. Ms. Green inquired if the name of the current establishment will be kept – Mr. Nicosia assured it will.

Ms. Osman moved to approve, Mr. Berry moved to add a requirement that the business have an appropriate alcoholic beverage service policy in place, Mr. Chang seconded. All Ayes (5-0).

Alleged Over Service, Po's Barbecue: Ms. Green read the public hearing notice. Ms. Adachi swore in all parties. Det. Rentschler, Lieutenant Jim Cogan, Officer Joachim, and Deputy Chief Burrows were present representing Acton Police Department. Det. Rentschler read the summary of the event that occurred on February 21, 2015, involving a motor vehicle collision with injuries reported. Officer Joachim noticed that the operator appeared to be under the influence of alcohol, with glassy eyes, slurred speech and an odor of alcohol emanating from the operator's breath. Ms. Adachi swore in Po Pai, Manager of Po's Barbecue. Mr. Pai stated he was not on duty at the time of the incident but his wife was on duty and stated that the operator/individual, her husband, and friend came in to the restaurant around 6:00 PM and the operator had 1 alcoholic drink and left approximately 20 minutes later. The bartender on duty (but not present at the hearing) told Mr. Pai that the individual did not show any sign of intoxication when she left. The husband and friend stayed at the restaurant for another hour and a half. Ms. Adachi inquired about a receipt for the purchases, which had not been part of the Selectmen's packet, and also asked if the restaurant had a video surveillance system. Mr. Pai said he gave the receipt to the police the next day; and there currently was no video system but he had plans to install one covering inside the premises and outside in the parking lot. The operator/individual had a vodka and cranberry juice; her husband had two beers. Mr. Berry suggested to Mr. Pai that he hire a lawyer to protect his business considering the seriousness of the accident with injuries. Ms. Osman stated that there was not enough information without a receipt or video. Lieutenant Cogan was the officer who, following up on the Police Chief's request, stopped at the restaurant for the receipt the following day. Lt. Cogan spoke with the bartender that was on duty at the time of the accident and who had served the individual prior to the incident. Lt. Cogan did not have the receipt with him but confirmed that the receipt listed food and several alcoholic beverages and the operator/individual had the one drink. Mr. Chang recommended that Po's Barbecue be required to install a video surveillance system and was reluctant to find a violation. Mr. Berry said he would be willing to forgo a finding of a violation if the restaurant were willing to install a video surveillance system to monitor the interior and exterior areas. Although Ms. Adachi also was disinclined to find a violation and agreed with the suggestion of a video surveillance system; although she would have liked to see the receipt to confirm the time of the purchase, the testimony of 2 witnesses confirmed that the operator/individual was at the restaurant around 6:00 for

only for a brief time and had had only one drink; and the individual did not appear intoxicated Ms. Green was inclined to find a violation.

Mr. Berry move to find no violation, with the restaurant to install a video surveillance system within 30 days and to submit to the Acton Chief of Police a letter certifying the video system installation and operation. Mr. Chang seconded. 4 Ayes, 1 Nay (Ms. Green)

### **Selectmen's Business**

Warrant Article Discussion and Recommendation for Special Town Meeting, August 3, 2015 : Ms. Green has received a number of emails with questions about the property's future use. Mr. Berry expressed support for the warrant article. Ms. Osman also expressed support for the warrant article and added that it would behoove the Town to seek other properties in and around Kelley's Corner to have more control of what goes in.

Ms. Adachi moved to approve the warrant article, Ms. Osman seconded. All Ayes (5-0).

### Long and Short Term Goals Selectmen Liaison Assignments:

#### **SELECTMEN SHORT TERM GOALS LIAISON ASSIGNMENTS**

1. Start Overhaul of Town Website - **Chingsung Chang**
2. Bring Senior Center Study Committee Proposal to Spring Town Meeting – **Franny Osman**
3. Improve Bike Safety in Town and a Plan to Connect the BFRT and the ARRT and Look at Bike Trails for Great Hill, Rt. 27 and the Schools – **Katie Green**
4. Activate a Committee for the North Acton Fire Station Task Force and Update Charge – **Katie Green**
5. Resolve the Walker Property Purchase/Litigation and Determine RE-Use for the Property – **Peter J. Berry**
6. Complete Study for West Acton Sewer and Commence Implementation – **Janet K. Adachi**
7. Implement and Evaluate the Fixed Route Shuttle, EVE/WE Solutions and Utilize a Smaller Vehicle – **Franny Osman**
8. Create a Voluntary Email List Used for Surveys and General Information – **Chingsung Chang**
9. Implement Goals of Housing Production Plan – **Peter J. Berry**
10. Pass the Minuteman School Building Project and Initiate Discussion with other Towns on Regional Agreement – **Janet K. Adachi**

#### **SELECTMEN LONG TERM GOALS LIAISON ASSIGNMENTS**

1. Build New Senior Center and/or Community Center – **Katie Green**
2. Long Term Capital Plan that Incorporates New Stabilization Funds and Current Information on Status Existing Bond Obligations – **Janet K. Adachi**
3. Develop a Sewer Expansion Plan Using the Remaining Capacity of the Sewer Treatment Plant – **Franny Osman**
4. Get Acton Nursing Service to Cash Neutral Status – **Chingsung Chang**

5. Start and Finish Kelly's Corner Transportation Improvements – **Peter J. Berry**

Senior Center Study Committee Update – Franny Osman requested a continuance to September 28, 2015

Review Request for Proposal for Morrison Farmhouse : Town Manager Ledoux presented potential elements of a proposed RFP for a tenant at Morrison Farmhouse: a 3- year lease for the farmhouse and paddock only, excluding barn; town will make certain improvements prior to bid, including a work plan for cosmetic improvements to interior; proponent to provide livestock management plan if livestock is in RFP bid; proponent will be responsible for upkeep of paddock' Town will consider adding a preference for a proponent meeting affordable housing guidelines, r proponent to provide proof of insurance. Overall looking for a spring tenant. The Board agreed to move forward and have the Town Manager create a formal RFP.

**Selectmen's Reports:** The Selectmen Reports were included in the Selectmen packet and there were no questions.

**Consent Agenda**

Mr. Berry held #9 – need amendment for minutes on July 20, 2015

Ms. Osman moved to approve consent agenda #8-19 with amended minutes from July 20, 2015, Mr. Berry seconded. Roll call: All Ayes (5-0).

Mr. Chang moved to adjourn, Ms. Adachi seconded. Meeting Adjourned at 9PM

Respectfully Submitted,

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Lisa Tomyl, Recording Secretary

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Janet K. Adachi, Clerk

## **BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING**

**August 11, 2015**

**Room 121**

**Acton Town Hall**

**Special Meeting 7:30 AM**

Present: Katie Green, Janet Adachi, Franny Osman, Peter J. Berry, Roland Bartl – Town Planner, Kristen Guichard – Assistant Town Planner, Robert Hummel - Assistant Town Planner, Ben Eastwood – Town Counsel, Town Manager Steven Ledoux, and Lisa Tomyl, Recording Secretary

Chairman Green opened the meeting at 7:30 AM

### **Citizens' Concerns**

None

### **Chairman's Update and Operational Update:**

None

### **Public Hearings and Appointments**

#### Vote on Acceptance and Execution of Temporary and Permanent Easement Agreements and Acquisitions for the Assabet River Rail Trail in Acton:

- Ms. Adachi moved to approve Temporary Easements, Mr. Berry seconded. All Ayes (4-0)
- Ms. Adachi moved to approve Town Owned Easements, Mr. Berry seconded. All Ayes (4-0)
- Mr. Berry moved to approve license agreement with MBTA, Ms. Osman seconded. All Ayes (4-0)

Ms. Guichard gave a brief update about the negotiations with the owner of the property at 20 Main Street where the location of the proposed easement would be in front of the property rather than to the rear, as was the original plan. Mr. Anderson, the property owner, felt that the Avery Associates appraisal price of \$153K was too low. The Town proposed an additional \$15K but Mr. Anderson wanted \$30K. Mr. Anderson also had a concern about snow-clearing; his current practice is to push snow from the parking lot entrance into the proposed rail trail area. The Town is willing to let that practice continue. Mr. Anderson also was concerned about potential liability if trail-users were injured as a result of the piled up snow, but the Town cannot legally indemnify him. Mr. Anderson's attorney currently is on vacation, so coming to terms about an easement agreement will require more time. But the Town is facing an August 27 deadline, so Attorney Eastwood proposed that the Selectmen file for a taking: a traditional taking with no concessions or a "soft" one with provisions such as the one about snow-clearing. In the event of an easement agreement with Mr. Anderson, the Selectmen could vote to rescind the taking.

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Mr. Berry moved to pursue an order of taking without conditions. Ms. Adachi seconded. Mr. Berry moved to amend previous motion and to moved to accept the order of taking without conditions and to sign and record order within 30 days. Ms. Adachi seconded. 3 Ayes, 1 Nay (Ms. Osman).

Vote to Authorize Town Manager Approval of Special Licenses on Behalf of the Board of Selectmen:

Ms. Adachi move to authorize Town Manager approval of special licenses on behalf of the Board of Selectmen between Selectmen meetings. Mr. Berry seconded. All Ayes (4-0)

Request for Waiver of Fees, Ride for Miracle League, Inc.

Ms. Osman move to approve the request for waiver of fees for the ride for Miracle League, Inc. Ms. Adachi seconded. All Ayes (4-0)

Vote to Pass of Purchase 215 Newtown Road Under 61A:

Town Counsel and the Town of Littleton do not feel the offer of \$1.5M for the entire Acton-Littleton property, with no breakout of the price by town, is a bona fide offer.it. The most valuable portion of the property is in Littleton, and the wishes of Belle Choate were to turn it into an artist colony. An additional complication is that a distant relative is contesting the will. The parcel is a relatively low priority for the Open Space Committee Mr. Berry moved to not exercise the right to the purchase of the property at 215 Newtown road under Chapter 61A. Ms. Adachi seconded. 3 Ayes, 1 Nay (Ms. Osman).

Ms. Adachi move to adjourn, Mr. Berry seconded. All Ayes (4-0) Meeting Adjourned at 9:15 AM.

Respectfully Submitted,

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Lisa Tomy, Recording Secretary

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Janet K. Adachi, Clerk

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