

BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING

September 28, 2015

Francis Faulkner Room 204

Regular Meeting 7:00 PM

Present: Katie Green, Peter Berry, Janet Adachi, Franny Osman, Chingsung Chang, Assistant Town Manager Mark Hald, and Lisa Tomyl, Recording Secretary

Chairman Green opened the meeting at 7:00PM

Citizens' Concerns

None.

Chairman's Update and Operational Update:

Ms. Green: Noted the supermoon eclipse the other night – it is the first one in her lifetime. Upcoming events in town: Wednesday night the WRAC is having an information session on the proposed stormwater bylaw at 7:00 PM in Room 204; an issue the Selectmen will be voting on if they call a special town meeting or at the Annual Town meeting. Town Manager Ledoux is attending the ICMA Conference in Seattle, so the Assistant Town Manager is here in his place. Also at the conference are Health Director Doug Halley as well as neighboring Town Managers who will accept an award for the CrossTown Connect project. Next meeting will include an update from the Acton Nursing Services Task Force, and an update from the Minuteman Regional Superintendent regarding the new school building project. Received note from the Superintendent of ABRSD that he is recommending creating a committee to focus on their capital and space planning needs and will be recommending one representative from Acton and Boxborough.

Mr. Hald: Mr. Hald had no update.

Public Hearings and Appointments

7:10 PM Alleged Over Service Hearing, The Local Table: Ms. Green opened and closed the public hearing, explaining that the restaurant is no longer in business and is in the process of being sold. The liquor license will be part of the sale.

8:00 PM Alleged Over Service, Ixtapa Mexican Grill: Representing Acton Police Department was Lieutenant Jim Cogan, and Detective Fred Rentschler, representing Ixtapa was Attorney Nicholas Felici. Detective Rentschler gave the opening statement with additional testimony by Lieutenant Cogan regarding the incident that occurred on February 13, 2015. All parties present were sworn in. Attorney Felici introduced the first witness, Jose Munoz, bartender on duty. Mr. Munoz has been employed by Ixtapa for 11 months, and is TIPS-certified. Mr. Munoz stated the individual entered the restaurant bar at 10:20 PM and ordered a margarita and food. He did not notice any signs that the individual may be

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intoxicated. The individual showed his ID and Mr. Munoz had no trouble understanding his speech (no slurring). The individual stayed about 40 minutes. Mr. Munoz noticed that the individual had trouble getting his coat on and asked the individual if he needed a cab. The individual stated he was not driving and was just going down the street. The next witness was Cassandra Hereford, Assistant Manager on duty. Ms. Hereford worked from 5:00 to close that evening. She stated there were a couple of people at the bar around 10-10:30 PM, and did not notice anything unusual. She is currently TIPS-certified and is familiar with signs of intoxication, and did not see any signs of intoxication from the individual, but did state that the individual had trouble putting on his jacket; she viewed the restaurant's video surveillance with Lieutenant Cogan a few days after the event. The next witness was Eric Brambillo, manager. He has been at the location for one year. He met with Lieutenant Cogan regarding the incident, viewed the video, and noted the individual stayed for approximately 40 minutes. The individual walked in and appeared fine, showed ID, ordered food, had water and a margarita, paid with a credit card and stood up to put on his jacket and had trouble putting it on, Mr. Munoz walked around the bar and asked if he wanted a cab (2-3 minute discussion). The DVR records up to 30 days and then deletes. Mr. Berry asked if there was audio on the recording, Mr. Brambillo stated no and that all employees are retrained every 3 months in TIPS certification. Mr. Brambillo also stated they have refused service to approximately 6-7 individuals since opening. The Police Department requested preservation of the video recording, but it was unavailable for the hearing as it had been recorded over according to Attorney Felici. Lieutenant Cogan stated that he remembers that the recording showed the individual stumbling while putting his jacket on and almost falling into the bar. Based on the testimonial evidence, and in the absence of a credit card receipt or video recording, the Board felt that there was not enough evidence to support a finding that the restaurant had served a visibly intoxicated individual. Mr. Berry moved to find no violation of Chapter 138 of the MGL, Mr. Chang seconded. All ayes (5-0)

8:45 PM Change in Director, Indoor Sports Management, Inc. – Mr. Berry moved to approve the Change in Director with the condition that there shall be no more than 40 seats until such time when the Special Permit #04/20/04-397 may be amended at a later date. Ms. Adachi seconded. All Ayes (5-0)

Selectmen's Business

Senior Center Study Committee Report – Peter Ashton, Vice Chair, and Sharon Mercurio, Council on Aging Director presented the Senior Center Study Committee report. Committee started meeting in March of this year. Looking for support and clarification of the charge for the SCSC, specifically whether the SCSC should focus on a senior center only, or include a community center as well. Mr. Ashton presented summarizing the SCSC's findings and recommendations. Some recommendations that were voted on were the following:

- Perusing a new building to house Human Services, Senior Center, Nursing Services, Veteran's Services, and the Community Service Coordinator
- Perusing the Arlington Street location
- Requesting design funds at April Annual Town Meeting

Mr. Ashton outlined some of the constraints posed by the existing senior center such as limited parking, limited space size for classes, limited private meeting places, etc. The committee needs to know whether they should be exploring a broader community center objective, and cannot give direction to the architect without resolving this issue.

Many comments from citizens regarding the need for a new senior center only versus a senior center/community center approach. Ms. Mercurio has received feedback from other communities that including a community center option doesn't work. A senior center is more about passive recreation, and seniors need a place to be with their peers. Ms. Mercurio is looking at about 20,000 square feet to include offices. Ms. Adachi acknowledged her involvement in informal discussions regarding the possibility of a new building that would serve a broader spectrum of the Town's population. . Mr. Ashton stressed that if the Board votes to update the charge, then the current study committee would most likely disband and have to start all over again.

Several citizens spoke in favor of a senior-only center with only one citizen, Marge Kennedy, Church Street, stating that a few others envisioned a community center with no real completed plan, but that there were a number of possibilities to pursue. All Selectmen, with the exception of Ms. Adachi, expressed support for retaining the current charge, focusing on a new senior center.

Ms. Adachi moved to retain the current charge of the Senior Center Study Committee, Ms. Osman seconded, 4 Ayes, 1 Nay (Ms. Adachi)

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

Consent Agenda

Ms. Green held item 9. It was noted that license renewals will begin in a month. Ms. Green felt the refund should be granted then. Ms. Green withdrew the hold.

Mr. Berry held item 10. Requested to have owner fill out a new application to be put on consent at the October 19th meeting. All Ayes (5-0).

Ms. Adachi moved to approve Consent items 5-9, and 11-16, Mr. Berry seconded. All ayes (5-0).

Mr. Chang moved to adjourn, Mr. Berry seconded. All Ayes (5-0)

Meeting adjourned at 9:25 PM

Respectfully Submitted,

Lisa Tomyl, Recording Secretary

Janet K. Adachi, Clerk

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