

BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING

**January 9, 2017
Acton Town Hall
Room 204**

Present: Peter J. Berry, Janet K. Adachi, Franny Osman, Katie Green, Chingsung Chang, Town Manager Steve Ledoux, and Lisa Tomyl, Recording Secretary

Citizen's Concerns

None

Chairman's Update/ Operational Update

Mr. Berry - TM released budget in December – this Saturday met with Fin Com for Budget Saturday. Each Department Head comes forward to explain any changes in their previous budget. Impressed with the energy and dedications the employees bring for their work. Feels the Town is run efficiently. All employees do the best job they can. Santa Claus visited many neighborhoods this past weekend. Led the meeting with the Pledge of Allegiance.

Mr. Ledoux – Busy prepping for Budget Saturday and an ALG meeting last Thursday. Firefighter Eric Mathieu was promoted to rank of Lieutenant. Conducted interviews for ALS Coordinator. Police Department has 2 new police officers. Planning is working on zoning articles for Annual Town Meeting including Brookside Shops and accessory apartments.

Public Hearings and Appointments

Common Victualler Application, AP Pizzeria – Mr. Berry read the public hearing notice. Mr. represented AP Pizzeria – still owns business just changing the name. Ms. Green moved to approve the common victualler license, Ms. Osman seconded. All Ayes.

Liquor License Violation, Red White and Brew – Mr. Berry read the public hearing notice. Representing Red White and Brew was Bupeshkumar Patel, representing Acton PD was Deputy Chief Richard Burrows, Det. Fred Rentchler, Det. Dean Keeler, Jessica Wall - Anderson & Kreiger. Detective Rentchler read a summary of the event of the underage sale and purchase.

Ms. Adachi questioned if a person presents an ID listed as an acceptable form of identification per the MGLs you get the benefit of the doubt if someone presents a legitimate looking ID but it turns out to be fake, what is the punishment for the clerk – Det. Rentschler replied that there are 6 specific rules carved out by the ABCC. If store owner appears to be in possession of a legitimate Mass ID at face value they could be relieved of any punishment.

MS. Green questioned if one of the 6 (approved) forms is not an out of state ID – Det. Rentschler stated that is correct.

Drafted but not finalized by Clerk, 2016-2017

Approved by Board of Selectmen as is,

Representing Red White and Brew is Navar Patel (owner's son). (The business) has bought a machine since the incident that scans IDs which verifies legitimacy (of the ID). Ms. Osman asked when do you stop asking for ID. Mr. Patel stated when we have seen them in the store multiple times. Ms. Osman inquired if it is a law that (Clerks) have to ID every time. Det. Keeler recognized the (underage) patron from prior experience with the individual. (He – the underage patron) has a history of a prior liquor license violation. Mr. Chang questioned how long ago was the previous violation – it was about a year ago. Ms. Green questioned about the woman who made the sale –and if she has checked the ID before – yes, is she TIPS certified – yes. So your policy does not say to check an ID every time if they appear under 40 – yes.

Mr. Berry questioned how long have they have owned the business, Mr. Patel stated since October 2015.

Ms. Adachi stated that the last time your business was suspended you were asked to submit copies of all TIPS certified (employees)and the alcohol service policy to the Board , and have you submitted it. Mr. Patel stated no but I have it with me tonight.

Ms. Green moved to motion to close hearing, Ms. Osman seconded. All Ayes.

Ms. Osman stated that a violation of underage sales has occurred. Ms. Green stated it was clear that a violation has occurred – they did not check the ID. Ms. Adachi and Mr. Chang agreed there was a clear violation. Ms. Green moved to fine a violation under chp 138 of the MGL , Ms. Adachi second All Ayes. (5-0)

Dep. Chief Rich Burrows recommends a 2-3 day suspension. Mr. Chang recommends a harsher penalty. Ms. Green commented about being upset they have owned the store for a year and this is the second time for the same violation. A liquor license is a privilege not a right of the business owner and would recommend a week suspension. Mr. Berry commented about having the reputation where you can buy alcohol runs quickly through the high schools. Owner has history from previous establishment in Lowell for a week suspension. Ms. Adachi stated that she was not on board for a more stringent punishment, thinks that there should be something else along with suspension.

Ms. Green recommends to suspend the license for Red White and Blue from 1/29-2/4-2017. Mr. Chang second. 4 ayes, one nay – (Ms. Adachi)

Selectmen Business

Acton Clean Up Week – Jim Snyder Grant presented an overview for Acton Clean Up Day. Pairing with ACACC this year. ABRHS Juniors gave an overview of the organizations involvement with the past Acton Clean Up Day. Ms. Green thanked Green Acton and ACACC for dedicating the event for a week. Ms. Adachi had no questions and stated she was pleased that you are extending it for a week. Ms. Osman thanked both groups for their involvement.

Drafted but not finalized by Clerk, 2016-2017

Approved by Board of Selectmen as is,

Town Manager Ledoux commented that the public works department will meet with the group and work out the roll off containers and the town has approved for the banners to be hung.

PB – discouraged to see the plastic bags on the Knox Trail properties. Wanted to know if there may be an agenda on a ban on plastic bags.

Waiver of Building Permit Fees, Discovery Museum - Neil Gordon Executive Director for Discovery Museum explained what the project is being planned. Ms. Osman is in favor of waiving the fees, Ms. Green is in favor of waiving the fees, Ms. Adachi inquired about waiving fees for disadvantaged families in Acton, Mr. Ledoux stated that he would have Laura Ducharme work with Discovery Museum and at her discretion. Mr. Berry congratulated Mr. Gordon with his leadership skills. This request is about 10% of the income the Town receives in building permits. Ms. Green moved to approve request for waiving building permit fees for the Discovery Museum, Ms. Osman seconded. All Ayes.

Update on Acton Leadership Group – Mr. Ledoux gave a review of the recommended budget and the superintendent’s budget and the preliminary budget for Minuteman Tech. Will continue the topic on January 23, 2017

Martin Street Proposed 40B Project Comments – ZBA request comments from all Boards and Committees to weigh in on their decision. Ms. Adachi drafted a letter to the state prior to the hearing of the project. Comments weighed in on historical barns, drainage and historical houses. One was planned to be left in the plan. Ms. Adachi gave an update on some of the plan changes that have been implemented since the first submission. The Historical Commission have walked the property as well as the Conservation Commission. Mr. Berry would consider asking the ZBA require installing a sidewalk on Stow Street. Mr. Berry will discuss with Sidewalk Committee regarding the sidewalk as well. Ms. Osman would like to have a future discussion regarding plans to get to 10% affordable housing.

Consent Agenda

Ms. Adachi moved to approve consent items 7-18, Ms. Green seconded. All Ayes 5-0

Ms. Green moved to adjourn, Ms. Osman seconded – All Ayes 5-0. Meeting adjourned at 9:05 PM.

Respectfully Submitted,

Lisa Tomyl, Recording Secretary

Franny Osman, Clerk