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FINAL

BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING

Members Present: Michael Gowing, Katie Green, Janet Adachi, Franny Osman, Town Manager Ledoux, Lisa Tomy, Recording Secretary

Absent: Peter Berry

May 5, 2014

Francis Faulkner Room 204

Regular Meeting 7:00 p.m.

CITIZEN'S CONCERNS – Acton resident Herman Kabakoff mentioned that the Finance Committee would like to meet jointly with the Board of Selectmen and the School Committee in order to promote better communication between the boards. The current idea is to have a joint meeting to discuss long term capital planning.

CHAIRMAN'S UPDATE & OPERATIONAL MINUTE – Chairman Gowing recognized the 41 years of service and the retirement of Christine Joyce, Executive Assistant to the Town Manager and the recent passing of Senator Jamie Eldridge's father this past weekend. The Board will be sending their condolences. Manager Ledoux appointed Kristen Alexander as Special Assistant for Land Use Transactions. She will be overseeing the department's transition to a single operating unit when the Town Hall North Wing updates are completed.

Mr. Ledoux said that Mr. Gowing covered everything in his update. He provided information on some potential topics for upcoming Board meetings. These included discussing the NESWC liability and the issue of the house on Cherry Ridge Road that we obtained due to unpaid back taxes.

PUBLIC HEARINGS & APPOINTMENTS

Makaha Restaurant Alleged Overserving – Mr. Raymond Cheng represented Makaha Restaurant. Chief Widmayer presented a summary of past violations at the restaurant, including one that had resulted in a three day suspension of their liquor license in 2006. After the presentation by Detective Fred Rentschler on the facts of the case, the Board made a recommendation that the Makaha Restaurant staff go through a full re-training of the alcohol service training policy, and Chief Widmayer requested to view their serving policy and that a fine be imposed of \$320.00 to reimburse the police department for 3 officers on overtime pay to attend the hearing.

There was much discussion amongst the Board and between the Board and the applicant. Board members had questions on how much alcohol the customer consumed throughout the night and if he was eating any food during that time. It was noted that he is a frequent customer and the Board had questions about his typical consumption and whether this night was an anomaly. There was some indication that he has a temper and that this contributed to the incident that night. There were concerns that he left the premises a few times unsupervised and could have gotten in a vehicle and driven off during those times.

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Ms. Adachi moved to issue a decision to require the management to update its training policies and provide proof of completing training and compliance with the police department, and to impose a fine of \$320 to reimburse the town for the police expenses. Ms. Green seconded the motion. The vote was 3-0-1, with Ms. Osman abstaining.

SELECTMEN'S BUSINESS

Nursing Enterprise Update - Doug Hailey and Heather York presented an update on the Nursing Enterprise. The summation is that there are three options, one was to discontinue the service, second was to move to privatization, and third was to continue with Town budget funding. They are not looking for a vote tonight, but would like to get a sense of the Board. They plan to come back before the Board in August for a further discussion and possible vote.

There were many comments from the Board members and the audience. Ms. Green spoke in support of option three and felt that we should be continuing to provide this service to our citizens. Ms. Adachi said she would like to see more data on the operations. She had been anticipating an announcement this month, but thought it would be more along the lines of Option 2. She pointed out that we are one of two communities in the state to still provide a nursing service. She is generally opposed to making it a part of the operating budget. Mr. Gowing echoed Ms. Adachi's comments on the sense that we were originally moving towards Option 2. He would like to see actual numbers as well.

Comments from the board and town residents echo the need for the continuation of the service to the town residents. Chairman Gowing requested to see the number of residents that are serviced by the Nursing Services. Many residents voiced that the population is aging, and therefore the need is there.

Review Site Plan Rules and Regulations, Planning Department - – Kristen Guichard presented an overview of the revised site plan rules and regulations for the Selectmen. It was noted that the last time the rules and regulations were updated was in 1990. New updates include electronic filing requirements, clarification on the design review board process, lighting plan requirements, updated simple department contact information, and changing the requirement of certified mail for abutters to accountable mail. All changes and updates fulfill the MGL requirements. It has simplified formatting for the Planning Department.

Ms. Adachi moved to approve the update to the Planning Department Site Plan Rules and Regulations, Ms. Green seconded the motion.

All Ayes

SELECTMEN'S REPORT

Mr. Gowing: Council on Aging – the recent resignation of 2 drivers (1 Council on Aging and one Transaction Associates) has negatively impacted the ability to get seniors around when they want to. They are currently interviewing for the positions but until filled, there may be delays. They have reached out for new board members as they have 3 going off the current COA board. **Metropolitan Planning Organization** – the MPO has moved the Bruce Freeman rail trail off the Transportation improvement Program. This was due to the state agreeing to pick up the cost of extending the trail through Acton (instead of using federal monies). It should not adversely affect the timing. **Lowell Regional Transit Authority** – the LRTA submitted their 2015 budget. Due to forward funding by the state, they are able to lower their budget by approximately \$60,000.00 this year. The new budget is

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\$10,958,396.00. This includes \$76,000.00 going into OPEB. Due to extended times on their fixed bus routes, have increased ridership by over 50,000 people. Franny Osman joined the LRTA board at our last meeting representing riders in Acton. Health Insurance Trust – the insurance cash flow is looking good as we move towards the end of the fiscal year (June 30). We discussed going out for bid on reinsurance. There was a discussion about what the ACA dictates versus collective bargaining on out-of-pocket expenses. There is discussion on both the town and school side reading how to move forward.

Ms. Green: The Historical Commission met and discussed purchasing plaques through their Historical Plaque Program for three town owned buildings. They will use their committee's funding to purchase three plaques. Their suggestions are Town Hall, the old fire station on Windsor Ave, and the Hearse House at Woodlawn Cemetery. They wanted to get the opinion of the Board before proceeding. The Board offered favorable remarks and Mr. Gowing noted that they should work with the HDC on placement of the plaques for any buildings in historic districts. The School Committee met and did not discuss anything relevant to the Board.

Ms. Adachi: AB Cultural Council - Annual Movie Night series, 3 Fridays in May, 7:00 p.m., Room 204, free. Last Friday, 5/2 – "La Strada"; 5/9: "Mary and Max," claymation film about penpal friendship between middle-aged man (voice by late Phillip Seymour Hoffman) and young girl; 5/16: "Wadjda," Arab female director. Finance Committee, Tuesday, 4/29 - Discussion of 1) 2014 Town Meeting, what could improve 2) proposal for 3-boards collaboration on long-term capital planning. See Herman Kabakoff's comments during Citizens' Concerns. Minuteman Regional School, Monday, 5/5 – Meeting/teleconference this morning with Town Manager and Nancy Banks, Acton representative on Minuteman School Committee, about proposal by lower-enrollment member towns that member towns adopt resolution to not interfere with attempts of member towns to withdraw from Minuteman district if and when pending regional agreement amendments become effective and withdrawal is somewhat easier. Wayland Town Meeting voted down proposed amendment so amendment process will take some time. Some towns have adopted resolution, including Concord Selectmen last week. No rush for Acton Selectmen to address resolution but topic will be on 6/9 agenda to allow fuller discussion. 495/Metrowest Partnership – 4/30 meeting of water resources group. Presentations by MA Department of Environmental Protection representatives, focusing on proposed amendment of state water management regulations applicable to large users of surface water, groundwater, such as public water suppliers like Acton Water District, golf courses. AWD Manager Chris Allen also present at meeting. Revised draft Environmental Protection Agency permit applicable to MA communities like Acton with regard to stormwater management supposed to be out this month. AB United Way, 4/30 - Workshop on cultural sensitivity with more focus on Chinese culture and community but with principles being generally applicable. Ms. Osman also attended. Retirement party in honor of Executive Assistant Christine Joyce, 5/1. Mr. Gowing, Ms. Osman, former Selectman John Sonner also present.

Ms. Osman: Regional Coordinating Council Meeting April 15, 2014: The Regional Coordinating Council in our area relates to Human Service and universal transportation and is one of many RCC's in the state. Doug led this meeting. Franny Osman and Andrew Scrbner-McLean, Asst. Town Administrator in Maynard, will co-chair our local RCC. CrossTown Connect will be one of the agencies in our local RCC. This is all part of Exec. Order 530 of Governor. Promotes statewide coordination of mobility. ABUW

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event May 1, 2014: Both Janet Adachi and I attended the Acton Boxborough United way event on Diversity. This is the note from ABUW Exec. Director Rachel Sagan about that morning:

Dear Community Leader:

We had a terrific ABUW Community Forum thanks to QJ Shi, Executive Director of English at Large, who conducted an interactive workshop entitled "Looking into a Different Mirror" which addressed the issues of culture, diversity, and inclusion. We had over 40 participants in attendance from the provider community. QJ got us all thinking, listening and sharing our experiences in hopes of helping each other better serve the diverse populations we work with. The ABUW Outreach Committee put a lot of work into this program as well. To continue the conversation, I have attached several resources recommended by QJ. We also recommend a book about the clash of American medical and social service cultures with a Hmong family's efforts to care for their epileptic child: [The Spirit Catches You and You Fall Down](#). Also, consider a book by Peggy McIntosh, [White Privilege: Unpacking the Invisible Knapsack](#).

Please let me know if you have any questions. Rachel (Sagan abuw@abuw.org)

Lowell Regional Transit Authority Board of Directors meeting, May 1, 2014: Mike Gowing and I attended. It was my first LRTA meeting. I found it quite impressively well run, with representatives from all over the LRTA area which runs quite far north of us. The LRTA is very proud of its recent improvements: adding Saturday service and showing increasing fixed route ridership; adding camera and GPS technology to paratransit vans as they did on their fixed route buses; working with businesses that surround the Lowell Gallagher intermodal Transportation hub to find substitute parking so the closure of the station's garage during remodeling does not cause trouble for commuter parkers. The LRTA sees processes such as Acton taking over dispatch of the Road Runner as models which other towns can and are following. **Open Space Committee May 2, 2014:** I attended the Open Space Committee meeting as a citizen involved in the Wright Hill Association CPC land purchase. I have been attending those meetings for about a year now as an observer and as a participant in the Wright Hill Association, which bought Wright Hill land in order to divide it, put part into conservation (thanks to the Town Meeting vote) and to re-sell the house and remaining almost four acres...something the group is doing now. We are working on selling the house now.

As a side note, I have an appointment to talk to the Town Counsel about the fact that before I was a Selectman I was involved in this project and that now that I am a Selectman, going forward I want to recuse myself from any decisions related to Wright Hill and make any behavioral changes necessary for the remainder of the project so that there isn't any question of conflict of interest. The committee asked if I was going to be the liaison from the BOS (as Dave Clough used to be) and I told them we hadn't made the assignments yet but that I would be happy to be in the future (barring any delays due to recusal from Wright Hill business). While I was there at Open Space, I heard discussion of various parcels the committee is looking at, either out of interest or because a landowner or other town has come to the committee to discuss the Town's interest in the land. The particulars are reported in the draft minutes

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to that meeting, which member Jane Ceraso prepared. **CrossTown Connect Meeting April 29, 2014, Acton Town Hall:** Doug Halley led this meeting. There were representatives from Transaction Associates, which runs CrossTown Connect for the entities involved; businesses in Westford such as Red Hat, the 495/Metrowest Business Council, local municipalities such as Boxborough, Maynard and Littleton, and a representative of State Rep. Kate Hogan. We heard about what CrossTown Connect offers to its town and business partners, reviewed the budget and the membership costs to towns and employers, and heard about recent grants. We also discussed Littleton MBTA Station (already overfull), Acton MBTA station, and the Complete Streets Initiative which, if Acton joins, offers grant opportunities. Brings pedestrian and bike needs in to the planning of streets. A second meeting is planned for June 10 at 830 or 9 am at Juniper in Westford, reaching out specifically of the businesses in the region. We hope that schools and medical facilities are represented at that meeting.

RCC going to be planners. CTC is going to be doers. The CTC has different parts: incoming commuters, outgoing commuters, and paratransit. TAC: TAC will be meeting soon to find a new chair, as Franny won't be on the committee now due to being on BOS. TAC will also take up Complete Streets on its next agenda and has been looking for bicyclists for the committee.

Consent Agenda

Mr. Gowing requests consent item 8 is removed from consent and to be placed on the May 19th consent agenda due to incomplete application

Ms. Adachi moved to accept parking clerk appointment; Ms. Green seconded the motion – UNANIMOUS VOTE

Ms. Adachi moved to approve consent items 5-10; Ms. Green seconded the motion – UNANIMOUS VOTE

Ms. Adachi moved to approve the Board of Selectmen minutes from April 7, and executive session April 8, 2014; Ms. Green seconded the motion. 3 Ayes, 1 abstention (Ms. Osman)

Ms. Adachi moved to adjourn, Ms. Green seconded the motion – UNANIMOUS VOTE

Meeting adjourned at 9:32 PM.

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA
May 5, 2014
7:00 P.M.

Francis Faulkner Hearing Room

I. CITIZENS' CONCERNS

II. CHAIRMAN'S UPDATE/OPERATIONAL MINUTE

The Chairman will briefly update the Board. The Town Manager will provide a brief report

III. PUBLIC HEARINGS AND APPOINTMENTS

- 1. 7:25 MAKAHA RESTAURANT, ALLEGED LIQUOR LICENSE VIOLATION**

See enclosed materials

SELECTMEN'S BUSINESS

- 2. UPDATE ON NURSING SERVICES**
- 3. REVIEW SITE PLAN RULES AND REGULATIONS, PLANNING DEPARTMENT**

SELECTMEN'S REPORT

IV. CONSENT AGENDA

- 4. ACCEPT MINUTES, BOARD OF SELECTMEN'S REGULAR MINUTES OF: 4/7/2014, AND EXECUTIVE SESSION MINUTES OF 4/8/2014**
See enclosed materials

5. **ACCEPT GIFT, PLANNING DEPARTMENT, COMMUNITY HOUSING PROGRAM FUND IN LIEU OF THE ROBBINS BROOK HOUSING ELEMENT**
Enclosed is a gift of \$2000.00 for the Community Housing Program Fund in lieu of the Robbins Brook Housing Element construction.
6. **ONE DAY LIQUOR LICENSE, NARA PARK, PELAGIC SAILING CLUB**
See enclosed materials
7. **ONE DAY LIQUOR LICENSE, CONGREGATION BETH ELOHIM**
See enclosed materials
8. **WINE ONLY SPECIAL ALCOHOLIC LICENSE ACTON FARMER'S MARKET – DAVID NEILSON D/B/A COSTAL VINYARDS**
See enclosed materials
9. **DISPOSAL OF OBSOLETE MATERIALS, RECREATION DEPARTMENT**
Request for disposal or donation of three (3) obsolete paddle boats at NARA Park
10. **CYCLE KIDS CHARITY BIKE RIDE , JUNE 8, 2014**
See enclosed materials

ADDITIONAL INFORMATION

See enclosed 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

MAY 19

Acton TV Memorandum of Understanding Extension Request
Site Plan Continuance #10/11/13 - 445
(continued from 3/24/14 and 1/27/14)
Remand TRB/CVS Site Plan 8/1/13 - 444

JUNE 9

Site Plan Special Permit 2/20/2014 - 448
(continued from 4/28/2014)

PENDING MINUTES

March 10 and 24, 2014

PENDING COMMITTEE APPOINTMENTS

Michelle Holmberg – Senior Center Study – sent to VCC 4/28/2014
Sherman Smith – Land Stewardship – sent to VCC 1/22/2014
Amanda Stern – Land Stewardship – sent to VCC 3/19/2014
Connie Ingram – Cemetery Commission – sent to VCC
Torey Rubrecht – Historic District Commission (will get back to us after meeting HDC)

Hongyu Lio – Economic Development – sent to VCC
Warren Richmond – Historic Committee, Historic District Commission,
Recreation, Land Stewardship (will get back after sitting in on
committees)
Vandama Shama – Interested in sustainable housing (will get back
after sitting in on committees)

INTERVIEWED BY VCC

Robert Skilling – Senior Center Study Committee
Chris Hamilton – Senior Center Study Committee
Margaret Flanary – Senior Center Study Committee
Peter Ashton – Senior Center Study Committee
Carol Bull- Senior Center Study Committee
Annanda Stern – Land Stewardship Committee
Jaqueline Freidman – Council of Aging

1. Bonnie Lobel – Council on Aging
Richard Logan – Cable Advisory Committee

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<input type="checkbox"/>		026 (2) Update on Nursing Services	manager	05/04/14	2 MB	
<input type="checkbox"/>		030 (3) Site Plan Rules and Regulation Draft Review, Planning Department	manager	05/02/14	2 MB	
<input type="checkbox"/>		040 (4) Board of Selectmen Meeting Minutes 4-7, 4-8-2014	manager	05/02/14	960 KB	
<input type="checkbox"/>		050 (5) Appointment of Parking Clerk	manager	05/02/14	30 KB	
<input type="checkbox"/>		060 (6) Accept Gift, Planning Department, Community Housing Program Fund - Robbins Brook Housing Element	manager	05/02/14	1 MB	
<input type="checkbox"/>		070 (7) One Day Liquor License Congregation Beth Elohim	manager	05/02/14	536 KB	
<input type="checkbox"/>		080 (8) One Day Liquor License Pelagic Sailing Club	manager	05/02/14	955 KB	
<input type="checkbox"/>		090 (9) Wine Only Special Alcohol License - Acton Farmer's Market	manager	05/02/14	931 KB	
<input type="checkbox"/>		100 (10) Cycle Kids Carity Bike Ride June 8, 2014	manager	05/02/14	130 KB	
<input type="checkbox"/>		110 (11) Disposal of Obsolete Materials, Recreation Department	manager	05/02/14	926 KB	

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