

## BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING

January 22, 2018

Francis Faulkner Room 204

Special Meeting 7:00 PM

To view the full meeting, please [click here](#)

Present: Janet K. Adachi, Katie Green, Joan Gardner, Peter J. Berry, Chingsung Chang, Town Manager Steve Ledoux, Shannon Hurley, Recording Secretary

### Citizen Concerns

Mr. Chang: Won't be running for reelection. Learned a lot from serving as selectmen but does not have enough time to properly devote to do this job to level it deserves. Thanked all and wished whoever takes his place the best.

Mr. Benson, 21 Deacon Drive: Thanked Mr. Chang for serving and announced he would be running for town election.

### Chairman's Update/Operational Update

Ms. Adachi – - Friday-Saturday, 1/19-1/20: Annual conference of MA Municipal Association, Hynes Auditorium. Town Manager, Ms. Gardner, Mr. Berry and Ms. Adachi attended both days, Mr. Chang attended trade show. Very informative seminars, including this year about recreational marijuana in a packed meeting room; remarks by Governor who committed to increased state aid for FY19; speeches by David Breshears, seasoned Everest climber and lecturer at MIT's Sloan school, by Andrea Cabral whose extensive public sector service includes a decade as the first female Suffolk County Sheriff and as Executive Secretary for Public Safety in the Deval Patrick administration, and by E.J. Dionne, journalist, professor and Fall River native and Patriots fan dating back to Boston Patriots days of Gino Cappelletti and games at Fenway Park. Acton Community Housing Corporation – presentation about a possible Piper Lane project postponed until Monday, 2/26. Next Selectmen's meetings on 2/5 re Kelley's Corner infrastructure project; and on 2/26 re Selectmen's proposed sustainability policy. Selectmen's reports: Reminder to Selectmen that Selectmen's reports aren't optional. Ms. Green and Ms. Adachi are the only ones who regularly submit Selectmen's reports. These should be brief summaries of highlights from liaison committee meetings. Selectmen are expected to follow their liaison committees, which often is easiest via attendance at the meetings, assuming they don't conflict with Selectmen or other liaison committee meetings. Providing updates about liaison committees is for the benefit of general public and other Board members, so we all may have a sense of what the many Town committees are doing. Keep in mind that the current practice of submitting written reports with meeting packet is in lieu of previous practice of oral updates during meetings, which consumed a lot of time.

Mr. Ledoux – Spoke about David Breshears who climbed Mount Everest and spoke at MMA - Great insights into leadership. Mentioned he attended a workshop at the MMA over the weekend on the opioid crisis and our own Laura Ducharme chaired as the head of the meeting, particularly how small

towns are providing service. This is Mr. Ledoux last MMA as he will be retiring this year. ALG meeting on 11<sup>th</sup> of January should have been 4<sup>th</sup> but was cancelled because of the weather. February 1st is the next ALG meeting.

### **Public Hearings**

Pole Installation Request, Eversource – Ms. Adachi read the public hearing notice.

Representative from Eversource was absent. Ms. Green moved to defer application to the next meeting. Ms. Green seconded. All ayes.

Terra Friedrichs, West Acton questioned whether this request was for wireless antenna or regular telephone pole? Mr. Ledoux noted that Eversource will explain more next meeting. He believes it is a support for an additional pole.

All Alcoholic Beverage License, Round Table Entertainment, LLC – Ms. Adachi read the public hearing notice.

Tony Mascarin has lived in Acton for 23 years and applying for license to open where Tailgaters used to be and opening a similar establishment. Amy Hurley has been the General Manager for the last 6 years and will continue.

Confusion with the board regarding who the general manager and the license was for. License is issued to the corporation, Round Table Entertainment, not the individual. Previously owned by Great Road Pubs who closed their doors for reasons Mr. Mascarin doesn't know. Currently has existing staff as well as the general manager, Ms. Hurley, returning when open.

Angie So: Is there a limit of the number of liquor licenses in town?

Ms. Adachi and Mr. Ledoux explained that we have a limit and we have about 40 licenses. Explained that they are divided between restaurants, liquor stores and districts.

Ms. Green move to approve All Alcoholic Beverage License, Round Table Entertainment, LLC Ms. Gardner seconded. All Ayes.

Common Victualler License, Round Table Entertainment, LLC – Ms. Adachi read the public hearing notice. Mr. Mascarin included a sample menu similar to Tailgaters.

Ms. Green moved to approve Common Victualler License, Round Table Entertainment, LLC. Ms. Gardner seconded. All Ayes.

Update Rules and Regulations Concerning Construction Within Public Ways –

Paul Campbell, Engineering Department explained the reason for the update is that they have not been updated since 1991 and are changing the permits and fees. Briefly explained two new fees; life cycle maintenance fee and moratorium fee for new roads. Also explained the scoring, 0-100, under the life cycle maintenance fee. Hopeful that the moratorium discourages people to cut into brand new

roadways. There will be more responsibility to keep on contractors to make sure problems (the roads) get fixed. Mr. Campbell made note of here the board could find the fee break down with estimates by how much staff time would be needed.

Ms. Adachi thought it was a great idea to rank roads based on age and account for replacement costs. Ms. Green thanked Mr. Campbell and asked when the estimated time of when the roadway PCI will be complemented. Mr. Campbell just finished the RFP today and wanted to get it out shortly. Doesn't think entire system will be done until next year. Mr. Campbell explained that in the interim all road scoring will be 0 and no one will be issued a fee. Town will still collect moratorium fee. Ms. Green wondered if the department plans on doing outreach to construction vendors so they know what roads are coming up and redoing and get on board with fees. Mr. Campbell explained that 85% permits are National Grid and he did have a meeting with them. Ms. Adachi had a general question regarding how many miles of roadways are in town. M. Campbell explained that there are 110 miles of public, 17 miles of private ways that aren't maintained by town. Fewer than 10 state owned roads. Town tried to pave 1 road every 30 years. Mr. Campbell also explained that he physically goes out and paint dig safe markers, could take an entire week to complete.

Terra Frederichs, West Acton: Does the fee include % in software? Mr. Campbell explained that there is an overhead factor in fee calculation for all permits as well as the Town Hall multiplier. Ms. Frederichs had questions regarding utilities doing their own inspections. Mr. Campbell replied that there is a state law requiring their own inspections but there is a bylaw requiring that we, the town, inspect them as well. Questions came up regarding gas leaks. Ms. Green mentioned that she is in contact with Corey York, DPW Director, and will hear more about that at a meeting on January 26<sup>th</sup>. Ms. Frederichs expressed concern that Acton feels like a constant construction zone. Wondered if that town will do work to end construction. Hopes to make Acton more of a home than construction zone.

Ms. Green motioned to approve Update Rules and Regulations Concerning Construction Within Public Ways communication from the Engineering Department. Ms. Gardner seconded. All Ayes.

### **Selectmen's Business**

Dog Park Committee Update – Mike Perry and Betsy Kristl presented a PowerPoint presentation update. Full PowerPoint update can be found here: [M:\Common\Board of Selectman Meetings\2018\01-22\060 \(5\) Dog Park Committee Update.pdf](M:\Common\Board of Selectman Meetings\2018\01-22\060 (5) Dog Park Committee Update.pdf)

Explained that park could be managed by nonprofit volunteers and there does not have to be a financial burden on town. This will take some time to find a parcel – 3 -5 years to go through process. Updated on slide #10: There are now 580 responses - 64% own at least one dog, 13% expect to own a dog in the future, 78% support creation of a dog park and 200 people requested to be kept informed. Committee is formally asking the BOS to move forward.

Ms. Adachi explained that this project was a result of interest from the public. Glad to see the committee pinning down things they need. Making a larger dog park than Maynard would be advisable.

Ms. Green thanked committee for their work. Wondered if in talking to other communities did the committee see a reduced use of existing off leash places when there is a dog park or do they still take them to those places and well as Dog Park? Committee did not have answer to that question but committee hopes to relieve some pressure in the arboretum and will look into that question.

Ms. Green explained that it makes sense to look for the location and have community input to identifying their input and come back to BOS before raising funds. Next step will be harder and when nailing down location. Wished the committee luck and thought it was great that the committee reached out to other committees Mr. Berry recommends for the committee to follow up on the issue of how the dog park would affect where people walk dogs currently. Mr. Berry questioned maintenance and cost to maintain the park; would the town have to maintain? Would the committee charge any user fees? Ms. Kristl explained that several places charge fees but most approach it as a collaborative for committee to take care of it. Ms. Kristl explained at in Maynard they have a volunteer group called "Maydog" and charge members \$25 per year to differ cost to the town.

Board is supportive for the committee to move forward.

Pam Acton Center: Has been to Maydog to exercise dogs. You can become part of the voluntary association to help with fees and everyone helps as a part of system. If someone does not pick up their dogs poop others will and making sure the park is clean for each person. At Maydog you bring a gallon so it is there for the next person which eliminates water fees. Snow plowing may be one issue – if icy or snowy close the park so it is a nonissue.

Chad, South Acton: Is supportive of the Dog Park. Moved to Acton 12 years ago and started walking dog around and meeting neighbors and friends. According to study in the city, you can become isolated and you wouldn't be in yard as much, dogs change that. Dog Park would be fantastic social network for dog and non-dog owners. I have seen it happen in my own home. Does bring out a lot of different people – can also help people with social anxiety to be around dogs.

Ms. Green moved to approve Dog Park Committee moving forward with next steps. Ms. Gardner seconded. All Ayes.

Recreational Marijuana Discussion – Ms. Adachi explained that the issue before us is whether to authorize a local ballot question and for what purpose. Reminded all that Special Town Meeting approved a moratorium which expires at end of this year. If we would like this ballot on the local election on March 27th the deadline to submit to the Town Clerk is February 22<sup>nd</sup>.

Nina Pickering-Cook wanted to make the board aware of a few additional dates; Starting April 1, 2018 Cannabis Control Commission accept applications in order for a municipality to have ban in effect a bylaw needs to be approved by ballot as well as TM and bylaw approved by attorney general. Some concern if not done by 4/1 opt out or ban wouldn't be in effect .... Draft regulations do state that an application won't be deemed complete unless includes signed and community outreach. Gives more

control to muni of timing of when apps are complete. Also Muni aren't caught short sides or miss a process.

Mr. Berry Do we know if the medical marijuana company from 2 years ago got provisional approval?

Ms. Adachi: they have provisional approval but under draft regulations they are treated them the same.

Conversation ensued regarding whether to have a local ballot and what the subject matter of the ballot should be.

Ms. Green: Draft regulations talked about host agreement in place to be a complete application. No guidance on what conditions that town could not sign host agreement or if AG spot approving past May? Any guidance of under what conditions can deny?

Ms. Pickering-Cook: There has been no guidance in that. There is thought that the CCC put that in draft form give local communities more control. Don't know how court would view those.

Mr. Berry: Zoning bylaw doesn't have to go on the ballot?

Ms. Pickering-Cook: If we are just talking about zoning regulations and coming up with local regulations as opposed to capping or banning there is no need for ballot question at all. If talking about zoning regulations then just looking at Town Meeting approval.

Ms. Adachi: If proposing retail and others for various to previous restrictions have to go through local ballot?

Ms. Pickering-Cook: Outright ban or partial (limiting # other by state law or type) would require ballot question. Any straight zoning can go through Town Meeting.

Ms. Green: In favor moving forward putting something on 11/2018 ballot. We spent a lot of time putting that moratorium in place to consider options and what way to go and place on the ballot. Planning and Board Of Health would be suitable to this and willing to take on this process to put something together a plan and designee from BOS and do outreach and research and come back to us to decide.

Mr. Chang: Closer to November make sense for Board to make call with respect to ballot measure or Town Meeting vote.

Mr. Berry: Agreed to put something on November ballot. Agree work up of range of options zoning and licensing all options before us. Don't agree to have a complete ban but to limit to small number in particular locations. Don't agree with argument people voted for legalization and not commercialization. If you didn't do homework shame on you. Local communities to vote and ban establishments and don't agree we should prohibit from giving people the opportunity. Represent voters and voters should have a say. Agree November is appropriate time to do it; moratorium will limit licenses until the end of the year.

Ms. Gardner: Not in favor of retail. In favor of putting on ballot in November.

Ms. Pickering-Cook wanted to give public important dates: Cannabis Control Commission draft regulations public comment will be allowed through February 15<sup>th</sup> and public hearings will be February 5<sup>th</sup> -15<sup>th</sup> and deadline for final regulations March 15<sup>th</sup> – regulations are going to be finalized and opportunity for public comment. Visit CCC website for more information.

Angie So, Acton Cares Group: 2006 ballot question voted - illegal by law that growing marijuana visible on correction facility no zoning law or anything that regulated in Acton. Draft regulation host community agreement with municipalities proposed location at the time of the application. No zoning right now can be anywhere. Exempt from agriculture. No distance information in draft regulations – manufacture as well as promised in ballot 4. Illegal to operate vehicle under influence of marijuana, no law currently for police to do that. No power of spotting person that is influenced. Ballot #4 selling or giving under 21 years of age – can we say there is no one under 21 that can get access to alcohol now? We will have another problem on top of that. It is legislature’s responsibility for voter’s public health and safety; are there fire hazard or environmental impacts? Urged BOS not to jump into this and honor citizens will and let voters vote.

Dr. John Blute: Wanted to reiterate when issue of legalization of marijuana medical and Mass Medical Associate voted against us. Based on fair amount of science. Dr. Gruber, Harvard psychiatrist studies have shown that children 16 and under and people who are 65 old went to studies and effect of drug with respect to age populations. Striking to me and these are not good and that affect is permanent. Clearly believe research of medical use is appropriate and should be done under use of experienced practitioner. Did vote for moratorium and understood what he was voting for. Urged BOS as a 37 year resident that BOS do whatever is required to defer whatever application entities wishing to apply until further regulations from the CCC and fed government and hopefully this comes to a vote.

William Beebee, 11 Longmeadow Way: Other towns Ayer and Lowell have recreational or will soon be getting then and have less to lose in terms of impact on school system. Their draw isn’t doing much for the schools they have industry and bring tax money into their systems. Acton doesn’t have much to sell besides the schools. If were to get a drug problem in school it would be devastating. Liquor stores don’t hurt school systems but the pot candy and pot food is scary to me in terms of kids. They would be very attractive to kids (i.e gummies) it is different from having whiskey in the cupboard.

James Convoy, 120 Parker Street: Agreed with boards that should be ballot question in November for voters thinking reconsidering endorsement of 2016 recreational marijuana question. No objections but doing that by Town Meeting or election. Advise people to think about prohibiting business coming to town and burden of taxes 87% to our homeowners which is result of not enough business in town. If it’s paying taxes I’d like it to be available in town and not a couple of towns over and people will go buy their stuff and bring it back here.

Citizen: Urged BOS to honor the article 6 and put question on the Ballot to ban on all types of recreational marijuana.

Dave Cardosi, Sarah Jane Ct: “In 2013 concord banned stores from selling plastic water bottles, saying it was bad for the environment. In 2012 NYC banned the sale of large sodas, saying it was bad for your health. In 1920 the US banned the sale of alcohol, saying it was bad for society. And today, Acton is considering banning the sale of legal marijuana. What do all these things have in common? Freedom.

All of these came about because a group of people decided that your freedom was subject to their will. They voted to take away your freedom. No group of people, no matter how small or large, not even a majority should ever be allowed to vote on your freedom. Vote on who you can associate with. Vote on what you can buy or sell. Vote on what you can eat or drink. These freedoms are not up for a vote. This is not about the children, or health, or crime. Those are all a smokescreen. This is about control, control of your life, and those who want to control your freedom. Do not give them this opportunity. A ban on items, whether it be a book, plastic bottles, alcohol, or marijuana is never the right solution. Individuals must be allowed to decide for themselves what is right for them. A proposal for the zoning of marijuana sales establishments is a reasonable compromise to handle citizens' concerns about where and how these establishments operate, and I believe the BOS was leaning in that direction. A vote on a total ban is not right in a free society, and I hope the BOS would agree and not allow this as a ballot question."

Ali Fang, Acorn Park: Thanked BOS. Urged BOS for a complete ban. Her biggest concern is the safety for children in the schools and people driving under the influence. Spoke about a mother, son and father killed by drivers high on marijuana within one month. No one will die without recreational marijuana but people have already died in states because of commercialization. People's lives are on the line.

Mike Kane, Acton Cares: Reiterated to the board regarding statistics on who voted for and against recreational marijuana in November. Concerned with sales to kids because of sales in Colorado (i.e. edibles, Reese peanut butter cups and almond joys). Seeing more pot shops in Colorado than Starbucks and McDonalds. Saw in Milford that the town clearly owns medical marijuana facilities and made deal with Milford Cares - instead of full ban of medical facility, legal right to grow and sell to other towns recreationally.

Anping Liu, 8 Monument Place: Had a coworker, who began to smoke marijuana, since he started he is coming in later, face pale. Pointed out that there can be permanent damage for the kids. Urged BOS for our kids' sake vote yes to put on ballot to ban recreational marijuana.

Ms. Adachi reiterated the impact on kids and this regulation is to not have kids using marijuana. These legalizing and regulated shops would be for adults only and would have quality control.

Citizen: Urged Board to ban recreational marijuana establishments ASAP before anyone else can apply and slip in.

Dianna Lyn, West Acton: As a town and residents do we want type of business to come to Acton? We can bring Acton a Home Depot, why do we choose not to? What kind of culture? Might have unexpected traffic or behavior. This would not be revoking anything or changing the law. At municipal level can decide how we want to take this in and grateful for the opportunity. Agreed with Ms. Green. When something related to this it gets people interest. Urge BOS hear our voice.

Ms. Adachi will be in contact with the Planning Board and Board of Health to get involved. Also instructed board to touch base with Mr. Ledoux and Town Counsel to figure out a plan and move forward.

Ms. Pickering-Cook reminded the public if you have comments or concerns those should be sent sooner rather than later to CCC, as opposed to BOS, since the CCC is drafting and reviewing at state level.

Update on Acton Leadership Group – Mr. Ledoux explained that ALG met on the 11<sup>th</sup> of January. Since ALG meeting the HIT has voted rates for 2019 5% reduction in active plans. Part of discussion at ALG meeting was to not tax to the max. Board agreed with not using the tax levey all at once. FinCom’s recommendation of 1/3 made sense to Ms. Green but she is willing to go up to maybe 1/2. Mr. Berry stated that without being involved in discussions regarding the unused tax levey, if we used it all up, would increase tax rates- recommended that it be threaded out though a number of years. Ms. Adachi and Mr. Chang agreed.

FY 19 Municipal Budget Vote - Mr. Ledoux presented the FY19 Municipal Budget PowerPoint to point out one change in the budget and to refresh the boards regarding previous presentations. Health Insurance Trust voted on the new Health Insurance rates for FY19 voting in a decrease of 5% which gives a 2.07% budget for FY19.

Mr. Chang moved to approve budget as stated at \$34,565,022. Ms. Gardner seconded. All Ayes.

Prioritize CPA Project Applications –

Mr. Berry gave brief description of each project to refresh the memories of the board. The prioritized CPA project list is below:

1. Open Space Set Aside and OS Acquisitions
2. RHSO
3. Kennedy Building Rehab
4. Tie: Woodlawn Gates; Camp Acton Accessibility; 5% Admin Support
5. Arthur Davis Etching Restoration AML
6. Skate Park Expansion, Phase 2
7. Tie: Old North Acton School; NARA Performance Improvements

**Consent Agenda**

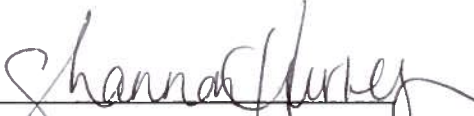
Ms. Green moved to approve consent agenda items 10-19. Ms. Gardner seconded. All Ayes.

Mr. Chang moved to adjourn. Ms. Green seconded. All Ayes.

Meeting adjourned at 10:16 PM

Respectfully submitted,



  
Shannon Hurley, Recording Secretary

  
Joan Gardner, Clerk