



## BOARD OF SELECTMEN

### Meeting Minutes

Monday, January 27, 2020

6:15 PM

ROOM 204, ACTON TOWN HALL, 472 MAIN STREET

**Present:** Joan Gardner, Jon Benson, Dean Charter, Peter J. Berry, David Martin, Town Manager John S. Mangiaratti, Assistant Town Manager Mark Hald, Recording Secretary Lisa Tomyl

**Absent:** None

Chair Gardner opened the meeting at 6:15 PM with a motion to enter into executive session to discuss strategy with respect to litigation (purpose 3), namely *Town of Concord v. Littleton Water Department*, Land Court Case No. 18-MISC-00596 [JSDR]

Mr. Charter called roll:

Mr. Martin – aye

Mr. Berry – aye

Ms. Gardner – aye

Mr. Benson – aye

Mr. Charter - aye

### I. Regular Business

#### 1. Citizen Concerns

Christopher Hardy (unknown address) requested an update on the Stop and Shop (Kmart) parcel. Requested to present a new citizen petition regarding the parcel at Annual Town Meeting. Mr. Benson agreed to meet outside of a Selectmen meeting to update Mr. Hardy. Mr. Mangiaratti mentioned meeting to discuss the citizen petition, and commented that the Board of Selectmen at their last meeting voted to close the warrant on January 27, 2020 at 5:00 PM.

Jim Snyder-Grant, Half Moon Hill – request to be able to comment about consent item 28.

Terra Friedrichs, West Acton – questioned about speaking on the Whistle Ban, Powder Mill Place Agreement, and Citizen Petition Process and commented on Planning, Housing Production Plan hope distinguish subsidizing on water, development, etc.

#### 2. Chair Update/Town Manager Update

Mr. Mangiaratti – 1/30 Housing Public Forum at 7 PM in room 204; Published a survey asking what people love about Acton – part of a project the Town is working on and would love to hear input; public hearing scheduled for tonight that has been continued to February 24<sup>th</sup>, request from ABFM to take it up approving the 2020 season location earlier than listed on the agenda.

### II. New/Special Business

#### 3. Presentation of Report Regarding Train Whistle Ban and Quiet Zone in West Acton

Corey York, DPW Director updated the Board on the history of the Whistle Ban and the steps required to maintain the West Acton train whistle ban. Adam Zysk from Dewberry



gave a power point presentation regarding the railroad quiet zones and its history. Several suggestions were made by Mr. Zysk in areas of Arlington Street and Massachusetts Ave such as one way for Arlington Street, and changes to the median for Massachusetts Ave that would help continue the whistle ban zone. The suggested changes would help keep the ban in place for an additional 3 years. Also suggested driveway changes for Parker Street. Ms. Gardner will take up the information and to schedule a future public meeting for implementing possible changes to keep the ban for an additional 3 years.

4. Approve the Cable Advisory Committee's Response on the Town's Cable Licensing Ascertainment with Comcast

Mr. Benson mentioned a memo sent to the Board explaining the process ahead of renewing the license with Comcast. Mr. Benson motions the Board of Selectmen as the cable television licensing issuing authority vote to request and authorize the chair of the cable advisory committee and the Town Manager to forward the Town of Acton request for response to ascertainment and accompanying ascertainment record to Comcast Inc, Mr. Charter seconds. The Board voted 5-0. The motion carries.

5. Recommend FY2021 Proposed Budget

Mr. Mangiaratti gave the Board an overview of the proposed Town Manager budget with a proposed overall increase of 3% from last year. Some changes have occurred since the presentation to the Board on December 2, 2019. Town received a 150K grant to update through the Community Compact Grant to upgrade the software and equipment at the public safety dispatch center. Amount requested for this is now down to 40K. The 53 River Street property had allocated 130K in free cash vs. the CPC request. CPC will be providing funds for 53 River Street (120K), so will not need to fund from the budget. Add 2 projects to capital plan and decrease the amount of spending to 2.94% from last year. Would like to add 2 hybrid police cruisers, increase charging stations and just received a grant for an additional charging station behind town hall, with plans to increase the number of charging stations in and around town. Planning tree re-planting proposed for historic districts, all covered under 200K.

Second item is planning a facility capital plan study and plan a 15-20 year study to anticipate future maintenance needs, and to future moving away from fossil fuel needs, and potential for solar installations. Total needs for net capital difference from 913 to 890K. 23K not requested. Mr. Charter questioned about hiring a consultant for the Green Advisory Board – it would be a contractor that works with town staff regarding the support and implementing the carbon neutrality study discussed from last year. Cost is 40-50K and looking at MAPC for technical assistant to offset the cost and looking for collaborations with other communities looking to do the same.

Mr. Benson moves to support the town budget as amended by the Town Manager, Mr. Charter seconds. The Board voted 5-0. The motion carries.

6. Review and Consider Approval of the Memorandum of Agreement with Powdermill, LLC regarding Powder Mill Place Affordable Housing Development



Mr. Mangiaratti updated the regarding earlier in 2019 the Board supported the initial LIP, identified a few concerns to address before the application went to the Board of Appeals. Terra Friedrichs – concerned that the document has not been available publicly and would appreciate a delay in approving the MOA, and concerned that there is not public discussion and viewing prior to the Board approving. Mr. Mangiaratti explained that the document was only just available prior to the meeting, but sees no issue waiting a week.

Mr. Charter moves to approve the Memorandum of Agreement, Mr. Martin seconds. The Board voted 4-0-1 (Benson). The motion carries.

7. Discuss Sewer Regulations and Bylaws and Updates to Privilege Fees

Mr. Martin proposes to put the item of privilege fees on next agenda to update the sewer privilege fee. Original betterment amount is \$36,500. Suggests the privilege fee increase to \$30,000 from current rate of \$12,300.

Mr. Martin suggests to adjust to the bylaw – future sewer project funded from just purely betterments, second is to have a force main, third to study to have a different form of paying betterments to require after hook-up to sewer. Would look into other towns to see how they work it into existing state law. Mr. Charter suggests have WASAAC do the research with other towns and report back their findings to the Board.

Michael Gueiss – Tuttle Road – concerned about how the WASAAC gathered their information regarding sewerering in West Acton and feels that the committee is structurally flawed and that there should be other considerations for future research.

Nancy Waters – 662 Mass Ave – mentioned the CWMRP and wastewater management and encourages to look into the changing technologies in regards to sewer management.

8. Approve Acton Boxborough Farmers Market 2020 Season Location, Pearl Street

No concerns with continuing the practice of locating the market on portions of Pearl Street and Windsor Ave. Mr. Berry moves to approve the Acton Boxborough Farmers Market 2020 season location on Pearl Street and Windsor Ave, Mr. Martin seconds. Board voted 5-0. The motion carries.

9. Update on Request for Proposals for Disposition of 3 School Street

Mr. Mangiaratti briefed the Board of the history of the property. Town issued an RFI and asked people what they wanted to do with the property, and now moving forward for a request for proposals for the disposition of the property. Have received about a dozen requests and will be reviewing the proposals and have a placeholder on the Annual Town Meeting warrant.

10. Announcement of Community Survey Related to Project with CGI Communications, Inc. to Create Videos to Highlight Acton

Mr. Mangiaratti updated the Board about partnering with a group to as an opportunity to produce about highlighting the Town of Acton videos. There will be 4 videos produced and will solicit advertisements so there is no cost to the Town. A brief survey went out a



while back asking what people loved most about the town. A small focus group is working on the project.

**11. Discuss Creation of Agricultural Commission and Review Draft Charge**

Approved at last Annual Town Meeting. Mr. Mangiaratti asked the Board if they would like any changes or move forward as it is written. Mr. Berry requested to add language describing the member requirements to include people with knowledge of agricultural experience or employment. Mr. Martin suggested adding 1-2 associates so that an associate could stand in as a voting member if need be to have a quorum. Mr. Charter moved to adopt the Agricultural Commission as amended with the language added from Mr. Berry's suggestion, Mr. Berry seconds. The Board voted 5-0. The motion carries.

**12. Discussion Regarding Memorial to Carol Spinney**

Mr. Charter there is an ad-hoc grass root for a memorial to Caroll Spinney. The committee had a kick-off meeting last week. A documentary called "I am Big Bird" will be screened in March at the Memorial Library. Mr. Berry suggests holding a public forum in the future. The West Acton Library is collecting items and memorabilia

**13. Discussion of Citizen Petition Process**

Mr. Mangiaratti working on a process for citizen petition to provide some general information what an article should contain, legitimate article matters, non-binding articles, what a motion is, process for drafting, etc. Mr. Mangiaratti presented a document explaining the process to the Board.

**III. Consent Items**

Items 15 held by Mr. Berry, item 28 held by Jim Snyder-Grant held item 28. Mr. Benson moves to approve items 14, items 16-27, and item 29, Mr. Martin seconds. Board voted 5-0, the motion carries. Mr. Berry did not review the minutes. The minutes will be placed in the next Board meeting. Mr. Snyder-Grant recommends they don't use pesticides or herbicides during their control spraying. Mr. Charter would like the land to be checked to see if it is within the ownership of the Regional School District. Mr. Martin moves to approve with the condition that no herbicides or pesticides be used for the control and the Town Manager find that the Town owns the land, Mr. Charter seconds and that the Town Manager or School Superintendent sign the document. The Board voted 5-0, the motion carries.

Board mentioned to authorize the Chair to sign a letter to the Town of Sudbury Board of Selectmen at her discretion.

Mr. Benson moves to adjourn, Mr. Berry seconds. The Board voted 5-0, the motion carries. Meeting adjourned at 9:26 PM.

**Documents and Exhibits Used During this Meeting**

- Power Point Presentation from Dewberry Regarding West Acton Train Whistle Ban
- Memo from William H. Solomon Regarding Cable Licensing
- Email and Memo from John S. Mangiaratti Regarding Town Survey



- Agricultural Commission Memo from Matthew "Selby" and Draft Commission Charge
- Town Manager Budget Revision
- Memorandum of Agreement, Apartments at Powder Mill, LLC
- Acton's Guide to Citizens' Petitions for Town Meeting
- Meeting Minutes, January 6 and 16, 2020
- Executive Session Minutes, January 6, 2020
- One Day Alcoholic Beverage License Application, Nashoba Valley Neighbors Club
- One Day Alcoholic Beverage License Application, True West Brewery Company
- One Day Alcoholic Beverage License application, Acton Community Theater
- Accept Gift Memo, Council on Aging – John and Ruth Richards
- Accept Gift Memo, Council on Aging – Anne Anderson
- Accept Gift Memo, Council on Aging – Ken Klein
- Accept Gift Memo, Recreation Department - ABCC
- Accept Gift Memo, Recreation Department – Loyal Companions
- Accept Gift Memo, Recreation Department – Prestigious Tree and Landscaping
- Accept Gift Memo, Recreation Department – Sechrest & Bloom, LLC
- Accept Gift Memo, Planning Division – Luster-Charing Cross RT
- Request to Enter Upon Private Property, Central Massachusetts Mosquito Control Project
- Request to Dispose of Obsolete Items Memo, Acton Memorial Library