



BOARD OF SELECTMEN

Meeting Minutes

Tuesday, March 24, 2020

7:00 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

Absent: None

Ms. Gardner called the meeting to order at 7:00 pm via a virtual meeting with Board members in physical attendance and broadcasted via Zoom.us virtual meeting platform. All votes made by the Board were completed by utilizing this platform, including teleconferencing comments from attending citizens of Acton and elsewhere regarding content that may be considered by the Board for official votes in the subject matter.

I. Regular Business

1. Citizen Concerns- Terra Friedrichs, West Acton is concerned about residents that don't have access to a computer and suggested the town mail out information to residents/household. She also feels that there should be the opportunity for the public to participate when the Board is making a vote during a virtual meeting.
2. Chair Update/Town Manager Update
Mr. Mangiaratti indicated that after the BOS and BOH declared a local emergency the town has implemented several measures to educate and inform the public. IT staff has been very helpful, and has successfully hosted four virtual meetings during the evenings in the last week while also setting up dozens of employees to work remotely. Now that IT has established the process for hosting virtual and remote meetings, the next challenge is to scale the necessary resources to allow other boards and committees to meet virtually. He reported that we have been coordinating with our local, state, and federal partners. Also using zoom technology we held our first "all staff" meeting with 122 participants. We have also implemented a telecommuting program, a temporary hiring freeze, a temporary spending freeze on all items not related to COVID-19 response. We have also temporarily put certain capital projects on hold that are not an emergency through April 6th. Working at the state level in regards to new legislation pending. This week we started utilizing the town's FM radio station 94.9 WAEM to broadcast updates also to broadcasting live public meetings.

II. New/Special Business

3. Continue Discussion on COVI-19 and Updates

Ms. Pickering Cook gave an overview of a draft Board of Selectmen Policy regarding town operations under COVID-19 outbreak. Ms. Pickering Cook highlighted which



employees are considered essential employees are under the Governor's executive order. The Town Manager and Director of Human Resources recommend adding "all department heads and division heads, to the exhibit describing other critical government employees. Mr. Berry moves that the Board of Selectmen of the Town of Acton, acting pursuant to Governor Baker's Executive Order of March 23, 2020, entitled "Order Assuring Continued Operations of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gatherings of More than Ten People," (the "March 23 Order"), Exhibit A to the March 23 Order, Section 4-1(b) of the Acton Town Charter, and the recent public health emergency declarations by the Board of Selectmen and the Board of Health, and consistent with sound continuity of operation plans, moves (a) to designate as critical government workers of the Town of Acton the public employees and personnel listed in Exhibit 1 to this motion, and (b) to authorize and direct the Town Manager to take all actions necessary and proper to implement the vote on this motion. Mr. Martin seconds. The Board voted 5-0. The motion carries.

Mr. Berry questioned about public safety personnel. Mr. Mangiaratti is in communication with both Chiefs and making sure there is enough personal protective equipment and the Fire Department has put new procedures for going on calls to keep patient contact at a minimum, as well as new protocols with the Police Department.. Mr. Martin questioned about whether DPW staff are able to work safely. Mr. Mangiaratti explained that protocols have been put in place and are operating differently to maintain social distancing including separating employees and not sharing vehicles.

Mr. Charter mentioned about the possibility of bringing back to a future Town meeting the issue of allowing drive-through pharmacies, and possible food establishments. He also suggested it was necessary to improve audio during the cable broadcasting of public meetings.

Mr. Martin suggested that all Boards and Committees should be able to conduct meetings virtually either with staff support for webinar meetings, but advisory meetings could be remote. Mr. Berry mentioned the only ongoing public hearing is the Piper Lane project and the next planned public hearing is in May. Cable Advisory Committee has a meeting this Thursday regarding licensing renewals. Mr. Mangiaratti commented that he plans to send out information regarding future meetings for Boards and Committees by the end of the week (regarding virtual and webinar type meetings). CAC and Finance Committee should be able to be set up for virtual meetings if the Board approves the meetings being held.

Mr. Benson moves pursuant to number 2, general guidelines for public meetings, paragraph 5, of the temporary emergency policy directive and guidelines that we authorize the Cable Advisory Committee and the Finance Committee to meet remotely and virtually. Mr. Berry seconds. The Board voted 5-0. The motion carries.



Terra Friedrichs, West Acton – supports CAC meeting remotely, concerned about having a hearing virtually and people that have to give out their data to a company, and hoping that virtual public hearings would allow pictures or presentations to be displayed on the screen, and if slides are used to be available ahead of time for people to view prior to the hearing.

Mr. Berry brought up the question regarding the plastic bag ban. Several merchants are concerned about their employees and some have signs regarding not allowing personal bags. Mr. Martin suggests suspending the plastic bag ban. Mr. Martin moves to suspend the plastic bag bylaw for the duration of the emergency. Mr. Charter suggests putting a time certain on the duration. Mr. Berry suggests to the extent possible merchants take appropriate measures to use paper bags vs. plastic bags.

Mr. Martin moves under the authority of the Board of Selectmen and the Board of Health under the emergency declaration to suspend the plastic bag bylaw until July 1, 2020 while encouraging merchants to continue using paper bags when possible. Mr. Berry seconds. The Board voted 5-0. The motion carries.

4. Discuss Update on Town Meeting and Town/State Elections

Through an of the legislature, the state officially postponed the state election for the 37th Middlesex District to June 2, 2020, and enabled the town to make the decision to postpone its local election to a date to be determined before June 30, 2020. Mr. Benson moves that Board of Selectmen of the Town of Acton, acting pursuant to the “Act ranting Authority to Postpone 2020 Municipal Elections in the Commonwealth and Increase Voting options in Response to the Declaration of Emergency to Respond to COVID-19” enacted on March 23, 2020, and following consultation with the local election official and the Town Manager as to logistics and feasibility, moves (1) to postpone the annual municipal election from March 31, 2020, to June 2, 2020, and (2) to authorize and direct the Town Manager to take all actions required by the Act to implement the vote on this motion. Mr. Martin seconds. The Board voted 5-0. The motion carries.

Board will hold on scheduling the new Town Meeting date.

5. Update on Kmart Parcel

Mr. Benson updated the Board in regards to the parcel, and read from a prepared statement in regards to the history of the parcel, with a citizen petition at 2019 Annual Town Meeting to purchase the property, which did not pass, and did not have the recommendation of the Board. Mr. Mangiaratti and Mr. Benson approached Stop & Shop on how the town might work together on the redevelopment. Several developers have contacted the Land Use Department, including a local business owner that reportedly had the parcel under agreement.. Mr. Benson urges the Board to work closely with the developer including having a public forum to allow for public comments and suggestions.



Barry Rosen raised concerns about water needs if the developer was looking to put in only food establishments and requested that the Water Commissioners be involved in the discussion of development.

6. Consider Request from SANA to Engage an Expert on the Environmental Issues Raised related to proposed Piper Lane Project

Mr. Benson updated the Board regarding the Piper Lane Project. There is a request from SANA to retain a license site professional to review and offer an opinion to the ZBA, regarding the developers consultant on the findings of toxic chemicals on the site. Dan Hill, attorney for SANA briefed the Board on the history of the property via teleconference, and briefed the Board on their findings. Recommends BOS retain LSP and provide advice to BOS on their finding and what the options are under state law, and local bylaw. Ms. Pickering Cook advised the Board that the statutory body for the permit is the ZBA.

Terra Friedrichs, West Acton said she was disappointed that the Board may not hire a consultant. By hiring the Board would be in control of the report outcome in case it goes to court. She suggests hiring a special counsel.

Eugene Berenson, School Street read from statements via teleconference call regarding the dangers of lead and arsenic that would be released if soil is dug up and the lasting health issues to residents of all ages. He urged the Board to hire an independent consultant.

Alyssa Nichol, 76 School Street said that she wants to emphasize Ms. Friedrichs comments, concerned about comment from Town counsel about hiring an arborist to evaluate the trees and not appropriate because they are on town property. Feels it is appropriate for the town to take action regarding the trees on the adjacent property.

Jeff Gorman, 13 Piper Road wrote letters to ZBA and BOH regarding concerns about the health impacts of the site. He commented on the soil being contaminated and concern for the health of neighbors and abutters. He recommends hiring a LSP and to be independent. Suggests giving a list of independent LSP to offer to the developer and allow them to choose one. Strongly recommends supporting the ZBA hiring one.

Mr. Berry suggests send a carefully worded letter to the ZBA about concerns related to hiring an independent licensed LSP. Mr. Martin suggests that if the ZBA needs anything from the BOS to make sure to reach out for support. Mr. Berry will draft a letter the ZBA.

Mr. Martin questioned the Board if the Board should start to meet virtually. The BOH meets virtually, and he suggested that it would show the residents that the Board is setting an example by meeting virtually. Mr. Benson, Ms. Gardner, and Mr. Charter indicated that they preferred to meet in person.

Mr. Martin proposed to meet in-person on Tuesday, March 31, 2020. Mr. Benson seconded. The Board voted 5-0. Motion carries.



Mr. Martin moves to adjourn. Mr. Berry seconded. Motion approved unanimously. Meeting adjourned at 9:38 PM.

Documents and Exhibits Used During this Meeting

- Memo to BOS regarding Election Act Summary
- Board of Health Memo
- Town Manager COVID-19 operations Update Memo
- Draft BOS Policy Regarding Town operations Under COVI-19 Outbreak
- Kmart Parcel Written Statement