



BOARD OF SELECTMEN

Meeting Minutes

Tuesday, May 19, 2020

7:00 PM

Virtual Meeting

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 no Board members in physical attendance and broadcasted via Zoom.us virtual meeting platform.

I. Regular Business

1. Citizen Concerns

Resident Bob Van Meter requested that the Town make an emergency assistance program for rental assistance.

2. Chair Update/Town Manager Update

Baker/Polito administration announced the Commonwealth phased reopening plan. Stay at Home changed to Safer at Home order. Face covering order and gatherings of less than 10 people remain in effect. CARES Act funding for Acton is just over 2 million dollars in aid in FY 20 and 21. Town services hotline is receiving calls regarding facilities that are open or opening – staffed with employees trained to answer all frequently asked questions. JAVA with John program on Friday via You Tube. Board members gave congratulatory remarks to the ABRHS Class of 2020.

II. New/Special Business

3. Town of Acton Note Sale: Approve Sale and Issuance of #13,627,378 Bond Anticipation Note and Related Items

Steve Barrett introduced the Finance team and updated the Board. The Town's sale of \$13,627,378 in General Obligation Bond Anticipation Notes payable on March 16, 2021 at an effective interest rate of 0.75%. The borrowing includes \$9,200,000 for the construction of the North Acton Fire Station. When the Town took the Fire Station bond offering to market the third week in March there was no investor appetite for 30 year bonds, necessitating the short term borrowing. The anticipation is circumstances will change by next March, and, if not, another round of short term financing be utilized. **Mr. Martin moves to approve the sale of \$13,627,378 General Obligation Bond Anticipation Notes of the Town dated May 26, 2020, and payable March 16, 2021, at an interest rate of 1.25%, to TD Securities LLC at par and accrued interest, if any, plus a premium of \$54,918.34 and further move the additional items as follows**



Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated May 4, 2020, and a final Official Statement dated May 11, 2020, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Notes and to comply with relevant securities laws.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public; that no vote was taken by secret ballot; that a notice stating the place (or method of accessing), date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building at which the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting; and that no deliberations or decision in connection with the sale of the Notes were taken in executive session, all in accordance with G.L. c. 30A, §§18-25 as amended and in accordance with the Governor's emergency order dated March 12, 2020 authorizing remote meetings during the Covid-19 related state of emergency, if applicable.

Mr. Berry seconds. Mr. Charter called roll:

MR. Martin – aye

Mr. Benson- aye

Mr. Berry- aye

Ms. Gardner – aye

Mr. Charter – aye



The Board voted 5-0, the motion carries.

4. Board to Vote on SPSP Decision 03/05/2020-478, 66 Harris Street, North Acton Fire Station

Mr. Berry commented about concerns regarding the Zoning Bylaw and some of the conditions of the decision. Questioned why the town is doing this under 40-A if it is not required. Mr. Mangiaratti requested to have the public hearing to allow for public comment and discussions. Mr. Berry made several requests regarding the draft decision and requests Planning Division update the draft decision to remove the language of 40-A, and the use of it as a site plan special permit. The Board will revisit the decision at the next meeting as an approval of public review.

5. Discussion of Proposed Communication Plan Request for Extension of Site Plan Special Permit/Use Special Permit #11/20/15-459

Jeff Roelofs, Special Town Counsel briefed the Board regarding Concord's request for extension. The extension is subject to three conditions. One, the extension of the special permits shall expire on the earlier of the Conservation Commission's Order of Conditions (January 6, 2022, but currently tolled during the State of Emergency) or April 30, 2022. Two, the finalization by the Town Managers of Acton and Concord of a communication plan between Concord and the residents of the Quail Ridge, Breezy Point and Acorn Park neighborhoods during construction of the treatment plant. Three, Concord's delivery to the Town of Acton of a full set of the revised engineering plans for the water treatment plant. In addition, Concord and the Friends of Pine Hawk shall meet with Acton's Land Use Department to determine whether there has been compliance with the provisions of section 3.3.4 (Archaeological and Cultural Resources) of the SPUSP. Kim Kastens, Pope Road – concerned about the change in design and plans and discussed a letter submitted to the Board that is in the meeting DocuShare file.

Bob Sekuler, Parkland Way – neighborhood abutters met with Concord Town Manager for a first introduction regarding the communications plan. Complimented the letter regarding the communication plan from the Concord Town Manager. Concerned about the communication plans not going into effect prior to any land disturbance, and that there should be communication with the neighbors (Acorn Park and Breezy Point) of the property weekly between the Town and Concord.

Carolyn Kiely, Parkland Lane – expressed the critical end dates coincide with the Conservation Commission order of conditions recommendation, requests that Concord submit a new set of plans.

Richard Kelleher, Brewster Lane – supports suggestions from previous commenters Mr. Mangiaratti commented to the Board that "Selby" Land Use Economic Development Director has been designated as the liaison with the neighbors to be the point town communication person. Additional information regarding the project will be posted on the Town website.

Mr. Charter moves to approving the extension with the following conditions

- The permit extension would run as far as the Conservation Commission permit runs



- **Communication plan be implemented**
- **A full set of revised plans should be submitted**

Mr. Martin seconds, Mr. Charter called roll:

Mr. Benson – aye

Mr. Martin – aye

Mr. Berry- aye

Ms. Gardner – aye

Mr. Charter – aye

That Board voted 5-0, the motion carries

6. Consider Request for Letter of Support for the Article 97 Bill for Acton Water District's Lawsbrook and Knox Solar and Energy Storage (proposed Bill H4683)

Peter Bay, Project Manager, briefed the Board on the project. Proposing to pay the town under 2 pilot agreements approx. \$50,000 each for both sites in lieu of taxes. Will be approaching the town for various permits.

Mr. Charter moves to support Article 97 Bill request and authorize the Chair to sign the letter when developed. Mr. Benson seconds. Mr. Charter called the roll:

Mr. Benson - aye

Mr. Martin - aye

Mr. Berry - aye

Mr. Gardner - aye

Mr. Charter – aye

The Board voted 5-0, the motion carries.

7. Presentation of Recommendation for Annual Town Meeting Date, Location, and Warrant Revisions

Mr. Mangiaratti updated the Board for the proposed plan for Town Meeting on June 29, 2020. Proposed to hold in the ABRHS gymnasium with the auditorium for overflow, follow safety guidelines, limit warrant articles to 32 with 22 on consent, limited presentations, no tabling, no clickers, provide hand sanitizer, face coverings, distance microphones, revised stage set-up, provide pre-post cleaning, limit staff and non-voting attendees. Mr. Benson suggested to begin earlier than 7pm.

Mr. Benson moves to schedule Annual Town Meeting Monday, June 29th at the ABRHF, Mr. Martin seconds. Mr. Charter called roll:

Mr. Benson - aye

Mr. Martin - aye

MR. Berry - aye

Ms. Gardner - aye

Mr. Charter – aye

The Board voted 5-0, the motion carries.

8. Discussion of FY21 Budget and Acton Leadership Group Meeting Scheduled for May 20th



Mr. Mangiaratti presented to the Board the proposed updated FY21 Budget presented to the Finance Committee, and how COVID-19 has affected the budget. Recommendation for a revised FY 2021 capital plan in the amount of \$675,000 along with a \$35,615,202 in the operating budget, \$410,000 in subsidies.. The total request, when factoring recommended capital and subsidies to enterprise funds, is \$36,700,202 a 2.34% increase over the total Town budget appropriation for FY 2020

9. Discussion of Preliminary Phased Reopening Plan for Town Operations

Using the Governor's 4 phase plan, the town will follow a 4 phase plan for re-opening. Currently no public in building or public in-person meeting, use of online transaction, push town services hotline, change in office hours for to allow Zoom interactions with staff, allow outdoor transactions, and restart construction projects. Phase 2 would change the occupancy level in meeting areas and limit in-person customer service. Phase 3 and 4 will be watched when able to start to move into. Senior Center may not be able to re-open anytime soon until safe to do so.

III. Consent Items

Mr. Martin moves to accept consent item 10, Mr. Berry seconds. Mr. Charter called roll:

Mr. Berry – aye

Mr. Benson – aye

Mr. Martin – aye

Ms. Gardner – aye

Mr. Charter – aye

The Board voted 5-0, the motion carries.

Mr. Benson moves to adjourn, Mr. Martin seconds. Mr. Charter called roll:

Mr. Martin – aye

Mr. Berry – aye

Mr. Benson – aye

Mr. Gardner – aye

Mr. Charter – aye

The Board voted 5-0, the motion carries. Meeting adjourned at 9:53 PM.

Documents and Exhibits Used During this Meeting

- Agenda, May 19, 2020
- Draft Decision SPSP/USP #3-5-20 – 478, May 19, 2020
- Nagog Pond Water Treatment Plant Request for Extension Letter, May 11, 2020
- Email from Robert Sekuler, May 17, 2020
- Friends of Pine Hawk Letter, May 18, 2020
- Email from Kim Kastens, May 19, 2020



- Letter of Support for Acton Water District Solar and Energy Storage Projects, May 20, 2020
- FY21 Recommended Revised Budget, May 19, 2020
- Final ALG Plan, March 10, 2020
- Accept Gift, Recreation Department Memo, May 11, 2020