



SELECT BOARD AND SEWER COMMISSIONERS
MEETING MINUTES
NOVEMBER 21, 2022
7:00 PM
ACTON TOWN HALL, ROOM 204
472 MAIN STREET

I. Regular Business

1. Resident Concerns

Terra, Mass Ave – found online the sewer rehab project being conducted with the Mass Works grant to enable expansion, and hopes it will exclude all expansion as described in a Town Meeting vote. Concerned the Board discussed sewer expansion in an Executive Session regarding 68 Parker Street, and was under the impression the Board was discussing the purchaser of the property, concerned the property at the WR Grace site for possible 40B development, and suggested the property should be purchased for conservation purposes.

Michael Schulze, 24 Brucewood Road – commented on the two large ESS boxes it plans to install abutting the Gastroenterology office on Discovery Way.

Concerned about the safety of ESS boxes. Request to amend zoning bylaw for ESS boxes, amend the master plan, and dismantle the current ESS box located on the high school campus.

2. Chair Update/Town Manager Update/Members Minutes

Mr. Mangiaratti reported that Governor Baker recently signed the Economic Development Bill of which \$200,000 will be awarded to the Boston Gleaners located on Martin St for capital work, NARA Park received \$200,000 and will be getting the footbridge replaced with that funding. Julie Pierce, the Economic Development Director coordinated an effort to encourage Acton to participate in supporting Small Business Saturday, which is part of a national campaign, and 70 businesses have already signed up to participate on November 26th. Mr. Mangiaratti will be presenting an updated Capital Improvement Plan presentation for both the Finance Committee and the Select Board and will be releasing the budget soon so coordination on this can start soon.

Mr. Snyder-Grant updated on the Open Space Committee that highlighted a successful evening gathering feedback and would like to share their four main goals with the Board. Concerned about the failure of the Climate Committee, and the recent mass shooting at a bar in Colorado. Ms. Arsenault followed up with the Human Services Committee officers were chosen and working on compiling information and resources the town already has in place.

Ms. Nagireddy thanked Madeline Cruz for a town-wide prayer ceremony for the injured student, as well as local religious leaders, as well as thoughts for Indonesia in light of the recent earthquake.

Mr. Charter updated that the Design Review Board are considering a land clearing and tree protection solution. Green Acton has a Land Use Subcommittee looking at similar topics, however Green Acton is not a town-appointed Board or Committee. Mr. Charter announced the elimination of virtual public participation at future Select Board meetings, following the same decision as the School Committee. In-person public participation is encouraged as well as emails.

Alissa Nicol, School Street – concerned for people that are elderly or disabled and unable to attend meetings physically

Eric Gilfax, South Acton – asked for clarification if people will be allowed to still participate with public comments at Select Board meetings

Terrence Lobo, (no address given) – comment for the Chair to reconsider the change for public participation via Zoom access

II. Public Hearings

3. Site Plan Special Permit #7/12/2022-487, 100 Discovery Way

Mr. Charter read the public hearing notice and noted the applicant has requested a continuance. **Mr. Martin moved to continue the public hearing to December 5, 2022 at 7:30 PM in room 204, seconded by Mr. Snyder-Grant and unanimously approved.**

4. Cable Television License Renewal Discussion, Comcast of Massachusetts, III, Inc.

Oleg Volinsky, Cable Advisory Committee presented the renewal Comcast cable license and I-NET lease agreement.

Ms. Arsenault questioned if the I-NET agreement is a lease separate from the Comcast license and if the leases are both 10-year agreements. Ms. Nagireddy questioned why the license expired in 2020 and why it has taken until 2022 to negotiate the license agreement, Mr. Volinsky explained the process has been in progress for the past four years with COVID being one of the factors in the delay, along with some changes with Comcast. Mr. Martin questioned if there was any plan to mitigate away from I-NET towards VPN. Mr. Hald mentioned that the town would want to keep VPNs. Mr. Snyder-Grant questioned if the town was comfortable with the proposed license agreement and I-NET agreement. Mr. Hald noted the town has been working on the renewals for four years, and feels very comfortable with the proposed draft agreement.

Bill Solomon, special counsel for the cable license renewal, noted this being the most complex cable license renewal, the I-Net agreement works well with the town.

Terra, Mass Ave – feels several communities are against the case, thought I-NET was required by law to supply it to municipalities and schools, how much I-NET would cost to get it from another provider, question and concern with senior

discounts providing personal and confidential information to Comcast, concern with tree trimming and the authority to cut down public shade trees, feels it is a violation of the public shade tree law. Mr. Volinsky noted the tree trimming language has not changed from the last license, Comcast would have to ask the town for permission to trim trees, senior discount is the same as previous provisions within the license. I-NET lease vs. license worked with Mr. Hald, the lease is the most economical outlet.

Ms. Arsenault moved, seconded by Mr. Martin that the Board, in conjunction with its role as cable television license Issuing Authority, vote as follows:

To enter into the subject Institutional Network Fiber Use Agreement between the Town of Acton and Comcast of Massachusetts III, Inc, as presented by the Cable Television Advisory Committee and unanimously approved.

Ms. Arsenault moved, seconded by Mr. Martin that the Board, as cable television license Issuing Authority, vote as follows:

- 1. To grant the subject Cable Television Renewal License, with a License renewal term of December 1, 2022 – November 31, 2032, to Comcast of Massachusetts III, Inc. Cable (“Comcast”), as presented by the Cable Television Advisory Committee. All terms and conditions contained in the Renewal License have been agreed to by Comcast. Comcast, by and through its authorized representative, shall execute this Renewal License (Agreement) as set out on the Signature Page of the Renewal License and;**
- 2. To recognize and acknowledge the following two (2) side letters from Comcast, signed by Comcast’s Senior Manager of Government & Regulatory Affairs, Catherine Maloney and Dated December 1, 2022:**
 - (i.) PEG Interactive Program Guide: and**
 - (ii.) Senior Citizen Discount Letter**

Unanimously approved.

III. Sewer Commissioners

5. Approve Sewer Connections:

Mr. Mangiaratti updated the Board on the two proposed sewer connections.

a. McManus Manor at 362 Main Street

Mr. Mangiaratti is waiting for the funding from the MassWorks grant to assist full funding for the sewer connection for 41 units of senior housing and asked for the Board, as Sewer Commissioners, to consider a vote to allow connection to the Acton Housing Authority project. A memo from the Town Engineer was included in the packet regarding specific unit counts and flows. Mr. Snyder-Grant expressed concern about both sites (362 Main Street and 68 Parker Street) and the capacity to add households

in the current sewer district and future needs over the extension to the AHA project, however, he does support connection to the AHA site, but expressed his opposition allowing 68 Parker Street due to limited capacity available without infiltration into the ground. Mr. Magiaratti noted that the town is looking at capacity issues - when the system was constructed, it was not constructed with discharge capacity for the whole district so work on this was always anticipated. Mr. Martin mentioned that reaching maximum capacity will likely not happen in the very near future. **Mr. Martin moved, seconded by Ms. Arsenault to approve the sewer connection for McManus Manor at 362 Main Street, amended by Mr. Martin to not charge a privilege fee, and seconded by Ms. Arsenault, and approved 3-0-2 (Snyder-Grant and Nagireddy abstain)**

Alissa Nicol, South Acton – read from a prepared statement included in the DocuShare file about her concern about the additional connection and the capacity available with the wastewater treatment plant, and the cost being passed onto the current connections and taxpayers.

Terra, Mass Ave – commented that there was no approved plan to expand the sewers or the RIBS (Rapid Infiltration Basin System), and any acceptance of a plan for expansion must be approved at Town Meeting and not by the Select Board.

b. Parker Street Apartments at 68 Parker Street

Mr. Mangiaratti recapped the background of the apartments, and the property owner approached the Town Manager and Select Board about connecting to the sewer versus replacing their septic, and would keep 25 of their units affordable for 30 years, with a calculated fee of \$262,000 which has been drafted on the proposed Memorandum of Agreement (MOA) and outlining how the units will be maintained as affordable units, with up to \$300,000 in privilege fees for infrastructure.

8 apartments will be added to SHI: 5 two-bedrooms and 3 three-bedroom units.

Mr. Martin met with Bob Van Meter who noted the 8 SHI units is a benefit for the town. The proposal is to waive 100% of the privilege fee for the SHI units and 50% for the non-SHI units, for a total of \$550,000, with infrastructure of \$300,000 for the town.

Mr. Snyder-Grant feels there should be a plan to agree on funding a study of the sewer system's expansion capacity before we add more users. Agrees about the benefit to the town regarding increasing affordable housing, but would like for this to be paid by funds for affordable housing instead of from the sewer enterprise fund

Mr. Martin moves to approve the connection of the Parker Street Apartments at 68 Parker Street to the sewer system for privilege fee for around \$262,000 depending on the amount of infrastructure donated to the town as per the draft MOA, seconded by Ms.

Arsenault, and approved 3-1-1 (Snyder-Grant nay, Nagireddy abstain)

IV. New/Special Business

6. Discuss July 4th Fireworks Planning

Mr. Mangiaratti noted there have been no fireworks for the past two years. The event relies on large donations from local businesses. Planning for the event needs to start now and cost \$40,000-\$50,000 with the entire Police Department on duty and a large number of Fire Department staff for safety details, for which the town pays the overtime. Overtime funding is not there now and we would then add the cost of fireworks into the FY24 budget. Comparative communities charge per car which could help offset the cost, or consider not having the fireworks and save the money for a larger-scale celebration in the future. Mr. Snyder-Grant acknowledged that people missed the fireworks event, but is aware of financial obligation, and would also support a larger celebration around the 250th event, but doesn't feel charging for the event is appropriate. Mr. Martin expressed disappointment for the lack of the fireworks event, and would support it in July 2025, but would still like to see it next year. Ms. Nagireddy suggested getting Julie Pierce and staff to see about raising funds along with other towns assisting in funding the event. Mr. Martin suggested private fundraising as an alternative.

Mr. Martin moved to direct the Town Manager to budget for fireworks next fiscal year realizing that when it comes to approving the budget there could be adjustments, seconded by Ms. Nagireddy. Mr. Martin withdrew his motion and seconded by Ms. Nagireddy. No vote was taken.

Mike Gowing, Harris Street – noted current fundraising efforts through the Recreation Department for events and concerts at NARA Park

Alissa Nicol, School Street –concerned with the health effects on people and pets. Suggested a regional event, such as a drone display, as an alternative to fireworks. Mr. Martin suggested checking with the Recreation Department on fundraising efforts. Mr. Mangiaratti will return this topic to the Board at its December 5th meeting regarding fundraising and/or budgeting for the July 4th fireworks.

7. Discuss Update on the MassDOT Infrastructure and Road Safety Work in Acton

Mr. Mangiaratti updated the Board on the recent meetings with MassDOT on items looking for assistance for improving safety measures on Great Road, noting recent improvements such as new reflective signage installed, crosswalks have been re-painted, road speed signs were re-evaluated, traffic speed notification systems have been temporarily installed for speed awareness. Since the Great Road Corridor Study was completed, the results were brought to MassDOT with recommendations for adding sidewalks and intersection improvements on Great Road, and feel they could be involved with the project over the next couple of years to increase the level of safety, and also committing to installing the HAWK traffic signals. The Town is looking to stretch the original Great Road study to include Route 2A to the Littleton line. Since Great Rd is a state road, we

coordinate closely with the state on road improvements. Mr. Snyder-Grant encouraged considering other means of slowing the average speed down. Madeline Cruz, 3 Sachem Way – questioned if the State didn't find anything out of the ordinary and expressed concern about traveling every day on Great Road; the State needs to do better to reduce speeding on Great Road with additional signage at crosswalks and advocated reducing the speed limit on Great Road. Alissa Nicol, South Acton – frustrated with the State; speed is only a factor at night, distracted driving and impaired driving, and feels there are low-cost solutions that could be implemented as soon as possible. Also agrees on additional portable speed monitors, implement a safety zone on Great Road, reducing the speed limit from 40 MPH to 30 MPH, repaint crosswalks in Acton, encourage the State to install the weighted pedestrian notifications, add lighting in crosswalks, replacing signs with reflective signage, host a road safety community event, and work with the Transportation Advisory Committee. Mr. Martin suggests narrowing the roadway to allow for a bicycle lane, and installing flashing beacons at all crosswalks on Great Road. Ms. Arsenault agrees that curbing speed is not the only issue that needs to be addressed to improve road safety. Ms. Nagireddy suggests the town to perhaps work with Drivers Ed.

8. Approve Release of Executive Session Minutes 2010-2015 as Listed in the Meeting Packet

Mr. Charter noted the minutes are still under review with Town Counsel and will be revisited at a future meeting.

V. Consent Items

Mr. Charter held consent item 10. **Mr. Snyder-Grant moved, seconded by Mr. Martin to approve consent items 11-17 inclusive and approved unanimously.**

With regard to consent item 10, the proposed meeting dates of the Select Board, Mr. Charter noted he will be unavailable and suggested changing the August meeting date to August 21, 2023. **Mr. Martin moved, seconded by Ms. Arsenault to approve consent item 10 as amended and unanimously approved.**

Mr. Martin moved, seconded by Ms. Arsenault to adjourn and approved unanimously. Meeting adjourned at 9:20 PM.

Documents Used

- Agenda, Select Board, November 21, 2022
- Public Hearing Notice for Site Plan Special Permit #7/12/2022-487, 100 Discovery Way
- Cable Television License Agreement, Comcast of Massachusetts III, Inc.
- Comcast I-NET Agreement
- Comcast/Xfinity Senior Discount Letter and PEG Letter Dated December 1, 2022
- Draft Memorandum of Agreement, Parker Street Apartments, 68 Parker Street
- Proposed 2023 Select Board Meeting Schedule

- Conflict of Interest Disclosure, Gregory D. Hutchins
- Pole Petition, Eversource
- Memo from the Recreation Department to Accept a Gift for \$125 Dated November 14, 2022
- Memo from the Planning Division to Accept a Gift for \$8,340 Dated November 10, 2022
- One Day Alcoholic Beverage License, Samantha Larkin, December 3, 2022
- One Day Alcoholic Beverage License, Moodz Day Spa, December 14, 2022