



SELECT BOARD AND SEWER COMMISSIONERS

MEETING MINUTES

DECEMBER 5, 2022

7:00 PM

ACTON TOWN HALL, ROOM 204

472 MAIN STREET

Present: Select Board - Dean A. Charter, Jim Snyder-Grant, Himaja Nagireddy, Fran Arsenault, David Martin, Town Manager John S. Mangiaratti, Assistant Town Manager Mark Hald

At 7:02 PM Mr. Charter called the meeting of the Select Board to order and Adam Nolde called the meeting of the Finance Committee to order

I. Regular Business

1. Resident Concerns

Terra, Mass Ave – asked if people will be able to comment during the Open Space discussion, requested that the remaining open seats for the Human Services Committee have experience in Human Services, and to advertise public hearings in the Action Unlimited. Also requested that more indigenous voices are included on the 250 Committee.

2. Chair Update/Town Manager Update/Members Minutes

Mr. Mangiaratti noted the upcoming retirement of Brian McMullen and his presentation of the FY24 tax classification hearing will be his last.

Ms. Nagireddy noted receipt of an email with a letter expressing concern about an appointment to the 250 Committee, and to have an agenda item on a future meeting to discuss, and to have the letter as a matter of public record. Several members also expressed concern about the appointed member and recent social media postings.

Mr. Snyder-Grant acknowledged the loss of Philip Keyes, a long-term member of the Land Stewardship Committee, due to injuries sustained from a motorcycle accident. Reminded any fundraising phone calls alleged to be from the Acton Police Department are to be ignored and any fundraising efforts on behalf of the Police Department are always sent via the U.S. Postal Service. Ms. Arsenault attended the Eagle Scout Court of Honor. Mr. Charter noted the West Acton Stroll was cancelled due to weather and will be rescheduled at a date to be determined.

II. Public Hearings

3. 7:10 PM Tax Classification Hearing

Brian McMullen, Assistant Finance Director/Principal Assessor and Ellie Anderson, Finance Solutions Analyst mentioned that the Classification Hearing is required annually by state law and helps assist the Select Board with presented the proposed tax classification to the Board with four options to consider:

- Adoption of a residential factor of one resulting in a uniform tax rate
- Adopt an Open Space Discount – Acton has no parcels classified as open space
- Adopt a residential exemption – Acton historically never adopted
- Adopt a small commercial exemption – reduces the taxable value of eligible businesses by up to 10%, with commercial and industrial classes given a separate tax rate from personal property – Acton historically never adopted a small commercial exemption

Ms. Nagireddy questioned about who offers the exemptions. Mr. McMullen noted that it is a state law and every community must have these tax classification hearings. No further questions from Board members.

Mike Gowing, Harris Street - asked what percent rate is residential.

Ann Chang, Economic Development Committee members support continuing the single tax rate.

Terra, Mass Ave – questioned if small businesses receive a discount and larger businesses pay more. Mr. McMullen noted that the benefits split depends on the situation.

Michael Schulze, Brucewood Road – questioned if there was any attempt to divide residential taxes for people who have children and those that are retirees. Mr. McMullen encouraged speaking to a staff member in the Assessor's Office for programs for people on fixed incomes and explain other available programs for residents.

Mike Gowing, Harris Street – encouraged Board members to not shift the tax burden to businesses as many are renting from lessors, and landlords would shift the burden to their tenants.

Mr. Snyder-Grant moved, seconded by Mr. Martin to adopt a Residential Factor rate of 1 and approved unanimously.

Mr. Snyder-Grant moved, seconded by Mr. Martin to not adopt an open space discount and approved unanimously.

Mr. Snyder-Grant moved, seconded by Mr. Martin to not adopt a residential exemption and approved unanimously.

Mr. Snyder-Grant moved, seconded by Mr. Martin to not adopt a small commercial exemption and approved unanimously.

4. 7:30 PM 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, seconded by Ms. Arsenault to continue the hearing for Site Plan Special Permit #7/12/2022-487, 100 Discovery Way to December 19, 2022 at 7:10 PM and approved unanimously.**

III. New/Special Business

5. Economic Outlook Presentation – Economic Development Director Julie Pierce

Julie Pierce presented an FY22 economic snapshot of the status of Acton. Some of the highlights are the increase in residential development, new businesses entering the community, infrastructure projects, and growing businesses. Ms. Pierce noted some key economic indicators such as decreasing unemployment, an increase in building permits, and an increase in property sales. The four biggest needs identified were maintaining a uniform tax rate, making improvements to digital and physical infrastructure, updating bylaws, and adopting a guiding economic growth goal. Ms. Pierce intends to present a yearly report on the economic outlook for the Select Board and recommends the Board consider adopting a goal regarding economic growth.

Alissa Nicol, School Street – appreciates including wastewater solutions was added to the presentation, questioned what percentage is growing rapidly and comparing it to a report from years ago noting an 8% growth in 30 years, noted no lack in wastewater solutions with several options such as septic, package treatment plants as an option, the availability of sewer in Kelley's Corner, and encourages the Economic Development Office and Economic Development Committee to consider other sewer options other than municipal services, and consider action replenishing the groundwater aquifers in South Acton rather than diverting to other areas in town.

Terra, Mass Ave – commented on the need for wastewater treatment, mentioned it is not fair to explain wastewater differences as restaurant vs. car dealership, there are other ways we can curb what businesses we allow based on the water we use; focus on rezoning to restrict the number of car dealerships, create a “restaurant mile” instead of an “auto mile,” Insulet Corp. utilizing the most water in town, prefer higher residential taxes and limit the number of businesses allowed in town; support Acton Housing Rehab Trust.

Franny Osman, Half Moon Hill – commented on the need for affordable housing for municipal employees, the low unemployment rate is due to people that can't afford to live in Acton while unemployed, feels municipal wastewater is important for business particularly in West Acton where restaurants are so limited in the number of tables they can have, the need for sidewalks in Kelley's Corner, and to not build sidewalks to nowhere, encourage a discussion with Stop & Shop regarding the Kmart property and the Senior Center lease.

6. Capital Improvement Plan Presentation – Town Manager John S. Mangiaratti

Mr. Mangiaratti presented to both the Select Board and the Finance Committee the Capital Improvement Plan which spans over a ten-year period, noting it is the beginning of the Budget process, and plays a large part on the Select Board goals and goal planning, and noting one of the plans is including the Climate Action Plan overseen by Andrea Becerra, Sustainability Director. One of larger projects is electrification of the three largest municipal buildings; the Public Safety Facility, the Memorial Library, and Town Hall, as well as school buildings. For the ten-year plan, there is a total of \$102 million in investments in the community,

97 proposed projects, with some projects needing additional revenue. Mr. Mangiaratti highlighted FY24 CIP projects including the electrification of the municipal buildings, the DPW facility design and construction, construction of the tight tank for Fire Station 3, Maple Street commuter rail and rail trail parking, and implement a body-worn camera program for the Police Department. Mr. Mangiaratti listed several FY24 Free Cash projects, and enterprise fund projects. Mr. Charter questioned the electrification of the Public Safety Facility building and what type of heating and cooling systems will be considered, Mr. Mangiaratti noted it is listed in the Climate Action Plan. Mr. Martin questioned if smaller buildings would be considered, Mr. Mangiaratti felt that an additional \$60K would be pulled from ARPA funding for electrification of smaller municipal buildings.

Mr. Nolde, Finance Committee questioned if the PSF is going to be converted from natural gas to 100% electric, with confirmation from Mr. Mangiaratti.

Mr. Majors, Finance Committee questioned if the electrification was more of a cost-saving goal, Mr. Mangiaratti noted it was to decrease emissions and towards the climate goals of the community.

Ms. Andersen questioned about the Maple Street parking lot and how much usage it has received, Mr. Mangiaratti noted it to be at 50% usage.

Mr. Bourdon, Finance Committee urged the Town Manager to look into issues with people parking their vehicles on Maple Street blocking the bike lane, and to revisit the facility studies completed years ago regarding the original three fire stations and upgrades that are needed. Mr. Mangiaratti explained the proposed funding and updates that have been completed, and the addition of a new fire station that moved equipment around to facilitate more room in the existing older fire stations. Mr. Magiaratti also mentioned that he is working on electrifying all fleets. Mr. Bourdon recommended replacing the two Ford F150 with the Police Department. Mr. Wellinghoff, Finance Committee questioned if the schools have a similar plan.

Ann Chang – requests the two projects involving the Library and parking lot involve Memorial Library Trustees.

Alissa Nicol, South Acton – encouraged the Finance Committee to look at the cost of the electrification projects, to look into all the other options for cost savings, and impacts to human health.

Franny Osman, Half Moon Hill – questioned if the borrowing to do the priority sidewalks is in the CIP, Mr. Mangiaratti noted it is in the 10-year plan, not for FY24.

Terra, Mass Ave – appreciates the Finance Committee supporting green initiatives, encourages not calling natural gas “natural”, encourages the board to ensure the Acton Center Fire Station would be supported with the addition of the North Acton Fire Station, questioned if the Town of Acton is on 100% Green with Acton Power Choice, Mr. Mangiaratti confirmed.

Scott Smyers, Central Street – concerned about switching over to 100% green energy, encourages to have backup generators when the power grid is down.

Adam Nolde moved, seconded by Christie Andersen to adjourn the Finance Committee and approved unanimously.

7. Review and Comment on the Draft Goals for the Open Space and Recreation Plan

Mr. Snyder-Grant introduced the draft proposed goals for the Open Space and Recreation Plan to Board members. This was informed by liaisons from different boards and committees. The new proposed goals are protecting critical environmental resources, improve and expand recreation opportunities, preserve historic, cultural, and landscape features, and incorporate sustainability in future open space and recreation decisions. Mr. Snyder-Grant took comments from Board members. Mr. Charter stressed the importance of preserving open space. Ms. Nagireddy suggests adding the term “for everyone” to the end of proposed goal #2.

Mr. Martin mentioned the importance of preserving open space but not to the detriment of the other goals. Mr. Martin also noted to include “for everyone” but make it apply for everything, not just recreation but also open space and historical and cultural buildings

Ms. Arsenault feels that Acton is not rural anymore and would like to see the remaining farms preserved, and questioned if other committees were asked to make comments.

Alissa Nicol, South Acton – hopes the Board provides a goal to preserve quality and quantity of drinking water.

Terra, Mass Ave – agrees preserving more open space, protect drinking water, include the term “charming” rather than rural, requests to see the raw data from the open space survey.

Ms. Nagireddy felt that protecting drinking water falls under protecting environmental resources, and subsequent planning can clearly define what fall under critical environmental resources

Mr. Snyder-Grant will return to the OSRP working group with the suggestions from Board Members.

8. Approve Floor Amendment to the H.5013 Bill “An Act Authorizing the Town of Acton to Adopt Alternative Methods for Notice of Public Hearings”

Mr. Hald explained to the Board that the House Committee on Bills in the Third Reading made a Floor Amendment to our Home Rule Petition seeking alternative methods of advertising public notices. The amendment does not alter the intent of the Petition, but does require Select Board approval to proceed in the Legislative process. **Mr. Snyder-Grant moved, seconded by Ms. Arsenault to approve the amendment to House Bill 5013, An Act authorizing the Town of Acton to adopt alternative methods for notice of public hearings made by the House Committee on Bills in the Third Reading, all as set forth in the attached document and approved unanimously.**

9. Discuss the Proposed Town of Littleton Firearms Business Zoning Bylaw

Mr. Mangiaratti updated the Board about proposed zoning bylaws by the town of Littleton regarding zoning changes for firearms business. Mr. Martin is in favor of directing the Planning Division to draft a zoning bylaw change for the purpose of regulating firearm businesses where they are allowed to set up shop, and brought to a future town meeting. Ms. Nagireddy supports the Planning Division drafting a bylaw and requiring a special permit, Mr. Snyder-Grant supports the bylaw and added it is not for the prevention of the sale of firearms, but regulating where such businesses would be allowed. Not sure of the urgency of the urgency of this compared to other things the Planning Department is working on. Ms. Arsenault notes that drafting bylaws sooner than later would be good, and Littleton will be holding a public hearing. Mr. Charter noted there are over 1000 residents in Acton with a license to carry firearms and is concerned about focusing the prohibition of sales of a certain product could open the doors to litigation, and is not in favor of directing staff to draft a zoning bylaw. Mr. Charter prefers to wait and see what becomes of Littleton's bylaw. Mr. Charter did not think it would be feasible to expect a draft firearms businesses Zoning Bylaw before the Annual Town Meeting. Mr. Mangiaratti will discuss with Planning staff and update the Board at a meeting in January 2023. Scott Smyers, Central Street – questioned if anything illegal occurred regarding the gun sales in Littleton. Mr. Mangiaratti was unsure about illegalities, only considering drafting regulating new Zoning Bylaws, agrees with the Chair about less regulation.

10. Discuss Remote Participation in Public Meetings

Mr. Charter discussed a decision he made at a previous Board meeting and feels that it was taken out of context, and members were taken back, and noted the Board received emails from members of the public. Mr. Charter also noted the two large committees which have chosen to not continue with virtual participation: the Acton-Boxborough School Committee and the Finance Committee. Ms. Nagireddy felt strongly that virtual participation should continue with the Select Board as it allows residents that cannot participate in person to have the opportunity to participate. We have already invested in the tech to have a more seamless hybrid experience. Mr. Snyder-Grant suggested to wait and see if virtual permissions will be continued in a couple months by the Governor's Office. Ms. Arsenault noted that it is important to continue virtual participation, the Select Board's main job is to listen so hoping that keeping virtual participation is the decision the board comes to. Mr. Martin also commented on people that would like to remain engaged remotely, and that remote participation resulted as a benefit of the pandemic and encourages it to continue. Mr. Mangiaratti noted that we generally have staff support for most meetings and if the virtual meeting coordinator is to continue moderating meetings, that payroll would come from the IT budget. Mr. Charter noted if hybrid meetings continue, there would have to be infrastructure improvements available in additional locations.

Leo Fochtman, Wright Terrace – need additional attendance and consistency with all Boards: The School Committee's largest audience are parents who cannot attend a meeting in person because of childcare, request more communication and allow public comment during DEIC meetings.

Jo-Ann Berry, Taylor Road – meetings should be in-person, but people are now accustomed to remote participation, and people should have the opportunity to participate with the Select Board by allowing remote participation.

Alissa Nicol, School Street – appreciates the Chair allowing feedback regarding remote participation and should not compare the Board to the School Committee's decision to not continue remote participation, agrees with having access to DEIC public participation, and noted that representatives for site plans can participate remotely it should be the same for the public.

Janet Adachi, Simon Hapgood Lane – appreciates staying connected with people who otherwise do not have the capability to attend remotely and encourages increasing infrastructure for hybrid meetings.

Pat Clifford, Olde Barn Way – noted that the option is only in effect for a couple more months, as it is under a Governor's order and suggests to put a task force together instead of multiple Board meetings to discuss how to address if this option ends or if it continues to be prepared with a plan,

Ann Chang – believes continuing virtual participation is important to have more public participation and further educate and engage the public in our government.

Franny Osman, Half Moon Hill – requests to have the capability to see everyone in the meeting room and who is speaking at the podium and invite everyone in the virtual audience to be able to see everyone in the meeting room

Debra Simes, Concord Road – COVID will be around and hybrid offers a degree of flexibility.

Terra, Mass Ave – requesting Acton propose to the Mass. Municipal Association to extend hybrid meetings permanently.

Stella Ko – appreciates comments to encourage moving forward with improving the technology.

Mr. Charter suggested creating a policy that applies to all Boards and Committees appointed by the Select Board (e.g. excluding the Finance Committee which is appointed by the Town Moderator) and encourage including the School Committee if we were to continue virtual participation. Mr. Martin noted that he does not agree about establishing a policy on remote participation due to the experience the DEIC meetings had in the past, and has announced in the beginning of every meeting that the public can send an email with their comments or questions.

Ms. Nagireddy commented that decisions regarding hybrid meeting participation should be up to each committee since the town does not have the resources to support the technology necessary to support hybrid meetings for all Boards and Committees and should wait until there are more Zoom rooms available in other locations.

Ms. Arsenault feels that the Board should only discuss or consider remote participation by its members and not for all Boards and Committees.

Mr. Snyder-Grant affirmed the chairs of Boards and Committees make decisions on remote participation and suggested not creating a general policy.

Charlie Kadlec, Paul Revere Road – reminded that the Chair controls the microphone and whom can speak at meetings.

Mr. Charter requested support from Board members to consider a policy regarding remote meeting participation for all Boards and Committees appointed by the Select Board.

Janet Adachi, Simon Hapgood Lane – reminded the Chair that committee chairs have the authority to control what happens at meetings and limit who can speak at a meeting.

Leo Fochtman, Wright Terrace – suggested that people listen to other viewpoints and comments during public comment and requested from Mr. Martin which meeting of the DEIC a member of the public commented that racism doesn't exist in Acton.

Scott Smyers – commented on remote participation being valuable and that remote participation breaks down the participation barrier, citing the Acton-Boxborough School Committee.

Mr. Charter moved that through the end of this Board's term of May 16, 2023 (after Town Meeting) to continue to allow remote audience participation of all Boards and Committees that have been appointed by the Select Board. The motion failed due to lack of a second.

Ms. Nagireddy suggested two separate votes - through the end of the term of this Board to continue to allow remote participation through May 16, 2023 along with all Boards and Committees appointed by the Select Board.

Mr. Charter moved, seconded by Mr. Snyder-Grant that this Select Board require that all Boards and Committees appointed by the Select Board accept remote public participation and voted 1-4. The motion fails.

Mr. Snyder-Grant moved, seconded by Mr. Martin recommending the Chair keep virtual public participation open during the length of his chairmanship and amended by Ms. Nagireddy changing to “virtual public participation of Select Board meetings until the end of their term on May 16, 2023” and approved unanimously.

11. Approve 2023 Licenses Issued by the Select Board

Mr. Charter held Concord Brewery d/b/a Rapscallion Table to Tap, Frolic & Detour, and Round Table Entertainment d/b/a The Holy Grail for lack of current Building Safety Certificate to return for consideration at the December 19th meeting.

Mr. Martin moved, seconded by Mr. Snyder-Grant to approve the license to expose, keep for sale, and to sell all kinds of alcoholic beverages to be drunk on premises as listed in the master renewal list (section 12) and unanimously approved.

Mr. Snyder-Grant moved, seconded by Mr. Martin to approve retail package goods store license to expose, keep for sale, and to sell all kinds of alcoholic beverages, not to be drunk on premise as listed in the master renewal list (section 15) and approved unanimously.

Mr. Snyder-Grant moved, seconded by Mr. Martin to approve the retail package store, license to expose, keep for sale, and to sell wines and malt beverages, not to be drunk on premise as listed in the master renewal list (section 15) and approved unanimously.

Mr. Snyder-Grant moved, seconded by Ms. Arsenault to approve the common victualler license to expose, keep for sale, and to sell wines and malts to be drunk on premise as listed in the master renewal list (section 15) and approved unanimously.

Mr. Snyder-Grant moved, seconded by Mr. Martin to approve the class II used car licenses as listed in the master list and approved unanimously.

Mr. Snyder-Grant moved, seconded by Mr. Martin and approved unanimously.

Mr. Charter held approving an entertainment license for Frolic & Detour and will revisit on December 19th.

Mr. Snyder-Grant moved, seconded by Mr. Martin to renew bowling alley and billiard table license as listed in the master list and approved unanimously.

Mr. Snyder-Grant moved, seconded by Mr. Martin to approve a 24 hour permit as listed in the master list and approved unanimously.

Mr. Snyder-Grant moved, seconded by Mr. Martin to approve automatic amusement devices as listed in the master renewal list and approved unanimously.

Mr. Charter held Frolic & Detour, Rapscallion and The Holy Grail for approval of a common victualler license and will be considered at the December 19th meeting.

Mr. Snyder-Grant moved, seconded by Mr. Martin to approve a common victualler licenses as listed in the master renewal list and approved unanimously.

IV. Consent Items

Mr. Martin held consent item 15 and 16. Mr. Snyder-Grant held consent item 18. Mr. Martin held consent item 23. **Mr. Martin moved, seconded by Ms. Arsenault to approve consent items 12-14, 17, 19-22, and 24-27 inclusive and approved unanimously.**

Mr. Martin requested to not act on consent items 15 and 16 and to come back to a future meeting to discuss the matter regarding a currently appointed member. Mr. Charter expressed concern holding back vetted candidates over a recently appointed member of the 250 Committee. Mr. Snyder-Grant suggested to pause appointments until next meeting.

Mr. Martin moved, seconded by Ms. Arsenault to hold appointments until the next meeting and approved 4-1.

Mr. Snyder-Grant noted on consent item 18 that a full membership to the Planning Board has become available and requested the appointment change from an associate to full membership. Mr. Charter noted the appointment is listed as an associate member and to reschedule the appointment for the December 19th meeting listing the appointment as a full membership for consideration. **The Board was in consensus.**

Mr. Martin held consent items 23 requesting the committee appointment be changed from associate to full member since a vacancy opened up. Mr. Charter moved , seconded by Ms. Arsenault to move the appointment to December 19th and approved unanimously.

Ms. Arsenault moved, seconded by Mr. Martin to adjourn and approved unanimously. Meeting adjourned at 11:00 PM

Documents Used

- Agenda, Select Board, December 5, 2022
- Tax Classification Public Notice and Presentation
- Public Hearing Notice for Site Plan Special Permit #7/12/2022-487, 100 Discovery Way
- Economic Outlook Presentation
- Capital Improvement Plan Presentation
- Floor Amendment to the H.5013 Bill
- Email from Planning Director Kristen Guichard Dated December 1, 2022
- 2023 List of Licenses Issued by the Select Board
- Meeting Minutes, November 7 and 21, 2022
- Executive Session Minutes, November 7, 2022
- Committee Appointment Recommendations, 250 Committee
- Committee Appointment Recommendation, Ken Appel, Land Stewardship Committee
- Committee Appointment Recommendation, James Fuccione, Planning Board
- Committee Appointment Recommendation, Karen O'Neil, Open Space Committee
- Letter of Support for 495/MetroWest Partnership FY23 REDO Application
- Draft Letter of Intent and Power Purchase Agreement for Solar Canopy Project at the Public Safety Facility
- Elizabeth White Fund Trustees Fund Request Funding Recipients
- Proposed 2022-2023 Private Way Plowing Recommendations