



SELECT BOARD  
MEETING MINUTES  
NOVEMBER 20, 2023

7:00 PM

ACTON TOWN HALL, ROOM 204  
472 MAIN STREET

Present: Jim Snyder-Grant, Fran Arsenault, Dean Charter, David Martin, Alissa Nicol

**I. Regular Business**

**1. Resident Concerns**

Terra, West Acton – discussed Gaza, concerns about the attack by Hamas, and requested an endorsement for a cease fire by the Select Board. Terra also discussed the public records request process and system, requesting to have a survey with specific questions asking if records requesters have received a response on time.

Eva Chenal, resident – requested permission to place a menorah on Town property for Hanukah and noted that Acton Boxborough Regional School District currently observes Jewish holidays in their school calendar, creating a welcoming feeling for residents. Additionally, Ms. Chenal noted that several area Town's allow menorahs on public properties and would like Acton to do the same.

Leo Fochtman, Wright Terrace – commented on the three minute limit for public comment and would like the Board to be more consistent with the policy.

Lindsey, Arlington Street – expressed her support of the request to erected a menorah on Town property, and, noted that Jewish people are a target of anti-Semitism and this approval would help provide a welcoming atmosphere for the community. She requested that the Board and Town show support of this request.

Bill – gave some suggestions on the operation of the transfer station and the size of the smaller bags that don't fit in a standard trash barrel. He recommended the Town sell bags at the transfer station

**2. Chair Update/Town Manager Update/Members Minute**

Mr. Snyder-Grant noted the length of the agenda; provided comment on limiting time during public comment explaining the Board attempts to be consistent and will focus on improving that moving forward; he recommended further discussion of declaring a cease fire in Gaza; discussed the sale of trash bags at the transfer station; and addressed the request for placement of a menorah on the Town common. Mr. Snyder-Grant explained that the Board will be discussing a tree clearing bylaw and Habitat for All at the next meeting.

Mr. Mangiaratti thanked Ms. Gail Sawyer for the Veterans Day ceremony, and noted the speakers at this event included a Select Board member and former POW. He commented on a community conversation held last Tuesday regarding the emergency shelter at the Minuteman Inn and thanked Wanjiku Gachugi, Laura Ducharme and Monika Jean-Baptiste, who organized the program with United Way and will continue further conversation. Mr. Mangiaratti noted that on December 13<sup>th</sup> MassDOT will host a public meeting on the safety improvements at the intersection of rt 27 and rt 2. Additionally, Mass DOT was on Great Road installing the HAWK traffic crossing system recently. He also introduced Mr. Thomas Begin as the new Assistant Town Manager.

Ms. Nicol announced the strategic planning process for the libraries launched last week. Ms. Nicol also mentioned that on November 9th the Health Insurance Trust (HIT) voted a 22.8% increase in rates, as last month the HIT experienced an decrease of 27% in paid claims. She also thanked the Land Stewards performing work on trail maintenance, boardwalk replacements, and meadow mowing; additionally thanking Ian Bergmann in Conservation for his efforts.

Mr. Charter noted work going on in the garden in front of Town Hall by the Acton Garden Club (AGC), which will include installation of a fountain that will occur in the spring. Additionally, Mr. Charter noted that the AGC is celebrating their 90<sup>th</sup> anniversary and thanked them for their efforts. Mr. Charter provided an update on the 250 Committee and their efforts in continuing meetings featuring guest lecturers. Mr. Charter noted that the Acton Lions Club Christmas Trees were delivered last week and would be sold at Ace Hardware, with a majority of proceeds going to local charities.

## **II. Public Hearing**

### **3. 7:10 PM. Wine Farmer Series Pouring Permit Application, Marzae, LLC, 55 Knox Trail, Suite 407, Acton MA 01720**

Mr. Mangiaratti noted that this license will allow for sale of wine for consumption on premise. Representing Marzae, LLC were Eliot and Katie Martin. Mr. Martin questioned the proposed operating hours, which was clarified by the applicant. Ms. Nicol questioned if the building permit needed to be approved prior to approval of this license request. It was clarified that the pouring license is separate from the building permit and could occur prior to issuance of a building permit. **Mr. Martin moved, seconded by Ms. Nicol to approve a wine farmer pouring permit application for Marzae, LLC located at 55 Knox Trail suite 407 Acton MA and approved unanimously 5-0.**

### **4. Tax Classification Hearing**

Mr. Mangiaratti introduced Principal Assessor CJ Carroll. Mr. Carroll introduced the tax classification process and presentation. Additionally, Mr. Carroll encouraged residents who would like to know if they are eligible for tax relief to contact the Assessor's office for more information. Mr. Carroll explained that

there are 4 classifications of properties- residential, commercial, industrial and personal property. Mr. Carroll's presentation included the process he and the Board of Assessors takes in the annual valuation, rate setting proposal development, property assessments, and discussed a number of options in front of the Select Board for consideration that evening. These options included whether to adopt an open space discount or not, which would be non-impactful to residents due to the low amount of properties that qualified; possible small commercial exemption; potential residential exemption; and possible adoption of a residential factor (single tax rate(1) or split rate (2). Mr. Carroll further provided examples of the commercial and residential tax bill differences from FY23 vs. FY24. Mr. Snyder-Grant questioned if apartment buildings have a larger tax that gets passed down to renters. Ms. Nicol questioned if small businesses have been inquiring into the possible small business exemption, which Mr. Carroll indicated they were not presently.

Mike Gowing, Harris Street – requested the Select Board keep the tax rate balanced between businesses and residential as it currently is and requested additional information on the overlay account. Mr. Carroll noted that if property owners disagree with the valuation they are welcome to reach out to the Assessor's office to discuss. Mr. Carroll also discussed the possible tax relief programs available for seniors and resident, welcoming taxpayers to reach out to his office for more information.

**Mr. Martin moved, seconded by Ms. Nicol to not adopt an open space discount and approved unanimously 5-0**

**Mr. Martin moved, seconded by Ms. Arsenault to not adopt a small commercial exemption and approved unanimously 5-0**

**Ms. Nicol moved, seconded by Mr. Martin to adopt a residential factor of 1 and approved unanimously 5-0**

**Mr. Martin moved, seconded by Ms. Arsenault to not adopt a residential exemption and approved unanimously 5-0**

### **III. New/Special Business**

#### **5. Approve Decision for Site Plan Special Permit #2/27/2023-490, 1 & 5 Nagog Park & 599 Great Road**

Mr. Snyder-Grant noted the public hearing was closed and a draft decision was created by Planning staff after many comments and conditions were reviewed. Mr. Charter indicated that the conditions are noted in the decision, color coded associating with approvals or denial, and reminded the Board that Town Counsel noted denying the permit could lead to an appeal process. Mr. Charter went through the specific conditions request from Board members. Mr. Charter requested minor changes, including a change to section 2.9, specifically making a change from south west to southeast. Ms. Nicol noted lighting for security needs should be left to the applicant. Mr. Martin suggested the term to "at least 50%" for lighting, and requested an edit to section 3.3.13, removing the phrase "Maintained by Town". **Mr. Charter moved, seconded by Mr. Martin**

**approve Site Plan Special Permit Application 2-27-2023-490, including the waivers under section 3.1, 3.2, and 3.3 as amended tonight; and further, the Board determines the plan proposes 2.26 – 2.31 and approved 4-1-0 (Arsenault).**

Mr. Snyder-Grant commented on a request allowing a menorah on the town common during citizen concerns. Town Counsel noted if the Town Common is considered a public forum it would be allowable for other non-Town groups for usage as well. She further explained that the town cannot discriminate based on religion if it is considered a public forum. The suggestion was that the Board should review the historical usage of the Town Common and how it should be used in the future. Mr. Snyder-Grant questioned what the policy has been with displays in the past when similar requests have been submitted. Mr. Mangiaratti suggested clarification where the display would be placed. Ms. Chenail first suggested a location in West Acton and felt pushback from the West Acton Village Merchants Association and suggested the Town Common as another location. Mr. Charter felt that the legal perimeter of the Town Common is both sides of Main Street from Nagog Hill Road to Newtown Road and Concord Road. The center location also serves as a graveyard, and nothing could be placed on the triangle part of land (island). Mr. Charter stated that alternative locations are acceptable on Town property. He further stated that seasonal lights are decorated on trees in front of Town Hall that could be construed as holiday decor, and hopes some other locations could be reviewed, taking into consideration any unexpected consequences. Mr. Martin suggests finding the definition of what is allowed on the Town Common and mentioned this may not be finalized this year due to time constraints. Ms. Arsenault feels this should be done this year. Ms. Nicol noted feeling uncomfortable discussing and making a decision tonight because she is concerned about open meeting law issues since this was not on formally on the agenda, and the process of making a decision without the opportunity for public comment. Mr. Snyder-Grant took the suggestion of Board members and directed the Town Manager to come up with a policy that would be fair and inclusive and come back to the Board for further discussion. Ms. Nicol suggested holding a special meeting to discuss the placement and a draft policy. Scott Smyers, Central Street – noted that Town Counsel mentioned that it could be allowed to put up a menorah and on Town property where appropriate. Ms. Arsenault will work with the Town Manager to come up with a draft policy and schedule it for a future meeting.

6. Presentation of Acton Town-wide Facility and Electrification Study

Kate Bubrisky and Autumn Waldron from Arrowstreet presented the Town wide facility study for the timeline of municipal building electrification. Mr. Snyder-Grant noted that even saving energy may also increase costs as gas is less expensive than electricity. He further mentioned that using energy generated by photovoltaic systems will significantly reduce the cost of electrification. Mr.

Charter commented on the three older fire stations, costs of upgrading and possible study on the prioritization on what buildings to maintain. Ms. Nicol questioned the PV charts indicating the transfer station array provided power for all municipal buildings – Ms. Bubrisky and Ms. Waldron noted it is powered by about 80% from the PV Array.

Mike Gowing , Harris Street – recommended that when considering solar placement on a roof, to keep in mind when the roof will need to be repaired/replaced and how that correlates to the life span of the PV panels.. He also mentioned that the solar field at the old transfer station will require replacement and that cost should be considered in the overall future planning. He also suggested that the Town take careful consideration in choosing which building will be electrified.

Ms. Bubrisky noted that the PV array on the current North Acton Fire Station and DPW array are not included in the study. Ms. Nicol questioned about the Recreation Center work and if it would trigger a full accessibility upgrade due to building codes. She also mentioned the accessibility needs pertain to parking lot and signage needs.

7. Review Preliminary Capital Improvement Plan

Mr. Mangiaratti presented preliminary FY25 capital needs to the Board and seeking input from the Board on options for funding the capital plan. The current ALG plan estimates project a 3% increase in FY25 spending, and that current projections for health insurance and pension is a \$1.08 million increase over FY24. Additionally, level services estimates at this time currently result in a \$3.8 million increase in FY24, which includes a \$1.25 placeholder for new capital. The budget challenges the Town faces include continued increases in fixed costs, infrastructure needs from deferred projects and initiatives, staffing needs, OPEB costs, improvements tied climate change initiatives, mental health programming needs and the continued rise in costs associated with maintenance of public spaces. Mr. Martin expressed he desire to have a prioritization exercise focusing on what could be done next year, future years and stated he was not not in favor of a debt exclusion at this time. Mr. Charter also expressed he was not in favor of any debt exclusion that included FY 25 capital needs and agrees with a prioritization exercise. Ms. Nicol is not in favor of deferring all capital for FY25. Mr. Snyder-Grant mentioned that capital projects will be reduced significantly if there would be a budget override.

8. Discuss Options for Funding FY24 Health Insurance Trust Shortfall

Mr. Mangiaratti noted the \$2.2 million shortfall of the Heath Insurance Trust Fund would be split between the Schools and the Town. He further indicated that there will be an increase of \$500,000 in health insurance cost during FY24 that will need to be addressed by the end of the calendar year and is looking for a recommendation from the Board to either call a Special Town Meeting, move this amount from free cash to the budget, review the other post-employment benefits

(OPEB) trust that pays for health insurance, or cover this cost out of the current year budget while planning to complete a transfer at the end of May prior to the next fiscal year. The last scenario would include the Town implementing additional cost control measures as well. Mr. Martin expressed it was not ideal to spend money on a Special Town Meeting and to look toward the OPEB trust to potentially cover this cost. Mr. Charter noted if the Town were to take the money out of OPEB, they could work to find a way to put the money back in it down the road. Mr. Martin suggests the money come from free cash to cover the shortage. Ms. Nicol suggests taking the money from the OPEB Trust and not from free cash. Mr. Snyder-Grant commented on going to a Special Town meeting, and supports using OPEB Trust funds.

Mike Gowing, Harris Street – suggests using the OPEB Trust as funding and reimburse it with free cash at the end of the year, or at Spring Town meeting from the “rainy day fund” by a 2/3<sup>rd</sup> vote.

Jason Cole – Nashoba Road – noted that \$500K of the 1 million will be returned in 2 years to the Health Insurance Trust and the short-term solution to pull from OPEB should be returned as soon as possible, and that the assessments for OPEB are higher than expected, so taking from it now will cause a larger problem in the future, concerned about a Special Town Meeting costing \$20-30,000 is an expensive cost to the Town. Ms. Nicol noted the quote for a Special Town Meeting is \$8,000

Christi Andersen, Main Street – commented on OPEB is not a current liability on the town and recommends money borrowed from it should be replaced as soon as possible, noted the stabilization fund is a capital stabilization fund and can be used only for capital expenses.

9. Discuss Potential Need for Operational Override

Mr. Snyder-Grant noted the school committee, finance committee and members of the Select Board have had discussions on the operational shortcomings and reached consensus on how to proceed and all in agreement that this year requires an override. Mr. Martin followed up with the background of the need for a possible override that the schools had increased special ed costs and could cut educational programs which could have long-term effects and on municipal side postponing building maintenance and proposed projects. If the Board approves moving forward with an override, a question would be placed on the municipal ballot in April 2024. Mr. Charter questioned if there would be 2 ballot questions for both schools and municipal, and also what Boxborough is considering.

Corrine Hogseth, Seminole Road – town should come up with what the priorities are first and proceed from that point

Mike Gowing, Harris Street – commented to make sure either budget comes from municipal, school and Minuteman is scrubbed on what has been spent on.

10. Consider Proposed Bylaw Related to Leaf Blowers

Paul Kampus presented to the Board a proposed bylaw for the ban on gas powered leaf blowers. Ms. Nicol would be in support bringing this article to

Town Meeting supporting the goal of the electrification and carbon neutral. Mr. Charter is concerned about implementation and enforcement. Mr. Snyder-Grant noted the Board would have further discussions on the topic.

11. Approve Recommended Next Steps for Citizens' Library Trustees

Ms. Nicol introduced the proposed charge for a Citizens' Library Governance Advisory Committee. Mr. Snyder-Grant noted some minor edits to the proposed charge. Ms. Nicol noted the focus of the work is centered on customer service. Mr. Charter thanked everyone that worked on the charge, and agree to move ahead. Mr. Martin has issues with the makeup of the committee, doesn't agree the West Acton Citizen Library Trustees should be voting members, doesn't agree with the 2-phase process, that the Board agreed that it is a branch library, and what the desired outcome of the MOA is. Ms. Nicol recommends a motion to approve the charge. Mr. Snyder-Grant recommends to have further discussion at a future meeting.

12. 53 River Street Master Plan Committee Update

- Approve Proposed Name for 53 River Street Park "Textile Mill Park"  
Deferred to 12/18/2023

13. Select Board Goals Status Update

- Approve Goals Origin Document  
Deferred to 12/18/2023
- Approve RFP for Sewer Commissioner Analysis  
Deferred to 12/18/2023

14. Discuss Response to Public Records Request Case #SPR23/1499

Mr. Charter noted the transcripts were made available and make those documents publicly available by placing it on the town website. The concerns about the incident is that the Zoom bomber's intention with the decision the school committee made regarding the school mascot, and the person was an outsider that had no ties to Acton. The incident divided the Town and to help quell the rumor of the basis of the zoom attack. Ms. Nicol wanted to discuss the length it took to get the records and some of the redactions in question.

Ms. Pickering-Cook updated the Board on the process of responding to a public records request. Mr. Benson's request was voluminous and took much longer to complete, Mr. Benson was not satisfied with the Town's response and appealed the record request response. The video interview requested by Mr. Benson required to be transcribed and took an extensive amount of time. Mr. Benson felt that there were additional documents being withheld.

IV. Consent Items

Mr. Snyder-Grant held consent item 17 due to missing material. **Ms. Nicol moved, seconded by Mr. Martin to approve consent items 15, 16, 18-20 inclusive and approved unanimously 5-0.**

V. Meeting Evaluation

Mr. Snyder-Grant noted the full agenda, appreciated being able to discuss the menorah request and understood that it needed to be discussed at a future meeting. Expressed disappointment of not being clear on the last agenda item discussion. Need to follow up on a number of agenda items. Mr. Martin noted if someone wanted to consider a residential exemption that the process needs to start earlier. Ms. Nicol noticed there was 28 slides for leaf blower presentation and requests to be clear to presenters the limit on time to present and to limit slide number. Noticed emails came in from residents disappointed there was no comment from the board during a resident comment that democrats and Muslims hate Jews and apologized failing to address the problematic comment. Ms. Arsenault commented on having some endpoint to ease town staff and volunteers treated poorly. Mr. Charter noted not apologizing for what another person side aside from himself. Presentations need to be informed of time limits for presentations and to be consistent of accepting public comment, and be consistent for limiting time for public comment, agrees with a resident being not appropriate about entering into a 25-minute discussion on an item not listed on the agenda.

**Mr. Charter moved, seconded by Mr. Martin to adjourn and approved unanimously 5-0. Meeting adjourned at 12:10 AM**