



SELECT BOARD
MEETING MINUTES
DECEMBER 4, 2023

6:00 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

Leo Fochtman, Wright Terrace, discussed the prior meetings, specifically *meeting evaluation*. He noted Ms. Nicol discussed an email the Board received commenting on a resident statement and wanted to know if that is Select Board policy, supports having a menorah on town property.

Martin Benson, Deacon Hunt Drive – commented on a public records request, the response from the Select Board and Town Counsel, and his dissatisfaction with progress to date. He commented on his belief he was not able to speak during the conversation, stated the Town did not provide the information he was requesting, requests the chair place the item on a future agenda to continue the discussion and requesting a verbal records request on all records related to Scott Smyers comments at the last Select Board meeting (11/20).

Danny Factor, Davis Road – commented on supporting what Ms. Nicol stated in the last meeting and speaking out against inappropriate and hurtful statements.

2. Chair Update/Town Manager Update/Members Minute

Mr. Snyder-Grant noted the length of the previous meeting and will evaluate at 9:30pm to see what is left on the agenda and will move items that include public comment for discussion earlier, and Finance Committee will be calling their meeting to order at 7:00pm and join the Select Board. Commented on the previous meeting during citizen concern and urged to be careful and to listen and to not divide the community with hateful words.

Mr. Mangiaratti encourages the public to read this month's municipal monthly on the webpage actonma.gov.

Ms. Nicol noted that the Open Space and Recreation Plan is nearing completion and virtual public forum is scheduled for 12/6. The Acton Boxborough Cultural Council is looking for new members and will be deliberating on grant recipients, and that 2 members from Acton will not be seeking reappointment,. Additionally,

Ms. Nicol will be holding office hours on 12/19 in the Memorial Library solarium.

Mr. Charter reminded the Board that the CPC has received all applications, totaling \$3 million in requests with only \$1.5 million available in funding. The Select Board will have to prioritize Town applications at their next meeting in December. Mr. Charter noted that at the last Select Board meeting Town Counsel was in attendance for over 4 hours to discuss the Open Meeting Law and Public Records request that were scheduled towards the end of the agenda. He stated this was a waste in tax payer dollars and requested that in the future, items involving advice and direction from Town Counsel be scheduled earlier to avoid unnecessary costs.

New/Special Business

3. **Approve Seasonal Holiday Display on Public Property Policy**

Thomas Begin, Assistant Town Manager introduced the proposed Seasonal Holiday Display on Public Property Policy. One location recommended was 486 Main Street due to its central location and access to electricity. One of the goals is to have the requests addressed on a first come first serve basis, and require applicants follow all federal and state building codes, bylaws and zoning requirements and restrictions. Further policy items included approved displays would need to be removed no later than 7 days after the holiday; clarification that the Town will not be held accountable for any property damage or vandalism to the display; Town staff will not put up or take down items; allowing the Select Board the ability to restrict the size of items to be on display, requesters must coordinate installation with Town staff within 48 hours of planned access, and requester must place a sign with organizations name and contact information included.

Mr. Charter commented on the policy stating it was well thought through, questioned if the lighting in front of Town Hall is considered holiday lighting and would have be discontinued since they are purchased by the Town and Town employees install. Mr. Martin thinks the Town should decorate the Town Common for various holidays and observances and should continue, questioned about electricity from preferred location, policy should say items should not obstruct public right of ways. Ms. Nicol noted #14 covers the right of way; questioned about appropriate holiday display, suggested removing holiday season from policy. Requested changes by the Board were included in the draft policy for consideration during the meeting.

Christi Anderson, Main Street – recommended no music or excessive lighting be allowed;

Martin Benson, Deacon Hunt Lane – questioned the exact location of the Town Common and noted the triangle is considered a graveyard, and any signs would constitute grave desecration;

Debra Simes, Concord Road – requested to add to the policy that whatever display is added it does not shed on the ground;

Unknown name – questioned about liability issues, suggested having a border around the display, questioned about providing information identifying the name and number of the display sponsor.

Danny Factor, Davis Road – supported what the Board stated about holiday lights, noted some suppression living in a largely Christian environment as a minority religion;

Terra, Mass Ave – encourages and reminds the public that the Chair is in charge of meetings, supports a menorah on Town property

Scott Smyers, Central Street – commented on Ms. Nicol noted on having an explanation on what an appropriate holiday display is and what is an example of a culture or ethnicity that is not a holiday;

Ms. Arsenault moved, seconded by Mr. Martin to approve the proposed holiday display policy as edited and approved unanimously.

4. Approve Request from Eva Chenail to Install Menorah on Lawn at 468 Main Street

Ms. Nicol is comfortable waiving the 30 days' notice requirement within the new policy, and requested details on the size and location where it would be placed.

Ms. Chenail noted it was 9 feet high, and proposes having the lights on until 10 PM. She indicated the base must be inserted into the ground and requested the Board allow the installation. Additionally, Ms. Chenail requested the use of electrical services using LED lighting. Mr. Martin requests waiving the 30 day notification as well.. **Ms. Arsenault moved, seconded by Ms. Nicol approve the request from Eva Chenail to install a menorah on lawn at 468 Main Street and waiving the 30 day request for permission and approved unanimously 5-0.**

5. Presentation of the FY2025-2034 Capital Improvement Plan

Mr. Mangiaratti introduced the FY2025-2034 Capital Improvement Plan with members of the Finance Committee in attendance. Mr. Mangiaratti explained all capital projects that have been requested, indicating there is over \$17.867 million in general fund capital requests.

Terra, Mass Ave – questioned if there was staffing in the capital plan; suggested utilizing volunteers for community events and departments; recommended having Town staff park vehicles at the fire station instead of Town Hall/Library parking lot, supports the Town Hall Memorial Library parking plan, stated unspent ARPA money can be allocated, questioned whether Hayward and Main light project was a Select Board goal.

Mr. Snyder-Grant noted that the Town is heading towards an operational override. Suggested going over each capital project that is listed as high priority, and allow Board members to comment on each section. Mr. Charter noted the prioritization the Town Manager was well done, noted the fuel pump relocation should be a top priority, as should the ladder truck and complete streets for Hayward and Main projects. He stated he does not support any new sidewalk construction at this

time. Ms. Arsenault doesn't feel the light at Hayward and Main should be a high priority. Mr. Snyder-Grant feels the Hayward and Main construction and analysis didn't show an increase in traffic and would recommend cutting as a high priority. Mr. Martin feels the fueling station relocation is a priority, the fire truck replacement could be delayed and indicated air tanks and radios are a higher priority. He mentioned the Town should start on facility improvements in Town Hall; recommended having a consistent funding for most road safety and storm water improvement projects that will be in the amount of roughly \$1.2 million dollars, and include sidewalk construction. Ms. Nicol agrees with the sentiment that a high priority is the fueling station relocation project, and asked that a cost analysis be done looking at a possible shared fueling station with other community; feels the fire truck replacement should be a higher priority and Hayward and Main not as high a priority. She indicated she would like to see the parking lot improvements at Maple Street and Town Hall/Library be deferred; and the bridge and culvert repair project should be a higher priority than sidewalks. Ms. Nicol also commented on the ARPA allocations that have not been spent, asking which projects could be allocated; she agrees with top 3 priorities as well as consideration for the driveways at the cemetery and gate repair project, noting CPA funding could be used for the cemetery gates. Mr. Charter questioned the capital money approved a few years back that was allocated to the Cemetery for the construction of a columbarium from Town meeting 3 years ago that has not been expended and will expire and could be returned and reappropriated for cemetery purposes. He also noted the CPC received a request for Town Hall improvements that included painting and gutter work for \$750K and asked where it fits within the Capital Improvement Plans. He noted the request is half of what is available in CPA funds, and also mentioned the NARA roofs need replacement. The Board had a conversation on the different roofing materials that could be used for the NARA roofs as well, primarily focusing on the proposed metal roof installations.

6. Acton Leadership Group Update

ALG met this morning and worked with a spreadsheet regarding level services for both Town and Schools. The budget gap is primarily driven by continued inflation and unforeseen Health Insurance Trust increases. Proposition 2 1/2 allows municipalities the ability to raise the tax levy by 2.5% annually, and requires a vote of the community to exceed that, or override that amount. Both the Town and School Department have reviewed operations and budgets focusing on what a 3% increase would look like, and what a potential budget override would consist of. The conversation included potentially calling for a special town meeting and increasing the Town operating levy for this upcoming year. Additionally, the request for an override would include excess levy capacity covering projected budget gaps over the next couple of years. Mr. Charter suggested coming back to the Select Board with a level services budget on December 18th. Ms. Nicol indicated she would like to see what the tax impact for the average family would be for a 3% budget and a potential override. Mr.

Snyder-Grant noted the availability of tax abatements and ask the Town to publicize these programs more effectively. Mr. Mangiaratti noted in presenting the level service budget it would be better to have both the Town and School budget prepared to understand what the delta is and what a possible override would look like and impacts for both approval and denial of an override..

7. Tree Preservation Bylaw Presentation

Mr. Snyder-Grant presented the proposed tree preservation bylaw. Ms. Nicol expressed concern about the minimum tree clearing language, specifically, regulating this minimum to one acre. Mr. Charter would like to be a resource for the proposed bylaw and offered his assistance to Town staff. Mr. Martin commented that the land clearing needs more explorations, and discussed the setback language, indicating he would like to see what triggers it. He also stated he would support a tree-clearing bylaw.

Terra, Mass Ave – questioned how this could be associated with odd sized lots that was discussed at last Town Meeting and is a Select Board goal.

Danny Factor, Davis Road – questioned the administration and the working group, recommended a review committee should include members of the public and other non-Town committees; asked if the Sustainability Director will be a member of this working group and if the working group minutes would be available to the public.

8. Habitat for All Presentation

Senior Planner Kaila Sauer presented the Habitat for All presentation. Points that were highlighted focused on planning, conservation and sustainability. Ms. Nicol questioned the possibility of eliminating the minimum parcel size within the Habitat for All zoning to an 8-acre minimum, which is an option the Planning Division is exploring. She commented on the slide that incorporated the current NRPZ zoning, and asked about what happens to the PCRC zoning and open space development within this proposed change, and supports protecting more open space throughout the Town.

Mr. Charter likes the concept of preserving open space. He suggested looking at subdivisions such as the Canterbury Hill development that focused on preserving open space while providing large housing lots. Ms. Nicol offered to be part of an advisory group and support Mr. Charter as an advisor on the tree clearing bylaw. Tom Beals, Willow Street – questioned the initial diagram shown in the slide deck with cluster housing and large open space diagram; asked if the Canterbury Hill development would fit within the proposed natural resource zoning protection – Ms. Sauer noted Canterbury Hill is a PCRC, which is similar to the proposed bylaw.

Debra Simes, Concord Road – asked how the advisory group was created, and suggested some at-large memberships with expertise should be included in the advisory group.

Susan Jick, Half Moon Hill – likes seeing the land clearance bylaw moving forward, questioned if the land clearing bylaw should be considered as a Town

bylaw and not a zoning bylaw, and discussed possible incentives for smaller home lots.

9. Approve Electric Vehicle First Policy

Sustainability Director Andrea Becerra presented the EV First policy. The main considerations were to prioritize electric vehicles for the municipal fleet, which include school busses and micro-transit services. The Board discussed purchasing and/or leasing of all electric vehicles for light-duty/passenger vehicles and provided suggested changes to the proposed policy with an amendment that would clarify that any vehicles procured would be fit for intended purpose regardless of fuel source. Ms. Becerra will incorporate the changes requested and bring a revised draft back to the Board for final review/approval.

10. Approve EV Charging Rates for Town-Owned Charging Stations

Sustainability Director Andrea Becerra presented the proposed EV charging rates. The Green Advisory Board voted to set the level 2 public charges to a rate of \$0.35 per kWh and the new level 3 DC fast chargers to \$0.45 per kWh. Mr. Martin questioned if the vehicle charges should be charged by the hour to prevent people leaving their cars plugged in all night and if current chargeports give employees a discounted rate. Mr. Charter suggested that the rates be recalculated to benefit the current time and also consideration for the future. Mr. Charter also indicated that he was not in support of reduced rates for employees and felt that a reduced rate would be a form of subsidy for public employees while excluding those employees who did not drive EV's, since the Town did not offer reduced rates for gasoline for staff and would possibly violate state ethics law. **Mr. Martin moved, seconded by Ms. Nicol accepting the proposed rates and revisiting these in March 2024 and approved unanimously 5-0.**

11. Review Preliminary Guidelines for Fossil Fuel Free Building Regulations
discussion postponed to future meeting

12. Approve the Citizens Library Governance Advisory Committee Charge

Ms. Nicol summarized the proposed Citizens' Library Governance Agreement. Mr. Martin requested a further conversation where he would provide his extensive notes on suggestions and issues with the proposed charge, which may take up to 30 minutes, to be on a future agenda. Mr. Snyder-Grant took comment from the public – no further comments from Board members.

Susan Shanahan, Nonset Path – questioned about the MOA, requesting to reverse the 2 phases to be able to discuss before voting on an agreement

Terra, Mass Ave – questioned what the process would be if phase 2 came first, feels volunteers should run the library, discussed her perception of the process of phase 1, specifically that the parties develop an idea what the recommendation is and document that in the MOA.

Ann Chang – requests 3 members of the AML Trustees be members of the advisory committee. Ms. Chang indicated she feels the Branch Manager should be

appointed by the Acton Memorial Library Director, as AML funds support the Citizen Library operation with staff.

Lauren Morton – sat in on a meeting with West Acton Children’s Library trustees and discussed what their vision was on the operation of the library.

The Board will revisit the topic at another meeting.

Tom Lemire – should not enter discussion assuming legal ambiguity because Town Counsel has weighed in

Terra, West Acton – both library boards should have the same authority; legally problematic to have AML trustees on the advisory committee; urges public input

Ms. Nicol noted to be open to adding a 9th member; a representative from Friends of Acton Libraries; legal ambiguity exists because there is no document naming Citizens’ Trustees that lays out their authority

13. 53 River Street Master Plan Committee Update

- *Approve Proposed Name for 53 River Street Park “Textile Mill Park”*

Mr. Martin noted the committee had several discussions over several meetings to name the park. He noted some people expressed concern naming the park Shoddy Mill Park. If the Board wishes, the committee could go back and do some further work in suggesting the name. Ms. Nicol expressed confusion why the committee took up the task of naming the park, and felt the discussions were not properly advertised; did not believe this task to be part of the committee’s charge;; suggested bringing in members of the Historical Commission, Acton Historical Society, Iron Work Farm, and South Acton Vision for input. Mr. Charter favors the word “shoddy” as part of the name of the park due to its historical significance at the site. Ms. Arsenault would like to involve more of community as part of the naming. Mr. Snyder-Grant supports sending it back to the committee for further discussion with these suggestions and notes. Mr. Martin offered to take the name and suggestions back to the committee and briefly updated the Board on the progression of the status of the dam removal, showing some slides of the restored river bank and site.

14. Select Board Goals Status Update

Postponed until future meeting

- Approve Goals Origin Document

Postponed until future meeting

- Approve RFP for Sewer Commissioner Analysis

Postponed until future meeting

- Discuss Next Steps for Gas Leaf Blower Bylaw

Select Board opened for public comment and agreed to continue conversation at a future Board meeting.

Adam Nolde, Broadview Street - concerned about the 2027 phase out date for commercial users or residential users and did not believe comparable equipment was widely available yet.

Debra Simes, Concord Road – supports the bylaw and stated the gas blowers are dirtier than electric blowers, louder and the emissions are bad for the environment.

Terra, Mass Ave – does senior care and discussed gas blower noise levels and how it effects the senior population.

Susan Jick, Half Moon Hill - mentioned that people could use rakes instead of leaf blowers.

Tom Beals, Willow Street – suggested regulating noise with technology and bylaws; would like to see a cost benefit analysis of switching to electric powered blowers, discussed fining people that use gas powered equipment, and questioned how far the Select Board will go regulating what residents can use for lawn equipment

Paul Kampus noted that cost savings is greater than the product.

Additionally, he stated that a gas power leaf blower puts out 7K lbs of CO2 in the environment; he also mentioned that surrounding communities are phasing out gas powered leaf blowers by 2026/2027.

Ann Chang – Economic Development Committee discussed this topic and how one contractor had to refit their caravan to support charging equipment and ended up passing the costs onto customers.

Alan Bunce, Blackhorse Drive – noted more usage over the years and more consistent usage recently, also supports a ban using a phased in approach.

Eric Hudson, Nagog Hill Road – supports a transition from gas power to electric leafblowers, noting an environmental advantage, noise advantage, and cost saving advantage, and suggested looking into grants available for landscapers to assist with the cost of transitioning.

Scott Smyers, Central Street – concerned about landscapers livelihood and should reconsider having a ban to allow for expansion and availability to allow for additional charging locations. Also stated he was concerned about not allowing for public comments from a previous meeting and not allowing for free speech.

II. Consent Items

Mr. Snyder-Grant held consent item 17. Ms. Arsenault held consent item 20.

Ms. Nicol moved, seconded by Mr. Martin to approve consent items 16-17, 19, and 21 and approved unanimously 5-0. Ms. Arsenault volunteered to represent the Board at the Eagle Scout Ceremony.

III. Meeting Evaluation

Mr. Martin noted the long meetings and suggests announcing early in the meeting items that will be postponed to another meeting so that people don't have to sit and wait, especially presenters, only to have their item rushed or deferred to another meeting. Ms. Nicol appreciated starting at 6:00 PM, disappointed they were not approving the Citizens' Library Governance Advisory Committee Charge, and appreciated allowing residents to speak about gas powered leaf blowers. Mr. Martin recommends finalizing items that have been at repeated meetings to help move agenda items along and not need multiple meetings for repeat items. Ms. Nicol suggests drawing a line on how long a discussion goes for

future meetings to help expedite meetings and discussions. Mr. Snyder-Grant noted how long the Capital Improvement Plan with the inclusion of comment from the Finance Committee took this evening, which was beyond what he had originally anticipated.

Ms. Nicol moved, seconded by Ms. Arsenault to adjourn and approved unanimously 5-0. Meeting adjourned at 11:15 PM.

Documents Used

- December 4, 2023 Agenda
- Holiday Display on Public Property Policy
- FY2025-2034 Capital Improvement Plan
- ALG Spreadsheet
- Tree Preservation Presentation
- Habitat for All Presentation
- EV First Policy
- EV Charging Rates Memo
- Citizens Library Governance Advisory Committee Charge
- Memo from 53 River Street Master Plan Committee Dated October 18, 2023
- Citizen Comments Regarding 53 River Street from Anne Forbes Dated November 20, 2023, Bill Klauer Dated November 5, 2023, and Bettina Abe Dated November 5, 2023
- Select Board Goals Status Memo Dated November 1, 2023
- Select Board Goals Origin Rationale Memo Dated November 15, 2023
- Sewer Commission Analysis RFP
- Acton Leaf Blower Bylaw Parameters
- Meeting Minutes, November 15, 2023
- Executive Session Minutes, November 15, 2023
- Announcement of Eagle Scout Achievement for Katie Dallimore Email Dated November 16, 2023
- 2024 Select Board Meeting Schedule
- Letter from Lions Club Regarding Accepting a Donation of Merchant Gift Cards Dated November 22, 2023
- Elizabeth White Fund Grant Memo Dated November 30, 2023