



SELECT BOARD
MEETING MINUTES
JANUARY 8, 2024

7:00 PM

ACTON TOWN HALL, ROOM 204
472 MAIN STREET

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

Additional Attendees: Town Manager John Mangiaratti, Assistant Town Manager Thom Begin

I. Regular Business

1. Resident Concerns

Martin Benson, Deacon Hunt Drive – commented on an incident at a recent Select Board meeting questioning when a point of order is appropriate; questioned into practice of allowing political signs on town common; discussed Select Board members responding to comments made at public meetings and allowing for free speech; discussed members responding to emails from the public representing the Select Board; and discussed the response from the chair regarding a public records request from Scott Smyers.

2. Chair Update/Town Manager Update/Members Minute

Mr. Snyder-Grant commented on a couple more agenda items to review at a future Select Board meeting pertaining to possible support or not supporting pieces of legislation at the State level and invites Board members and the public to submit their thoughts on the upcoming legislation, and is currently working through a backlog of agenda items that will require the Board's attention at future meetings. Mr. Mangiaratti encourages everyone to watch the additional Select Board meetings this week regarding the Budget Workshop on 1/10 and 1/11. Mr. Mangiaratti also noted that Governor Healy announced she was exercising her right to make 9c cuts to the budget and reducing line items that will be impacting many communities, including Acton, as the Town was awarded an earmark for a sewer study this year which will now be cut by 50%. Mr. Charter noted he was not aware that Mr. Benson would be speaking during resident comments and read from a prepared statement about the Town's visitor code of conduct, which was created by a previous Board and Town Manager, and laid out the current law about public criticism of public officials, and that certain behaviors are protected under article 19. Ms. Nicol mention the library strategic planning session is still open and encourages the public to fill out the survey; additionally that the book sale is scheduled for 2/3 and 2/4; she also announced that there is a senior property tax abatement session at the Senior Center on 1/10 2-3. , and that the

Acton Water District began their FY25 budget session and there is a rate increase proposal on their meeting agenda tonight.

II. New/Special Business

3. Acton Leadership Group Update

Mr. Snyder-Grant noted the ALG did not meet today due to school closure. Part of the discussion for an agenda item is to finalize an agreement for an override. Mr. Martin commented on what kind of proposals to make to move the ALG process forward. Currently the budgets that are in the process of development are level service budgets. The hurdle is uncontrollable costs and the suggestion is to have an assessment that is \$8 million lower than originally proposed and a total reduction of \$11 million from FY24. He stated the board could consider directing the Town Manager what cuts to be made to reduce the budget. He indicated that using the two budget workshop meetings this week could help guide the Town Manager where these cuts could be made. Based on Mr. Martin's proposal, the Town and School's would need \$8 million in a budget override, but would request more to allow funding for future gaps and eliminating the need for a second override vote. Mr. Charter expressed concern about finalizing details prior to the budget meeting this week. Ms. Nicol questioned on how the amount of the decrease in the budget came to fruition from the level services proposed budget. Ms. Arsenault commented on distributing cuts to the level services budget by both school and town with the school decreasing their budget by \$2 million and the town by \$1 million. Mr. Mangiaratti noted that if ALG had met this morning, there was a proposal in utilizing additional free cash to help decrease the budget gap by \$1 million by increasing usage of free cash to \$2 million. This would then change the overall budget gap to \$9 million +. The thought was to utilize the free cash for capital and operating budget projects as it is not recurring revenue. Mr. Martin questioned if the Board should direct the Town Manager to reduce the budget by \$1 million from the budget vs. the level funded budget.

Scott Smyers, School Street – questioned Mr. Martin's comment about “chicken and the egg” regarding the budget.

Mr. Mangiaratti requested clarification on where to take the \$1 million in cuts from- operational or capital. Mr. Snyder-Grant suggests making the recommended reductions contingent on the outcome of ALG. **Mr. Martin moved, seconded by Ms. Nicol that the Board direct the Town Manager to reduce the level service budget after having heard feedback from the budget workshop and contingent on the outcome of the ALG and approved 4-0-1 (Charter).**

4. Approve Usage of “Avalon” Mitigation Funding for Phase I of the Radio Upgrade Project and SCBA Equipment Replacement

Mr. Mangiaratti explained the Avalon mitigation funding is from the development in North Acton. When the developers were proposing the project they proposed mitigation funding in a per-unit cost, which currently has approximately \$800K left for spending. Originally the funding was going to be used for capital projects and was never used. The developer required it be utilized for public safety in

North Acton, and the funding is available for usage without waiting for the next fiscal year. Mr. Mangiaratti explained the proposal is to utilize roughly \$600K of these funds for the public safety radio system upgrade project, which is a phased project and utilizing the remaining balance for a portion of the Fire Department's SCBA replacement project. **Mr. Martin moved, seconded by Ms. Nicol to authorize the expenditure of the remaining \$839,459 in mitigation funds from the Woodlands at Laurel Hills (Avalon Acton) for investments that benefit North Acton in amounts determined by the Town Manager to fund phase 1 of the Public Safety Radio System Replacement Program and a portion of the necessary Self-Contained Breathing Apparatus SCBA replacements and approved unanimously 5-0.**

5. Prioritize Capital Items

Mr. Snyder-Grant noted Mr. Martin created a spreadsheet on the priority of capital items, noted some of the capital items are funded from grants and revenue sharing from the state, and noted certain capital items the members strongly supported at the previous Select Board meeting by categorizing the items with a letter priority.

Terra Friedrichs, Mass Ave – Commented on the Board's consideration on the impact on low-income that may share the brunt of the increase, Mr. Charter's comment on staff and not filling open positions, light at Hayward and Main will not improve safety, commented on her email to the Board regarding complete streets.

Mr. Martin moved seconded by Ms. Nicol to use fair share funding on railroad crossing and removing this project from the general budget proposal and approved unanimously 5-0

Mr. Mangiaratti noted the town is working on grants and other subsidies to cover the requested capital items.

Mr. Snyder-Grant suggests to return to a future meeting with the recommendations from the Town Manager on what items can be reduced for FY25 to bring the total amount of capital items request to \$2 million.

6. Open the Annual Spring Town Meeting Warrant and Consider/Approve a Date to Close the Warrant

Mr. Begin outlined the proposed calendar timeline for Town Meeting listing all pertinent committees and Boards meeting, when decisions need to be made before publication of the warrant, the proposed calendar would allow submission of citizen petitions 7 weeks before closing the warrant. He proposed to open the warrant tonight and close the town meeting warrant on February 22, 2024 at 5pm.

Mr. Martin moved, seconded by Ms. Nicol to open the warrant now and close at 5PM on February 22, 2024 and approved unanimously 5-0.

7. Approve the Citizens Library Governance Advisory Committee Charge

Ms. Nicol reviewed the updated charge after the previous meeting and discussion at a past Select board meeting. **Ms. Nicol moved seconded by Ms. Arsenault that the citizen library charge be approved and approved unanimously 5-0.**

8. Discuss Proposed Gas Leaf Blower Bylaw and Next Steps

Mr. Snyder-Grant discussed the process of getting the possible citizen petition for banning gas leaf blowers and the petitioner's timeline on the process if it passes at Town Meeting, specifically when enforcement of the ban for both commercial landscapers and residential use would take place. Mr. Snyder-Grant was looking for input and recommendations from Select Board members. Mr. Charter suggests circulating educational flyers to the public and commercial landscapers to request phasing out gas blowers; expressed concerns about employees of landscapers with an all-out ban and adversely impacting the landscape companies financially; expressed concern about the amount of gas being used for both municipal and school use may be inflated by the petitioner. He would favor a much longer timeframe for implementation, more towards 2029 to give additional time to phase out gas blowers and to transition towards electric. Mr. Martin agreed with resident and landscaper education, feels electric is safer, phase in plan is too complicated and should have a single phase in date. He suggested it as a non-binding resolution rather than enforcement. Ms. Nicol commented on checking in with the DEI Director, doesn't feel there would be negative implications on employees of landscapers, feels there is a role for local government to protect workers, this ban would not only be a climate action but also a health action. She explained she was expecting this process to be similar to the polystyrene ban group, and doesn't understand why there are different years for implementation. Mr. Snyder-Grant reinforced the impact on workers, noise level and potential hearing damage from constant blower noise, and concern about breathing in the gas fumes. He suggests bringing it back to Green Advisory Board for further comment, commercial users use it constantly and go through machines more frequently and could transition to electric sooner.

Chris Edwards – good reasons to take action for environmental and health safety purposes, supports DEI involvement, noted the Economic Development Committee memo, doesn't see it as a problem to make changes and not an anti-business tactic

Catherine Usoff, EDC – commented on the EDC position, is not debating the value of environmental and health but objective to going to legislation directly and not giving the chance to educate the businesses, noted Home Depot will be transitioning to electric lawn machines by 2028, as a citizen would like to remove the restriction on push leaf blowers in relation to the acreage of certain properties. Carolyn Davis, Brewster Lane – Acton believes we are in a climate emergency and a leaf blower ban can reduce carbon monoxide, reducing noise and pollution, understands change for landscapers may be challenging, urges the Select Board to move the petition forward

Ms. Nicol added a correction that the leaf blower ban is a long-term goal, encourages Paul to ban a group of people together to further educate the public and possibly bring this to a future town meeting, state legislation is proposed for zero interest loans for landscapers and municipalities, not supportive of the fines

listed in the proposal, feels it punitive and not necessary, leaves the opportunity for fining the property owner and the landscaping company. **Mr. Snyder-Grant moved seconded by Mr. Martin to move forward with the bylaw, assign a Select Board liaison and approved unanimously 5-0.**

Mr. Martin volunteered to be liaison and will work with various Boards and Committees and report back before February 22nd.

9. Approve Changes to the Agricultural Commission Charter

Ms. Arsenault presented to the Board as liaison to the Agricultural Commission regarding the request to change the charter allowing non-residents to fill associate positions. Mr. Martin suggests that associates be actively farming in Acton or knowledge of or employed by agricultural industries

Mr. Snyder-Grant moved seconded by Mr. Charter to accept new charter as amended and approved unanimously 5-0.

III. Consent Items

Mr. Snyder-Grant noted item 13 regarding approval of OPEB spending will not be discussed at this meeting. **Mr. Martin moved, seconded by Ms. Nicol to approve consent items 10-12, and 14-19 inclusive and approved unanimously 5-0.** Ms. Nicol noted a correction on the spelling of the name on item 19. **Mr. Martin moved, seconded by Ms. Nicol to approve the corrected spelling and approved unanimously 5-0.**

IV. Meeting Evaluation

Mr. Snyder-Grant was pleased the meeting ended before 11 PM, clear discussion of agenda items, and positive feelings about the meeting. Mr. Martin noted the importance of the leaf blower discussion to move forward and take the details offline from the Select Board and assign it to another committee for further discussion to bring back to the Board to review and critique the draft article. Ms. Nicol noted concern of lack of prioritizing the capital items and ending up with more money than originally began with, suggests a forced ranking. Ms. Arsenault noted the meeting more relaxed, stress of the budget process.

Ms. Nicol moved, seconded by Ms. Arsenault to adjourn and approved unanimously 5-0. Meeting adjourned at 10:21 PM

Documents Used

- January 8, 2024 Agenda
- Memo from Town Manager Regarding Avalon Funds Dated
- Email from Town Manager with FY2025 Proposed Budget Link Dated
- Proposed Town Meeting Calendar
- Revised Draft Citizens' Library Governance Advisory Committee Charge
- Agricultural Proposed Changes to Charge
- Meeting Minutes for December 18, 2023
- Donation Acceptance Memo from Recreation Department Dated December 19, 2023
- Multiple One Day Alcoholic Beverage License Application, Theater III

- Donation Acceptance Memo from Conservation Division Dated December 28, 2023
- Email from Thomas Begin Regarding Appointment to Open Space Committee Dated January 2, 2024
- Recommendation from VCC for Bettina Abe to Open Space Committee
- Memo from Community Service Office to Accept Donations Dated January 2, 2024
- Memo from Finance Department for Commuter Reserved Parking Rate Recommendations Dated January 3, 2024
- Memo from VCC Recommending Appointment of Kalyani Krishnan for Human Services Committee