



SELECT BOARD
MEETING MINUTES
JANUARY 22, 2024

6:30 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

Terra Friedrichs, Mass Ave – commented that the Town could recognize the events from October 7, 2023 and call for a cease fire in the Gaza strip, mentioned the executive session regarding the W.R. Grace land and urges the Town to purchase the land for open space and not for sewer expansion.

2. Chair Update/Town Manager Update/Members Minute

Mr. Snyder-Grant commented on the agenda dealing mostly with the budget, looked at the remaining list of upcoming agenda items to discuss leading up to Town Meeting and will be very packed with content. Noted that all items on the agenda for this meeting have some urgency to discuss but could be put off until the next meeting; attended the Massachusetts Municipal Association Annual Conference and sent a link to Board members for the new MMA Select Board Handbook. Mr. Mangiaratti congratulated Chris Sammett who was recently appointed as Deputy Fire Chief. Mr. Martin noted the school district recently presented their budgets and that it is available for viewing on the abschools.org budget page with the A budget reducing 25 positions, and B budget with no override reducing 90 staff. Ms. Nicol acknowledged the Congregation Beth Elohim Social Justice hosted the 22nd annual MLK breakfast, mentioned the Acton Conservation Trust sends out newsletters regarding upcoming events with their partners, which includes meetings on protecting land with a Conservation Restriction on 2/22, and making land available for farming on 2/22 and 2/29. Ms. Nicol also mentioned that the Great Road Church is hosting a community conversation on race equity and corrections on 2/27.

II. New/Special Business

3. Follow Up Discussion on Acton Leadership Group and Joint Budget Workshop

Mr. Snyder-Grant noted at last ALG meeting a conversation was had about the possible reduction of \$1 million from the town budget and \$2 million from the school budget. The Finance Committee is looking into the proposal further and will return to ALG with a response. The role of ALG is to decided upon what the

percentage of revenue increases would be for both schools and town budgets for the next fiscal year, which would possibly lead to an override this year. Mr. Martin explained that the \$2 million cut is from the school district assessment and not the operating budget which results in a total of a \$2.5 million cut. It would be an override of \$7 million dollars to be split between town and schools which was less than what was proposed as level service budgets for both entities. The proposed levels are on the border of pain and harm for both entities but doesn't see long term harm for the school and town. Ms. Nicol questioned regarding the struggle understanding the difference on the pain and harm with an override, Mr. Snyder-Grant suggests to wait until the Town Manager's presentation. Mr. Charter commented that town staff should calculate the real number and what the financial impact will be for the average homeowner on their residential tax bill.

4. Presentation of Revised Town Manager FY25 Budget and Capital Plan

Mr. Mangiaratti presented his revised Town Manager FY25 Budget and Capital Plan and noted the health insurance increase of 22.8% as of January 1st. Mr. Mangiaratti noted the Town was able to cover the employee increase for the first few months of 2024 and is working with an internal working group to figure out how to decrease the costs moving forward. Mr. Mangiaratti reviewed the Town Meeting budget schedule calendar timeline. Mr. Mangiaratti, at the direction of the Select Board, worked with Department Heads to cut \$1 million from his previously proposed budget. The proposed budget increase for the revised budget for operations is 4.24% with a total of 6.39% including capital costs and has been reduced by over \$1 million from the Town Managers recommended budget.

Mr. Martin commended the effort put into his cuts made and overall more cuts in spending than originally requested. Mr. Charter commented that he was concerned about overtime cost for July 4th and questioned a reconsideration regarding the event as overtime will incur in FY25, impacting those budgets. Mr. Mangiaratti noted the cost for contractual services are for fireworks and busses, the additional costs will be roughly \$15K for Police, Fire, and DPW employee overtime for that one event. Ms. Arsenault questioned about the reduction for the Police clinician position – Mr. Mangiaratti noted the budget for the additional position would be for a part-time position which may work out since the position still has not been filled. Ms. Nicol questioned about staff cuts if the positions proposed to be unfunded are currently vacant or for new positions. Mr. Mangiaratti noted that they are currently vacant except for the proposed Project Manager position, and the library staff position, which are new positions and not filled to date.

Nijan Datar – questioned what this budget would be if the override passes, suggested eliminating the current DEI position as it would be decreasing \$100K back into the budget vs. eliminating or defunding a position at DPW.

Terra Friedrichs, Mass Ave – appreciates the support for clinicians rather than celebrations or fireworks, requested the Town keep the DEI position, stated she appreciates the wetlands fee, and requested the Town shift revenue for housing improvements.

5. Approve Grace Lease Recognition and Non-Disturbance Agreement

Mr. Snyder-Grant noted the history and background of the WR Grace properties regarding sewer betterment and litigation, resulting in a lien on the land. The land is considered a superfund site. Paul Gosher, general counsel for Syncarpha summarized the lease of 25 years, stating that if there is a foreclosure of the land they can continue to operate their business for solar field.

Brian Kopperal, REM will be giving notice to proceed for construction in the spring and important for the town to know that there are no obligations at this time, and they were keeping the lease in place, TAP payments going towards the town and will continue to move forward. Grace has been making payments on their sewer betterments as well. Mr. Snyder-Grant suggested a groundbreaking on the site and to invite the public once this project officially moves forward.

Terra Friedrichs, Mass Ave – questioned what are the advantages for the town to sign and disadvantage to not sign the agreement – Mr. Snyder-Grant explained the town is taking advantage of the solar field through a PILOT and would like to continue through the life of the lease

Mr. Martin moved, seconded by Ms. Nicol to approve the W.R. Grace lease recognition and non-disturbance agreement and unanimously approved 5-0.

6. Update on South Acton Vision and Action Plan and MBTA Zoning

Kristen Guichard, Planning Director, and Nora Masler, Assistant Planner presented the update on the South Acton Vision and Action Plan. Key items discussed were: 10 acres of property must be zoned for multi-family housing by right within a ½ mile of the train station. Planning had launched public outreach through a public survey and virtual presentations utilizing an advisory group with members representing multiple Boards and Committees. The detailed presentation is scheduled for Tuesday evening, 1/23. Ms. Arsenault expressed appreciation for their outreach, Ms. Nicol commented on the efforts reaching out to as many people and groups as possible, questioned about recent zoning changes in August if that impacted the locations they were looking for. Ms. Guichard noted the current locations identified would allow the zoning changes to achieve the metrics that are required from the state. Board members noted appreciation with their effort and work put into the vision and action plan.

7. Discuss Vehicle Sales Along Great Road

Mr. Martin noted many residents have brought up questions about the number of car dealerships on Great Road after the site plan special permit for Nagog Park for McGovern Auto. The Board directed Mr. Martin to work with the Planning Division regarding zoning allowances for auto dealerships on the Great Road corridor. Ms. Guichard noted that if the zoning for the Powder Mill Road district is approved, auto dealerships will no longer be allowed in the district. If the community wants to limit outdoor display of vehicles or limited sales, it would require a special permit.

Mr. Snyder-Grant noted limiting the number of auto dealerships on Great Road, Ms. Guichard explored the option, and noted the changes would not limit commerce, and the only limitation would be a risk of health and safety of the public.

Mr. Charter noted limited commercial uses for parcels such as wastewater treatment issue, and concerned about banning or limiting dealerships since it is a legal product allowed in the district and utilized by all residents.

Ms. Nicol commented on not expecting a short timeline since the public outreach and analysis will require more time.

Board members have no concerns moving forward with the public survey. Ms. Guichard noted that the purpose of the Powder Mill Corridor project was to protect the resources of the Assabet River and create connections for people using the river and the proposal was to prohibit vehicle sales along the Assabet River. Terra Friedrichs, Mass Ave – requested no car dealerships be allowed near well heads, and that Concord prohibits banks in downtown Concord, Acton should prohibit or limit car dealerships, Great Road should be treated like a village and to encourage and attract small businesses.

Ms. Nicol questioned if current dealerships could be incentivized to relocate from a ground protection zone 1.

8. Review Status of Fossil Fuel Free Building Regulations

Andrea Becerra, Sustainability Director and Nora Masler Town Planner presented the fossil fuel free building regulations. Ms. Becerra explained the specialized opt-in stretch code requirements. The online resource is a collaboration consisting of the towns of Acton, Arlington, and Lexington.

Mr. Snyder-Grant questioned the original bylaw that was a two-step process that the Building Commissioner was responsible for determination of eligibility but this new version goes directly to the Select Board.

Terra Friedrichs, Mass Ave – likes to the change of the Select Board becoming the approval authority so people use less gas, less strain on staff for legal purposes

9. Approve Electric Vehicle First Policy

Andrea Becerra, Sustainability Director responding to original feedback provided during the previous presentation to the Select Board. The policy procurement priority for light duty vehicles is battery electric vehicles, hybrid vehicles and is a result of the Town declaring a climate emergency in 2020 calling for net zero emissions and how her office has been utilizing various grants and incentives to help offset these purchases and transitions.

Mr. Snyder-Grant mentioned adding an amendment to the policy under the title “applicability” to not include “plowing, dump trucks and public works operations or off-road vehicles”.

Mr. Charter moved, seconded by Mr. Martin to approve amended draft zero-emission vehicle first policy and approved unanimously 5-0

10. Sewer Commissioners

- Approval of Funding Sources for Sewer Rehabilitation Project

Ellie Anderson, Financial Solution Analysis, discussed with the Sewer Commissioners a brief recap from the Sewer Commissioners' workshop including future financial considerations regarding the WWTF rehabilitation project consisting of \$4.5 million in borrowing, with annual payments of \$250K with an interest rate of 1.5%, the construction and connection of the Powder Mill Apartments in FY26 with projected increase of flow by approximately 800K gallons with increase in revenue by \$190K annually. The total of privilege fees collected to date is \$2.046 million and Ms. Anderson recommends utilizing the privilege fee balance for payment of the WWTF rehab debt through FY31, while implementing an incremental rate setting process.

Mr. Martin questioned if it was recommended to utilize the sewer privilege fee funds currently on hand to reduce the interest rates on bonds, Ms. Anderson would refer that to the Town Treasurer but did note the interest rate is 1.5% currently.

Ms. Nicol questioned the starting balance and does it include the \$500K from Powder Mill Place or paying back the five-year loan; Ms. Anderson explained the amount is the free cash balance as of FY2022.

Ms. Nicol moved, seconded by Mr. Martin to approve the use of sewer privilege fee funding to cover the annual debt service payments for the WWTF Rehabilitation Project from FY2026 to FY2031 and approved unanimously 5-0

11. Approve Select Board Representative to Citizens Library Governance Advisory Committee

Mr. Martin nominated Alissa Nicol. **Mr. Snyder Grant moved, seconded by Mr. Martin to have Alissa Nicol as Select Board representative to Citizens Library Governance Advisory Committee and approved unanimously 5-0.**

12. Approve Sewer Commissioner Analysis Request for Proposals

Mr. Mangiaratti updated the Board regarding a Town Meeting citizen petition for a sewer commissioner analysis, and noted Representative Cataldo secured an earmark for the study, which has recently been decreased by 50%. Mr. Martin commented on adding some amendments and changes and Mr. Snyder-Grant recommended Board members send updates to the draft to Mr. Mangiaratti to revisit at a future meeting.

13. Approve Ambulance Rate Changes

Marianne Fleckner, Director of Administration and Finance and Fire Chief Anita Arnum discussed the proposed increase in service fees broken down in 3 categories – BLS, ALS 1, and ALS 2, as well as a mileage rate. The town subsidizes the ambulance enterprise fund currently and are looking at options to increase revenues, reducing the subsidy. The proposal is to increase fees by utilizing the Medicare reimbursement rates and multiply by 400% to cover the cost of services, which is similar to surrounding communities.

Mr. Martin moved, seconded by Ms. Arsenault to approve the ambulance rate change and return in January 2025 to evaluate and approved unanimously 5-0.

III. Consent Items

Mr. Snyder-Grant passed over consent item 14. **Mr. Martin moved, seconded by Ms. Nicol to approve consent items 15-25 inclusive and approved unanimously 5-0.**

IV. Meeting Evaluation

Mr. Snyder-Grant noted they were ending the meeting just after 10 PM, and noted the number of topics discussed. Mr. Martin noted Mr. Snyder-Grant announced at the beginning of the meeting different ways for the public to comment at the beginning of meetings, noted truncating discussion to continue to another meeting, Mr. Charter noted the presentations were economical in the use of Power Point slides.

Mr. Martin moved, seconded by Ms. Arsenault to adjourn and approved unanimously 5-0. Meeting adjourned at 10:07 PM.

Documents Used

- January 22, 2024 Agenda
- Presentation of Revised Town Manager FY25 Budget and Capital Plan
- Grace Lease Recognition and Non-Disturbance Agreement
- South Acton Vision and Action Plan and MBTA Zoning Presentation
- Draft Amended Bylaw Regulating Fossil Fuel Infrastructure in Buildings
- Fossil Fuel Free Bylaw Presentation
- EV First Policy Acton
- Sewer Privilege Fee Funding Memo Dated January 18, 2024
- Sewer Privilege Fee Funding Presentation
- Sewer Commission Analysis RFP
- Grant Award Memo from Recreation Regarding ABCC for Kids Music Night Dated January 4, 2024
- Grant Award Memo from Recreation Department Regarding ABCC for Untold Stories Art Unveiling Event Dated January 4, 2024
- Grant Award Memo from Recreation Department Regarding Littleton Cultural Council for Untold Stories Art Unveiling Event Dated January 2, 2024
- Donation Memo from Recreation Department from Acton Lions Club Supporting the 2024 Summer Concert Series and Special Events Dated January 16, 2024
- Donation Memo from Recreation Department from Middlesex Bank Supporting the 2024 Summer Concert Series and Special Events Dated January 4, 2024
- Donation Memo from Conservation Division from Luka “Trinity” Cameron to be Deposited into the Conservation Division’s Scout Account Dated January 11, 2024
- Donation Memo from Recreation Department from Sutherland Realty Group/Keller Williams Realty Boston NW Supporting the 2024 Summer Concert Series and Special Events Dated January 2, 2024
- Memo from Town Clerk Requesting Appointment to Board of Registrars Dated January 16, 2024
- Donation Memo from Acton Police Department from Middlesex Bank to Support the Service Dog Program Dated January 17, 2024

- Donation Memo from Veterans' Services from Orion Industries, Beth Petr and Nancy Best Dated January 18, 2024