



SELECT BOARD
MEETING MINUTES

JULY 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, Executive Assistant Lisa Tomyl

I. Regular Business

1. Resident Concerns

Terra Friedrichs – Thanked the Select Board for their recent goal setting process and suggested making it easier for seniors to obtain the circuit breaker document from the state as well as creating a process for them to be automatically approved by the town since they had already been vetted at the state level.

Martin Benson – thanked Mr. Snyder-Grant for his response and statement made at the May 24, 2024 meeting, and noted he is waiting for a response to his public record requests.

2. Chair Update/Town Manager Update/Members Minute

Ms. Arsenault expressed appreciation to the many volunteers and staff who supported the July 4th celebration and thanked the Town Manager, Recreation Director, and Public Safety Division.

Mr. Mangiaratti noted the large attendance at the July 4th event and thanked town staff for their hard work in support of the event. He noted the beginning of the new fiscal year and the effort of the Finance Division to ensure a smooth transition occurs.

Mr. Martin discussed the EV petting zoo event hosted by the Acton Memorial Library and sponsored by Energize Acton that will occur tomorrow at 6:00 PM.

Ms. Nicol noted the Acton Memorial Library and Citizens' Library Trustee Boards met together on June 27th. During that meeting, both Boards approved the Acton Libraries' 5-year strategic plan that focuses on both libraries and thanked many library staff for their work during the public engagement process along with Friends of Acton Libraries. She noted the Acton Water District published their annual water quality report and celebrated the operation of the

new PFAS removal system at the North Acton Water Treatment Plant on June 26th, .

Mr. Charter acknowledged the swearing in ceremony held today at the PSF for new firefighters noting the large attendance of town staff and Board members. He announced that ; longtime resident Bea Perkins passed over the weekend and was a member of many Boards and committees, sending condolences to the Perkins family

II. Public Hearing

3. Dangerous Dog Hearing, Romeo, 71 School Street

Ms. Arsenault read the public hearing notice. Town Counsel Nina Pickering Cook was also in attendance. Ms. Nicol disclosed herself as an abutter with no previous interaction with the owner's dog and proximity which will not affect her vote on the matter. She also noted having communication with an affected party outside of the public hearing previously. Ms. Arsenault outlined the structure and process of the hearing. All parties requesting to testify during the hearing were sworn in by Executive Assistant Lisa Tomyl. Animal Control Officer (ACO) Nelba Maldonado introduced the case consisting of multiple incidents leading up to the hearing and explained the Massachusetts General Law that defines a dangerous dog. Gino Pierdra, 71 School Street commented that he has not had any contact with the ACO and states no effort has been made to contact the owners of Romeo. Rob Hamilton, 62 River Street - Mr. Hamilton owned his cat for 11 years and noted the cat was 13 years old at the time of the incident. He explained that on the morning of January 8th he heard a commotion on his porch where his cat was sunning and saw the dog in question attacking his cat. Romeo's walker was attempting to control Romeo with a retractable leash and a neighbor Jim Jones was able to pull the dog away from his cat. After the attack, Mr. Hamilton noticed his cat's leg was severely damaged and transported his cat to a vet. The vet found that his cat had multiple fractures and directed Mr. Hamilton to bring the cat to an emergency vet for surgery, where the leg was amputated. Unfortunately the cat succumbed to his injuries a few weeks later and passed away. Mr. Hamilton recommended the dog be restrained and muzzled in public. Mr. Charter asked Mr. Hamilton if he has been reimbursed for the cost of the vet bills to which Mr. Hamilton indicated he has not been to date. Jim Jones, 141 School Street reiterated and confirmed Mr. Hamilton's testimony and supports restraining the dog and requiring it be muzzled in public . Ken Feit, 23 Piper Road had his dog attacked by Romeo while walking on River Street and was told by Romeo's owner that he was aggressive to other dogs. Mr. Feit noted that the dog was off leash when it attacked his own dog, and the owner was able to leash and subdue Romeo after the attack. He noted that his dog had puncture wounds due to the attack, and explained that Romeo's owner reimbursed him for the vet expense. He recommends the dog be muzzled and on a more secure restraint. Daniel Gilfix, 28 Vanderbilt Road –

knows both dog and cat affected, has seen Romeo on a retractable leash on walks and supports prior suggestions that Romeo be required to be muzzled and on a shorter leash when in public. Alissa Bozian, 69 School Street explains she always checks her yard before taking her dog out and noted she witnessed Romeo and his owner walking with a retractable leash. Romeo's owner Irene Elsinovsky, 71 School Street submitted an email to the Select Board detailing her explanation for the events that occurred, and discussed her history with Romeo from adoption in 2020 from Russia to current day. She provided an explanation of each of the incidents that occurred. Ms. Elsinovsky expressed that the owner of the cat had told her that it was a stray and has in the past attacked Romeo causing scratches on his face and nose. Ms. Elsinovsky noted that Romeo has been enrolled in training classes in Charlestown and has improved his anxiety through training that was due to his history of coming from a crowded shelter in Moscow. Ms. Elsinovsky feels he will continue to improve with training. Mr. Martin questioned why they would let the dog off leash knowing her testimony stating that she knew Romeo was dog aggressive, and questioned why they would have the dog on an extendable leash. Mr. Martin asked about the conditions the Animal Control Officer recommended in addition to the M.G.L. recommendations. Ms. Maldonado noted each condition is listed as suggestions for the Board's consideration. **Mr. Snyder-Grant moved, seconded by Mr. Martin to close the dog hearing and approved 5-0-0.**

Mr. Martin discussed his point of view on this matter, explaining he was basing his decision on the incidents reported this evening, highlighting the most recent off leash attack as well as the attack on Mr. Hamilton's cat and feels Romeo should be deemed dangerous. Mr. Charter feels Romeo fits the category of a dangerous dog. Ms. Arsenault agrees the dog falls under the category of a dangerous dog. **Mr. Snyder-Grant moved, seconded by Mr. Charter to deem Romeo a dangerous dog and accepted an amendment to the motion to include the dog known as "Romeo" or "Roma" is deemed dangerous and approved 5-0-0. Mr. Charter moved, seconded by Mr. Martin to impose all 9 conditions provided by the Animal Control Officer and amended section 4 to eliminate "and/where" and approved 5-0-0.**

4. Use Special Permit #04/22/2024-501, Let's Roll, LLC, 930 Main Street

Ms. Arsenault read the public hearing notice. Representing the applicant is Attorney Andrew Couture. The applicant intends to establish an FFL (federal firearms license) and has previously met with the Police Chief who does not have any concerns with the establishment. Mr. Snyder-Grant asked about the operating hours and overall operations of the shop. Mr. Reynolds explained he was originally planning to rely on internet sales and not walk-in business. However, the ATF requires the applicant to have a brick and mortar premise with operating hours. Mr. Martin questioned what type of firearms will be sold to which the applicant explained any firearms allowed by the Commonwealth

for sale will be available for purchase. Mr. Charter asked for more information about online sales to which Mr. Reynolds explained that many sales are through online brokers and noted his preference would be to purchase an item online and resell it through the same method, reducing shipping costs. Mr. Couture noted that any and all sales would follow the Commonwealth of Massachusetts general laws. Ms. Nicol asked if the applicant was familiar with Acton's recently adopted bylaw and would be in compliance, Ms. Pickering-Cook noted that the applicant would have to comply with local, state and federal laws. Mr. Martin asked for information regarding possible business signage on the property and Mr. Reynolds explains he intends to install the smallest possible sign allowed by the town. Mr. Snyder-Grant asked if any abutting businesses have been notified, Town Planner Kaila Sauer noted that the building is composed of individual suites and they have not been notified. Kristen Harrigan, 16 Tuttle Drive asked Mr. Reynolds why they chose Acton to which Mr. Reynolds explained he has other companies that operate in Acton and has conducted business here for some time.

Mr. Martin moved, seconded by Ms. Nicol to close the public hearing and approved 5-0-0.

Mr. Martin read the 5 criteria to approve the Use Special Permit. Ms. Nicol requested to add a condition to not allow firearms that are prohibited in Massachusetts to be physically on the premise for sale outside of Massachusetts. Mr. Martin suggested the owners be flexible with their operating hours as a condition, Mr. Charter asked Town Counsel if additional conditions could be added to the use special permit, Ms. Pickering Cook noted that additional conditions can be added short of creating a local bylaw through the use special permit. Ms. Nicol asked Board members for their opinion on the added condition before a vote on the use special permit and asked if they should delay voting to provide Town Counsel time to conduct some research and ensure the decision is not in conflict with federal law by imposing additional conditions in the decision. Mr. Snyder-Grant noted that he would prefer to keep prohibited weapons physically out of the store, but wouldn't want to hinder the business as intended. Mr. Charter noted that people can purchase firearms prohibited in Massachusetts over the border in New Hampshire and suggested Board members may be asserting the authority that is given to the Commonwealth and not the Board. Mr. Martin did not consider it necessary to impose restrictions.

Mr. Snyder-Grant moved, seconded by Mr. Martin the use special permit is consistent with the master plan and approved 5-0-0

Mr. Snyder-Grant moved, seconded by Mr. Martin the use special permit is in harmony with the purpose and intent of this bylaw and approved 5-0-0

Mr. Snyder-Grant moved, seconded by Mr. Martin the use special permit will not be detrimental or injurious to the neighborhood in which it is to take place and approved 5-0-0

Mr. Snyder-Grant moved, seconded by Mr. Martin the use special permit is appropriate for the site in question and approved 5-0-0

Mr. Snyder-Grant moved, seconded by Mr. Martin the use special permit application complies with all applicable requirements of this bylaw and approved 5-0-0

Mr. Martin moved, seconded by Mr. Snyder-Grant to have the Planning Department to draft a use special permit approval for Let's Roll, LLC at 930 Main Street and to add a condition that the owner agrees to consider neighboring businesses to adjust their operating hours and approved 5-0-0.

Mr. Snyder-Grant moved, seconded by Mr. Charter to direct the Planning Division to add two more special conditions (1) prior to opening or obtaining a building permit, the applicant shall submit to the Planning Division a copy of the insurance policy as required under Bylaw Section 3.13.4.2c and (2) the Planning Board reiterate the other requirements of section 3.13 of the firearms zoning bylaw as conditions and approved 5-0-0

III. New/Special Business

5. Discuss Appointment of Sam Bajwa to the Planning Board

Ms. Nicol noted that not reappointing Mr. Bajwa would allow moving the associate position to the open full vacancy position , and another volunteer that has been recommended membership to the Planning Board could be appointed to the associate position. She also mentioned that Select Board policy, outlined in the Volunteer Committee Handbook, limits volunteer terms to 2 consecutive 3-year terms but does not mention Boards and committees that have 5-year terms, suggesting it should be reviewed in the future to become more consistent. Ms. Nicol further noted that Mr. Bajwa had represented himself in a matter before the board on which he served, creating the appearance of a conflict of interest. She also noted that fines had been levied by the Board of Health for uncorrected health code violations on the property in question, which Mr. Bajwa had appealed, the matter being not yet resolved

Sam Bajwa, 88 Willow Street, indicated he would be fine with not being reappointed, and only joined the Board at the request of the former Planning Director Roland Bartl. He noted he has lived in Acton for 45 years and enjoys giving back to the town. He agreed that committees should have new members appointed who will bring new ideas. He noted that he has been present for Planning Board meetings even while traveling. Mr. Martin questioned how he would handle future Planning Board meetings if one of his projects were to be presented to the Planning Board if he would have someone else present it. Mr. Bajwa stressed that when he was presenting his project he recused himself from any voting matters. Mr. Martin further expressed that having someone else represent Mr. Bajwa for any future projects he may bring to the Planning Board would help remove any concern of a conflict of interest.

Mr. Snyder-Grant moved, seconded by Mr. Martin to reappoint Sam Bajwa as a full member of the Planning Board for a 5-year term and approved 4-1-0 (Nicol)

6. Approve Request by Acton Housing Authority to Waive Construction Permitting Fees Associated with McManus Housing Development at 362 Main Street

Mr. Martin questioned what the building fee would cost for the size of the building to which Mr. Mangiaratti noted that there isn't a building permit yet, but the cost of the building would be around \$21 million, resulting in an estimated permit fee of approximately \$300,000. Kelley Cronin, former Acton Housing Authority (AHA) Director and current project manager explained that the AHA is looking to have the building permit fees waived to close the financial gap in the cost of construction. Ms. Nicol questioned the dollar amount for town staff work done in the past for this project to date. Mr. Mangiaratti noted he would look into this; Ms. Cronin noted that the state does not consider staff time a local contribution. Mr. Snyder-Grant questioned the budgeted amount for permit fees, Ms. Cronin noted AHA was carrying approximately \$240,000 in their budget for this expense. Ms. Cronin noted she needs to provide an update to the state within the next 3 weeks.

Mr. Martin moved to provide the permits at cost to the town

Ms. Nicol voiced concern about requesting taxpayers to fund this after the recent budget override and referred to an email from Mr. Peter Berry that lists all local contributions, and recommends going to the state to show the amount of investment the town has put in towards the project with the hopes it prompts the state to provide the needed additional funding. Mr. Mangiaratti suggested the Board provide a dollar amount to be communicated directly to the state.

Mr. Snyder-Grant moved, seconded by Mr. Martin to agree to waive up to \$100,000 of permit fees for the Main Street project and approved 4-0-1 (Nicol)

7. Presentation by Acton Exchange on History of Formation and Efforts to Date

Representing Acton Exchange was Kim Kastens and Franny Osman who discussed the history and the formation of Acton Exchange.

Ms. Kastens and Ms. Osman discussed a number of topics, announcing Acton Exchange is looking for more volunteer writers and assistance with their online platform; indicated that interested parties can attend their monthly meetings for more information; they requested the Board encourage quick responses from requests to interview town staff, and have staff and Board members give information when there is pressing news or events coming up proactively to Acton Exchange. Mr. Snyder-Grant asked if there were plans to provide a paper in print for readers. Ms. Osman noted that may require a subscription

service in the future to provide as it is cost prohibitive at this time. Ms. Kastens noted the cost is very high for printing on paper, and it constrains what you can publish due to size restrictions.

8. Update on Health Insurance Trust

Ms. Nicol noted on June 20th the Health Insurance Trust (HIT) voted to request an additional \$2 million from the school district and the town due to June claims and the transition of premiums going to MIIA that month. The cost to the Town would be \$451,000. Mr. Mangiaratti noted he is looking into alternatives to cover this cost through FY24 and FY25 funds and hoping the runout slows down. He noted the Town health insurance plan is stable financially moving forward now that the town has transitioned to MIIA.

9. Approve Letter of Authorization for Application to the Executive Office of Energy & Environmental Affairs' Local Acquisition for Natural Diversity (LAND) Grant

Mr. Mangiaratti noted that a letter of support is required from local officials to accompany the grant application.

Ms . Nicol moved, seconded by Mr. Martin to authorize the chair to endorse a letter of support to the LAND Grant program to help support the acquisition of 19 & 35 Wetherbee Street in the amount of \$500,000 and for the Land Stewardship Coordinator to be the grant manager between the Town of Acton and the Executive Office of Environmental Energy Affairs and approved 5-0-0.

10. Adopt FY2025 Select Board Goals

Board members requested some minor grammatical corrections on the draft. **Mr. Martin moved, seconded by Ms. Nicol to approve Select Board goals as edited and approved 5-0-0.**

IV. Consent Items

Ms. Nicol moved, seconded by Mr. Martin to approve consent items 11-17 inclusive and approved 5-0-0.

Mr. Martin moved, seconded by Ms. Nicol to adjourn and approved 5-0-0. Meeting adjourned at 11:16 PM

Documents Used

- July 8, 2024 Agenda
- Dangerous Dog Hearing Documents
- Email from Irene Elsinovsky Dated July 8, 2024
- Use Special Permit Hearing Documents
- Acton Exchange Presentation
- Email from Ian Bergemann Dated July 2, 2024
- Draft Letter of Support for LAND Grant Authorization to the Executive Office of Energy & Environmental Affairs Dated July 3, 2024
- Draft FY2025 Select Board Short and Long Term Goals
- Email from Tim Munetsi Requesting Use of Town Roads for Tour de Cure Dated March 19, 2024
- One Day Alcoholic Beverage License Application, Patricia Sutherland
- Memo from Fang Yang Recommending Membership to Transportation Advisory Committee for Andreas Kinzlmaier
- Memo from Fang Yang Recommending Membership to the Land Stewardship Committee for Jody Harris
- Memo from Acton Community Housing Corporation Dated July 2, 2024
- Memo from Maura Haberman Requesting Donation Acceptance from Insulet Corporation Dated June 26, 2024
- Memo from Laura Ducharme Requesting Donation Acceptance from Acton Women's Club Dated June 25, 2024