



SELECT BOARD
MEETING MINUTES
AUGUST 26, 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

None

2. Chair Update/Town Manager Update/Members Minute

Ms. Arsenault discussed the Housing Production Plan working group, mentioning they were looking for a Select Board liaison. She suggested that she could be the liaison with Mr. Martin serving as an alternative. She also discussed the Stormwater working group, recommending Ms. Nicol serve as the Board's liaison. Mr. Mangiaratti noted early voting started on Saturday. He indicated he anticipates presenting the Board with a recommended candidate for appointment as Town Clerk next month. He announced that DEI Director Wanjiku Gachugi is collaborating with the Acton Police Department to host a Cone with a Cop event tomorrow; announced that a temporary traffic calming pilot program that will add speed bumps on Spruce Street to address speeding concerns around the elementary school is set to move forward, and mentioned he will report back the findings this winter. He discussed the Board's previous dangerous dog hearing and indicated the owner has filed an appeal with Concord District Court opposing the decision. Town Counsel has filed a response on behalf of the Town. He announced that the Employee Professional Development Day will be held on Friday September 13th at NARA. On that day, all town offices will be closed, except for public safety operations. He announced the Library recently hired a new teen librarian and a new children's librarian.

Mr. Begin noted the Town recently hired a new public health nurse; announced that the property reassessment program will begin next week, noting that 4,400 properties will be reassessed by a third party and owners of these properties will be notified shortly. He announced that the Police Department has instituted a new body worn camera program where all officers and detectives have a camera on them at all times. He also announced that the Health Department alongside the Department of Public Works will host a hazardous waste day on September 24th,

the second such event of the year. Mr. Mangiaratti noted the 9/11 ceremony is in its final planning phase and an update will be provided to Board members in the upcoming days.

Ms. Nicol noted that the Sudbury Valley Trustees are sponsoring a talk with Strong Medicine Bear and historian Dan Boudillion on September 17th at Church of Good Shepherd; the Acton Water District Commissioners announced the recording of the Conservation Restriction for 549 Main Street on July 19th, however the trails are not yet open for public use yet to make sure they are properly marked; the Hazard Mitigation Plan update is progressing in draft form and accepting public comment up to September 11th with a webinar at noon on Friday August 29th. She also noted that Habitat for All has placed informational boards in the Memorial Library and is hosting a public workshop on October 10th.

Mr. Charter noted that two new Firefighter/EMTs were sworn in today during a ceremony at the Public Safety Facility. He thanked the Fire Chief, Town Manager and town staff for the effort in filling the vacancies within the department. He noted that on September 26th at 7 PM the DPW Building Committee will host a public presentation of the design progress to date. The Town's OPM, PMA and Design Engineering firm, Weston Sampson will attend to provide updates on the work to date and answer questions from the public. He also announced that Acton 250 is hosting the launch of the commemorative Isaac Davis Brown Ale with Dirigible Brewing Company on September 11th.

Mr. Martin noted Acton schools open Wednesday and Thursday, with the elementary schools opening on Wednesday, and the District held a staff welcome event with 700 teachers in attendance. Mr. Snyder-Grant had no announcements.

Public Hearing

3. 7:10 PM Site Plan Special Permit #6/24/2024-490, AHC, Inc. & Thomas Buckborough, 358A & 358B Great Road
Ms. Arsenault read the public hearing notice. Representing the applicant is Paul Kirshner, Stamsky & McNary. Mr. Kirshner outlined the proposed plan. Ms. Nicol was assigned to the project, indicated she reviewed the application with Planning staff and noted that the applicant will still have to meet with the Historical Commission, the Zoning Board of Appeals, the Board of Health, and the Conservation Commission. She noted that Planning recommended opening and continuing the hearing until the third party engineering review has been completed. Mr. Martin questioned the number of condo units, and if both parcels will be one combined structure. Mr. Snyder-Grant requested to have the questions raised by the Acton Water District answered in a memo in a future Select Board packet. Mr. Martin requested to have questions raised by the Design Review Board answered as well and asked what type of heating source would be utilized in the renovated building. Mr. Kirshner noted that there is currently a hookup to natural gas that will be disconnected and the building will be fully electric once

renovated. Maurice Shaw, architect for the project stated that all recommendations from the Design Review Board have been addressed in the most recent drawings submitted for review.

Ms. Nicol moved, seconded by Mr. Snyder-Grant to continue the hearing to October 7, 2024 at 7:10 PM in room 204 and approved unanimously 5-0-0.

4. 7:20 PM Pole Petition, Eversource Energy, Relocate Pole #45/38 and Install One Pole #45/38A, 2 Thomas Drive

Ms. Arsenault read the public hearing. Representing Eversource is Chris Cosby. The request is to provide electrical service to 2 houses currently under construction.

Mr. Martin moved, seconded by Ms. Nicol to close the public hearing. Mr. Martin moved, seconded by Ms. Nicol to approve the pole petition for Eversource Energy and relocate pole #45/38 and install one pole #45/38A at 2 Thomas Drive and approved unanimously 5-0-0

5. 7:30 PM All Alcoholic Beverage Pouring License, Velvet Vine Café, 166 Great Road

Representing Velvet Vine Café are Sarah Fitzmorris and Crystal Blais. The applicants discussed their background in the industry and reasons for opening a restaurant in Acton. Mr. Martin asked about the hours of operation and if any entertainment will be hosted there. Mr. Snyder-Grant asked if the restaurant was going to install bike racks and how, if at all, it would interact with the Bruce Freeman Rail Trail. The applicants discussed the theme of the restaurant and how they are hoping to make this a family friendly and welcoming space. They noted they are currently working with the Planning Division on signage.

Mr. Martin moved, seconded by Ms. Nicol to close the public hearing and approved unanimously 5-0-0. Mr. Martin moved, seconded by Ms. Nicol to approve an all alcoholic beverage pouring license for Velvet Vine Café at 166 Great Road and approved unanimously 5-0-0.

6. 7:40 PM Common Victualler License, Velvet Vine Café, 166 Great Road

Ms. Arsenault read the public hearing notice. Ms. Nicol questioned if the toilets were accessible. Ms. Blais indicated she was not sure if they were, noting the age of the building.

Mr. Martin moved, seconded by Mr. Charter to close the public hearing and approved unanimously 5-0-0. Mr. Martin moved, seconded by Mr. Charter to approve the common victualler license for Velvet Vine Café and approved unanimously 5-0-0.

II. New/Special Business

7. Approve Proposed Transfer Station Fees

Karen Switzer-Neff, Business Manager for DPW and Ellie Anderson, Budget Manager presented to the Board a report on Transfer Station use statistics. The presentation showed an increase in use, a reduction on paper recycling and solid waste disposal. Ms. Anderson noted that operating expenses are expected to

increase in FY26 due to a new waste removal contract. Ms. Switzer-Neff and Ms. Anderson presented proposed fee increases that would help cover the increasing costs of operations while remaining competitive with surrounding communities.

Terra, Mass Ave – requested the Board reduce the transfer station rate to \$0 for residents who live in multi-family dwellings.

Ms. Nicol questioned why there is only a reduced rate for seniors and not low income. Mr. Martin noted that it would take some time to analyze the cost differences and consider for the next fiscal year. Mr. Charter noted that proof of qualifications for a reduced transfer station sticker fee should be vetted through the town social worker and agreed the Town should look into providing this option. Mr. Charter stressed to not consider targeting specific neighborhoods for a reduced fee as previously suggested, but rather decide who would qualify on a case-by-case basis. Mr. Snyder-Grant noted that a qualifying agent could be showing electric bills for those on reduced utility fees.

Jeff Bergart, Alcott Street – suggested implementing a reduced rate program for those in need.

Mr. Martin moved, seconded by Mr. Charter to approve the proposed transfer station fees and approved unanimously 5-0-0.

8. Approve Special Events Shuttle Service Policy

Mr. Mangiaratti discussed the proposed policy, noting the different events and ways the Town has provided shuttle services for special events in the past. He noted that the town has covered the costs associated with providing these services for various events, however in the current fiscal budget there is less room to fund these requests. This policy would set rates for groups requesting transportation services similar to police details. There have been requests from town departments requesting shuttle services for seminars and training events which has led to questions about charging departments but felt it wouldn't be appropriate. Mr. Charter felt it wasn't necessary to charge other departments and agreed with the proposal as written. Ms. Nicol asked how this policy would account for organizations that are non-profit in nature but do not have a formal designation and do not have the ability to cover the associated costs for this service. Mr. Snyder-Grant suggests a 10% reduction vs. \$10/hour reduction in cost for non-profits.

Mr. Charter moved, seconded by Mr. Martin to approve the special events shuttle service policy and approved unanimously 5-0-0

9. Approve American Rescue Plan Act (ARPA) Reallocation Requests

• 53 River Street Soil Remediation

Mr. Begin noted the Town is requesting the Board reallocate \$69,997 from previously approved ARPA allocations to the 53 River Street Park Project. Mr. Begin outlined several ARPA project allocations that are no longer needed and confirmed by project representatives.

Mr. Martin moved, seconded by Mr. Charter to approve the reallocation of ARPA funding in the amount of \$69,997 from the following: \$12,500 from TOwn Hall HVAC and electrification upgrades (R7); \$20,000 from Senior Center Cafe (R10); \$17,497 from universal access Recreation Department Pilot Program (R14); and \$20,000 from COVID mitigation measures (R28); to be spent on the 53 River Street project (R37) and approved unanimously 5-0-0

- **Transportation Program**
Mr. Mangiaratti noted that he will be reviewing this request at a future meeting.

10. **Authorize Chair to Sign Letter to Constellation Regarding Mailer Promoting Third-Party Supply Rate**

Sustainability Director Andrea Becerra addressed the Board regarding a mailer that was sent out to Acton residents comparing Acton Power Choice vs. Constellation pricing. This flier also promised a fixed rate for 7 months without indicating what the rates will be after the 7 months. The town currently has a contract with Constellation for municipal accounts. Town staff felt that this mailer was misleading and in conflict with current municipal programs. Mr. Charter voiced concern with the draft letter, indicating that he did not believe the Town should be interfering with a private company marketing their rates to homeowners. Mr. Martin indicated he is concerned about vulnerable populations that would find this offer more affordable than current offerings, only to possibly find themselves paying high rates months later. Mr. Charter also noted that the Town of Acton itself finds it beneficial to deal with Constellation directly rather than use Acton Power Choice. Ms. Nicol had felt a similar concern, but with additional information from Andrea and noting the Community Services Coordinator was fielding concerns from residents about Constellation's marketing agreed the letter should be sent. She suggested an edit in the second to last paragraph of the letter that would remove the word "wishes" to add a comma. Ms. Nicol also noted the involvement of both the Police Department and Senior Center educating residents about various scams targeting such a population as other examples of staff providing protective education to residents. Mr. Mangiaratti commented the town does utilize Constellation for its municipal rates noting that those rates are not available to the public.

Ms. Nicol moved, seconded by Mr. Martin to authorize the chair to sign a letter to Constellation regarding the mailer promoting third-party supply rate with minor edit and approved 4-1-0 (Charter)

11. **Approve Letters to Request Approval of House No. 2657 Through the Legislative Process**

Mr. Mangiaratti noted under MGL that firefighters and police officers must live within 15 miles from the town where they are employed. He noted this law has limited the Town's ability to and retain qualified candidates leading to a number of vacancies. He discussed the 2022 Annual Town Meeting and how a home rule petition passed that will increase the residency limit requirement. That is currently Select Board Meeting Minutes August 26, 2024 stuck at the State level and is requesting the Board approve a letter to

local representatives and senators that remind them of the importance of this home rule petition. **Mr. Martin moved, seconded by Mr. Snyder-Grant to approve the request send letter to Senator Eldridge to request approval of House No. 2657 and approved 5-0-0**

12. Approve Request for New Street Light Installation at the Nash Road/Downey Road Intersection

Mr. Begin outlined the process for any resident requesting an installation of a new streetlight. Mr. Martin asked to hear from the DPW Director on the cost of the installation. The Board will take this matter up and vote at a future meeting when more information is available.

13. Approve Posting of State Warrant for Upcoming State Primary on September 3, 2024

Mr. Martin moved, seconded by Ms. Nicol to approve posting of the state warrant for upcoming state primary on September 3, 2024 and approved unanimously 5-0.

14. FY2026 Budget Preview

Mr. Mangiaratti presented the FY2026 budget preview, beginning with a recap of FY2025. He discussed the multiple public presentations that were made by himself and town staff to the Select Board, Finance Committee and ALG. He noted that the FY25 budget, including both operations and capital expenses, totaled \$40,722,801. Mr. Mangiaratti discussed the FY24 year end update indicating that there was an approximate \$1.7 million net excess revenue driven from new vehicle purchases, and noted that the budget turnback was confirmed at approximately \$70K. This low amount is due to the need for the Town to absorb the large increase in health care costs through the operating budget. The FY26 budget process has begun, indicating that Department Heads have been asked to submit level service budget requests and highlight any proposed new positions or programs. Mr. Mangiaratti ended with a summation of the FY26 Budget timeline. Mr. Charter mentioned it might be worth the Town considering payroll enhancements to attract and recruit employees to DPW. He noted he understands the potential financial impact and possible impacts on other unions but felt that the Town has had a difficult time in recruiting people for these positions and this could help in that effort.. Mr. Snyder-Grant suggested learning about what the conditions are regarding employees' decisions to take employment or leave employment before considering a monetary solution. Ms. Nicol suggested a directive to staff to identify services and programs or technologies that could reduce cost for current positions and help absorb the duties of vacant positions when they come up, which would better position remaining staff to help further operational goals and initiatives.

15. Input from Board Members on Upcoming Acton Leadership Group Meeting

Mr. Mangiaratti noted the first meeting will be September 4th at 7:30 AM.

Representation from each group has been confirmed as well as the meeting

facilitator. Mr. Martin reiterated his desire to not use any untaxed levy for the next fiscal year. Mr. Snyder-Grant offered to act as the representative to Minuteman Regional Vocational Technical High School.

III. Consent Items

Ms. Nicol held consent items 18, 19, 22 and 29. Mr. Charter held consent item 20 for the Acton 250 Committee application, and Mr. Martin held consent item 27.

Mr. Martin moved, seconded by Ms. Nicol to approve consent items 16, 17, 21, 23, 24, 25, 26 and 28 and approved unanimously 5-0. Mr. Charter will recuse himself from item 20 as the submitting applicant. **Mr. Martin moved, seconded by Ms. Nicol to approve item 20 for a one day alcoholic beverage license for Acton 250 at the Memorial Library, October 1, 2024 and approved 4-0-1 (Charter).** Ms. Nicol noted that item 22 mentioned submitting proof of insurance in September and wanted to condition approval of the request on receipt of this documentation. Mr. Mangiaratti noted that the motion could include the following language “*on condition of receiving proof of insurance*” to which Ms. Nicol was agreeable. **Ms. Nicol moved, seconded by Mr. Martin to approve the request for use of town roads 2024 Ride to Defeat ALS Bike Ride on September 28, 2024 conditioned on submission of proof of insurance before the event date and approved 5-0-0.** Mr. Martin questioned the term expiration and requested to revisit the appointment at the next Select Board meeting. Ms. Arsenault explained the change in the Human Services Committee charge would remove the requirement for representatives from the Recreation Commission and the Acton Nursing Services Advisory Committee reducing the membership from nine to seven members. Ms. Nicol noted the staff support provided by Community Services Coordinator Laura Ducharme and how she has participated at community events and suggested that committee members join in tabling at events. **Mr. Martin moved, seconded by Ms. Nicol to approve the amended charge of the Human Services Committee and approved 5-0-0.**

Mr. Martin moved, seconded by Ms. Nicol to adjourn and approved unanimously 5-0-0. Meeting adjourned at 10:15 PM.

Documents Used

- August 26, 2024 Agenda
- Site Plan Special Permit #06/24/2024-490, 348A & 348B Great Road
- Pole Petition, Eversource Energy, 2 Thomas Drive
- All Alcoholic Beverage Pouring License, Velvet Vine Café, 166 Great Road
- Common Victualler License, Velvet Vine Café, 166 Great Road
- Transfer Station Fees Memo Dated August 23, 2024
- Shuttle Rental Policy and Application
- 53 River Street ARPA Reallocation Request Memo Dated August 15, 2024
- Letter to Constellation Dated August 26, 2024
- Letter of Request for Support for House Bill 2657 Dated August 26, 2024

- New Street Light Request Memo Dated July 30, 2024
- Warrant for 2024 State Primary
- Meeting Minutes, July 8, and 22, 2024
- Executive Session Minutes, July 22, 2024
- One Day Alcoholic Beverage License Applications, Acton 250 Committee, Iron Work Farm in Acton, Inc, Sparx Hockey, Taryn Gabbay, and Tatianne Perez
- Letter from Acton Lions Club Dated August 17, 2024
- Email from Myke Farricker for Request to Use Town Roads for 2024 Ride to defeat ALS Dated July 24, 2024
- Letter from Hayley O'Connor Requesting Use of Town Roads for Bike Not Bombs Fundraiser Dated July 2024
- Live for Liv Annual Ride/Run Event Flyer and Route
- Letter and Documents from Denzel White for Consideration of Constable Reappointment
- Email from David Martin Requesting Committee Appointment Dated July 31, 2024
- Email from Fran Arsenault Requesting Committee Appointment Dated August 22, 2024
- Record of Vote for Determination of Maximum Useful Life
- Human Services Committee Charge