



## BOARD OF SELECTMEN

Meeting Minutes

Monday, January 6, 2020

6:30 PM

ROOM 204, ACTON TOWN HALL, 472 MAIN STREET

**Present:** Joan Gardner, Jon Benson, Dean Charter, Peter J. Berry, David Martin, Town Manager John S. Mangiaratti, Assistant Town Manager Mark Hald, Recording Secretary Lisa Tomyl

**Absent:** None

Chair Gardner opened the meeting at 6:30 PM with a motion to enter into executive session to discuss strategy with (i) to Discuss strategy with respect to litigation, Acton Permanent Firefighters Local 1904 and Town of Acton: American Arbitration Association Case No. 01-18-0004-4596 concerning the promotional process for the position of Lieutenant brought by the International Association of Fire Fighters (“IAFF”) under Purpose 3; (ii) to discuss strategy with respect to collective bargaining with IAFF Local 1904 under Purpose 3; and (iii) to discuss strategy with respect to litigation captioned *Arnum v. Town of Acton, et al.*, 18-10696 (LTS) under Purpose 3.

Mr. Charter called roll:

Mr. Martin – aye

Mr. Berry – aye

Ms. Gardner – aye

Mr. Benson – aye

Mr. Charter - aye

### I. Regular Business

#### 1. Citizen Concerns

Terra Friedrichs, West Acton – requested to be able to speak during specific topics on the agenda.

#### 2. Chair Update/Town Manager Update

Mr. Magiaratti – received notice from the Governor that we received additional chapter 90 money. Engaged with a group to do a few videos to promote living in Acton. Plan to start in May.

Mr. Berry announced he would not be seeking another term as a Selectmen. Ms. Gardner will seek another term.

### II. New/Special Business

#### 3. 7:10 PM Site Plan Special Permit #10/30/2019-476, Middlesex Savings Bank

Ms. Gardner read the public hearing notice. Adam Fandrey representing Middlesex Saving Bank site plan. Middlesex Savings Bank is relocating from the lease location to stand alone location at 279 and 285 Main Street. Mr. Martin questioned about the energy efficiency and would like to see more information regarding building sustainability and look into not utilizing natural gas and consider another option. Mr. Charter questioned



about the number of parking spaces. There are 6 full time staff, and believes that there should be more than 8 total spots, and plans for 15 parking spots to allow for customers and that anything less would spill out into the neighborhood and other businesses. Terra Friedrichs, West Acton – would like the path to Mass Ave be accessible to pedestrians also installing a bench in front of building like the current West Acton branch.

Lou Levine, Attorney for Middlesex bank is working with the owners of the private property where Starbucks is to provide access. There is a 10% grade to the path that currently has stairs.

Jim Snyder Grant, Half Moon Hill – encourages not hooking up to natural gas and using an electrical single unit to provide heat and air conditioning and being a net zero building like the new fire station and twin schools.

Mr. Fandrey explained that their large operation on Westborough is covered with solar panels, and feels the current plan is energy efficient and meets codes and standards.

Alyssa Nichol, School Street – commented about lack of trees on the Main Street portion – Mr. Fandrey explained that the are reasons related to site distance and safety concerns.

Mr. Berry explained that the Board has a Sustainability policy and strongly encourages the developer to consider the use of geo-thermal and heat pumps and discourages hooking up to natural gas.

Kim Kastens, Pope Road – commented that the price of natural gas will increase due to fracking.

Mr. Berry moves to close the public hearing Mr. Benson seconds. The Board voted 5-0. The motion carries. Mr. Berry moves to approve the site plan with a condition of a strong consideration for the use of alternative heat sources, Mr. Charter seconds. The Board voted 5-0. The motion carries.

4. Board to Close the April 6, 2020 Annual Town Meeting Warrant

Mr. Benson commented and suggested to push back the closing of the Annual Town Meeting warrant until January 27, 2020 at close of business and motioned, Mr. Charter seconds. The Board voted 5-0. The motion carries.

5. Discuss Process for Town Meeting Citizen Petitions

Mr. Benson requested the agenda item. Mr. Benson was unclear of the policy of citizen petition and the process. Suggests have Town Counsel review citizen petition and checking on the legality of the language so that it is clearly understood and also to offer assistance in drafting. Mr. Charter suggested that Town Manager and Town Counsel work together to come up with guidelines in working with citizen petitions at a future meeting. Mr. Benson suggests Town Manager work with Town Counsel and prepares it for the next scheduled meeting of the Board of Selectmen.

6. Discussion on Town CPC Applications and Recommendations

Mr. Mangiaratti briefed the Board on the town applications submitted for consideration. Mr. Berry moves that the Town Manager take the \$138,000 built into the budget for funding the River Street Dam Mr. Charter seconds. Mr. Berry moves to reduce request to



\$120,000 for design and have the Town Manager use the \$138,000 for another project, Mr. Charter seconds.

Mr. Charter moves the recommendation of applications from the Board of Selectmen to the Community Preservation Committee in order as follows:

1. 5% Administrative Support Letter
2. Housing Services
3. Restoration of Historic Streetscapes
4. Repointing & Chimney Restoration of 1889 Acton Memorial Library
5. Open Space Acquisition/Protection Set-Aside Funds reduced to \$300,000 from \$400,000
6. Community Housing Program Fund
7. 53 River Street Historic Park reduced to \$120,000 from \$966,000
8. East Acton Village Green
9. Gardner Field & Playground Master Plan (Phase 1)
10. NARA Sports Pavilion – Phase 2
11. Isaac Davis Monument Repointing Restoration

Mr. Charter moves and Mr. Martin seconds. The Board voted 5-0. The motion carries.

7. Discuss Sewer Regulations and Bylaws

Mr. Martin requested to have this topic on the agenda. Mr. Martin presented 3 areas to the Board. Requests the Board to bring these bylaw changes to a future town meeting. Suggests looking at other towns how they handle sewer with their sewer bylaws and how to change them.

Resident in West Acton suggested that the WASSAC be dissolved due to their inexpertness in the subject. Suggests collecting better data. Suggests having a committee that specializes in wastewater.

Mr. Martin suggests the WASSAC committee to propose bylaw changes to the Board and to look at other communities regarding how they handle their sewer and betterments. Board to revisit on January 27, 2020.

8. Discuss Regulatory Agreement and Sewer Betterment Request, 184 Main Street

Mr. Martin held this on a consent item at the previous meeting. Concerned about the 20 year old privilege fees. Will consider the previous request. Mr. Martin moves to approve the sewer betterment request, Mr. Benson seconds. The Board voted 5-0, the motion carries.

Mr. Charter moves to approve the regulatory agreement, Mr. Martin seconds. The Board voted 5-0. The motion carries.

9. Discuss Potential Changes to Section E42 of the Town Bylaws Regarding One Day Licenses for Public Properties

Mr. Mangiaratti brought up the restriction on one day alcoholic beverage licenses on public properties. Mr. Charter explained to the Board that the only 2 places alcoholic beverages are allowed is the senior center and NARA Park. Board had previously



approved licenses in locations not originally listed on the bylaw. Suggests eliminating the highlighted section in the bylaw. Mr. Mangiaratti will work with Town Counsel to allow the Board to grant one day licenses not as restrictive as listed in the bylaw.

#### **10. Discuss Memorial Regarding Carroll Spinney**

Mr. Berry requested to have this item on the agenda. Would like to ask the Town Manager to put together a task force to discuss a possible memorial or educational piece regarding his contribution to all mankind. Mr. Benson mentioned that Mike Majors from the Finance Committee suggested renaming Community Way to Carol Spinney Way. Mr. Charter to be appointed to work with staff and to put together a task force. Ms. Gardner suggested a time line of 6 months.

### **III. Consent Items**

Mr. Benson moves to approve consent items 11-27, Mr. Charter seconds. The Board voted 5-0. The motion carries.

Mr. Benson moved to adjourn, Mr. Martin seconds. The Board voted 5-0, the motion carries. The meeting adjourned at 9:25 PM.

#### **Documents and Exhibits Used During this Meeting**

- Site Plan Special Permit #10/31/19 – 476, Middlesex Savings Bank
- CPC Application Projects Power Point Presentation
- Email on Proposed Sewer Bylaw Changes from David Martin
- LIP Regulatory Agreement, Craftsman Village
- Town Bylaw Section E42
- Meeting Minutes, December 16, 2019
- Amended Meeting Minutes September 17, 2018, January 7, March 26, April 22, and April 30, 2019
- Committee Appointment Recommendation, Anne Kadlec
- Committee Appointment Recommendation, Leo Fochtman
- One Day Alcoholic Beverage License, Nashoba Valley Neighbors
- Recreation Department Memo to Accept Gift from Middlesex Savings Bank for \$1500
- Recreation Department Memo to Accept Gift from Emerson Hospital for \$750
- Recreation Department Memo to Accept Gift from Westford Cultural Council for \$200
- Recreation Department Memo to Accept Gift from Chelmsford Cultural Council for \$1500
- Recreation Department Memo to Accept Gift from Roche Brothers for \$3000
- Recreation Department Memo to Accept Gift from Sorrento's Pizza for \$2000
- Recreation Department Memo to Accept Gift from Heather Wilson for \$50
- Recreation Department Memo to Accept Gift from Susan Mitchell-Hardt and David E. Hardt for \$100



- Recreation Department Memo to Accept Gift from Miracle League of Massachusetts for \$84,756.19
- Recreation Department Memo to Accept Gift from Multiple Donors for \$34,925
- Recreation Department Memo to Accept Gift from Danny's Place for \$500
- Council on Aging Memo to Accept Gift from Marjan and Kathryn Krajewski for \$50
- Handout from Alyssa Nicol