



## BOARD OF SELECTMEN *Amended 4/5/2021*

### Meeting Minutes

Monday, October 5, 2020

7:00 PM

Virtual Meeting

**Present:** Jon Benson, Dean Charter, David Martin, Joan Gardner, Jim Snyder-Grant, Town Manager John S. Mangiaratti,

**Absent:** None

Mr. Benson called the meeting to order at 7:00 PM via a virtual meeting with no Board members in physical attendance and broadcasted via Zoom.us virtual meeting platform before a motion to enter into executive session.

### I. Regular Business

#### 1. Citizen Concerns

Lindsey Hurley, Half Moon Hill – concerned about the technology of 5G and the effects it may have on children

Susan Mitchell-Hardt – thanks the donors for the money to assist towards the purchase of Piper Lane and urges the Board to accept the gift

Franny Osman, Half Moon Hill – would like to have a list of participants shared on Zoom meetings

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

Mr. Benson thanked John, Mark, and Marianne for the all town staff meeting on September 25<sup>th</sup> in lieu of the traditional Employee Development Day. Reported that we have been holding a weekly meeting before a Board meeting for the Chair, Vice-Chair and Town Manager to discuss the agenda, and topics for future meetings. Next meeting will have a discussion of dog park sites, and the WR Grace site. ALG meeting on September 24<sup>th</sup> with a suggestion to hold a tri-board meeting to discuss a reduction in spending, possible no increase in property tax for FY22, use of free cash to pay down new capital debt (fire station, twin schools and Minuteman).

Mr. Mangiaratti updated the Board on elections and early voting; 9315 ballot applications have been received, 3540 have been mailed out. Last day to return ballots is November 3 by 8:00 PM. Deadline to request ballot by mail is October 20<sup>th</sup>. The pump track will be maintained by Natural Resources Division, trash and recycling will be carry-in/carry-out. The Municipal Employee of the Year is Kristen Guichard, and Public Safety Employee of the Year is Lt. Jim Byrne. There will be a ribbon cutting ceremony for the NARA Sports Pavilion on October 16<sup>th</sup>, a groundbreaking ceremony for the North Acton Fire Station on October 19<sup>th</sup>. The Acton Center traffic study 25% design meeting is October 7<sup>th</sup> at 7:00 PM, the meeting is virtual. There is a presentation on WR Grace property and future plans for the site on October 19<sup>th</sup>. West Acton and West Acton Citizen's Library was featured on Chronicle last week. The regional application with neighboring towns for 1.6



million to help microenterprises and public service providers will be funded in the second round, and will update when more details are available. All awardees of the small business grant have their paperwork in and will be issuing grants shortly. The Central Street bike lane pilot program has received both positive and negative feedback. The pilot will continue through the fall of 2021 to evaluate the pros and cons. There is a tree issue on Pearl Street where the contractor built a sidewalk around a public shade tree, there are 2 options – consult with the tree warden to reconstruct the sidewalk around the tree and protect and minimize additional damage to the root system, or request a waiver from the board of Appeals from the condition for a sidewalk at that location. The contractor will be asked to pay a fine up to \$500 per MGLS Chapter 87 Section 6. Ms. Gardner mentioned the WACL and Memorial Library discussed on working together, and revitalization of West Acton, which will help with the budgeting process. Mr. Martin mentioned the first meeting of the DEIC last Thursday, next meeting is this Thursday.

Mr. Charter mentioned the tree at 5 Pearl Street and the contractor building a sidewalk around it, potentially destroying the tree, and causing an accessibility issue.

## **II. New/Special Business**

### **3. COVID-19 Response Updates**

Mr. Mangiaratti updated the Board that there are 4 active cases, which puts the town at a low risk status according to the State guidelines. The number of cases has been between 2-4 since July. There is a re-opening plan for Town Hall after the November election. Town Hall window service for Finance and Land Use Departments are open now from 9:00 AM – 1:00 PM Monday – Thursday, and Friday 9-11.

### **4. Discuss Annual Town Meeting Timeline**

The Board discussed delaying the 2021 Annual Town Meeting scheduled for Monday, April 5 to a date to be determined, but not later than June 30, 2021 for the reasons of considering holding a hybrid meeting and the weather in early April and allowing the Town Manager and the Chair of the School Committee more time for revenue assessments to prepare their respective FY2022 budgets. The Board agreed to hold the Annual Town Election scheduled for Tuesday, March 30<sup>th</sup> as rescheduling would require an emergency order of the governor or special state legislation. We have asked Town Counsel Nina Pickering-Cook to pursue an extension of the 2020 law authorizing voting by mail in municipal elections through December 31, 2020.

**Mr. Martin moved to hold the Annual Town Meeting in May 2021, or a date to be determined before June 30, 2021, Ms. Gardner seconded. Mr. Martin called roll:**

**Mr. Benson – aye**

**Mr. Charter – aye**

**Ms. Gardner – aye**

**Mr. Snyder-Grant – aye**

**Mr. Martin – aye**

**The Board voted 5-0, the motion carried.**

### **5. Board to Vote on Acquisition of 4 Piper Lane, 4R Piper Lane, 6 Piper Lane, and a Portion of 90 School Street Purchase and Sale Agreement**



**Ms. Gardner moved to approve the deed to the Property substantially in the form presented at the October 5, 2020, with final changes to be made by the Town Manager in consultation with town counsel, Mr. Snyder-Grant seconded, Mr. Martin called role:**

**Mr. Benson – aye**  
**Mr. Charter – aye**  
**Ms. Gardner – aye**  
**Mr. Snyder-Grant – aye**  
**Mr. Martin – aye**

**The Board voted 5-0, the motion carried.**

**Ms. Gardner moved to authorize the Town Manager to take all actions on behalf of the Town that are reasonably necessary, in the judgment of the Town Manager, to complete the purchase of the Property in accordance with the Purchase and Sale Agreement dated as of August 7, 2020, by and between Piper Lane LLC as seller and the Town and buyer, and the applicable Town Meeting vote, including without limitation delivering closing funds and signing deed acceptances, closing forms, closing documents, and settlement statements, Mr. Martin seconded. Mr. Martin called roll:**

**Mr. Benson – aye**  
**Mr. Charter – aye**  
**Ms. Gardner – aye**  
**Mr. Snyder-Grant – aye**  
**Mr. Martin – aye**

**The Board voted 5-0, the motion carried.**

6. Board to Discuss the House Located on 6 Piper Lane and to Consider Declaring it Surplus

The Board members discussed the future of the house currently located at 6 Piper Lane. Mr. Charter commented that the house is in a historical section and normally would be subject to a demolition delay, but it now being located on town property, that bylaw does not apply. Suggests the Town Manager put out an RFP for the property, if there is no interest, then suggests demolition. The Board will resume the conversation after the closing of the property.

7. Board to Discuss Appointments to the Diversity, Equity & Inclusion Commission

**Mr. Martin moved to promote Diane Randolph and Leela Ramachandran from associate members to full members, and appoint Julie Onos and Simon Li as Associate Members, seconded by Ms. Gardner. Mr. Martin called roll:**

**Mr. Benson – aye**  
**Mr. Charter – aye**  
**Ms. Gardner – aye**  
**Mr. Snyder-Grant – aye**  
**Mr. Martin – aye**

**The Board voted 5-0, the motion carried.**



***Mr. Benson moved to amend the charge to “allow up to four associate members” from “up to two Associate Members”, seconded by Ms. Gardner. Mr. Martin called roll:***

**Mr. Benson – aye**

**Mr. Charter – aye**

**Ms. Gardner – aye**

**Mr. Snyder-Grant – aye**

**Mr. Martin – aye**

***The Board voted 5-0, the motion carried.***

8. **Discuss Selectmen Goal #8 Regarding Housing Discrimination Study**

Mr. Snyder-Grant explained to the Board regarding existing housing discrimination by referring to periodicals presented to the Board. Liz Rust from RHSO presented to the Board a Fair Housing Analysis regarding all housing units available. Federal law guidelines regarding fair housing include any party involved with housing units. The consortium plan will go to HUD 12/20, RHSO will facilitate action items for the member communities. Mr. Charter suggests the DEIC be involved with the Fair Housing study for Acton, as well as looking at CPC for funding if Acton considers joining the consortium. Mr. Martin would include the ACHC along with DEIC. Mr. Snyder-Grant suggests bringing the information to the DEIC, Planning Division and Liz Rust in testing and joining the consortium and identifying the costs and working with the consortium.

9. **Discuss Statement from MAPC Regarding Systemic Racism**

Mr. Snyder-Grant briefed the Board on the goal the Board made regarding identifying systemic racism. The Board reviewed a document drafted by the Boxborough Board of Selectmen acknowledging racial disparity, and the MAPC statement.

***Mr. Martin moved to ask DEIC to produce a statement of systemic racism for the Board’s consideration, seconded by Ms. Gardner. Mr. Martin called roll:***

**Mr. Benson – aye**

**Mr. Charter – aye**

**Ms. Gardner – aye**

**Mr. Snyder-Grant – aye**

**Mr. Martin – aye**

***The Board voted 5-0, the motion carried.***

10. **Discuss Fossil Fuel Ban Decision by Attorney General Maura Healey**

Mr. Snyder-Grant presented to the Board regarding Brookline recently instituting a ban on fossil fuels with exception for research facilities, cooking, and a review and appeal process for special cases. There are 13 Massachusetts towns/cities looking to make similar changes. Looking at potential Legislative efforts to allow for such changes. Last town meeting had a non-binding warrant article that passed to declare a climate emergency and to reduce carbon emissions to zero in 10 years. Mr. Charter suggested using an educational approach to residents regarding the importance of reducing carbon emissions. Mr. Martin suggested to get advice from the Green Advisory Board. Mr.



Snyder-Grant will go to GAB, and bring their suggestions and recommendations back to the Board at a later date.

**11. Discuss Archeology Bylaw**

Mr. Charter introduced 2 members of the Historical Commission looking to create an Archeology Bylaw to protect ceremonial stone landscapes that have a connection to Native American ceremonial sites in North Acton, and uncovering such sites during the construction process. Bob Ferrara and Bill Dickenson from the Acton Historical Commission presented a presentation to the Board regarding the bylaw proposal. Looking for support from the Board for the Archeology Bylaw. The HC is looking to apply for CPC funding for a preliminary view of potential sites during the construction period of projects. Looking to have a fund established to be able to bring in a professional in a short amount of time. The Board had a general consensus to support the Archeology Bylaw

**12. Discuss Next Steps for Cross Town Connect Transportation Programs**

Mr. Mangiaratti informed the Board that the current IMA is due to expire in a week. Mr. Mangiaratti is looking to have the board extend the agreement to the end of the fiscal year. **Ms. Gardner moved to approve the extension of the IMA to June 30, 2020, Mr. Martin seconded and amended the motion to include authorizing the Town Manager to engage in the agreement to extend to the end of the fiscal year. Mr. Martin called roll:**

**Mr. Benson – aye**

**Mr. Charter – aye**

**Ms. Gardner – aye**

**Mr. Snyder-Grant – aye**

**Mr. Martin – aye**

**The Board voted 5-0, the motion carried.**

**13. Housekeeping – Board of Selectmen Emailing Policy and Communications with Town Staff**

Mr. Benson commented about the lack of a formal policy in emails with town staff. Mr. Benson traditionally acknowledged that prior Board Chairs or their designee would acknowledge receipt of emails to the Board to avoid including all Board members on email responses. Operational questions that are received are referred to the Town Manager. Mr. Benson suggests continuing the current practice. Communication with town staff by Board members should include Mr. Mangiaratti in responses. Mr. Benson recommended 2 approaches – mandatory contact such as meeting with town staff for assignments to Site Plans, and discretionary items similar to ideas a Board member may have towards town staff that would fall under the Town Manager to follow through. Mr. Charter recommends going through the Town Manager for any questions or requests for town staff, and to copy him in the email to town staff.

**14. Discuss the Acton-Boxborough Regional High School Mascot**



The Board discussed the pending student petition to retire the Colonial Mascot that is a matter before the AB School committee. Mr. Charter stressed the leadership role of the Acton Minuteman and town settlers in fighting British oppression. Mr. Benson suggested a pause in the debate to allow for a "teach-in" on local history led by the A-B Social Studies Department where the differing aspects and the positives and negatives can be presented. Mr. Martin and Mr. Snyder-Grant urged that current A-B students should choose their mascot. **Mr. Charter moved that the Board of Selectmen express their opinion to the school committee to be in support of the continuation of the mascot of the Acton-Boxborough Colonials, seconded by Ms. Gardner. Mr. Martin called roll:**

**Mr. Snyder-Grant – nay**

**Ms. Gardner – aye**

**Mr. Charter – aye**

**Mr. Benson – aye**

**Mr. Martin – nay**

**The Board voted 3-2, the motion carried.**

### **III. Consent Items**

**Ms. Gardner moved to approve consent items 15-27, seconded by Mr. Martin. Mr. Martin called roll:**

**Mr. Benson – aye**

**Mr. Charter – aye**

**Ms. Gardner – aye**

**Mr. Snyder-Grant – aye**

**Mr. Martin – aye**

**The Board voted 5-0, the motion carried.**

**Ms. Gardner moved to adjourn, seconded by Mr. Charter. The Board voted 5-0, the motion carried. Meeting adjourned at 10:32 PM.**

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

- Agenda, October 5, 2020
- Board of Selectmen Certificate of Vote
- RHSO Fair Housing Presentation
- Selectmen Goal #8 Background Material
- MAPC Statement
- Meeting Minutes, September 14, 2020
- Committee Appointment Recommendation, Jim Luciani
- Committee Appointment Recommendation, Richard Keleher
- Memo from Recreation Department Dated September 14, 2020 Requesting Gift Acceptance for \$50 from Sally S. Eldred
- Memo from Recreation Department Dated September 14, 2020 Requesting Gift Acceptance for \$50 from Mark J. Frederick



- Memo from Recreation Department Dated September 16, 2020 Requesting Gift Acceptance for \$6,324 from Presby Environmental
- Memo from Recreation Department Dated September 16, 2020 Requesting Gift Acceptance for \$1,500 from ThinkForFun
- Memo from Recreation Department Dated September 28, 2020 Requesting Gift Acceptance for \$100 from the Acton Dog Park Committee
- Memo from Recreation Department Dated September 28, 2020 Requesting Gift Acceptance of \$500 from the Steinberg Lalli Charitable Foundation
- Memo from Recreation Department Dated September 28, 2020 Requesting Gift Acceptance of \$48.25 from Various Donors
- Memo from Natural Resources Division Dated September 29, 2020 Requesting Gift Acceptance for \$230.16 from Adam D. Arthur
- Memo from Town Manager Dated October 1, 2020 Requesting to Declare Surplus Equipment from the Department of Public Works
- Memo from the Acton Conservation Trust Dated October 1, 2020 Requesting Gift Acceptance for \$60,000