



SELECT BOARD
MEETING MINUTES

MARCH 6, 2023

7:00 PM

ACTON TOWN HALL, ROOM 204
472 MAIN STREET AND VIRTUAL MEETING

Present: Dean Charter, Jim Snyder-Grant, Himaja Nagireddy, Fran Arsenault, David Martin, and Town Manager John S. Mangiaratti

I. Regular Business

1. Resident Concerns

Terra Friedrichs, Mass Ave – concerned about the town attorney giving an opinion that's one legal perspective, the Town of Acton is a corporation and they don't represent the people; glad that BlueWave drafts are being written for acceptance and rejection; regarding goals, concerned about last year and the Town Manager submitting his own goals and should focus only on Select Board goals. Martin Benson, 21 Deacon Hunt Drive – concerned that the Town held an Arbor Day celebration in 2022, but did not hold a Patriots Day celebration and that the Select Board did not announce the cancellation of the event and questioned if there would be a celebration for 2023; requested reasoning from town counsel for the legal removal of a member of the 250 committee and was directed by Select Board for the Town Manager to work with Town Counsel to supply the questions requested and has not received any documentation. Mr. Benson read from a prepared statement which has been included in the Docushare packet.

Alissa Nicol, School Street – corrected that the Patriots Day events were not canceled in 2022, and the events are supported by the Historical Commission, not the Town.

2. Chair Update/Town Manager Update/Members Minutes

Mr. Mangiaratti is in the process of selecting an architect for the Asa Parlin House to build a community space and asked the public to contact the Town Manager's Office for questions. Mr. Martin attended a memorial for Dawn Wang, a longtime resident that was involved with many committees, and activities. Ms. Nagireddy noted that social justice is not a political issue and appreciated the DEI Director bringing that up. Ms. Arsenault noted a career workshop tomorrow at the Human Services building with an interview workshop and resume workshop and to contact Julie Pierce for more information. Mr. Snyder-Grant announced that

Robert Whittesley passed away who was very involved with affordable housing in Acton for many years and will be missed.

I. Public Hearings

3. 7:10 PM Class I Auto Dealer License Application, McGovern Chrysler Dodge Jeep Ram, 196 Great Road

Mr. Charter read the public hearing notice. Representing McGovern is Zac Casey, regional VP of Operations. The existing auto dealer was recently sold to McGovern so this required a public hearing for a new Class I Auto Dealer License. **Mr. Martin moved, seconded by Ms. Arsenault to approve a Class I Auto Dealer License to McGovern Chrysler Dodge Jeep Ram at 196 Great Road and approved unanimously.**

4. 7:20 PM Livery Service License Application, Rasheed Transport, Inc., 57 Hosmer Street

Mr. Charter read the public hearing notice. The applicant was not present so the Board agreed to postpone the hearing to the March 20th meeting. **Mr. Martin moved, seconded by Ms. Nagireddy to continue the hearing for a livery service application for Rasheed Transport, Inc. at 57 Hosmer Street to March 20, 2023 at 7:05 PM in Room 204 at Acton Town Hall and approved unanimously.**

II. New/Special Business

5. Presentation from Acton Conservation Trust

Representing ACT was Joe Cooney. Mr. Cooney presented a recap of volunteer-driven, community-based projects the ACT has been involved with the past year, and the roles and responsibilities the ACT provides for Acton. ACT is a 501(c)(3) non-profit organization. They are part of a land preservation ecosystem to preserve open space in Acton. Mr. Cooney highlighted several events over the past year that were well attended.

6. Presentation from Come Home to Acton – Building a Home for a Disabled Veteran

Steve Rubner from Come Home to Acton addressed the Board that the non-profit organization is currently building a home for a disabled veteran on property originally owned by the town. The project was started by the late Mark Starr and his wife Andrea and has been on hold for a few years due to COVID, and all materials and work are donated for the project. They are working with the town's Veterans' Service Officer who is supporting the group through assistance through Congresswoman Lori Trahan's Office and looking for approximately \$80,000 in donations to furnish and finalize the house. The Town Manager will continue to allow for further advertisement soliciting donations in town buildings.

7. Interview Candidates and Appoint Two West Acton Citizens' Library Trustees

Mr. Charter read through the process for appointing two trustees.

Niles Smith – read from his letter submission in the Docushare packet. Ms. Nagireddy asked all applicants how they would bridge trust and relationships with staff – Mr. Smith would listen to staff and collaborate with Memorial Library.

Nivya Durgadas – Ms. Locherie read from a letter wrote by Ms. Durgadas since she had to leave the meeting to care for a member of her family.

Terra Friedrichs – Ms. Friedrichs noted the library has a special meaning and find ways to minimize cost and decrease staff costs, conduct more surveys to increase engagement, easier to use the rooms in the evening, apply for more grants, offer more volunteer options, increase engagement with twin schools with school staff, supports Mr. Smith and Ms. Durgadas as trustees. No further questions.

Russ Lowe – expressed his love of libraries, worked for previous libraries in high school and during his undergrad, worked in IT with Clinton Public School, wants to keep the library friendly and lively, son worked on the boy scout project at the library, strives to keep it welcoming, met with several previous trustees to get a sense what the needs are for the trustees. Ms. Nagireddy questioned what elaborate steps would be needed to working with town staff to work cohesively, Mr. Lowe noted that the role of the trustees is to assist and support town staff and not control the library. Madeline Cruz – what does he think is the mission of WACL Trustees and allowing low-income residents to use the copier for free, Mr. Lowe listed several ideas on how the library could continue to assist the residents and several goals. Ms. Nagireddy appreciated Mr. Lowe reaching out to staff and former trustees.

Annie Channon – does not have experience working for a library but is a strong patron and wants to provide for the community and recently moved to Acton in 2020. Has a background in law and could assist with grants and contracts. Ms. Locherie questioned if she had patronized the library and Ms. Channon noted attending book sales in the past and appreciating the building and its history. Ms. Nagireddy questioned how she would plan to work with town staff – Ms. Channon stressed the importance of listing and respecting town staff and would be a voice for them in public forums. Madeline Cruz repeated the same question regarding copier use – Ms. Channon did not have any information about the copiers.

Mr. Martin noted the service at the library has improved since Memorial Library staff have been working shifts to allow its operational hours to increase which is critical to the relationship with the town staff. Ms. Nagireddy noted the diversity of the candidates. **Ms. Locherie nominated to appoint Niles Smith, seconded by Ms. Arsenault and approved by a 4-1-1 vote (Martin nay, Charter abstaining). The nomination vote passes.**

Mr. Martin nominated to appoint Russ Lowe, seconded by Mr. Charter and was not passed with a 3-0-3 vote with Ms. Locherie, Ms. Arsenault, and Mr. Snyder-Grant abstaining. Ms. Locherie nominated to appoint Divya Durgadas, seconded by Mr. Snyder-Grant and was not passed with a 1-3-2 vote with Mr. Martin, Ms. Arsenault and Mr. Charter voting no, and Ms. Nagireddy and Mr. Snyder-Grant abstaining. Ms. Nagireddy nominated to appoint Annie Channon, seconded by Ms. Arsenault and approved with a 5-0-1 vote with Mr. Charter abstaining.

8. Review Citizen Petitions for Town Meeting Warrant

Article 40 – Alissa Nicol read from the article and noted it could be a working group or committee that could direct staff for studies, funding from a grant, or MAPC, or excess funding at the end of the fiscal year could be directed by the Town Manager to turn funds back to the board or committee. It would alleviate the burden of the responsibility of the Select Board acting as Sewer Commissioners.

Article 41 – Anti-Bias Training - Madeline Cruz requests that members of boards and committees be required to take anti-bias training.

Article 42 – Madeline Cruz - requests that the Select Board institute a comprehensive Code of Conduct for officials. Mr. Charter reviewed the proposed draft from Ms. Nagireddy and feels it would not be appropriate for the petition and cannot be linked to the petition. Mr. Martin noted the petition is finalized with the required 10 signatures, but there could be a movement on the floor at Town Meeting. Suggested that a policy such as a code of conduct could be explored with the new future Board for consideration.

Article 43 – Madeline Cruz – Reduce Transfer Station Sticker Fee – as a resident of low-income housing and common trash depositories at apartment complexes tend not to adhere to common recycling practices and a reduced transfer sticker fee may encourage lower-income residents to use the transfer station. Mr. Charter noted that the transfer station fee funds the transfer station and the consequence would be if you were to lower the price for one group it would have to be raised for others.

Article 44 – Madeline Cruz – Composting Facilities at Apartment Buildings to encourage multi-family dwellers the importance of utilizing composting to fall along the line of the goals of the town, and have the town provide compost buckets and have a company come to pick up the buckets.

Article 45 – Terra Friedrichs – Slow Increase of New Single Family Homes – this is about the quantity of homes to lessen traffic, carbon footprint and land destruction.

Article 46 – Terra Friedrichs – Reduce Size of New Single Family Homes reduces the carbon footprint and land destruction

Article 47 – Terra Friedrichs – Stop Odd Shaped Lots – referred to the Hawks Crest development and to see if Town Meeting would like to not allow odd-shaped lots.

Article 48 – Mike Gowing - Renters Access to Confidential Health Department Inspections. Madeline Cruz introduced the citizen petition and commented that they are working through Housing Climate and Justice for Acton to find a way to create a safety protocol for Acton renters. When renters go to the Board of Health with complaints they would come to do an inspection and the findings are sent to the landlord - renters should be able to know what violations have occurred, and informational pamphlets should be handed out to new tenants with information about reporting incidents to the Board of Health.

Article 49 – Frances Osman – Kelley’s Corner Improvement Initiative Update – in 2016 the steering committee brought zoning changes for Kelley’s Corner that did not pass at town meeting and requesting that the Board revisit the Kelley’s Corner Improvement Plan with the new infrastructure currently being constructed.

9. Discuss the Uniform Signage Proposal for the Bruce Freeman Rail Trail

Paul Malchodi, Friends of the BFRT met with other towns to have uniform informational signs after seeing multiple different signage throughout the adjoining towns on the trail. Requesting the Board support the universal set of rules and unformal signage to get the DPW from surrounding towns to install the signs. Friends will pay to have the signs made and delivered to the town DPWs.

Mr. Martin moved, seconded by Mr. Martin to accept the proposed set of eight rules as written and approved unanimously.

10. Update on Gardner Field Project

Mr. Mangiaratti announced that the RFP is out to bid and is due on March 27th. Corey York, DPW Director presented an update to Board members with design issues, stormwater permit review, and Conservation Commission review and balance the needs of the Water District, the Conservation Commission, and the Friends of Gardner Field playground. Talking with playground stewards and plan to have bids come in late March with construction to begin in late spring. Mr. Charter questioned about the stormwater runoff concerns between the Conservation Commission regarding wetlands and the Acton Water District with an exploratory well drilled in the early 1980s. Mr. York explained that at a recent meeting with the Friends of the Gardner Field playground, the engineers hired for the project and Town Manager’s Office will get a consensus on the next steps to present to the Water Commissioners next week for the drainage outfall.

11. Sewer Commissioners’ Business

Discuss Results of Acton Water District Pilot Project Program and PFAS
Mr. Mangiaratti followed up with a discussion with AWD that would be discharging to the Adams Street plant. Matt Mostoller from Acton Water District spoke to the increase in the water discharge pilot program and Jack Troidl from Woodard & Curran assisted with questions on the PFAS total in wastewater discharge.

Terra – questioned what “land applied” for solids is used for – Mr. Troidl noted it is shipped to Greater Lowell

Kim Kastens, Pope Road – would like to know more about what is happening to our sludge and not having our pollution sent to other towns to seep into their groundwater, which would perpetuate environmental injustices; PFAS value in influent is higher most likely due to external items such as laundry soap, cosmetics, etc. Looking for the AWD and Woodard & Curran to coordinate their quarterly tests to be conducted at the same time

Richard Kelleher – concerned of long-range prognosis of the effects of PFAS and the ability to dispose of it, the standards of the Federal government, and their concern to keep people safe.

Matt Mostoller commented that there is a struggle with lab qualities, and there is room for error in accurate PFAS levels. Started discharging water waste off the Powdermill Road facility

Mr. Martin suggests continuing the pilot study at the commercial rate and revisit on a more frequent meeting schedule to monitor discharge. Mr. Mangiaratti suggests continuing with the pilot and to review in six months.

12. Approve Film Permit

Economic Development Director Julie Pierce drafted a film permit memo suggesting a one-time fee for film production permitting and Mr. Snyder-Grant suggests that the fees go towards the general fund and fees would go to covering the cost of the permits.

Mr. Snyder-Grant moved, seconded by Mr. Martin to charge a flat fee for an entire production and charge larger production companies a larger fee the fees to the schedule shown here as usual go into the general fund, and amended to explore the ability of the town to put the fees into a fund specifically to support the economic development efforts and approved unanimously.

13. Review and Approve Town Meeting Warrant Articles

Members voted on recommendations for the citizen petitions only and assigned Board members to those articles and will revisit the remaining articles when the warrant articles are finalized.

Mr. Snyder-Grant moved, seconded by Ms. Nagireddy to recommend Article 40 (Sewer Commission Analysis) and approved with a 3-1-1 vote (Charter nay, Martin abstain)

Ms. Nagireddy moved, seconded by Ms. Arsenault to recommend Article 41 (Anti-Bias Training) and approved with a 4-1 vote (Charter nay)

Mr. Snyder-Grant moved, seconded by Ms. Nagireddy to recommend Article 42 (Code of Conduct) and approved with a 4-1 vote (Charter nay)

Ms. Arsenault moved, seconded by Ms. Nagireddy to recommend Article 43 (Reduce Transfer Station Sticker Prices) and approved with a 3-1-1  vote (Charter nay, Martin abstain)

Mr. Snyder-Grant moved, seconded by Mr. Martin to recommend Article 44 (Composting Facilities at Apartment Buildings) and approved with a 4-1 vote (Charter nay)

Mr. Snyder-Grant moved, seconded by Ms. Nagireddy to recommend Article 45 (Slow Increase of New Single Family Homes) and approved with a 2-1-2 vote (Charter nay, Arsenal and Nagireddy abstain)

Mr. Snyder-Grant moved, seconded by Mr. Martin to recommend Article 46 (Reduce Size of New Single Family Homes) and approved with a 4-1 vote (Charter nay)

Mr. Snyder-Grant moved, seconded by Mr. Martin to recommend article 47 (Stop Odd Sized Lots) and approved with a 4-1 vote (Charter nay)

Mr. Snyder-Grant moved, seconded by Ms. Arsenault to recommend Article 48 (Renters' Access to Confidential Health Department Inspections) and approved with a 4-1 vote (Charter nay)

Mr. Snyder-Grant moved, seconded by Mr. Martin to recommend Article 49 (Kelley's Corner Improvement Initiative Update) and approved with a 4-1  vote (Charter nay)

14. Discuss Request for Reimbursement for a Building Permit Application from Matthew Liebman, 27 Tuttle Drive

Mr. Mangiaratti noted the request to refund a permit for \$221 and a subsequent permit for additional money and last meeting the request was the recommendation for 50% of the total fee paid. Staff time utilized approximate \$325 of time invested in the review of the permits. Mr. Snyder-Grant noted that 4 previous permit fee refunds went through on consent. One previous had no action due to no specific guidance on the concept of refunds from town staff. Mr. Snyder-Grant suggests a follow-up meeting with town staff. Mr. Martin does not support refunding since it funds Building staff services. Mr. Mangiaratti notes that in certain circumstances such as clerical error could be considered for refund requests. Mr. Liebman defended that a 50% refund is acceptable, but noted that his contractor entered in a permit which was granted within a few days and feels he should not have paid it and feels that a 50% refund is fair. **Mr. Snyder-Grant moved to recommend a 50% refund on the original permit fee, no second on the motion. Mr. Snyder-Grant moved to take no action and to reconsider at another time when a policy is in place and approved with a 4-0-1 vote (Mr. Charter abstains)**

III. Consent Items

Mr. Martin held consent item 16. Mr. Snyder-Grant held consent item 33. **Mr. Martin moved, seconded by Ms. Arsenault to approve consent items 15, 17-32 and 34 inclusive and unanimously approved.**

Mr. Martin would like the Finance Committee to comment on the MCRS request to increase a one-time COLA increase and to take no action until the Finance Committee can comment and vote on the item. Mr. Charter noted that he receives benefits from MCRS and filed a conflict of interest form with the Town Clerk. **Mr. Martin moved, seconded by Mr. Snyder-Grant to take no action until the next Select Board meeting and approved 4-0-1 (Charter abstain).**

Mr. Snyder-Grant noted Sam Bajwa and Steve Marsh have had past financial connections in the future Steve will be chosen for a PCRC project on Sam's land, and may not be able to render a fair decision. **Mr. Snyder-Grant moved, seconded by Mr. Martin to accept the conflict of interest notification and approved 4-0-1 (Nagireddy abstain)**

Mr. Martin moved, seconded by Ms. Arsenault to adjourn. Meeting adjourned at 11:45 PM.

Documents Used

- Agenda, Select Board, March 6, 2023
- Site Plan Special Permit #7/12/2022-487
- Class I Auto Dealer License Application, McGovern Dodge Jeep Ram, 196 Great Road
- Livery Service License Application, Rasheed Transport, Inc., 57 Hosmer Street
- West Acton Citizens' Library Letters of Interest
- Citizens' Petitions
- Letter from Friends of the Bruce Freeman Rail Trail Dated September 21, 2022
- Request for Building Permit Refund Dated February 6, 2023
- Memo from the Economic Development Director Regarding Film Permit Decisions Date March 6, 2023
- Draft Town Meeting Warrant Articles
- February 6, 2023 Meeting Minutes
- Email from Himaja Nagireddy requesting committee appointment dated February 25, 2023
- Email from Dean Charter requesting committee appointment dated February 28, 2023
- One Day Alcoholic Beverage License application from Lihn Tran
- One Day Alcoholic Beverage License application from St. Elizabeth of Hungary 3/11/2023
- One Day Alcoholic Beverage License application from St. Elizabeth of Hungary 4/29/2023
- Memo from Maura Haberman requesting donation acceptance from Sorrentos Pizza dated February 21, 2023
- Memo from Maura Haberman requesting donation acceptance from Sechrest & Bloom dated February 21, 2023

- Memo from Maura Haberman requesting donation acceptance from Roche Bros. dated February 21, 2023
- Memo from Maura Haberman requesting donation acceptance from Enterprise Bank. dated February 21, 2023
- Memo from Maura Haberman requesting donation acceptance from Oak Hill Mulch Company dated February 21, 2023
- Memo from Maura Haberman requesting donation acceptance from Concord Teacakes dated February 21, 2023
- Memo from Maura Haberman requesting donation acceptance from Eckel Hoag and O'Connor dated February 21, 2023
- Memo from Maura Haberman requesting donation acceptance from Sutherland Realty Group dated February 21, 2023
- Memo from Maura Haberman requesting donation acceptance from Workers Credit Union dated February 21, 2023
- Memo from Melissa Settipani-Rufo requesting donation acceptance from Daisy Hill Farm dated February 14, 2023
- Memo from Melissa Settipani-Rufo requesting donation acceptance from United Church of Christ dated February 21, 2023
- Conflict of Interest Disclosure from Sam Bajwa
- Memo from the Acton Community Housing Corporation dated March 6, 2023