



## BOARD OF SELECTMEN

Meeting Minutes  
Monday, July 20, 2020  
6:00 PM  
Virtual Meeting

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

**Absent:** None

Ms. Gardner called the meeting to order at 6:00 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. Executive Session

There will be a need for an Executive Session to discuss (i) strategy with respect to litigation captioned *Arnum v. Town of Acton, et al.*, 18-10696 (LTS) under Purpose 3, as an open meeting may have a detrimental effect on the litigating position of the Town, (ii) strategy with respect to litigation associated with the bankruptcy filing by Purdue Pharma under Purpose 3, as an open meeting may have a detrimental effect on the litigating position of the Town. At the conclusion of the Executive Session the Board will reconvene in open session. **Ms. Gardner moved, Mr. Martin seconded.**

**Mr. Martin called roll;**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Charter – aye**

**Mr. Benson – aye**

**Mr. Martin – aye**

**The Board voted 5-0, the motion carries**

### 1. Citizen Concerns

Tom Gillespie, 14 Thoreau Road – Mr. Gillespie read a statement regarding the Dog Park Committee requesting support for the proposed location of the dog park on Main Street. Matthew Post – Isaac Davis Way – representing owners of the abutting location of Main Street property. Concerned about the location of potential dog park, however in favor of the AHA project. Not in favor of utilities crossing over to Isaac Davis Way. Hoping the Board takes it into consideration regarding the AHA project and not the dog park.

### 2. Chair Update/Town Manager Update

Mr. Benson requests to institute a member's minutes to replace the Selectmen Reports starting next meeting. Proposes meetings on August 10<sup>th</sup> and 24<sup>th</sup>. Mr. Benson is



participating in the Acton Chinese American Civil Society on July 29<sup>th</sup> discussing in the program of the history of diversity in Acton.

Mr. Mangiaratti commented that the program is a second of two programs. Working with the Town of Concord we have implemented a communications plan regarding Concord's Nagog Pond Treatment plan project and have linked information to the town website, and created an email subscription list. AWD meeting to discuss PFAS issue. Matt Mostellor from AWD is on Java with John to ask questions on Friday at 10 AM. Staff is creating a way to connect with the public with creative ways. Assessors Department had a tent service for Veterans at Town Hall parking lot, and will be beginning a window service for both Land Use and Finance Divisions. Tax bills due August 1<sup>st</sup>.

## II. New/Special Business

1. 7:10 SPSP #10/28/2019-475 - Accept Request to Withdraw Site Plan Application Without Prejudice, Bohler Engineering, 8 Post Office Square

**Ms. Gardner moves to approve the request to withdraw site plan application without prejudice, Mr. Martin seconds. Mr. Martin called roll:**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Charter – aye**

**Mr. Benson – aye**

**Mr. Martin – aye**

**The Board voted 5-0, the motion carries**

2. 7:20 PM SPSP #05/21/2020 – 479, 50 Nagog Park

Mr. Benson read the public hearing notice. Mr. Charter suggested to update the condition on idling the vehicles in the parking lot condition 3.2.2 in the draft decision. **Ms. Gardner moves to approve SPSP #05/21/2020-479 with the statutory recommendations of condition 3.2.2, Mr. Charter seconds. Mr. Martin called roll:**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Charter – aye**

**Mr. Benson – aye**

**Mr. Martin – aye**

**The Board voted 5-0, the motion carries**

3. 8:00 PM SPSP #6/16/2020-479, 9 School Street (Applicant has Requested to Withdraw Site Plan Application Without Prejudice)

**Mr. Benson moves to accept the withdrawal of the application without prejudice and returning \$2200 of the application fee and refund the unused portion of the peer review, Ms. Gardner seconds. Mr. Martin called role;**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Charter – aye**

**Mr. Benson – aye**



**Mr. Martin – aye**

**The Board voted 5-0, the motion carries**

**Ms. Gardner moves to close the hearing, Mr. Martin seconds. Mr. Martin called roll;**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Charter – aye**

**Mr. Benson – aye**

**Mr. Martin – aye**

**The Board voted 5-0, the motion carries**

**4. Update on FY20 Expenses and Revenues**

Mr. Mangiaratti reported with the end of FY20 there was no shortfall in Town tax collections. 99.3% of FY20 Real Estate Taxes collected, 100% excise taxes collected, 98% of budgeted fees and permits collected and 100% of budgeted investment income received. Since implementing cost saving measures in March it resulted in a general fund turn-back of approximately \$1.3M. The hiring freeze that began in March has left ten positions across town departments unfilled, including the Town Engineer.

**5. Updates and Discussion Regarding COVID-19 Pandemic**

Mr. Mangiaratti reported five new COVID-19 cases with three active cases. The total number of COVID-19 cases reported in Town is 180.

**6. Approve and Publish Goals Document**

The Board formally adopted Short and Long Term Goals for the next year. The short term goals are those hopefully to be achieved within the year. Long Term Goals are those hopefully to be achieved over several years. The top short term goal is establishing an Equity and Diversity Advisory Commission. The Board will hold a workshop on Thursday, August 13 at 8:30AM to discuss the structure, composition and charge to the commission. The workshop will be available remotely and will be broadcast on Acton TV. Public comments are requested in advance.

**7. Approve Fee Modification for Liquor Licenses**

**Ms. Gardner moves to approve the 25% reduction in current liquor license, Mr. Martin seconds.**

**Mr. Martin called the roll:**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Charter – aye**

**Mr. Benson – aye**

**Mr. Martin – aye**

**The Board voted 5-0, the motion carries**



8. Approve Residence at Kelley's Corner PILOT Agreement

Project developer Steve Joncas briefed the Board on the approved 40B housing development restricted to seniors and disabled adults restricted to 60% area median income or below and rent to be at 30% of income. Mr. Joncas has submitted 2 applications for funding, and has not been selected to receive it as of February. DHCD encouraged Mr. Joncas to apply again in August. DHCD suggested an increase of budget to provide more services for its residents in the next round of funding applications. Hoping to work with the Assessors valuing the property tax that he can sustain. Looking for support from the Board. ACHC have been very supportive for the project and offered funding towards the program. Council on Aging sent a letter of support, signed up for the tri-town transportation services, also contracting with Acton Nursing Services – all part of increasing his operating budget towards helping serve the residents.

9. Discuss Special Town Meeting Timeline

Assistant Town Manager Mark Hald presented to the Board the timeline for Special Town Meeting. There are 6 articles with 4 on consent. There are multiple dates in September to consider, and Mr. Hald offered location options to hold the Special Town Meeting for the Board to consider.

10. Discuss Request from Town Clerk to Designate a Single Polling Location for 2020 Elections

The Town Clerk requested to designate the RJ Grey Junior High School as the single polling location for the September 1 primary election and the November 3 general election. The single polling location is due to the staffing constraints due to the COVID-19 pandemic. The official 2020 Vote by Mail Application has been mailed to all Acton voters. The application is also available on the Town website. The application allows the voter to request ballots for both the September 1 and November 3 elections. **Ms. Gardner moves to adopt the single polling location for the September 1<sup>st</sup> primary and November 3<sup>rd</sup> Presidential elections, Mr. Charter seconds. Mr. Martin called roll;**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Charter – aye**

**Mr. Benson – aye**

**Mr. Martin – aye**

**The Board voted 5-0, the motion carries**

11. Discuss Lease Agreement for 19-21 Maple Street

Property was purchased from Gordon Richards last year, and the building was previously leased to ProEMS. The proposed new lease is for the current tenant and who will take on the cost of the utilities. Since the last draft, additional language was added that the landlord has the right to terminate the lease with 90 days notice. **Mr. Charter moves to**



**authorize the Town Manager to execute the lease as discussed, Ms. Gardner seconds. Mr. Martin called roll;**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Charter – aye**

**Mr. Benson – aye**

**Mr. Martin – aye**

**The Board voted 5-0, the motion carries**

**12. Approve Grant of Option Agreement for 348-364 Main Street with Acton Housing Authority**

Option agreement approved last year at Annual Town Meeting. The AHA needs to move forward with their plans and requires the option agreement. **Mr. Charter moves to approve the option agreement as written, Ms. Gardner seconds. Mr. Martin called roll;**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Charter – aye**

**Mr. Benson – aye**

**Mr. Martin – aye**

**The Board voted 5-0, the motion carries**

**13. Approve Amendment to Town Manager Contract**

The Board voted to extend the contract of Town Manager John Mangiaratti through June 30, 2023 and increase Mr. Mangiaratti's annual salary from \$193,600 to \$205,312. The Board took into account of employment concerns and unknowns of Acton residents. Since certain business activities have slowed, the need for Town services has increased. The Board noted that Mr. Mangiaratti has been operating 24/7 since March and his cost cutting measures have resulted in approximately \$1.3M in turn-backs to the General Fund. **Mr. Charter moves to approve and sign the contract, Ms. Gardner seconds. Mr. Martin called roll;**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Charter – aye**

**Mr. Benson – aye**

**Mr. Martin – aye**

**The Board voted 5-0, the motion carries**

**IV. Consent Items**

**Ms. Gardner moves to approve consent items 16-27, Mr. Snyder-Grant seconds.**

**Mr. Martin called roll;**

**Mr. Snyder-Grant – aye**



**Ms. Gardner – aye**

**Mr. Charter – aye**

**Mr. Benson – aye**

**Mr. Martin – aye**

**The Board voted 5-0, the motion carries**

**Ms. Gardner motions to adjourn, Mr. Charter seconds. Mr. Martin called roll;**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Charter – aye**

**Mr. Benson – aye**

**Mr. Martin – aye**

**The Board voted 5-0, the motion carries**

**Meeting adjourned at 10:25 PM**

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

- Agenda, July 20, 2020