



SELECT BOARD
MEETING MINUTES
OCTOBER 3, 2022
7:00 PM
ACTON TOWN HALL, ROOM 204
472 MAIN STREET

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

I. Regular Business

Mr. Charter opened the meeting at 6:45 PM and entertained a motion to enter into executive session to discuss the purchase, exchange, or value of real property at 549 Main Street under purpose 6 as an open meeting may have a detrimental effect on the negotiating position of the public body and reconvene in open session at the conclusion of the executive session.

Mr. Martin moved, seconded by Ms. Arsenault and approved unanimously.

The Board reconvened in Open Session at 7:00 PM.

1. Resident Concerns

Danny Factor, Davis Road – questioned if the Board will be taking public comments regarding ARPA funding, Mr. Charter noted that they will not, and Mr. Factor requested the Board consider ARPA funding for renter advocate position and has a group doing research for vendors and supporting several other items listed on the list of funding request for R16 and R17.

Cindy Jackman, North Acton – stressed the importance of the advocacy position.

Theresa Ackerly, Parker Street – urged to fund services with stimulus funds after an experience with the failure of her toilet and carpet damage, reached out to property owner, fire department, and Board of Health for help, and needed help to move personal belongings for maintenance to clean the unit.

Madeline Cruz, Sachem Way – requesting financial support for a renters advocate position. Look towards Justice 40 Initiative that has funding available for a renter advocate position.

Stella Ko - Dedicate ARPA funds for housing stability services and renter assistance.

Terra Friedrichs, West Acton – feels what the town did to the West Acton Citizens Library Trustees was bullying regarding the hiring process of the

librarian and changing the title without input from trustees; wants the 250 Committee to keep Indigenous People represented and the 1619 Project acknowledged, work for a renter advocate pilot with rent and child care relief; vote against sewer expansion using ARPA funding; vote against installing a traffic light at Hayward Road; loan agreement for sewer should not be used for re-design or expansion.

Marilyn Kaplan – supports for ARPA funding for housing stability assistance for the most vulnerable members of the community

Alia Layne, Spruce Street – supports ARPA funding for renter advocate position

2. Chair Update/Town Manager Update/Members Minutes

Mr. Mangiaratti thanked those that attended the Human Services Building Open House. Construction has begun on the Kelley's Corner project and will provide construction updates on the Town website.

Mr. Martin noted that the Acton Police Department worked with the ABRHS Administration when there was a call of a possible gun brought onto the school campus. Mr. Martin thanked the Acton Police Department with their response to the incident and recognized the stress and trauma this may have caused students and their families. Mr. Martin expressed disappointment that the press release regarding the incident did not acknowledge that the accused students were black or empathy for the innocent students and their families. Mr. Martin noted that the students were brave.

Mr. Snyder-Grant noted the loss of trees for the Kelley's Corner construction project and will be at Charter Rd and Mass Ave on Friday at 5:00 PM to say goodbye to trees slated for removal.

II. Public Hearings

3. SPSP #7/12/2022-487, 100 Discovery Way

Mr. Charter read the public hearing notice. Mr. Martin updated the Board on the history of the application. The site plan was triggered due to the change of total square feet, and addressed specific concerns after reviewing the emails, and since corrected some of the concerns listed, and noted there are currently four battery storage facilities in Acton. Representing the application was Josh Lariscy, Blue Wave Solar, Andrew Vardakis, Wood PLC Engineering. The team introduced the proposed warehouse construction and the plan for vegetation location buffering the abutting neighborhood. There would be an underground line connecting directly to the Eversource grid on Piper Road. Fire suppression would be equipped with two separate systems. To current knowledge, there are no endangered species in the area that could be harmed. Safety-related, the lithium batteries can burn but will not explode. Such a battery-storage facility can increase the safety of our power grid. The site plane includes a 4.99 MW AC storage unit (thermal heat is monitored) and there is fire suppression/detection 24/7.

Mr. Martin questioned what trees are being cleared beyond the tree cutting line—Mr. Vardakis noted that no further trees will be cut past the line. Mr. Martin requested that lighting meet the requirements of the town's lighting bylaw and be focused downward to deflect light from disrupting the abutting neighborhood. Mr. Snyder-Grant noted the downside of the project is the tree removal, the direct clean energy from the solar panels transported directly to the Eversource grid. Questioned if there was any comment from the engineering firm contracted with the town, GCG Associates, regarding the updated site plan, and would like to see their comments before closing the hearing. Mr. Snyder-Grant requested answers to some questions from the Board of Health before closing the hearing. Mr. Vardakis submitted follow-up answers to the Health Director and is waiting to hear back and can forward them to the Board members. 100 Discovery Way has 357 parking spaces not being used and if the applicants would consider relocating the warehouse on the impervious existing pavement. Ms. Nagireddy questioned about the context working with the Health Director in case people would like to attend the Board of Health meeting on October 18th. Mr. Vardakis noted that the Board of Health addresses Hazardous Materials if it needed to be addressed on the site.

No further questions from Board members.

Debra Simes, Concord Road – asked the Board continue the hearing allow to address outstanding information and to make sure all questions are answered first before a decision is made on the application; concerned about tree clearing of 0.3 acres, and the amount of paved area and if there would be any consideration to move the location of the project.

Bill Klauer, Piper Road – concerned about the flow of water if a large-scale event would occur and the effect of sand spill off (towards the wetlands) and a cell tower in the location, and what happens if lightning strikes the facility.

Michael Shultz, Brucewood Road – addressed that if an explosion happens it sets off a series of additional explosions. ESS fires are difficult to put out and water does not put it out. Concerned about a future explosion that would spread to the wooded area and to the auto auction.

Angela Martin, Brucewood Road – concerned the project is being pitched as a green project with the tree cutting, concerned about the animals in the neighborhood, should preserve the wildlife, preserve the trees for the placement of a cell tower, the amount of parking spaces on the property, and safety concerns placing the warehouse near a thickly settled neighborhood.

Janice Ward, Brucewood Road – concerned about the trees and the proposed tree cutting with the location near Route 2 and that it would increase noise pollution
Harong Lei – Brucewood Road – concerned about safety of his family, feels that the lithium battery is dangerous, concerned the business plan is not about making clean energy but making money

Rachel Wolson – Brucewood Road – concerned about the use of water to put fires out and what would happen if there is another drought, concerned about the pitch of being a solar project, programs available getting credits from solar energy,

concerned about end of life of batteries and who would be paying for it when the company walks away

Alma Sandman – questioned who owns the property and who would be responsible if there is a catastrophic event and who would pay for clean up, and if the company ages out is the town stuck with the lithium batteries. Questioned if the abutting homeowners will be required to carry a larger insurance policy.

Sasha Metrof, Pinewood Road – questioned the cost of fire response, and if additional training would be required by the Fire Department; concerned on the quality of life and economical effect it would have on the abutting community.

Angela Martin, Brucewood Road – questioned if the town would consider requiring additional insurance from Blue Wave, LLC or the owner of the property.

Mr. Martin questioned who would own and operate the property; Mr. Vardakis noted that Blue Wave would own and operate the facility for the duration of the ownership, if Blue Wave were to leave then the owner of Blue Wave would initiate a warehouse decommissioning bond.

Terra Friedrichs, West Acton – commented if people were concerned about the tree clearing people should join the Land Use Committee drafting a tree clearing bylaw, commented on a video sent to the Board showing what a warehouse fire looks like, feels the Select Board should postpone a decision until the Board of Health has its public hearing and urged the Board to not approve the plan.

James Fuccione, Brucewood Road – supports all comments from previous speakers, questioned if proponents use used or new lithium batteries, questioned on the parking spaces and use of EV chargers and if the warehouse could be relocated concerned the property owner is allowing the project for revenue purposes, and the tenants on the property and neighbors will have to look at it during the winter.

Kim Kastens, Pope Road – question on the company's business model and not having any other freestanding warehouse projects in Massachusetts; questioned the income for the property owner from the lease agreement and the potential income from the project to the town.

Megan Argo – concerned the project is a safety hazard with potential gas release from the lithium batteries that could have a thermal explosive event.

Ms. Nagireddy feels that the project should go through the Board of Health and not make a decision tonight to allow extending public comment. Ms. Arsenault agrees with Ms. Nagireddy and needs more information. Mr. Snyder-Grant concerned about how this project is classified as a warehouse, and having a deeper discussion with the Zoning Board of Appeals, if there is a gain with solar energy availability, concerned about damage done for the solar clearing, and noted there is no current tree clearing bylaw in place. **Mr. Martin moved, seconded by Ms. Arsenault to continue the public hearing for 100 Discovery**

Way to November 7, 2022 at 7:10 PM in Room 204 and approved unanimously.

III. New/Special Business

4. Indigenous Peoples Day Discussion

Ms. Nagireddy updated the Board that there is an event planned at the Acton Memorial Library celebrating Indigenous Peoples Day on October 8th, and have more opportunity to work with the Nipmuc Tribe to work further on the proclamation and requesting the Board vote on the agenda and come back at a later date to the Board with an updated proclamation. Board members were in support of postponing the proclamation to ensure enough input with indigenous tribes.

Alissa Nicol, School Street – noted the Board voted last year to claim October 10th as Indigenous People Day and encourage the Board to declare it again
Madeline Cruz, Sachem Way – disgusted the Board not recognizing Indigenous People.

Linda Vieria – encourages the Board to proclaim October 10, 2022 as Indigenous Peoples Day.

Danny Factor, Davis Road – noted to remember what happened in Massachusetts and the annihilation (of Indigenous People) during King Phillips War and should be recognized.

Corinne Hogseth, Seminole Road – questions why there is a lack of conversation regarding Indigenous Peoples Day which is already held on August 9th and encourages the Board to leave the date as Columbus Day.

Nijan Datar - Wyndcliff Drive – commented on Indigenous Peoples Month in November and why the Board has to proclaim October 10th as Indigenous Peoples Day, mentioned the history of Columbus's journey and feels it should not be discarded, questioned the words “land acknowledgement” in the draft proclamation and the concern over stolen land and if it should be given back.

Charlie Kadlec, Paul Revere Road – feels this is a re-run from a year ago and should involve the public with this type of decision, concerned about a paragraph in the proposed proclamation “land acknowledgment”, and basically means the land in this country is stolen and tribes want their land back, and encourages involving residents drafting the proclamation.

Terra Friedrichs, West Acton – encourages to give land back if we acknowledge land was stolen and for the Board to make a motion on declaring Indigenous Peoples Day.

Alia Layne, Spruce Street – concerned about having the conversation about to have the Board declaring Columbus Day as Indigenous Peoples Day.

Scott Smyers, Central Street – worth learning and knowing about celebrating the culture of Indigenous People Day, and concerned about removing Columbus Day and the need to understand the history of Columbus Day, encourages having a member of the Italian-American Club at the event at the Memorial Library.

Janet Adachi, Simon Hapgood Lane – suggests delaying the proclamation and to allow educational and public outreach throughout the month of November and suggested revisions to the proclamation.

Mr. Martin suggests placing the date of October 10, 2022 in the proclamation.

Mr. Snyder-Grant moved, seconded by Mr. Martin declaring October 10, 2022 as Indigenous Peoples Day and encourages people to attend the October 8th event at the Acton Memorial Library and unanimously approved.

5. Authorize Borrowing and Sign the Interim Loan Note Closing Documents for the Wastewater Treatment Plant Rehabilitation Project

Tax Collector/ Deputy Treasurer Theresa O'Leary presented to the Board to finalize a town meeting warrant article the loan agreement. Mr. Charter read the six motions as listed in the meeting packet on Docushare.

Mr. Martin moved, seconded by Ms. Arsenault and approved unanimously:

- (1) **the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$4,500,000 (the "Bonds") pursuant to Chapters 29C and 44 of the General Laws and a vote of the Town passed June 21, 2021 (Article 5), for rehabilitating, improving and/or making extraordinary repairs to the wastewater treatment facility (the "Project");**
- (2) **that in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the "Notes") from time to time in an aggregate principal amount not to exceed \$4,500,000;**
- (3) **that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Clean Water Trust (the "Trust") at a price determined pursuant to the financing agreement or agreements with the Trust related to the Project;**
- (4) **that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute one or more financing agreements with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Select Board and the Treasurer and evidenced by their execution of the Bonds or Notes;**
- (5) **that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan commitment or financing agreement by the Treasurer and the execution of any project regulatory agreement by the Town Manager, are hereby ratified, approved and confirmed; and**
- (6) **that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary and**

convenient to carry out the provisions of this vote, including execution and delivery of any financing agreements and the project regulatory agreement relating to the Project.

6. Approve Intermunicipal Agreement for Regional Health Coalition

Mr. Mangiaratti described the regional agreement that requires annual renewal. **Mr. Martin moved, seconded by Mr. Snyder-Grant to approve the Regional Health Coalition and authorize the Town Manager to sign and approved unanimously.**

7. Discuss American Rescue Plan Act Investment Plan

Select Board Members discussed the final draft of requests for additional funding from ARPA Investment funds. After deliberation, members agreed on the remaining funding of \$1,962,733 to ABRSD, AHA McManus Manor project, AWD for the construction of a water main at Kelley's Corner, town projects that will address air quality in public facilities by improving HVAC systems, provide funding for installing a Senior Center Café at the Human Services building, DPW building design and permitting for fuel depot for town and schools, rental advocacy pilot program, South Acton Wastewater Treatment system, updating existing Complete Streets plan to improve infrastructure for pedestrians, bicyclists, and motorists, improvements to the Nagog Wastewater Treatment system, sustainability initiatives to advance efforts towards achieving net zero carbon emissions, conduct a transportation program study for a second CAT bus. All ARPA funding must be spent by 2025.

Mr. Snyder-Grant moved and seconded by Ms. Nagireddy to accept allocations on the spreadsheet provided consulting with Acton Water District and may adjust R5 and R6 and amended by Ms. Nagireddy to check (funding) ARPA line item for the South Acton Wastewater Treatment Facility with Town Counsel and approved unanimously.

8. Presentation on Proposed New Pedestrian Crossing Systems on Great Road Near Brook Street and Main Street Near Discovery Museum

Corey York, DPW Director presented several different special pedestrian crossing systems. The systems would be placed at the intersections on Main by the Discovery Museum and at Great Road by Brook Street (HAWK system with more advanced lighting to warn cars with flashing yellow to red lights). The pedestrian crossings are activated by the pedestrian. Board members were generally receptive to the proposed crossing signals.

9. Approve Recommendation Rates for the Acton Transfer Station and Solid Waste and Recycling Program

Mr. York updated the Board regarding a recent analysis of the Pay-As-You-Throw (PAYT) program, as the bag fees have not increased since 2016.

Recommended rates for annual sticker, full-access to the Transfer Station and Recycling Facility: Resident (first sticker): \$105 Non-resident: \$190

Recommended rates for one-time trip to the Transfer Station and Recycling Facility: Resident: \$35 Non-resident: \$55

Recommended rates for PAYT bags: 8-gallon: \$0.60 15-gallon: \$1.15
33-gallon: \$2.55

Mr. Snyder-Grant moved, seconded by Ms. Arsenault to approve the recommended fees and approved unanimously.

10. Approve 2022-2023 Private Way Plowing Fee

Mr. York advised this fee has not changed since 2015 and proposed to increase the fee from \$2.78/ft to \$2.95/ft for the 2022-2023 private way plowing program. **Mr. Martin moved, seconded by Mr. Snyder-Grant to approve the proposed 2022-2023 private way plowing fee and approved unanimously.**

11. Town Manager to Present Brief Updates on Select Board Goals

Mr. Mangiaratti provided updates from the Goal Setting workshop and the status of short-term and long-term goals. Short-term updates: the DEI Director position is in the interview process, working with Abode Energy a series of building for a pilot program and working with energy coaches to assist, created a 250th Committee to commemorate the battle at the Old North Bridge that will take place in 2025, allocated \$25,000 in ARPA funding for the DPW Facility design and relocation of existing fuel station, the Asa Parlin building is in progress and will be discussing with the Board in January. Long-term updates: implementing a civil rights review for all new bylaw proposals, CAP – implementing a solar canopy project at the PSF parking lot, Complete Streets improvements are ongoing, received a \$1,000,000 grant towards the River Street Dam removal project, the Human Services Committee has been formed and looking forward to working with them.

12. Approve Reserved Parking Rates for Commuter Lots

Mr. Mangiaratti announced that there still is not much use at the commuter lots and that the reserved parking reduced rate is due to expire and requested that the Board extend the \$25/month rate through December 31, 2022.

Mr. Martin moved, seconded by Mr. Snyder-Grant to approve the extension on commuter lot rates and approved unanimously.

IV. Consent Items

Mr. Martin moved, seconded by Mr. Snyder-Grant to approve consent items 13-23 inclusive and approved unanimously.

Mr. Martin moved, seconded by Ms. Arsenault to adjourn and approved unanimously. Meeting adjourned at 11:51 PM.

Documents Used

- Agenda, Select Board, October 3, 2022
- Memo from Stephen Barrett Regarding Interim Loan Note Closing Documents Dated September 29, 2022
- Intermunicipal Agreement for Regional Health Coalition
- Draft American Rescue Plan Act Requests
- Email from Corey York Dated September 30, 2022 Recommendation for Use of Winter Recovery Assistance Program for Proposed Pedestrian Crossings
- Memo from Corey York Dated September 29, 2022 Regarding the Transfer Station and Recycling Facility SMART/PAYT Fee Recommendation
- Memo from Corey York Dated September 29, 2022 Regarding Private Way Plowing 2022-2023 Fee Recommendation
- 2022 Acton Select Board Short and Long-Term Goals
- Email from Theresa O'Leary Dated September 29, 2022 Regarding Request to Extend Reduced MBTA Lots Rate