



SELECT BOARD
MEETING MINUTES
NOVEMBER 6, 2023

6:30 PM

ACTON TOWN HALL, ROOM 204
472 MAIN STREET

Present: Jim Snyder-Grant, Fran Arsenault, Dean Charter, David Martin, Alissa Nicol

I. Regular Business

1. Resident Concerns

Martin Benson, 21 Deacon Hunt Drive – commented on the ABSC meeting 3 years ago the decision to retire the Colonial mascot and the Zoom bombing that took place and the Select Board authorizing the Town Manager to engage the Police Department to investigate the event and report back with the findings and noted it took over a year and a half for his request of a redacted transcript of a joint interview between Acton PD and the FBI with the suspect, commented on the supports of the Colonial mascot was behind the Zoom incident.

Corrinne Hogseth – commented on the ABSC Zoom bombing and David Martin's comment that the responsible parties were white men who supported the Colonial mascot and when the incident was proven not the case Mr. Martin was given the opportunity to correct his statement he refused and commented on the feelings of oppression when challenged on opinions.

Scott Smyers, Central Street – commented on recent incidents similar to the response to the Zoom bombing incident about a records request submitted regarding the Minuteman Inn being used as a shelter for migrants and received an unsatisfactory response from the town regarding the law about redacting material, and the right to shelter law in regards to non-residents.

Terra Friedrichs, West Acton – urged the Select Board to order a cease fire in Gaza and to add it to a future Select Board agenda for discussion

2. Chair Update/Town Manager Update/Members Minute

Mr. Snyder-Grant noted the earlier start time due to length of agenda items, encouraged board members to discuss future agenda items, noted a possible additional meeting in November, budget items and capital plan discussions and presentations in the next upcoming meeting; citizen library governance advisory committee charge, update on sustainability policy, discussion on tree clearing bylaw, habitat for all presentation, committee and recruitment discussion, discussion on zoom meetings, joining North Central Climate Change Coalition, Hanscom Jet Expansion, DOER acceptance in Fossil Fuel Pilot Program, limiting car dealerships with zoning, citizen request for banning gas powered leaf blowers,

public participation with Acton Planning, and an electric vehicle first policy. TAC has a new chair has draft of traffic calming policy, proposed sidewalk projects, tackling bicycle issues.

Mr. Mangiaratti noted Veterans' Day on Saturday, November 11th at the Acton Center monument with rain date in room 204. Powder Mill Corridor Initiative holding an open house at Maynard Elks on November 16th at 6 PM, open house for South Acton Vision and Action Planning process and can be found at www.actonma.gov/sav. Open Space and Recreation Plan planning session in December, MassDOT public meeting on November 13th for changes to the rt. 2/27 exit.

Alissa Nicol noted the Acton Boxborough Cultural Council hosted a Community Conversation creating a cultural district in South Acton and hosting a meeting on November 9th at South Acton Congregational Church to come up with an action plan and plans to have the chair present to the Select Board at a future meeting. The EPA remediation team from the Nuclear Metals Superfund site in Concord met last week on the conditions of the site and was recorded for future viewing. Pine Hawk is hosting a service day this Sunday for ages 13+, pre-registration is required. AB Chorus is hosting their 27th Cabaret Night on November 16-17 at HS auditorium.

Mr. Martin commented on Mr. Smyers questions about residents at Minuteman Inn that have not moved in, school and transportation cost are reimbursed by the state, program is under control by the state, MOC non-profit is contracted by the state.

Ms. Arsenault announced the WAVMA is hosting a Holiday Stroll on December 2nd.

Mr. Charter commented on the speakers series on the Acton 250 committee with an event on November 13th featuring the life of colonial Acton. Community Preservation applications are due on November 20th with an associate membership open. Attended the ribbon cutting ceremony as the Select Board and CPC representative for section 2B of the Bruce Freeman Rail Trail bridge on 10/31 in Concord. Veterans' Day organization Come Home to Acton is building a home for a veteran on Cherry Ridge Road and will be hosting an open house. Lions Club ski and skate sale will be held this weekend, with profits donated to local charities, feels Mr. Benson raised issues and would be good to surface all the information to get the issue behind to move forward.

II. Public Hearing

3. 7:10 PM. Use Special Permit #9/20/2023-848 Main Street (applicant has requested to withdraw application without prejudice)
Mr. Snyder-Grant read the public hearing notice. No further action was required.
4. 7:20 PM Eversource Energy, Stub Pole and Anchor Installation Petition, Evergreen Road

Mr. Snyder-Grant read the public hearing notice. Chris Cosby represented Eversource regarding the installation of 1 stub pole at an existing pole to provide support after a tree guy attached to a tree that came down and interrupted the

existing pole support and one anchor on Evergreen Road. Ms. Nicol questioned about the parcel maps with the highlights and what the purpose of the outlines are. Mr. Mangiaratti will look into the purpose and report back to the Select Board. Peter Foye, abutter to pole petition and had several questions regarding the installation of the stub pole, Ms. Crosby noted it will be installed on the currently leaning pole to provide support only with a guy wire installed, and will not support electrical wires. Mr. Charter commented that the project should not be delayed due to potential weather issues and residents that have the potential to lose power. **Mr. Martin moved to close the public hearing seconded by Ms. Arsenault and approved unanimously 5-0.** Mr. Foye expressed concern about the look of adding the stub pole and would like to see the pole replaced entirely. **Mr. Martin moved, seconded by Ms. Nicol to allow Eversource Energy be allowed to install on Evergreen Road a stub pole at 189/2S and one anchor pole at 189/2S approximately 240 feet northeast of Newtown Road and one anchor at existing pole 189/2S easterly side approximately 100 feet northeast of Newtown Road and approved unanimously 5-0.** Mr. Snyder-Grant moved, seconded by Ms. Nicol to ask Town Manager to work with staff to make sure the abutters are put in touch with Eversource and receive a full copy of the maps and materials in the Select Board packet and approved unanimously 5-0.

New/Special Business

5. Presentation of the Health Insurance Trust Financials and Request for Additional Funding

Mr. Charter noted he will recuse himself as a recipient of the Health Insurance as a retiree. Steve Noone representing Health Insurance Trust presented the state of the trust. The trust sets rates, collects contributions from the town and district and pays claims. It is protected from large claims by purchasing reinsurance to limit payout of \$175,000. The trust recently experienced large claims filed not covered by stop loss insurance roughly 1 million dollars that is recurring and since increased the stop loss to 1 million from the \$175,000. During COVID the loss was approximately 3 million. Reserves have fallen to zero, contribution rate are not covering cost increases, claims for the past 3 months are 50% higher than same period two years ago, deficits in first 3 months of FY24 total \$1.7 million. The HIT takeaway is claims are increasing at a rapid rate, rates charged are not too low increase of claims is driven by multiple large claims, and unknown how many claims will reach the threshold to be reimbursed by reinsurance. Rates increased by 8% in December, change in pricing on pharmacy costs save \$400,000, new consultant has been retained to look at cost saving options. The trust needs cash infusion of \$2 million. Rate increase of 22.8% which would mean a \$3.3 million increase in contributions from town and school district. Options to consider are got to a fully insured program, join a self insurance trust, or join the state Group Insurance Plan. The HIT will be meeting this week for further discussion. Mr. Mangiaratti noted it would be 3-400,000 to cover the 22% increase for the rest of the fiscal year. Mr. Mangiaratti will return to the Board on what the options would be to cover the amount.

6. Presentation of Preliminary FY25 Level Services Budget Projection

Mr. Mangiaratti presented the initial level services estimates for FY25, the budget schedule, the initial budget challenges such as increased to fixed costs, staffing, capital needs for infrastructure, OPEB, climate change needs, mental health needs, maintenance of public spaces. Initial estimated increases in fixed cost with pension and health insurance budgets of \$800K which is a 2.1% increase over FY24 budget and additional needs to provide level services. Capital projects requested in FY25 include DPW Facility, replace fire aerial truck, complete streets for Hayward and Main, sidewalk program, public safety materials replacements, and additional facility projects.

7. Discuss Strategies to Address the Projected Revenue Deficit in FY25 and Provide Input for the Acton Leadership Group Discussion

Mr. Snyder-Grant commented on attending the ALG meeting and looking at gaps at revenue that is large enough to discuss a potential override. The Finance committee noted that if the Board decides too late in the year to plan for an override there wouldn't be enough time for educating the public. There is a long history for operational budget overrides failing. If the Board heads towards an override, there are 2 budgets prepared with one for the override numbers and one without. Mr. Mangiaratti commented on working with direction to meet a target established by the ALG in the 2.5% or 3.5% range. Mr. Martin noted not needing an override and kept budget increases at 3% for both town and AB school district. The potential need now is due to the Health Insurance Trust issue and school district was affected by unexpected costs due to special ed programming and pulling from reserves in the past leaves the severe budget issue at hand. Mr. Charter commented on previous override attempts resulted in extreme cuts in personnel, and the need for public education on the results of a budget override failing. Ms. Nicol noted the Superintendent presented to the School Committee a 7 million shortfall and asked about a figure from the town. Mr. Mangiaratti is working with Department Head budget to have a firmer grasp on the level service budget number to report to the Board. Ms. Nicol voiced concern convincing voters to pass and not comfortable preparing an A and B budget. Mr. Charter expressed the need to have both a level services budget and a reduced service budget and if brought back to ALG there needs to be a same percentage increase for both the town and the schools. Mr. Charter noted some capital projects that could be completed with current financing available, and other projects such as \$2 million in sidewalk construction that a portion could be completed by DPW staff rather than paying contractors, and supports the fuel depot replacement at the DPW and the communications equipment at the PSF, suggested reducing any redundancies of staff, and recommends to reduce capital projects to retain current employees.

Charlie Kadlec, Paul Revere Road – noted an override requires a warrant article at Town Meeting requiring a 2/3 vote and then go to a ballot, reminded that an override hits the taxpayers, concerned over expenditures from previous years were unnecessary, and any potential override should list the financial impact on every home in Acton.

8. Discuss Community Preservation Committee Applications

Mr. Mangiaratti update the board noting the River Street park is closer to \$500,000 rather than \$400,000 and additional projects the Cemetery Division and Commission had envisioned with CPC funding such as restoration of the cemetery gates, Open Space submitted a memo as well, and just want Board members see the list and if they had a questions or comment to plan accordingly. Ms. Nicol questioned Cherry Ridge Road request, Mr. Charter noted the applicant approached his to request \$100,000 to complete

the project before Town Meeting and may receive funding from ACHC as well, and will be submitting an application, but may be pulled as it is not a town project. Ms. Nicol questioned about replacement of gutters on Town Hall if it could be postponed another year, Mr. Mangiaratti noted the timing of the events leading up to the 250th anniversary and felt it is an appropriate time now.

Mr. Charter noted the CPC will be looking for a prioritized list of applications from the Select Board within the next few weeks.

9. Approve Creation of Health and Human Services Department

Mr. Mangiaratti is proposing the creation of a Health and Human Services Department focusing on the mental health and needs of residents to better coordinate the social services support and public health and housing security. Mr. Martin questioned if the position would be required to oversee all requirements of a Health Director with certifications. Mr. Charter requested to see a job description. **Ms. Arsenault moved, seconded by Ms. Nicol for the reorganization and creation of a Health and Human Services Department as proposed by the Town Manager and approved unanimously 5-0.**

10. Affirm Creation of Treasurer Collector Position

Mr. Mangiaratti announced the creation of the Treasurer Collector Position and to appoint Theresa O'Leary. **Mr. Martin moved, seconded by Mr. Charter to create a Treasurer Collector position and approved unanimously 5-0.**

11. Acton 250 Committee Update

Stephen Trimble updated the Board on the activities since the formation of the committee with two subcommittees focused on educational materials and merchandising and publicity; recently completed a logo contest and selected a final logo this summer, conducted Acton Center walking tour, and hosted first professional historical speaker.

12. 53 River Street Master Plan Committee Update

Deferred to November 20, 2023.

13. Acton Concord Regional Communications Center Update

Mr. Mangiaratti updated the Board on the combination of Acton and Concord for a regional communication center and received notice from the Concord Town Manager regarding the formal withdrawal of the Town of Concord as of June 30, 2024. This was expected after conversations between the two towns. Mr. Mangiaratti reached out to surrounding towns to see if there was interest in pursuing and did not receive any interest and is prepared to move forward without a regional communication center, but will leave the possibility in the future.

14. Approve Acton Boxborough Farmers Market Request to Relocate to Gardner Field

Representing AB Farmers Market was David Garrett. Mr. Garrett presented a history of the locations of the Acton Boxborough Farmers Market beginning at the previous Pearl Street location, then relocated to the current Elm Street location, and it's request to move to the Gardner Field location due to its central location in West Acton. The ABFM met with other organizations regarding issues such as parking, putting a barrier at the entrance of the driveway the night before, setting up a temporary handicap parking during the hours of operation, setting up a permanent storage unit onsite and met support and some resistance with Historic District Committee, concerns with the Select Board and driving, parking on grass, which the ABFM would only be placing vehicles on the 3 handicapped parking spots at the field, noted the concern from Recreation about painting vendor spots – the ABFM utilizes spray chalk. Fire and Police had concerns about increased traffic. Both ABFM and vendors noted that it would be considerably easier to remain on the Elm

Street location, but felt strongly to bring it back to the West Acton field, and need to submit state applications soon with the address of the location by mid to late January, which is the reason addressing the Select Board at this time. The ABFM is looking for approval of a temporary or permanent storage unit on the property as there is a HDC bylaw that limits temporary storage units to 60 days max. Mr. Charter question the amount of space to allow for vendors on the paved area, Mr. Garrett is confident to allow for all the vendors in the limited space. Mr. Charter questioned if the Recreation Department has been involved with discussion on the use of the field. Mr. Martin questioned the number of vendors and requested a diagram of how the vendors will be occupying the space with the count of the maximum number of vendors, expressed concern about vendors driving on the grass and damage. Mr. Martin suggested to not make a formal decision on the structure. Ms. Arsenault questioned the length of the temporary pod placement during the season, Mr. Garrett noted mid-June to the end of October and would likely request to be there for the whole season. Ms. Nicol noted concern about the relocation, noted the Pearl Street location was ideal with street closures, noted West Acton is a central location for both towns, expressed that Kelley's Corner would be a more central location as the school campus has ample parking and asked if the Farmers Market Board might consider the twin school parking lot per the concerns of the police and fire department, and the use of the universally accessible playground during that time, parking is a concern especially for seniors, pregnant mothers with young children, and businesses having people park in the West Acton Villageworks parking lot and acceptance from the Historic District Commission. Mr. Martin noted from the HDC bylaw that they don't have temporary jurisdiction over temporary structures and the bylaw doesn't state any limit on duration. Ms. Nicol noted the farmers market was on Pearl Street the West Acton Citizens' Library held book sales and programming in coordination, but feels by having the farmers market back on Pearl Street would be more beneficial with the library open on Sundays and not having it in a parking lot. Mr. Charter question if the 60 day limit is more of a Zoning Bylaw and should not make a decision on the request at this meeting but at a future meeting.

Terra – likes the idea of utilizing West Acton Village, feels the West Acton mall should be reassessed with a million dollar park across the street and should pay their fair share, the town having a tight budget be careful with the HDC bylaw and suggest the market be relocated back to Pearl Street.

Debra Simes – feels it would be difficult to move the market back to Pearl Street, and noted that hosting the market on an asphalt surface is difficult during the summer for vendors. The Board will return to this topic at a future meeting.

15. Select Board Goals Status Update

- Review RFP for 19-21 Maple Street

Mr. Mangiaratti noted requesting feedback on the draft RFP. Currently there is an ambulance company in one building and Muddy Water Coffee food truck occupying the other side, and using it for town storage. Mr. Charter questioned if the current lease of three year could be extended like the town's Human Services building as it may attract more interest, Mr. Mangiaratti noted that to extend the lease longer may require a Town Meeting vote. Ms. Nicol suggested to include a link in the proposal to the Town Engineering page to see the previous study on the property, and concerned about the site visit date within 2 days. Mr.

Mangiaratti noted the timelines listed is still in draft form. The RFP has to be posted in the central registry for 30 days, and could adjust the site visit by 6-8

weeks. **Mr. Charter moved, seconded by Ms. Nicol to authorize the Town Manager to proceed with an RFP for 19-21 Maple Street as listed in packet and edits as discussed tonight and approved unanimously 5-0.**

- Review RFP for Sewer Commissioner Analysis
Deferred to future meeting.

III. Consent Items

Mr. Charter held consent items 16 and 17. **Mr. Martin moved, seconded by Ms.**

Arsenault to approve consent items 18-25 inclusive and approved unanimously 5-0.

Mr. Charter noted some minor edits required and will return to the next scheduled meeting for approval.

IV. Meeting Evaluation

Noted the lateness and length of meeting, noted the resident concerns this evening and appreciated everyone's acknowledging the concerns and responses by members. Ms. Nicol comfortable with the length, the earlier start time, the flexibility to move agenda topics around. Mr. Martin mentioned having additional meetings, timing and availability, Mr. Charter prefers to have longer meeting rather than fit additional ones in. Ms. Nicol suggested starting meetings at 6:00 PM.

Ms. Nicol moved, seconded by Mr. Martin to adjourn and approved 5-0. Meeting adjourned at 10:21 PM

Documents Used

- November 6, 2023 Agenda