



SELECT BOARD
MEETING MINUTES
DECEMBER 18, 2023

7:00 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

Terra, West Acton – heard that the State DOT is looking at the Nagog intersection for a potential roundabout and wondered about one at the Hayward and Main intersection, and encourage the Board to have a discussion about the current situation in Gaza.

Scott Smyers, Central Street – at the November 20th Select Board meeting, he had made comments claiming Ms. Nicol received emails about his public comments and has requested to see the emails; Ms. Nicol had made a public apology on behalf of his remarks and asked what the Select Board criteria was for making an apology; feels the apology regarding his remarks was incorrect and topics that have to do with interpreting his remarks as racist and feels Ms. Nicol and Mr. Martin are not qualified to make such statements.

Charlie Kadlec, Paul Revere Road – thanked the Board for ignoring Terra Friedrichs' repeated requests for a discussion on the war in Israel

2. Chair Update/Town Manager Update/Members Minute

Mr. Snyder-Grant noted delayed discussion on posted agenda items, discussed recently extended Board meetings that have been lasting 5 hours, and stated he now will spread out agenda items over multiple meetings moving forward.

Mr. Mangiaratti noted to be careful on the roads with flooding, thanked DPW for their hard work.

Mr. Charter acknowledged the great event of the dedication of the menorah ceremony, acknowledged the tremendous assistance with the Acton 250 Committee

Ms. Arsenault echoed Mr. Charter on the menorah dedication, thanked Thom Begin and multiple other Departmental staff throughout Town who contributed to the holiday display policy, reported Saturday's Eagle Scout Court of honor with the first female Eagle Scout from Boxborough, noted the upcoming Town Elections and announce her re-election.

Ms. Nicol indicated she is holding office hours on 12/19 at the Memorial Library Solarium with Ms. Arsenault. She also mentioned that the survey for the library strategic planning is live on the memorial library website.

II. Public Hearings

3. Use Special Permit #11/08/2023-498, 77 Powder Mill Road

Mr. Snyder-Grant read the public hearing notice. The applicant presented to the Board a plan for the reuse of this facility as dog day care, further clarifying that the facility would only be a day care with a pet boutique, remaining a smaller scale for day care. Ms. Nicol noted the Acton Water District asked for a plan for the collection of dog waste. The applicant discussed a temporary fencing area onsite and will clean and sanitize this space each evening. Mr. Martin questioned how many dogs will be housed, applicant stated 30 at maximum. Mr. Snyder-Grant noted there was a previous day care at the location and how many dog day care establishments are currently in Acton. Planning Director Kristen Guichard noted the location is not near any residential neighborhoods. Ms. Nicol questioned if the applicant intends to add grooming services in the future and if the applicant will then need to return to the Board. Ms. Guichard noted that it would be considered an accessory use for the permit and could be conditioned for the decision of the Board, but for any additional use they would have to be referred to Acton Water District. **Ms. Nicol moved, seconded by Mr. Martin to close the public hearing and approved unanimously 5-0.**

Ms. Nicol requested to add the condition for the plan for disposal of dog feces be sent to Acton Water District to prevent ground water contamination.

Ms. Arsenault moved, seconded by Ms. Nicol to approve the use special permit #1108/2023-489 at 77 Powder Mill Road and approved unanimously 5-0.

III. New/Special Business

4. Presentation of the Town Manager FY2025 Recommended Level-Service Budget

Mr. Mangiaratti presented the Town Manager's recommended Fiscal Year 2025 level-services budget, and the FY25 capital recommendations. The total request in capital projects was approximately \$17 million, and the recommended capital projects requests for FY25 were reduced to approximately \$7.7 million. The three borrowing projects recommended for FY2025 were the DPW fueling station, replacement of the aerial ladder truck, and complete streets Hayward/Main intersection. Free cash projects recommended for \$1.2 were traffic calming intersections improvements, bridge/culvert design and construction, SCBA replacements, railroad crossing improvements of 10.29%, cyclical data collection for real property, and facility study priorities. The Town Manager's recommended level service budget for FY25 was \$42,502,476 with a percentage increase of 10.29%. In order to cut \$2.8 M to meet a 3% budget target recommendations are to reduce capital investments, operating budget and ambulance and transportation subsidies.

Dave Wellighoff, Finance Committee – questioned if there was a summary FTE head count on the Town side included in the budget; Mr. Mangiaratti will

consider adding it to the budget report, Mr. Wellington questioned the increase in salaries by 4.4% and if the 3 positions were not filled the increase would be less; questioned if there could be a temporary solution to the fueling station that would cost less, Mr. Mangiaratti noted that the project and usage is a regional partnership between AB School District, Town of Acton and CASE transportation.

Roland Bourdon, Finance Committee – question the total amount of personal property valuation if it is the total of commercial property value; delinquent tax collections; life expectancy of a ladder truck; fuel depot project and a possible study on how many town vehicles for staff are in use and if there could be a reduction – switch to electric/hybrid vehicles, requested a dedicated town vehicle parking location for closer access to buildings from visitors to Town Hall and Library.

Steve Noone, Finance Committee – questioned the number of vacant positions; questioned professional salary line item increasing by 9% with one new position accounting for the increase and the rest for annual salary increases.

Mr. Charter suggested adding hours of staffing at AML and shutter services to West Acton Citizens' Library. Mr. Martin suggested to the Chair that the Board come back to the capital needs at a future meeting as he felt there were some disagreements with the projects recommended and the Board's priorities. Ms. Nicol questioned about the life of the ladder truck; Mr. Mangiaratti noted the life is 10-15 years and according to NFPA that anything over 15 years should be put into reserve use. Additionally, it was noted that the budget would include the increase in the health insurance rates. Ms. Nicol also questioned the savings with leasing town vehicles vs. purchasing them, Mr. Mangiaratti noted there are yearly savings and the Town currently uses this practice with the lease to own program for heavy duty DPW vehicles, and is currently researching the possibilities of the Town to lease all new vehicles moving forward.

Christi Andersen, Finance Committee – questioned the maintenance costs for all town parks; questioned the school's cost on sharing the fuel depot – Mr. Mangiaratti commented on being optimistic of having a partnership rather than going to the retail market; questioned about cutting 10-15 positions to get to the 3% - Mr. Mangiaratti noted it would be 10-15 positions, including those that are currently not filled; Ms. Andersen questioned if the proposed hiring for DPW would offset the overtime.

Esha Gangoli, Finance Committee – questioned about overtime expense, noting FY23 was approximately 56% over budget, FY 25 request is on the lower edge of the range and the likelihood of an increase over the proposed budget – Mr. Mangiaratti noted that overtime fluctuates especially in public safety. Ms. Gangoli questioned about an increase in debt level- Mr. Mangiaratti noted the projects are now going short term borrowing and thinking they would have been borrowed long term, project approved a few years back were short term with a package for long term borrowing but decline to borrow due to high rates.

Jason Cole, Finance Committee – borrowing money from OPEB does not reduce from level services, just borrowing from the future to pay for now; would not recommend a 10% growth in the budget, doesn't recommend expanding capital. Terra, West Acton – requested an FTE per populous of 1,000 residents, suggested using volunteers to staff the Citizen's Library, recommended pulling out the Hayward and Main Street project in the capital plan and having a separate vote. Mike Gowing, Harris Street – questioned the fuel station and if the town was under contract for fuel costs; suggests utilizing the overlay for \$200K; requests clarification for the useful life of a ladder truck; questioned if there has been discussion with the unions regarding health insurance.

5. Discuss and Prioritize Community Preservation Act Funding Applications

Board members voiced their priorities for CPA projects, which have been listed as a separate document in the minutes.

Clare Siska, Stow Street – commented on the Acton Dog Park Committee being on the Select Board top 10 goals, design is finalized and thanks for support from the CPC.

6. Update on Acton Leadership Group

Mr. Snyder-Grant requested this topic be brought up before the Community Preservation Act funding application prioritization. He noted some disagreements between the Select Board, School, and Finance Committee, and wanted to incur from Board members about a possible 5% reduction in the proposed level services budget. Mr. Martin summarized the FinCom suggestion of an \$8 million dollar override with \$4 million this year. He mentioned School Committee concerns that programs would have to be closed and would need to move students to other schools. Mr. Martin suggested a \$9 million override which would potentially still cause significant damage to the schools but either entities would have their level services reduced.

Mr. Charter asked if it was possible to have 2 separate overrides on the ballot – one for town needs and one for school needs, and would favor that approach. Mr. Martin characterized the school situation is not above the town and both entities are efficient and well run. He further indicated he believes there needs to be a fair allocation between the town and schools, and that all projects in town are general upkeep, public safety improvements, and maintenance of roadways and culverts. He further stated that he feels it shouldn't be split into two overrides and suggests a single override. Ms. Nicol commented the need to approach that everyone is in this together and not have 2 separate votes. Noted seeing people without children moving into her neighborhood that come for the amenities the town has to offer. Concerned about a one and done override amount effect on the taxpayers. Ms. Arsenault agrees with a one-time override.

7. Approve the Citizens' Library Governance Advisory Committee Charge

Mr. Snyder-Grant discussed the purpose of creating a Citizens' Library Governance Advisory Committee, and the proposed members of the committee, including a member of the Friends of Acton Libraries with Pat Clifford volunteering to be on the committee as a member representing the Friends of Acton Libraries. Mr. Martin commented on the order of the two phases by swapping the order or have the charge declare it is a branch of the Memorial Library. Feels it would be irresponsible if a Library Manager was hired if the roll of the Citizens' Library Trustee is not defined. Ms. Nicol noted a correction that the Board declared it as a branch and that it operates as a branch. Mr. Charter agrees it

operates as a branch and how to collectively come to closure that is operates as a branch. Ms. Arsenault is looking for resolution. Mr. Charter recommended to approve the charge but just for phase 1.

Meriam Lezak – has items she is uncomfortable with, time and energy has been spent, concerned getting the group together and that it will be difficult to find common ground. Mr. Martin and Ms. Nicol discussed their concerns about the membership of the committee. Mr. Charter agrees that each entity have one vote, have 3 Memorial Library Trustees , 3 Citizen Library Trustees, plus a town staff representative, and a member of the Friends of Libraries. Mr. Martin requested to change the language that refers to the Citizens' Library Trustees.

Ms. Nicol will update the proposed charge to bring back to the Board at a future meeting.

Mr. Snyder-Grant moved, seconded by Ms. Nicol requesting the Town Manager to continue operating the citizen library as a branch of the Memorial library and approved unanimously 5-0.

8. Approve Recommended 2024 License Renewals

Mr. Snyder-Grant moved, seconded by Ms. Arsenault to approve the license to expose, keep for sale all kinds of alcoholic beverages to be drunk on premises as listed in the master list (section 12) and approved unanimously 5-0.

Mr. Snyder-Grant moved, seconded by Ms. Arsenault to approve retail package goods store license to expose, keep for sale, and to sell all kinds of alcoholic beverages, not to be drunk on premise as listed in the master renewal list (section 15) and approved unanimously 5-0.

Mr. Snyder-Grant moved, seconded by Mr. Martin to approve the retail package goods store license to expose, keep for sale and to sell wines and malt beverages not to be drunk on premise as listed in the master renewal list (section 15) and approved unanimously 5-0.

Mr. Snyder-Grant moved, seconded by Mr. Martin to approve the common victualler licenses to expose, keep for sale and to sell wine and malt beverages to be drunk on premise as listed in the master renewal list (section 12) and approved unanimously 5-0.

Mr. Snyder-Grant moved, seconded by Mr. Martin to reconsider master renewal list as the listing for J. Stackhouse Enterprises as the property has been sold; Mr. Snyder-Grant moved, seconded by Ms. Arsenault to remove J. Stackhouse Enterprises from the master renewal list and approved unanimously 5-0; Mr. Snyder-Grant moved, seconded by Mr. Martin to approve the Class II used car dealer licenses as listed in the master renewal list and approved unanimously 5-0.

Mr. Snyder-Grant moved, seconded by Mr. Martin to approve the Class I new car licenses as listed in the master renewal list and approved unanimously 5-0.

Mr. Snyder-Grant moved, seconded by Ms. Nicol to approve renewing bowling alley and billiard table licenses as listed in the master renewal list and approved unanimously 5-0.

Mr. Snyder-Grant moved, seconded by Ms. Nicol to approve the 24 hour permit as listed in the master renewal list and approved unanimously 5-0. Mr. Snyder-Grant moved, seconded by Ms. Nicol to approve automated renewal licenses as listed in the master renewal list and approved unanimously 5-0.

Mr. Snyder-Grant moved, seconded by Mr. Martin to approve common victualler license as listed in the master renewal list and approved unanimously 5-0. Mr. Martin moved, seconded by the change from Filho's Great Road to Bella's Great Road and approved unanimously 5-0.

IV. Consent Items

Mr. Martin moved to hold consent item 9. Mr. Martin moved, seconded by Ms. Nicol to approve consent items 10-15 and approved unanimously 5-0.

Mr. Martin noted in consent item 9 that there were two things not filled in the MOA, the amount and the date. Mr. Begin confirmed the amount of \$451,000 from the town and \$1.549M from the schools, and indicated the date of fiscal year 2026 for repayment from the HIT to both entities. Ms. Nicol noted she would recuse herself for the vote as a member for the Health Insurance Trust. **Mr. Martin moved. Seconded by Ms. Arsenault to authorize the Town Manager to sign the memorandum of agreement between the schools and the Health Insurance Trust and approved 4-0-1 (Nicol abstain).**

V. Meeting Evaluation

Mr. Snyder-Grant pleased having a smaller number of items for the agenda. Still have work to do to give feedback to the Town Manager regarding the budget, discussing capital projects over the next few meetings, appreciated the Finance Committee attending the meeting with continuing communications over the override process. Ms. Nicol appreciates the shorter agenda, would like to bring back the RFP for the Sewer Commission Analysis, suggests opening meetings explaining the public engagement process and to refer to the visitor code of conduct.

Mr. Martin moved, seconded by Ms. Nicol to adjourn and approved 5-0. Meeting adjourned at 10:55 PM.

Documents Used

- December 18, 2023 Agenda
- Town Manager FY2025 Recommended Budget
- Community Preservation Act Applications Spreadsheet
- Citizens' Library Governance Advisory Committee Charge
- 2024 License Renewal List
- Draft Memorandum of Agreement, Health Insurance Trust
- Meeting Minutes, November 6, 20, December 4, 2023

- Memo from VCC for Asude Yagmur
- Memo from VCC for Stuart Amir-Lin
- Memo from Planning Division for Donation to the Sidewalk Fund Dated
- Email from Debby Andell Regarding Acton Boxborough Farmers Market Location Request Dated
- Memo from Conservation Division to Accept Donation from Maxim MacQuilken Dated December 12, 2023