



## BOARD OF SELECTMEN

Meeting Minutes

Monday, December 21, 2020

7:00 PM

Virtual Meeting

**Present:** Jon Benson, Dean Charter, David Martin, Joan Gardner, Jim Snyder-Grant, Town Manager John S. Mangiaratti, and Town Counsel Nina Pickering-Cook

**Absent:** None

Mr. Benson 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 prior to entering into Executive Session

### I. **Regular Business**

1. Follow-up Discussion of the Board's Emergency Meeting Held December 18<sup>th</sup> Regarding Racist Comments During the Acton-Boxborough School Committee Meeting

Mr. Benson announced that the Board met in an emergency session last Friday to discuss a hate incident at the Acton-Boxborough Regional School Committee virtual Zoom meeting the previous evening. The incident involved individuals in virtual attendance via Zoom using the "Question and Answer" function to send inappropriate and hateful, racist messages to the School Committee aimed specifically at the Committee's two Black members. The Board issued a unanimous statement condemning these acts of hatred and instructed Town Manager to work with the Acton Police Department to initiate a hate crime investigation. Mr. Benson apologized for the Board's failure at their emergency meeting on December 18<sup>th</sup> to express sympathy and support to School Committee Members Kyra Wilson Cook and Evelyn Abayaah. Mr. Mangiaratti updated the Board on the status of the hate crime investigation, Mr. Martin provided an update on the work of the recently appointed Diversity Equity and Inclusion Commission (DEIC) .

2. Citizen Concerns

Several residents spoke out against the incident of racist comments that were "Zoom Bombed" towards specific members of the School Committee during their meeting on December 17<sup>th</sup> and addressed the issue of racism in Acton and concerns with the way the Board handled the response.

3. Chair Update/Town Manager Update/Members Minutes

Mr. Mangiaratti mentioned the recent passing of retired Fire Chief Robert Craig and thanked the Fire Department past and current employees for attending the wake. Mr. Mangiaratti announced a new finalized video project to promote economic



development and the video has been uploaded to the town website named “Acton Video Tour”. Mr. Mangiaratti will be presenting to the Finance Committee regarding reserves, and thanks all town staff and volunteers on the work they have provided during 2020.

Mr. Snyder-Grant commented on his support for the two SC members and would like to see the Chair contact them and offer his sympathy and support. Mr. Charter commented that he believes Acton is a welcoming town but it is clear that we all need to do better to be a welcoming town. Mr. Benson would reach out to the two SC members to open a discussion on what the Board can do to make on their behalf to make matters better in both towns. Mr. Benson thanked the town Manager on his efforts during the pandemic and look forward to 2021 and be in a better place.

## II. New/Special Business

### 4. COVID Response Update

Mr. Mangiaratti updated the Board on the reported 130 new COVID cases in Acton since December 1<sup>st</sup>. Mr. Mangiaratti reported there are currently 52 residents in quarantine, and that there has been a cumulative 476 confirmed cases since March, and an unfortunate 30 deaths, 10 being in the last weeks.

### 5. Board to Designate Town Manager as the Town’s Environmental Certifying Officer

The Town Manager explained that this certification is a procedural requirement related to paperwork needed to secure \$1.6M in CBDG-CV funds that we have received as part of a regional group to help microenterprises and public service providers. **Ms. Gardner moved to approve to designate the Town Manager as the Town’s Environmental Certifying Officer, seconded by Mr. Martin. Mr. Martin called roll:**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Benson – aye**

**Mr. Charter – aye**

**Mr. Martin – aye**

**The Board voted 5-0, the motion carried.**

### 6. Board to Support Use of Additional CARES Act Funds for Acton-Boxborough Regional School District COVID-19 Response Expenses

The Board discussed a request outlined in a memo from the Finance Director for the use of a total of \$866,347 of CARES Act funding for COVID related response expenses by the Acton-Boxborough Regional School District. .

**Ms. Gardner moved to support the use of \$866,347 in CARES Act funds for Acton-Boxborough Regional School District, seconded by Mr. Martin. Mr. Martin called roll:**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Benson – aye**



**Mr. Charter – aye**  
**Mr. Martin – aye**  
**The Board voted 5-0, the motion carried.**

7. Discuss Open Meeting Law Complaint from December 16, 2020 and Delegate Response

Town Counsel reviewed the complaint with the Board. The basis of the complaint was similar to a previous complaint from Steve Ballard regarding publicizing a “BoS Update” to an email distribution list. The previous decision of the Board was to provide the same updates in alignment similar with the COVID update by the Town Manager on the town website for a more wide and open distribution. After the meeting on 12/14, the Town Manager posted the BoS update on the town website prior to Mr. Benson distributing the BoS update to the “All Boards and Committees” email distribution folder and another OML complaint was filed. After discussion with the Town Manager, the decision was to post on the Board of Selectmen town website page to be more visible for the public access. Mr. Benson’s updates are not considered draft meeting minutes, but personal notes and a summary of his perspective of the meeting topics. Ms. Pickering-Cook suggests voting to direct Mr. Benson and Mr. Mangiaratti to publish the updates on the BoS webpage prior to or simultaneously with his email to board and committees. **Mr. Snyder-Grant moved to direct Town Counsel and Town Manager to delegate a response to the Open Meeting Law complaint and publish the BOS updates on the Selectman’s webpage prior to or simultaneously with the updates to All Boards and Committees, seconded by Ms. Gardner. Mr. Martin called roll:**

**Mr. Snyder-Grant – aye**  
**Ms. Gardner – aye**  
**Mr. Benson – aye**  
**Mr. Charter – aye**  
**Mr. Martin – aye**  
**The Board voted 5-0, the motion carried**

8. Discuss AHA Option Agreement

The Board did not take up discussion on this item due to no vote ready for open session.

9. Board to Consider Extension of Reduced Reserved Parking Rates

The Town Manager described the request to extend the reduced reserved parking fee at rate of \$25 per month due to the very low demand related to the pandemic. **Ms. Gardner moved to approve the extension of reduced reserved parking rates, seconded by Mr. Martin. Mr. Martin called roll:**

**Mr. Snyder-Grant – aye**  
**Ms. Gardner – aye**  
**Mr. Benson – aye**  
**Mr. Charter – aye**



**Mr. Martin – aye**  
**The Board voted 5-0, the motion carries**

10. Update on the 53 River Street Dam Removal Project

The Board was updated by Matthew “Selby”, Land Use and Economic Development Director and consultant from Milone and MacBroom regarding the hazard dam located at the 53 River Street property. Per order of the state, the town is responsible to repair it or remove it. The dam was built to support an industrial site and not as a means of water control, and currently does not serve any purpose for the town, and is an active hazard to the surrounding abutters and the town. The design work related to the dam removal is 60% completed and currently on hold while an archaeological investigation is performed.

11. Board to Consider Voting to Approve the Plan to Remove the Hazard Dam Located at 53 River Street

**Ms. Gardner moved to approve removing the dam, seconded by Mr. Martin.**

**Mr. Martin called roll:**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Benson – aye**

**Mr. Charter – aye**

**Mr. Martin – aye**

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

12. Board to Acknowledge Town Counsel Stephen Anderson, Anderson & Kreiger

Stephen Anderson of Anderson & Kreiger has been Town Counsel for Acton’s town staff for many years. Many former Board of Selectmen members, former and current Town staff joined in the meeting to wish Mr. Anderson a happy retirement.

**III. Consent Items**

Mr. Snyder-Grant held consent items 14-15.

**Ms. Gardner moved to approve consent items 13 and 16, seconded by Mr.**

**Martin. Mr. Martin called roll:**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Benson – aye**

**Mr. Charter – aye**

**Mr. Martin – aye**

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

Mr. Snyder-Grant noted that the Green Advisory Board only has 2 associate memberships available with only 1 term cycles, and amended the appointment of Erik Larson and Peter Berry as associate members with a term expiration of June 30, 2021.



**Ms. Gardner moved to approve consent items 14 and 15 as amended, seconded by Mr. Martin. Mr. Martin called roll:**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Benson – aye**

**Mr. Charter – aye**

**Mr. Martin – aye**

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

**Ms. Gardner moved to adjourn, seconded by Mr. Martin. Mr. Martin called roll:**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Benson – aye**

**Mr. Charter – aye**

**Mr. Martin – aye**

**The Board voted 5-0, the motion carried. Meeting adjourned at 9:25 PM**

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

- Agenda, December 14, 2020
- Environmental Certifying Officer Designation
- CARES Act Fund Summary of Expenses Dated December 21, 2020
- Open Meeting Law Complaint, December 16, 2020
- AHA Comments on Option Agreement
- Reserved Parking Document
- 53 River Street Dam Removal Letter to Residents and CPC Application