



SELECT BOARD AND SEWER COMMISSIONERS

Meeting Minutes
Monday, June 7, 2021
6:00 PM
Virtual Meeting

Present: Jon Benson, Dean Charter, David Martin, Joan Gardner, Jim Snyder-Grant, Town Manager John S. Mangiaratti

Absent: None

Mr. Benson called the meeting to order at 7:00 PM. It was a virtual meeting with no Board members in physical attendance and it was broadcast via Zoom.us virtual meeting platform.

I. Regular Business

1. Citizen Concerns

None

2. Chair Update/Town Manager Update/Members Minutes

Mr. Benson thanked James MacRae for the Memorial Day Observance on May 31, 2021. There may be the need for an additional meeting next Monday for Board and Committee re-appointments with terms expiring on June 30, 2021, and also an executive session regarding the Wetherbee property.

Mr. Mangiaratti updated the Board regarding the town-acquired Piper Lane parcel and the house on the property. A Request for Proposals was advertised with no proposals received; demolition of the property will begin in a couple weeks. Veterans Service Officer James MacRae and members of local Boy Scout and Girl Scout troops will be holding a Flag Day ceremony June 12, 2021 at Woodlawn Cemetery. Regional Emergency Communication Center project: We have not heard back from the State regarding grant status, however we are proceeding with tentative plans should the grant come through. The Acton Water District created a per-and polyfluoralkyl substances (PFAS) working group that will include town staff. The North Acton Fire Station construction is moving quickly and scheduled on-time completion this fall. There will be a virtual meeting regarding ways to attract businesses to the Great Road Corridor area on June 16, 2021. There will be a Climate Action Planning workshop on June 30, 2021 hosted by Sustainability Director and the Green Advisory Board. A survey is available and all are encouraged to complete it.

Mr. Snyder-Grant commented further on the Acton Water District, its recent, mandatory notice regarding PFAS distributed to residents, and the transparency the AWD has provided, noting that the District shuts down wells to prevent



contaminants from entering into the public water supply. The PFAS working group will collaborate to determine best practices. The Powdermill Apartments project, which put Acton into Safe Harbor, has been delayed for six months due to obtaining a building permit. If a building permit is not issued by August, the State could remove the Town from Safe Harbor status until a building permit is granted.

Acton Water District Commissioner Barry Rosen updated the Board to urge all residents to observe the current restriction on outdoor watering from three days per week to one day per week due to wells shut down due to PFAS and construction.

Ms. Gardner thanked the voters of Acton for electing as a member of the Board. Mr. Martin noted a site walk at the 53 River Street location with members from four different committees in attendance with the archeologic consultant and the dam designer.

3. COVID-19 Response Update

Mr. Mangiaratti updated the Board that there are currently three residents in isolation, and 981 cumulative cases. The town is estimated to receive \$7.07 million from the American Rescue Plan Act and there will be less restriction on spending, and that expending funds will follow the treasury guidelines. The meeting in July will be a discussion with the Board how the CARES Act funding has been utilized.

II. Public Hearings

4. 7:10 PM Site Plan Special Permit #9/28/2020-480, 67 Powdermill Road (applicant has requested to withdraw without prejudice)

Ms. Gardner moved, seconded by Mr. Martin to withdraw application without prejudice and unanimously voted by roll call: (Ayes: Mr. Snyder-Grant, Ms. Gardner, Mr. Charter, Mr. Benson, Mr. Martin)

5. 7:30 PM Pole Petition, Eversource Energy: Arlington Street at West Road.

Christine Cosby represented Eversource for the request to add a pole to service energy to the new “twin schools” project.

Ms. Gardner moved to close the hearing seconded by Mr. Martin with a unanimous vote by roll: (Ayes: Mr. Snyder-Grant, Ms. Gardner, Mr. Charter, Mr. Benson, Mr. Martin)

Ms. Gardner moved to approve the pole petition seconded by Mr. Charter and voted unanimously by roll: (Ayes: Mr. Snyder-Grant, Ms. Gardner, Mr. Charter, Mr. Benson, Mr. Martin)

III. Sewer Commissioner Business



6. Approve Sewer Operations and Maintenance Rate for Fiscal Year 2022
Steve Barrett, Finance Director presented the proposed rate for FY22 with a recommendation of a 2.5% increase. **Ms. Gardner moved to approve the proposed 2.5% rate increase, seconded by Mr. Charter and voted unanimously by roll: (Ayes: Mr. Snyder-Grant, Ms. Gardner, Mr. Charter, Mr. Benson, Mr. Martin)**

IV. New/Special Business

7. Approve Letter of Support for MassWorks Grant Proposal
Mr. Martin moved to approve the MassWorks Grant Letter of Support and have the Town Manager sign the letter seconded by Ms. Gardner and voted unanimously by roll: (Ayes: Mr. Snyder-Grant, Ms. Gardner, Mr. Charter, Mr. Benson, Mr. Martin)
8. Presentation of Proposed Low Income Community Solar Program
The Board heard a presentation on a proposed low-income community shared solar facility at the WR Grace site. The solar project would direct revenues received from the Solar Massachusetts Renewable Target (SMART) Program to low-income Acton Power Choice customers providing monthly electrical savings at no cost to the town.
9. Discuss Open Meeting Law Complaint May 28, 2021 and Delegate Response
The Board received an Open Meeting Law complaint regarding a delay in the required response to the submitted Open Meeting Law Complaint regarding meeting minutes, which have been revised and approved.
Mr. Benson moved to instruct Town Counsel and the Town Manager to respond to Mr. Ballard's three open meeting law complaints from May 18 and May 19, 2021 by informing him and the Attorney General's Office that the minutes of April 12, 26, and May 3, 2021 have been revised and approved by the Board to reflect additional detail and the initial approval of the inaccurate minutes was not an intention to violate the open meeting law, seconded by Ms. Gardner and voted unanimously by roll: (Ayes: Mr. Snyder-Grant, Ms. Gardner, Mr. Charter, Mr. Benson, Mr. Martin)

Mr. Benson moved to instruct Town Counsel and the Town Manager to respond to Mr. Ballard's May 28, 2021 open meeting law complaint by acknowledging the Board's error in not providing a timely notice of response to Mr. Ballard and the Attorney General's Office, seconded by Ms. Gardner and voted unanimously by roll: (Ayes: Mr. Snyder-Grant, Ms. Gardner, Mr. Charter, Mr. Benson, Mr. Martin)
10. Consider Voting to End the Local State of Emergency Related to the COVID Pandemic Effective June 15, 2021



Coinciding with the Governor's declaration to end the Commonwealth's State of Emergency declared on March 10, 2020, to end on June 15, 2021, **Ms. Gardner moved to approve ending the local state of emergency effective June 15, 2021, seconded by Mr. Martin and voted unanimously by roll: (Ayes: Mr. Snyder-Grant, Ms. Gardner, Mr. Charter, Mr. Benson, Mr. Martin)**

11. Discuss Transition to In-Person Meetings

Mr. Mangiaratti provided the Board with an update regarding the end of the State of Emergency and transitioning to in-person meetings. Mr. Mangiaratti inquired of the Board's preference should there not be an extension to continue virtual meetings. Several Members suggested that boards and committees meet either entirely in-person, entirely remotely and hybrid if allowed, and suggested that if there were any deviation to what Open Meeting Law allows, that it would have to be a case-by-case basis with permission from the Select Board. Mr. Mangiaratti suggests continuing meet remotely through the Annual Town Meeting (June 21). Several comments were made by members of the public voicing concern about people feeling uncomfortable meeting in public, and also comments of encouraging meeting all in-person, and requests for hybrid meetings.

Mr. Martin moved within the bounds of state law, as of 23 June 2021, Boards and Committees may choose for meetings to be held remote or all in-person and permission for remote public participation for local meetings may be granted by the Select Board on a case-by-case basis, seconded by Ms. Gardner and voted unanimously by roll: (Ayes: Mr. Snyder-Grant, Ms. Gardner, Mr. Charter, Mr. Benson, Mr. Martin)

Mr. Snyder-Grant will be asking for permission on behalf of the Commission on Disabilities to meet remotely as a local meeting.

The next meeting of the Board will be remote on June 21, 2021

12. Discuss Request for Use of Space in Front of the Memorial Library for Pride Display

A request was made by Padmini Narayan, member of the group Love Across the USA, to place a crochet tree wrap in front of the Memorial Library to celebrate Pride Month.

Ms. Gardner moved to approve the request for a tree wrap on the Memorial Library lawn in observance of Gay Pride Month, seconded by Mr. Snyder-Grant and voted unanimously by roll: (Ayes: Mr. Snyder-Grant, Ms. Gardner, Mr. Charter, Mr. Benson, Mr. Martin)

13. Review 2021 Annual Town Meeting Articles and Consider Recommendations



The Board discussed Warrant Article 4A and felt it was not ready and needed more public outreach. **Mr. Charter moved to pass over article 4A, seconded by Ms. Gardner and voted unanimously by roll: (Ayes: Mr. Snyder-Grant, Ms. Gardner, Mr. Charter, Mr. Benson, Mr. Martin)**

Ms. Gardner moved to recommend Article 10, seconded by Mr. Martin and voted unanimously by roll: (Ayes: Mr. Snyder-Grant, Ms. Gardner, Mr. Charter, Mr. Benson, Mr. Martin)

Ms. Gardner moved to recommend Article 28, seconded by Mr. Charter and voted unanimously by roll: (Ayes: Mr. Snyder-Grant, Ms. Gardner, Mr. Charter, Mr. Benson, Mr. Martin)

14. Approve Amended Town Manager Contract

The Board approved the amended contract that increases the Town Manager's base salary from \$205,312 to \$216,000, which includes a one-time merit payment of \$5,000. The contract will be extended for another three years. **Ms. Gardner moved to approve the Town Manager's contract and seconded by Mr. Charter and voted unanimously by roll: (Ayes: Mr. Snyder-Grant, Ms. Gardner, Mr. Charter, Mr. Benson, Mr. Martin)**

15. Request from Pepperell Select Board to Attend June 24, 2021 Meeting

Board members that are available will attend and no formal vote was taken.

V. **Consent Items**

Mr. Martin held consent item 16. **Ms. Gardner moved to approve consent items 17-25, seconded by Mr. Martin and voted unanimously by roll: (Ayes: Mr. Snyder-Grant, Ms. Gardner, Mr. Charter, Mr. Benson, Mr. Martin)**

Mr. Martin requested to have a letter sent to the Board by email from Indivisible Acton regarding members attending conscious bystander training. **Mr. Martin moved to approve May 3, 2021 minutes as amended, seconded by Ms. Gardner and voted unanimously by roll: (Ayes: Mr. Snyder-Grant, Ms. Gardner, Mr. Charter, Mr. Benson, Mr. Martin)**

Ms. Gardner moved to adjourn, seconded by Mr. Charter and voted unanimously by roll: (Ayes: Mr. Snyder-Grant, Ms. Gardner, Mr. Charter, Mr. Benson, and Mr. Martin). Meeting adjourned at 9:51 PM.

Documents and Exhibits Used During this Meeting

- Agenda, June 7, 2021
- Public Hearing Notice for Site Plan Special Permit #09/28/2020-480, 67 Powdermill Road and Letter from Leo Bertolami Dated May 26, 2021
- Sewer Operations and Maintenance Memo Dated June 7, 2021



- Draft Letter of Support for MassWorks Grant
- Presentation of Proposed Low Income Community Solar Program
- Open Meeting Law Complaint, May 28, 2021
- Declaration of Local Emergency Dated March 17, 2021
- Letter from Governor Baker Dated May 25, 2021
- Email Request for Use of Space in Front of Memorial Library Dated May 25, 2021
- Letter from The Select Board of Pepperell Dated May 26, 2021
- Amended Meeting Minutes April 5, 12, 26, and May 3, 2021
- Right of Way Acquisition, 253 Main Street
- Right of Way Acquisition, 292 Main Street
- Request for Use of Roads, MS Minuteman Right Dated May 5, 2021
- Accept Gift Memo, Recreation Department Dated June 2, 2021
- One Day Alcoholic Beverage License Application, Daphna Erikson
- One Day Alcoholic Beverage License Application, Judith Carlough
- One Day Alcoholic Beverage License Application, Katherine Narinian
- One Day Alcoholic Beverage License Application, David Reuger
- Multiple One Day Alcoholic Beverage Licenses Application, Boston Events