



BOARD OF SELECTMEN

Meeting Minutes

Monday, May 24, 2021

7:00 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. Citizens Concerns

None

2. Chair Update/Town Manager Update/Members' Minutes

Mr. Benson noted the next meeting will be June 7, 2021 which will include a public hearing regarding the application for 67 Powdermill Road. This will hopefully will be completed during the current Board membership. Acton Boy Scout Troop 32 will have 7 Eagle Scout ceremonies.

Mr. Snyder-Grant announced the League of Women Voters will have a forum on the candidates for Select Board on May 27, 2021 at 7:00 PM via video conference.

Mr. Charter announced a Memorial Day observance at 11:00 AM at Woodlawn Cemetery.

Mr. Mangiaratti had no updates.

3. COVID-19 Response Update

Mr. Mangiaratti announced only 2 active cases currently with successful vaccination efforts. At the June 7 meeting, the Board will decide on terminating the local State of Emergency to coincide with the Board of Health meeting the same night. Town buildings will be offering more programming to the public over the next couple of weeks, including adjusting the ability of advertising public meetings to include indoor rooms as well as virtual rooms based on the decision of the Board, and state guidelines.

II. **Public Hearings**

None

III. **New/Special Business**

4. Vote for a Certificate of Recognition to Mrs. Barbara Smith, Co-Founder of Household Goods



Mr. Charter moved, seconded by Ms. Gardner to create a certificate of recognition of her 90th birthday and exemplary service to the town and the larger community and voted unanimously by roll: (Ayes: Mr. Snyder-Grant, Ms. Gardner, Mr. Charter, Mr. Benson, Mr. Martin).

5. Discuss Open Meeting Law Complaints, May 17 and 19, 2021 and Delegate Response

Mr. Benson noted that the meeting minutes from April 12, 26 and May 3, 2021 were not summarized properly in the Citizens Concerns section such that a person not attending the meeting might not fully understand the comments that were made by the public and Mr. Benson, which was unintended. Minutes were amended but not available for the Board to review in time for this meeting.

Town Counsel Nina Pickering-Cook advised that the minutes that have been amended appropriately. Mr. Benson suggested reviewing and approving minutes at the June 7, 2021 meeting.

6. Discuss ALG Plan

Mr. Benson noted the double debt item of \$454,000 for the North Acton Fire Station. Mr. Mangiaratti informed the Board of the options of lowering local receipts to account for any potential shortfall in local revenue, lower free cash or stabilization contribution, or restore untaxed levy capacity or tax relief. The Board was in favor of having Mr. Benson, Mr. Charter and Mr. Mangiaratti take to the next ALG meeting on May 27, 2021 Mr. Mangiaratti's suggestion to move \$350,000 to lower the estimate of local receipts to be consistent with the potential shortfall in local revenues for FY22, and the remaining \$104,000 to reduce the Free Cash/Stabilization Fund contribution.

7. Update on Discussions with Kmart Property Owner

Mr. Charter updated the Board that he and Mr. Mangiaratti met via phone conference with real estate broker Atlantic Retail, representing property owner Stop & Shop, regarding recent public interest expressed to have a community center on the property. The property is currently off the market to assess all possibilities for re-use of the property, with no decision anticipated for at least 60 days. Mr. Charter suggests further pursuing the discussion when the new Board takes over in July. Several steps would have to take place if the new Board would consider purchasing the property, and any action would take a considerable amount of time including a potential needs assessment and feasibility study. Several members of the public commented on the positive need for a community center and encouraged the Board to form a committee to study the need; encouragement to form a collaborative with Boxborough; concerns regarding the structural integrity of the current building; appreciation of Board members considering this option for the site.

8. Consider Approval of Governance Agreement for Regional Emergency Communication Center with Concord



The Concord Select Board approved the Governance Agreement at its meeting held earlier in the day. The Regional Emergency Communication Center would handle all emergency and non-emergency public safety calls for Acton and Concord. A recent feasibility study indicated that forming the district would improve services, access to resources and reduce annual costs due to additional funding from the state level. The district would utilize the existing Acton Public Safety Facility, with possible retrofitting with funding from the state. Members of the public voiced some concern about the membership of the Board for Directors and request for the agreement to be approved by Town Meeting; concerns about the future of the District if other towns join, and decisions about future budgets.

Ms. Gardner moved, seconded by Mr. Snyder-Grant, that the Acton Select Board accept the provisions of sections 180 to 18V, inclusive, of chapter 6A of the General Laws providing for the establishment of a regional 911 emergency communication district, together with the towns of Acton and Concord, and the construction or siting, administration, operation and maintenance of a regional 911 emergency communication center by the district under the provisions of the proposed district agreement filed with the Select Board, and voted unanimously by roll: (Ayes: Mr. Snyder-Grant, Ms. Gardner, Mr. Charter, Mr. Benson, Mr. Martin).

9. Review Annual Town Meeting Articles and Consider Recommendations

The Board recommended all warrant articles with the exception of the three Citizens' Petitions for Dog Park funding, and two regarding Election of Planning Board members. The three Petitions were Not Recommended.

10. Town Manager Performance Evaluation

Board members reviewed the Town Manager's performance evaluation which involved a numeric rating system with 15 factors. Mr. Mangiaratti's overall rating was 4.74 out of a possible overall score of 5.0. Overall, written remarks were very positive highlighting his leadership through the pandemic and his effective communication with the Board and the public.

IV. Consent Items

Consent item 11 was passed over and will be taken up at the June 7, 2021 meeting. **Ms. Gardner moved, seconded by Mr. Martin to approve consent items 12-14, and voted unanimously by roll: (Ayes: Mr. Snyder-Grant, Ms. Gardner, Mr. Charter, Mr. Benson, Mr. Martin).**

At 10:30 PM, Ms. Gardner moved, seconded by Mr. Charter to enter into executive session to discuss strategy sessions in preparation for negotiations with non-union personnel (Town Manager) under purpose 2 and voted unanimously by roll: (Ayes: Mr. Snyder-Grant, Ms. Gardner, Mr. Charter, Mr. Benson, Mr. Martin).



Documents and Exhibits Used During this Meeting

- Agenda, May 24, 2021
- Email from Rick Walsh Dated April 28, 2021
- Open Meeting Law Complaints, May 17 and 19, 2021
- DRAFT Governance Agreement for Regional Emergency Communications Center with Concord
- Draft Annual Town Meeting Articles
- Town Manager Performance Evaluations
- Accept Kelley's Corner Right of Way Acquisition, 300 Main Street
- Accept Gift Memo from Council on Aging Dated May 13, 2021
- One Day Alcoholic Beverage License, Christopher Hardy, NARA Park, July 11, 2021