



## BOARD OF SELECTMEN

Meeting Minutes

Monday, June 17, 2019

6:30 PM

ROOM 204, ACTON TOWN HALL, 472 MAIN STREET

**Present:** Joan Gardner, Jon Benson, Dean Charter, Peter J. Berry, David Martin

**Absent:** None

### I. Executive Session

Ms. Gardner opened the meeting at 6:30 PM with a motion to enter into executive session to discuss litigation specifically, Boutet, et. al v. BOS of the Town of Acton, Middlesex Superior Court No. 1981cv1269 regarding an Open Meeting Law complaint over the consideration of D. Factor for Planning Board where an open meeting may have a detrimental effect on the litigating position of the Town for this matter.

Mr. Benson moved, Mr. Charter seconds.

Mr. Charter called roll:

Mr. Martin – aye

Mr. Berry – aye

Ms. Gardner – aye

Mr. Benson – aye

Mr. Charter – aye

### II. Regular Business

#### 1. Citizen Concerns

Terra Friedrichs, West Acton -

#### 2. Chair Update/Town Manager Update

Mr. Mangiaratti announced the new Acton Power Choice rates beginning in September, 2019.

20<sup>th</sup> anniversary for NARA Park on July 4<sup>th</sup>. Concert Series, Recreation Department will be doing a fun fact about NARA every day for 20 days on social media.

Ms. Gardner announced that the public safety facility will host a Dog Park Committee forum on June 25<sup>th</sup>.

### III. New/Special Business

#### 3. Stormwater Management Development Plan

Land Use Director Selby presented a brief power point presentation regarding stormwater management. No questions from the Board. A resident questioned if the MS4 permit has been dropped by the Fed but has been taken up by the state. Concern with the Site Plan Special Permit listed on the agenda is specifically related to Stormwater. Town Engineer confirmed it. Member of Green Acton Water committee commented on reviewing the proposed changes for the bylaw leading up to town Meeting to pass the 2 articles and are in favor of the Board approving the 2 changes. Mr. Charter moves to accept the



amendments to Chapter X Bylaw, Mr. Benson seconds. The Board voted 5-0. The motion carries. Mr. Charter moves to accept the Site Plan Special Permit Rules and Regulation as amended, Mr. Berry seconds. The Board voted 5-0. The motion carries.

4. Water Resource Advisory Committee Project Presentation

Ron Beck, Chair of WRAC presented to the Board a presentation with recommendation for conducting the water study and their recommendations. Looking for assistance with various town staff, ABRHS student to help with social media. A primary budget of \$50,000. Increase in associate members. Mr. Charter is looking for input from Town Manager with town staff hours, and \$50,000 from the budget. Mr. Benson suggested a joint public meeting with Acton Water District, Board of Selectmen and WRAC. JB moves to hold a joint public meeting of BOS and AWD and various staff meet, Mr. Berry seconds. The Board voted 5-0. The motion carries.

5. Request to Increase Ambulance Billing Rates

Mr. Mangiaratti briefed the Board on increasing the ambulance billing rates – CMERA is increasing on July 1<sup>st</sup>. Suggests that Acton do the same. Mr. Martin moves to adopt the rates as listed, Mr. Charter seconds. The Board voted 5-0. The motion carries.

6. Update on Kmart Parcel, 252 Main Street

Mr. Benson read from a prepared statement. Mr. Benson met with Frank Maglio from Stop and Shop and briefed the public and the Board regarding the scenario regarding the future of the parcel. The Board met in Executive Session on June 13, the Board felt that we (the town) should not pursue the purchase of the parcel due to pending expenses with the twin schools and the North Acton Fire Station. Eminent Domain is not an option as it has to be specific to public purpose and have a plan for the property and not to prohibit an unwanted development.

Several members of the public questioned regarding possibility of a 40B at the parcel, agreement about not purchasing the property, suggestions on having a citizen engagement group on what citizens would like to see go onto the parcel.

7. Board to Discuss Request from ABRSD for a Special Town Meeting on December 10, 2019 and Special Election on December 17, 2019

Mr. Mangiaratti briefed the Board members regarding the request to hold a special town meeting and election and plans on aligning the North Acton Fire Station as a warrant article as well. ABRSD called for the special town meeting. A member of the audience requested to have a sewer article and placed early on the warrant.

Mr. Berry moves to call for a special town meeting and special election, Mr. Benson seconds. The Board votes 5-0. The motion carries.

8. Presentation of Preliminary Design for Age-Restricted Development on 361 Great Road

Nancy Tavernier presented to the Board a proposal for an age-restricted 40B proposed at 361 Great Road on behalf of Mark O'Hagan. Mr. O'Hagan explained the preliminary design – this is not a LIP application since the town is very close to reaching the Safe



Harbor of 10% affordable housing. Ms. Tavernier stressed that this was a BOS goal for more affordable housing for seniors. Mr. Charter mentioned about access from Wampus Ave, Mr. O'Hagan stated that was in the plans for emergency access. Mr. Benson agrees this is a good 40B project with the pricing. Several members of the audience asked about adding a common room in the building, using ground source heat pumps to avoid tying into natural gas, providing green space, area to walk around. Mr. Charter moves that the Board expresses consensus approving of this project, Mr. Martin seconds. Board voted 5-0. The motion carries

9. Board to Authorize Cable Advisory Committee Public Hearing Regarding Cable License Renewal of Verizon New England, Inc.

Mr. Benson read from a prepared statement. Oleg Volensky, Chair of the CAC gave an overview of the process of renewing the Verizon Cable license. Requesting the Board to authorize a public forum and be able to give 2 weeks' notice of the hearing sometime this summer. Mr. Benson moves BOS as cable television licensing – get JB's statement. DM seconds. Board votes 5-0. The motion carries.

10. Discuss Board of Selectmen Goal – Improvements to Town Meeting

Mr. Benson commented on his first experience with Town Meeting in 2018 seeing only 300 people in the audience. Mr. Benson had several meetings with various people and groups and came up with several different suggestions to help increase town meeting attendance. Looking to create a focus group with various key members including town staff and particular members of various boards and committees to create a study group. Mr. Martin mentioned that he would like to see it an advisory committee. Mr. Benson to work on and create a charge for the Town Meeting Improvement Committee charge.

11. Discuss Board of Selectmen Goal – Change Name from Board of Selectmen to Select Board

Mr. Martin brought this up at the annual goal setting. Many Boards are changing their name to Select Board. Would require a charter change, a town meeting vote, and a ballot vote. Mr. Martin moves to change the name to Select Board, Mr. Charter seconds. The Board voted 3-1-1. (Gardner, nay - Charter abstains) The motion carries.

12. Discuss Board of Selectmen Goal – Review of Town Board and Committees to Determine to Continue, Combine, or Update Charges – Morrison Farm Committee, Sidewalk Committee, Transportation Advisory Board, Green Advisory Board, and Acton 2020

Mr. Berry main concern from the Selectmen Goals is the Sidewalk Committee. Currently there are only 2 members left. Suggests moving the Sidewalk Committee to the Transportation Advisory Committee and merge them as a “complete streets” portion. Prepare a charge to combine the 2 committees. Charge to be prepared and presented at the July 1<sup>st</sup> meeting. Mr. Berry passed over GAB. Board to take up Morrison Farm Committee on July 1. Update charge for Acton 2020. Mr. Mangiaratti suggested to bring back updated charges when they are ready and not necessarily at the next meeting.



13. Veteran Service Intermunicipal Agreement

Mr. Mangiaratti worked with Boxborough Town Administrator to agree and update the Veterans Service Intermunicipal Agreement. Mr. Martin moves to approve the intermunicipal agreement to be implemented July 1. Mr. Berry seconds. The Board voted 5-0. The motion carries.

14. Board and Committee Reappointments

Mr. Berry moves to reappoint volunteers as read, Mr. Charter seconds. The Board voted 5-0. The motion carries.

**IV. Consent Items**

Mr. Charter moves to accept consent items 15-17, 19-23. Mr. Mangaratti requested to remove consent item 18. Mr. Martin seconds. The Board voted 5-0. The motion carries.

Mr. Benson moves to adjourn, Mr. Charter seconds. The Board voted 5-0. The motion carries. Meeting adjourned at 9:45 PM

**Documents and Exhibits Used During this Meeting**

- Chapter X Bylaw
- Site Plan Special Permit Rules and Regulations
- WRAC Presentation
- Acton Fire Department Memo
- Email Request for Special Town Meeting and Special Election
- Email for Preliminary Design for Age Restricted Development
- Email Request for Cable Advisory Committee
- Committee Charges
- Committee Reappointments
- Citizen Recognition Award
- Spending Approval Letter for Housing Production Plan
- Email Regarding Board Appointment, MBTA Advisory Board
- One Day Alcoholic Beverage License Application – Barbara Keeler
- One Day Alcoholic Beverage License – House Rabbit Network
- One Day Alcoholic Beverage License – Jillian Oman
- Meeting Minutes
- Selectmen Reports