



## BOARD OF SELECTMEN

Meeting Minutes

Monday, September 14, 2020

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 via a virtual meeting with no Board members in physical attendance and broadcasted via Zoom.us virtual meeting platform before a motion to enter into executive session.

### I. Regular Business

#### 1. Citizen Concerns

Terra Friedrichs, West Acton – concerned about tree removal on Charter Road.

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

Mr. Benson announced that the second meeting in September is cancelled due to the observance of Yom Kippur, and that the board will have an additional meeting in October. Mr. Mangiaratti announced that the demolition of the former fisheries and wildlife building on Harris Street for the new fire station will begin shortly and the following upcoming virtual public forums – Acton Center 25% Design on 10/7 at 7 PM, Zoning Bylaw change for Drive-Up Windows 10/13 and 12/10 at 7pm, Dog Park location discussion on 10/19 at 7 pm, and re-use of the Asa Parlin House TBD. There is a community Group offering an English Language course in October.

Ms. Gardner thanked all staff involved with the successful Election Day.

### II. New/Special Business

#### 3. Dangerous Dog Hearing

Town Counsel Sam Dinning and ACO Nelba Maldonado outlined the guidelines how the hearing would proceed to the Board, and explained what steps the Board needs to consider whether they deem the dog dangerous and the orders of conditions as necessary. All parties who plan to testify were sworn in by Clerk David Martin. The Board heard testimony from ACO Nelba Maldonado, the victim David Lunger, William Funk, Jay Jacobson, and owners Mark and Kate Bishop. Ms. Bishop clarified that an invisible fence has been installed on the property, and has complied with the recommendations of ACO Maldonado. Julie Becker and Marianne Farington testified on behalf of the Bishops.

**Ms. Gardner moved to close the hearing,** Seconded by Mr. Snyder Grant. Mr. Martin called the roll:

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**



**Mr. Charter – aye**

**Mr. Benson – aye**

**Mr. Martin – aye**

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

**Mr. Charter moved to declare “Yeager” a dangerous dog, seconded by Mr. Snyder-Grant. Mr. Martin called roll:**

**Mr. Snyder-Grant – nay**

**Ms. Gardner – nay**

**Mr. Charter – aye**

**Mr. Benson – nay**

**Mr. Martin – nay**

**The Board voted 1-4, the motion failed.**

Based on the testimonies, the Board voted to deem the dog “Yeager” not dangerous.

**4. Discuss Results of the September 8, 2020 Special Town Meeting**

The Board discussed the results of the September 8 Special Town Meeting. Town Meeting approved the purchase and acquisition of the Piper Lane land, the name change of the Board of Selectmen, the Small Business Grant Program and the non-binding article declaring a climate emergency. The release of the restriction at 127 Strawberry Hill Road article will be brought back at Annual Town Meeting in 2021. The Board of Selectmen change of name amends the Town Charter and requires two votes to take effect: (i) a two-thirds vote in favor at Town Meeting (accomplished on September 8); and (ii) a majority in favor at the next annual town election (March 30, 2021).

**5. Discussion of Pump Track at Quarry Road in NARA Park**

Nathan Kleinschmidt, an A-B student presented to the Board a proposal to install a Pump Track as part of his Eagle Scout project located at NARA Park on the Quarry Road side. Mr. Charter suggested a town department or committee will oversee the future and maintenance of the pump track. The Board and Mr. Mangiaratti were informed that there is a private group (Acton Friends of the Pump Track) that will be raising funds to support the maintenance, and a gravel parking lot may be installed.

**Ms. Gardner moved to approve the concept of the Pump Track at the Quarry Road site, seconded by Mr. Charter. Mr. Martin called roll:**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Charter – aye**

**Mr. Benson – aye**

**Mr. Martin aye**

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

**6. Update on COVID-19 Response**



Mr. Mangiaratti updated the Board of one active case in Acton. As part of a financial update he reported there was not any deterioration in property tax collections, and that limited spending and hiring freezes were still in effect to control expenses. He indicated that staff is submitting funding reimbursement requests for all eligible expenses to CARES Act and FEMA disaster assistance programs.

7. Discuss Reopening of Town Hall in October

Mr. Mangiaratti requested the Board to approve to prepare the re-opening of town buildings to the public, with a limited re-opening of Town Hall in October.

**Mr. Charter moved to approve the Town Manager move forward to prepare a re-opening plan for town buildings, seconded by Ms. Gardner. Mr. Martin called roll:**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Charter – aye**

**Mr. Benson – aye**

**Mr. Martin aye**

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

Mr. Mangiaratti requested the Board to reduce the monthly parking fee of commuter lots to \$25 per month for July 1<sup>st</sup> to December 31<sup>st</sup>. **Ms. Gardner moved, seconded by Mr. Martin. Mr. Martin called roll:**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Charter – aye**

**Mr. Benson – aye**

**Mr. Martin aye**

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

8. Discuss Proposed Remote Learning Center at the Recreation Division Building on Audubon Drive

Remote Learning Sites must have a designated Municipal Approving Authority as the lead contact for the oversight and municipal approval of programs, provide approval of programs to the Department of Early Education and Care, confirm eligibility and conduct site visits. **Ms. Gardner moved to appoint Sheryl Ball as MAA, seconded by Mr. Martin. Mr. Martin called roll:**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Charter – aye**

**Mr. Benson – aye**

**Mr. Martin aye**

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



**Ms. Gardner moved to approve the Recreation Center on Audubon Drive as a remote learning center subject to Sheryl Ball's approval, seconded by Mr. Benson.**

**Mr. Martin called the roll:**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Charter – aye**

**Mr. Benson – aye**

**Mr. Martin aye**

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

**9. Discuss and Vote on Appointments to Diversity, Equity and Inclusivity Commission**

The Board discussed the nominations of eight full members and two associate members to the Diversity, Equity, Inclusivity Commission (DEIC). The full members are: Charmaine Williams, Dawn Wang, Makena Muindi, Nassra Mgeni, Nathan Cookson, Odeviz Soto, Sandra Hinds and Sunanda Pepalla. The associate members are Diane Randolph and Leela Ramachandran. Selectmen David Martin will chair the Commission. The Commission will elect a vice chair. Mr. Martin will be nominating two additional members to bring the Commission up to the full membership authorized under the Board's charge.

**Mr. Martin moved to appoint the 8 members as full members and 2 associates, seconded by Mr. Snyder-Grant. Mr. Martin called the roll:**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Charter – aye**

**Mr. Benson – aye**

**Mr. Martin aye**

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

**Mr. Charter moved to reaffirm the approval of the charge for the commission as it relates to the membership and chairmanship, seconded Mr. Snyder-Grant. Mr.**

**Martin called the roll:**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Charter – aye**

**Mr. Benson – aye**

**Mr. Martin aye**

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

**10. Review Funding Proposal for New Sustainability Director**

Mr. Mangiaratti presented to the Board a proposal for a Sustainability Director position to oversee sustainability programs and initiatives in town. Mr. Mangiaratti explained that while it is customary to run new positions through the annual budget process, the magnitude of demand for the Sustainability Director suggests an out-of-cycle addition. The annual salary range for the position would be \$75K to \$90K.



**The Board approved unanimously.**

11. Authorize the Town Manager to Sign the Intermunicipal Agreement for Regional Housing Services Office Effective October 1, 2020 through June 20, 2021  
**Ms. Gardner moves to approve, seconded by Mr. Charter. Mr. Martin called roll"**  
**Mr. Snyder-Grant – aye**  
**Ms. Gardner – aye**  
**Mr. Charter – aye**  
**Mr. Benson – aye**  
**Mr. Martin aye**  
**The Board voted 5-0, the motion carried.**
12. Discuss Request for Proposals for the Disposition of 3 School Street  
Mr. Mangiaratti requested to release a new RFP to dispose of the former fire station building located at 3 School Street with suggested changes included in the RFP within the next few weeks. The Board agreed to move forward with the revisions.
13. Approve Revised Option Agreement with Acton Housing Authority Regarding the 348-365 Main Street Property  
**Ms. Gardner moved to approve the revised option agreement, seconded by Mr. Charter. Mr. Martin called the roll:**  
**Mr. Snyder-Grant – aye**  
**Ms. Gardner – aye**  
**Mr. Charter – aye**  
**Mr. Benson – aye**  
**Mr. Martin aye**  
**The Board voted 5-0, the motion carried.**

### **III. Consent Items**

**Mr. Snyder-Grant held consent item 18. Ms. Gardner moved to approve consent items 14-17, seconded by Mr. Martin. Mr. Martin called roll:**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Charter – aye**

**Mr. Benson – aye**

**Mr. Martin aye**

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

Mr. Snyder-Grant questioned that there may be more money coming in for the ACT gift, Mr. Benson commented that if more comes in, it would go back to the Board for acceptance.

**Ms. Gardner moves to approve consent item 18, seconded by Mr. Charter. Mr. Martin called roll:**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**



**Mr. Charter – aye**

**Mr. Benson – aye**

**Mr. Martin aye**

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

#### **IV. Executive Session**

**Ms. Gardner moved that there will be a need for an Executive Session to discuss the purchase, exchange, lease or value or real property located at 25 Ledge Rock Way, specifically the acquisition or relocation of an easement, under Open Meeting Law Purpose 6, as an open meeting may have a detrimental effect on the negotiating position of the Board of Selectmen.**

**Seconded by Mr. Martin. Mr. Martin called role:**

**Mr. Snyder-Grant – aye**

**Ms. Gardner – aye**

**Mr. Charter – aye**

**Mr. Benson – aye**

**Mr. Martin aye**

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

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

- Agenda, September 14, 2020
- Dangerous Dog Materials
- Pump Track Presentation
- List of Recommended Appointments to the Diversity, Equity and Inclusivity Commission
- Intermunicipal Agreement for Regional Housing Services Office
- Revised Option Agreement with Acton Housing Authority Regarding the 348-364 Main Street Property
- Meeting Minutes, August 24, and September 3, 2020
- Accept Gift Memo, Planning Division from Seal Harbor Towards the Sidewalk Fund, dated August 26, 2020
- Accept Gift Memo, Planning Division from Seal Harbor Towards the Sidewalk Fund, dated September 8, 2020
- Letter from the Acton Conservation Trust, dated September 8, 2020
- Memo from Volunteer Coordinating Committee with Committee Recommendation for Michelle Holmberg