



## SELECT BOARD AND SEWER COMMISSIONERS

Meeting Minutes

Monday, January 10, 2022

7:00 PM

Virtual Meeting Only

**Present:** David Martin, Dean Charter, Jim Snyder-Grant, Fran Arsenault, Himaja Nagireddy, Town Manager John S. Mangiaratti, and Assistant Town Manager Mark Hald

**Absent:** None

Mr. Martin called the meeting to order at 7:00 PM.

### I. Regular Business

#### 1. Resident Concerns

Terra, West Acton – in favor of hiring a Tenant Advocate using ARPA money, encourage a Select Board member to open the ARPA spending to include paying for a water study, concerned the Select Board approved the CAP that may increase the carbon footprint

Stella Ko, Guswood Road – supports a renters advocate position

Chandra, Caterberry Road – upset that someone from the town removed an apple tree on his property and would like to see it replaced. Mr. Martin will make sure there will be a formal response from the town regarding the incident

Fran Cummings – supports a renter advocate position, and concerned that the climate emergency that was approved at town meeting will mean that many multi-family units in town will need to be retrofitted to upgrade heating units and many renters will need assistance

Franny Osman, Half Moon Hill – supports a tenant advocate position and improving Zoom meetings so that the public can see how many people are participating remotely

Dana Snyder-Grant, Half Moon Hill – supports a tenant advocate position

Lulu Mendez, Briarbrook building – complained having cockroaches in apartment, and the landlord had her apartment sprayed but still coming in from her neighbor's apartment. Mr. Martin suggested contacting the Health Department or the town hotline 978-929-6600

Madeline Cruz, Yankee Village – thanked the community for making her Christmas and getting her car fixed. The housing situation is still pending.

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

Mr. Martin commented that the Select Board is in the middle of budget season preparing for Town Meeting. There were 2 presentation sessions of the proposed FY23 Budget and Capital Plan held in joint meetings of the Select Board and the Finance Committee. The joint budget workshop meeting of the Select Board and Finance Committee will be on January 20<sup>th</sup> with presentations from Department



Heads, and continuing to have ALG meetings with school district members discussing the final school budget. Mr. Martin announced his intent to run again for re-election in March.

Mr. Mangiaratti commented on the COVID cases not accurate with the amount of home tests that go unreported to the state, and that there are 170 cases reported currently in Acton but the actual number is likely much higher. Received a final rule in ARPA funding. There are 2 new employees that started in December, the Economic development Director Julie Pierce Onos and Clinical Responder Beth Van Emburgh with the Police Department. The North Acton Fire Station is near completion, and reminded the Board about their time capsule letters within the next week. The MBTA legislation related to housing are being reviewed by the Planning division and town counsel regarding the town's compliance, and should have an update at the next Board meeting.

Mr. Charter announced his intent to run for re-election and has completed the required amount of signatures and has submitted his paperwork to the Town Clerk. Ms. Arsenault commented on meeting the new Economic Development Director at the EDC meeting and is excited to work with her and is willing to follow up with Lulu Mendez with her ongoing issue.

Ms. Nagireddy commented on appreciating the support from the community for the renter advocate position.

Mr. Snyder-Grant commented on Mr. Mangiaratti's report on COVID that this surge means there is a lot of additional isolation and subsequent loneliness. Mr Snyder-Grant encouraged people who feel isolated to reach out for support.

## II. Public Hearings

### 3. 7:05 PM Liquor License Transfer, Acton Concord Squash Club

Mr. Martin read the public hearing notice and noted that the notice listed room 204 for the hearing instead of just listing the correct Zoom link. Representing Acton Concord Squash Club was John Bleuer, new owner. There were no questions from Board members or the public. **Mr. Charter moved, and seconded by Mr. Snyder-Grant to close the hearing and voted unanimously by roll call vote 5-0. Mr. Snyder-Grant moved, and seconded by Mr. Charter to approve the transfer of the club license from Concord Acton Squash Club, Inc to Concord Squash, LLC and voted unanimously by roll call vote 5-0.**

### 4. 7:10 PM Change in Manager, Not Your Average Joe's

Mr. Martin read the public hearing notice and noted that the notice listed room 204 for the hearing instead of listing the correct Zoom link. Representing Not Your Average Joe's was Nathan Forringer, proposed Manager. There were no questions from Board members or the public. **Mr. Snyder-Grant moved, seconded by Mr. Charter to close the public hearing and approved unanimously by roll call vote 5-0. Mr. Charter moved, and seconded by Ms. Arsenault to approve the all alcoholic beverages license as a common victualler for Not Your Average Joe's change in manager from Bryan Garden to Nathan Forringer and approved unanimously by roll call vote 5-0.**



5. 7:15 PM Change in Manager, The Holy Grail

Mr. Martin read the public hearing notice and opened the public hearing.. Mr. Mangiaratti noted that there are still some outstanding questions and information needed regarding the application and recommends the Board either continue or deny the application. Mr. Martin recommended continuing the hearing to the first meeting in February. **Mr. Snyder-Grant moved and seconded by Mr. Charter to continue the hearing to February 7, 2022 at 7:35pm and approved unanimously by roll call vote 5-0.**

**III. New/Special Business**

6. Discuss Suspending In-Person Meetings and any Other COVID-19 Actions

Mr. Charter favors all Boards and Committees to go virtual but give smaller committees the option to meet in person or virtual. Mr. Snyder-Grant agrees in recommending having Boards and Committees be virtual. Ms. Nagireddy agrees with the virtual meeting decision. **Mr. Charter moved, seconded by Ms. Nagireddy to encourage Town Committees to meet virtually through February and if they meet in person there is an inside mask mandate and approved unanimously by roll call vote 5-0.**

Mr. Mangiaratti commented that a lot of Town employees are out because of COVID, quarantine and isolation and staff are working on keeping services operating. Also, considering limiting the daily reporting of COVID cases since they are likely vastly underreported.

Mr. Snyder-Grant suggested that the trends in the numbers are still useful, and that some folks would be confused or concerned if the reporting stopped.

7. Finance Committee Point of View

Christine Russell, Chair of the Finance Committee presented the Finance Committee Point of View. The town has a 99% tax collection rate and large reserves. The residential tax rate has been increasing each year, home value is among highest in the state. Recommendations for future capital projects should be approached with extreme caution and to prioritize future capital needs before they become critical, focus on supporting the local business community, leverage state and federal grants, continue to earmark OPEB liability with funding, concerns of economic uncertainty due to COVID, ARPA funding priorities are backfilling COVID related losses, and investing previously identified CIP projects, recommendations include no non-essential new hires, protect current town services, and no new land purchases without clearly specifying the purpose(s) for the land purchase.

Debra Simes – encourages the Finance Committee, the Select Board and town staff to consider changing the name of tax burden to tax obligation; and make sure the costs of flooding, infrastructure damage, and other climate change impacts are included in budget planning.



Terra, West Acton – agrees with Debra Simes' comment about tax burden. Also, when considering land purchases, please look beyond return of investment to Town Hall to the overall financial and environmental benefits of protecting land.

8. Consider to Support Gardner Field Project Community Preservation Act Application

Recreation Director Melissa Rier presented to the Board an update on the Gardner Field project. The new playground is about to break ground, and is requesting the Board for priority of CPC money for the town project and requesting approximately \$100,000. Working with the Friends of Gardner Field in 2021, they were able to secure a state earmark of \$110,000, received ARPA funding for \$350,000, completed the engineered parking design, and chose playground equipment. Mr. Snyder-Grant requested that any invasive plant removal not be chipped and deposited at the transfer station. Mr. Charter noted that there is approximately \$2,900,000 in CPA funding requests and only \$1,600,000 in funding available. The Board will be hearing on the applications recommended by the CPC at a future Board meeting. Ms. Nagireddy questioned if any trees would be cut down for the project, Ms. Rier noted only ones that appear to not be as healthy, but there will be replacement trees planted. The park will be fully inclusive.

Franny Osman, Half Moon Hill – questioned about the tree planting and if there will be enough planted for shade purpose. Ms. Rier noted the tree replacements will be young trees but will provide as many shade trees as possible.

Kara Lafferty, Friends of Gardner Field – supports the CPA application and stressed when the burning bush is removed there would be no barrier between the playground and Mass Ave.

Terra, West Acton – against removing trees and make alternative plans to work around the trees, appreciates the plan to include parks in the Open Space Plan, and GIS overlay with distance from apartment dwellers to parks.

9. Discuss Acton Housing Authority Capital Needs and Potential Funding from American Rescue Plan Act Allocation

Kelley Cronin, AHA Director presented the capital plan and needs for unit upgrades. The AHA owned properties receive \$110,000 annually from the state for internal maintenance purposes. The AHA has received CPC money for external maintenance. Mr. Mangiaratti noted that there is currently a line item in the approved ARPA spending spreadsheet on line item P32 for \$200,000 in energy efficiency improvements in existing AHA units. Mr. Charter suggested repeated allocations in smaller amounts (\$50,000) to give the AHA to get items completed in a shorter amount of time. Ms. Nagireddy questioned where the upgrade needs are most prioritized, Ms. Cronin commented on priorities such as tub surrounds, flooring in senior residences, and counter top replacements. Ms. Arsenault agrees with reducing the available amount to allocating smaller increments. Senator Eldridge supports allocating funding for the AHA.

**Mr. Snyder-Grant moved, and seconded by Mr. Charter to allocate \$35,000 in FY 22 and \$60,000 in FY23 for AHA capital needs, amended by Ms. Nagireddy**



**to allocate \$40,000 in FY22 and \$60,000 in FY23 and voted unanimously by roll call vote 5-0.**

**10. Discuss Appliance Replacement Program Utilizing Energy Efficiency Funds**

Andrea Becerra, Sustainability Director presented to the Board the spreadsheet of the prosed appliances to be replaced with more energy efficient appliances (refrigerators and stoves) using funding from the energy efficiency fund. The Green Advisory Board voted to approve spending \$20,760 in year one for replacement of all refrigerators and stoves older than 2000, and \$39,092 in remaining stoves. There is currently over \$790,000 in Energy Efficiency Funds.

**Mr. Charter moved, seconded by Ms. Arsenault to approve \$20,760 of Energy Efficiency Funds to pay for updated appliances for AHA units and approved unanimously by roll call vote 5-0.**

**11. Sewer Commissioner Business**

- a. **Sewer Privilege Fee Request, Diplatzi Place Subdivision, 66 Maple Street**  
Applicant requested to withdraw request.

- b. **Sewer District Plus Privilege Fee Request, Hawk's Crest Reserve Subdivision, 74 Main Street and 5 Fletcher Court**

Mr. Martin noted that the historical house at 74 Main Street needs no vote as it is currently connected to the sewer district. Qin Pang, Town Engineer updated the Board the history of the project that was finally approved by the Planning Board and decreased the number of units as originally planned. The total privilege fee for the additional units is \$210,000. The applicant, Mark Gallagher, is requesting to pay the interest fee rather the privilege fee up front. The interest fee is \$38.75 per unit. Mr. Martin noted there would be 3 separate votes for expanding the sewer district, approve the connection with privilege fees, and approve deferral of payment with interest fees until a certificate of occupancy is issued. Mr. Charter questioned if the proposal has been reviewed by Town Counsel and has concerns about expanding the sewer district. Mr. Snyder-Grant was concerned about the remaining capacity of the treatment plant. Mr. Gallagher commented that past case law if there is sewer capacity then it should not be denied and should be first come first serve basis.

Terra, West Acton – agrees with looking into the case law, and connecting sewer should not be by right

Charlie Kadlek – encourages the Select Board to get an opinion on the sewer district from Town Counsel before a formal vote for connection

The Board declined to vote on the sewer connection and privilege fee to defer the request to be reviewed by town Counsel and vote on at the next meeting.

**12. Discuss Policy Encouraging Building With Clean Energy Technology**

Mr. Snyder-Grant presented his draft policy regarding encouraging building with clean energy to the Board. The policy would get information into the hands of



developers and building owners about building without the use of fossil fuel infrastructure. We do already have a bylaw that requires most new construction and major rehabilitation to be fossil-fuel free, but enacting that bylaw is waiting on state legislative action. The home rule petition from Acton to the legislature to enact this has left the Joint Municipalities and Regional Government Committee, and is now in the Joint Telecommunications, Utilities, and Energy Committee. Mr. Snyder-Grant noted some updates to the draft policy that was presented to the Board at a previous meeting. Mr. Charter expressed concern about the tone of the policy and suggested two minor edits that were mutually agreed upon. **Mr. Charter moved, seconded by Mr. Snyder-Grant to approve the draft policy on building with clean energy technology with two edits as discussed and approved unanimously by roll call vote 5-0.**

13. Approve Acton Community Housing Corporation Funding for 26 Carlisle Road  
**Ms. Arsenault moved, and seconded by Mr. Snyder-Grant and approved unanimously by roll call vote 5-0**
14. Review and Approve Charge for Proposed Department of Public Works Facility Study Committee  
Mr. Charter introduced the proposed DPW Facility Study Committee Charge. The current facility is over 50 years old. It was developed for the town half the size as is now. Mr. Snyder-Grant questioned if the use of the transfer station and recycling areas would be part of the project, Mr. Charter felt that the DPW building should be first, and have a separate study regarding the future of the transfer station. Mr. Martin suggested as with past short-term committees that the liaison selects members and the Board approves the appointments. The Board agreed to have Mr. Charter as liaison and make selections for potential members.  
**Mr. Charter moved, and seconded by Ms. Arsenault to approve the Department of Public Works Facility Study Committee Charge and approved unanimously by roll call vote 5-0.**
15. Discuss the Annual Town Meeting and Consider Date to Close the Warrant  
**Mr. Charter moved, seconded by Mr. Snyder-Grant to open the Town Meeting warrant on January 11, 2022 and close on March 23, 2022 at close of business and approved unanimously by roll call vote 5-0.**

**IV. Consent Items**

**Mr. Snyder-Grant moved, seconded by Mr. Charter to approve consent items 16-20 and approved unanimously by roll call vote.**

**Mr. Charter moved, and seconded by Ms. Arsenault to adjourn and approved unanimously by roll call vote 5-0. Meeting adjourned at 11:02 PM**

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

- Agenda, January 10, 2022



- Liquor License Transfer Application, Concord Acton Squash Club
- Change in Manager Application, Not Your Average Joe's
- Change in Manager Application, The Holy Grail
- Finance Committee Point of View Presentation
- Gardner Field Project Presentation
- AHA Capital Needs Presentation
- AHA Appliance Replacement Needs Presentation
- Sewer District and Privilege Fee Request, Hawks Crest Reserve Subdivision, 74 Main Street and 5 Fletcher Court
- Draft Policy Encouraging Building with Clean Energy
- ACHC Memo Dated January 4, 2022
- Draft DPW Building Committee Charge
- Letter of Support, Acton Housing Authority
- Executive Session Minutes, December 8, 2021
- Memo from Planning Division Dated December 21, 2021
- Email from Chief Rich Burrows Dated December 22, 2021
- Letter from Acton Lions Club Dated December 16, 2021