



SELECT BOARD  
MEETING MINUTES

APRIL 24, 2023

7:00 PM

ACTON TOWN HALL, ROOM 204  
472 MAIN STREET AND VIRTUAL MEETING

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

**I. Regular Business**

1. Resident Concerns

Terra – West Acton mentioned an upcoming forum for tenants' rights and urge people to attend it.

Leo Fochtman, Wright Terrace – updated the Board on the Human Services Committee and encouraged public discussion and debate for important subjects such as the Colonial mascot change as it encourages social support, next meeting will discuss civil debate/discussion this Thursday in Room 9 at 7 PM.

Leela Ramachandran, Arborwood Road – encourages people to vote tomorrow, and thanks Ms. Nagireddy for her service.

2. Chair Update/Town Manager Update/Members Minutes

Mr. Mangiaratti mentioned the construction projects are on time and moving along well, including the repointing of the Acton Memorial Library. Mr. Snyder-Grant commented on the Commission on Disabilities new staff support is the Diversity Equity and Inclusion Director; noted this is his first meeting with new hearing aids and encourages people to have hearing tests; noted he is looking to pass over Article 11 at Town Meeting. Ms. Arsenault noted at the last Human Services Committee there was a presentation that offered a trained staff member for mental health assessment crisis intervention that people can call or text 24 hours a day; recordings are available from the Human Services Committee upon request, and requests that all Boards and Committees have the opportunity to have their meetings recorded; thanked Iron Horse Farm for the events they sponsored this past weekend; thanked Ms. Nagireddy for her service on the Select Board. Ms. Nagireddy thanked everyone for the experience on the Board and learned so much from both the Board and residents. Mr. Charter noted a public forum and tour and presentation of the DPW facility at 14 Forest Road tomorrow.

## **II. Public Hearings**

### **3. 7:10 PM Site Plan Special Permit #2/27/2023-490, 1 & 5 Nagog Park and 599 Great Road, MAG RE Holdings-Acton, LLC**

Mr. Charter read the public hearing notice and noted that the applicant was not present and requested the Board open the hearing without discussion and continue to May 8, 2023 at 7:15 PM in room 204. **Mr. Martin moved, seconded by Ms. Nagireddy to continue the hearing to May 8, 2023 at 7:15 PM in Room 204 and approved unanimously.**

### **4. 7:10 PM Class II Auto Dealer License, Garage 42 LLC, 115 River Street**

Mr. Charter read the public hearing notice. Representing Garage 42, LLC is Sean Gill. A slide presentation was made to the Board to explain the business plan and energy incentives. Cars will be stored long-term for clients to buy or sell a used car. A Class II license is necessary to fill out title paperwork. They will not be open to the public.

Debra Simes, Concord Road – questioned about the security system and car washing capacity and how they would be capturing wastewater – they will have a key card entry system for the location, and the car washing services has a drainage system built in that flows into the sewer and not septic.

Jay Rushgow, River St – questioned the hours of operation and was concerned about noise level – they operate by appointment only and employees work hours are 9-5, with occasional weekend pickup, and use transportation services to deliver cars.

**Mr. Martin moved, seconded by Ms. Arsenault to approve a Class II license for Garage 42, LLC at 115 River Street and approved unanimously.**

### **5. 7:15 PM Change in License Manager, Not Your Average Joe's, 305 Main Street**

Representing Not Your Average Joe's Change in Manager is Zachary Stovall, proposed Manager. Mr. Martin questioned if there were any other changes planned. The application is just for him as taking over as manager.

**Mr. Martin moved, seconded by Mr. Snyder-Grant to approve a Change in Manager from Nate Forringer to Zachary Stovall for Not Your Average Joe's and approved unanimously.**

## **III. New Business**

### **6. Discuss Installing Benches on the Assabet River Rail Trail and Trash Receptacle at ARRT Trailhead**

David Mark represented the Assabet River Rail Trail Friends and is requesting to pay for two benches to install on the Acton side at the Maynard border and a waste receptacle at the trail head by Acton DPW. Acton would order the benches and Acton DPW would install the benches.

Miriam Lezak, High Street – feels the addition of benches and receptacle is a great idea.

Darlene Dowdy, Pheasant Hill – questioned if the ARRT is paying for the benches who is installing them, and if there is a trash receptacle installed who would empty it.

Mr. Snyder-Grant questioned if there would be an agreement with ARRT Friends, Mr. Mangiaratti noted a letter from the donor should cover any questions about any responsibility of the Town of Acton if anything happens to the benches.

**Mr. Martin moved, seconded by Ms. Arsenault to approve installing benches on the Assabet River Rail Trail and trash receptacle at the Assabet River Rail Trail trailhead and approved unanimously.**

7. Board to Discuss Warrant Articles

Jo-Ann Berry, Town Moderator recommends separating the election of West Acton Citizens' Library Trustees from Article 1, attend to the consent agenda, and resume the election of the Trustees after Article 11. Start the second night of Town Meeting at 6:30 PM.

Madeline Cruz, Sachem Way – supports the Town Moderator's decision on how the trustee elections will take place.

Ms. Berry suggests taking nominations from the floor either from Select Board members or from registered voters at Town Meeting. Mr. Martin questioned if nominees need to be present if nominated, Ms. Berry noted that the nominees would have to agree to be considered. After discussion amongst Board members, Mr. Charter noted that the consensus is to not discuss or bring up names for nominees until Town Meeting. Members will discuss and vote on the recommendation of Article 1 at the Select Board meeting prior to convening the Town Meeting.

Article 15- Mr. Martin noted the only update is that the number of firearms businesses increases from one to two and the bylaw would regulate where retail and/or manufacturing firearm businesses can be located in town. If they are retail they can go to any retail area in town, if they are manufacturing only they can go to the smaller area of North Acton, if they are both they are only allowed in the Powder Mill District. Mr. Charter noted that he does not support the article.

**Mr. Martin moved, seconded by Ms. Nagireddy to support article 15 and approved 4-1-0 (Charter nay).**

Article 34 – Ms. Nagireddy summarized the scope of the article. Ms. Nagireddy that voter turnout has steadily decreased over the years and gives young people the opportunity to engage in civic engagement. Mr. Charter noted that 16-year-olds are prohibited in such activities such as driving, purchasing lottery tickets, and signing legal contracts, and feels they are not prepared to make major decisions for municipal elections.

Sam Fieldman – young people have much more access to media, people have the right to vote not because of literacy or smartness, but have a right to vote as American citizens.

Monica Burke – questioned if 16 and 17-year olds can attend the Town Meeting and be allowed to speak on the pro or con. Ms. Berry noted yes and sit in the non-

voter section and will be allowing comments after Town Meeting votes to allow it.

Madeline Cruz, 6 Sachem Way – noted that people that have drivers licenses and purchase alcohol make bad decisions in contrast to comments made by other boards and committees about 16-year-olds, trusts her 16-year-old that works hard and has the maturity to make good decisions, encourages to allow them to engage civically, encourages schools to teach about local government.

Leo Fochtman, Wright Terrace – noted there are very intelligent young people in town, and noted that adults may not have the same thoughts and values as they did when they were 16. If ABRHS teachers can encourage students to vote for an override to increase the school budget it would affect taxpayers and will affect rents as the cost is passed down through the landlord paying taxes, and encourages the Board to not recommend the article.

Linda Viera, Great Elm Way – expressed concern of the Board against the article sends the wrong message to 16 and 17-year-olds who are the future of local government and that their thoughts don't matter, and supports the article.

Charlie Kadlec, Paul Revere Road – does not feel that allowing 16 and 17-year-olds to vote in town elections and Town Meetings and could be persuaded to vote either way and can be easily persuaded by peer pressure and will not support the article.

Leela Ramachandran, Arborwood Road – encourages to speak with young people as many are thoughtful and intelligent, and encourages 16 and 17 year olds to be involved with civic engagement, and encourages support with this article

**Ms. Nagireddy moved, seconded by Ms. Arsenault to recommend article 34 and approved 4-1-0 (Charter- nay)**

Article 35 – Mr. Snyder-Grant introduced the article and was summarized by Sam Fieldman who was part of the citizen petition. He noted that the current voting systems used in town could be programmed (after purchasing software upgrade) to score as ranked choice and will cause no issues with the current ballots. Mr. Martin supports ranked-choice voting. Mr. Charter noted on the state ballot did not pass at the state election but did pass in Acton.

Charlie Kadlec, Paul Revere Road – commented that the Board does not have listed on the agenda that the Board would be voting on the articles, does not trust software on elections, and does not understand the ranked choice voting and will not be supporting the article.

Leo Fochtman, Wright Terrace – gave an example of ranked choice voting using the three candidates based on gender the females would win, which is why ranked choice voting would work.

Darlene Doughty, Pheasant Hill – if ranked choice vote passes when would it start – if state legislature approves it would begin in 2025.

**Ms. Arsenault moved, seconded by Ms. Nagireddy to recommend article 35 Home Rule Petition for ranked Choice Voting and approved 4-1-0 (Charter).**

8. Announcement of Logo Submissions to Commemorate the 250<sup>th</sup> Anniversary of the Commencement of the American Revolution

Mr. Charter introduced the logo contest that was discussed and voted on by the 250<sup>th</sup> Committee. Feels the logo would promote branding the future events, and will be publicizing on the town website and hoping to receive any and all submissions by June.

9. Approve and Recommend Next Steps for 3 and 13 School Street Disposition – Proposal from Redgate

Mr. Mangiaratti updated the Board on the RFP for 3 and 13 School Street. The proposal is from a company called Redgate that would create residential units, a café and shared office space, and a new train station access under Main Street. Mr. Charter noted that the project will create new tax revenue for the town as currently, both properties are not, and provide new housing opportunities, and recommends members to approve the proposed project. Mr. Martin noted that for decades there hasn't been much revitalization efforts for South Acton. The proponent is willing to host a café at a reduced rental rate in the civil defense building and to allow connection and continuation of the sidewalk to the train station. Mr. Mangiaratti noted that at Town Meeting would have to approve the disposition of the parking lot. Ms. Arsenault questioned if there would be an affordable component to the housing.

Catherine Usoff, Maggie Lane – supports the proposal as South Acton needs support for development, and noted the developer is willing to take the risk to put a business in the civil defense building, and having the path to the train station. Amber Klauer, Piper Road – questioned if this was being brought to Town Meeting – Mr. Martin noted it would be to approve a proposal, not necessarily the proposal that was submitted.

Bill Klauer, Piper Road – questioned how the paving was paid for if it was paid from taxes from the original property on the premises.

Alissa Nicol, School Street – cares about the vibrancy of the area, noted the need for housing for seniors, and affordable rental units, concerned about the Town losing its leverage of what will go into the location.

Franny Osman, Half Moon Hill – thinks the proposed development could help with the path under the bridge and supports the opportunity

**Mr. Martin moved, seconded by Mr. Charter to direct the Town Manager to follow up with the applicant and negotiate and keep Select Board apprised on how negotiations are going and approved 4-1-0 (Snyder-Grant).**

10. Update on Proposed Conservation Restriction on 549 Main Street and Accept Donation of \$10,000 from the Acton Conservation Trust

Susan Mitchel-Hardt, Pope Road represented the Acton Conservation Trust and thanked the Board for the support of the conservation restriction for 549 Main Street and has been a priority for years. Mr. Charter noted that the property owner has accepted a purchase price below the asking price from the Acton Water

District. Mr. Mangiaratti noted that the AWD will be speaking with the Conservation Commission and should be ready this summer. **Mr. Martin moved, seconded by Mr. Snyder-Grant to accept the donation from the Acton Conservation Trust for the purpose of a Conservation Restriction at 549 Main Street and seconded by Mr. Snyder-Grant and approved unanimously.**

11. Update on Supplemental Safety Measure Design/Rail Crossing on Parker Street  
Mr. Mangiaratti requested to postpone the discussion to a future Board meeting as the DPW Director has been collecting feedback from residents and would like to have a formal report for the Board.
12. Approve Extension of the Veterans District Agreement  
**Mr. Martin moved, seconded by Ms. Arsenault to approve the extension of the Veterans District Agreement with Boxborough, and approved unanimously.**
13. Approve Amended Town Manager Contract  
Mr. Charter noted the discussion in the executive session and a vote was taken to accept the amended contract agreement. Mr. Snyder-Grant recapped the process in the Town Manager's review and subsequent contract amendment, and a set of goals agreed upon by both Board members and the Town Manager. **Mr. Martin moved, seconded by Ms. Arsenault to approve the revised Town Manager's contract and include personal goals and approved unanimously.**

#### **IV. Consent Items**

Mr. Martin held consent item 15 regarding the Middlesex County Retirement Board request to increase one-time COLA increase and requested the item be placed on the May 8<sup>th</sup> agenda, and held consent item 23 to announce he would be abstaining as a vote since it is a monetary donation from both him and his spouse towards the Acton Pride Festival.

**Mr. Martin moved, seconded by Mr. Snyder-Grant to approve consent items 14, 16-22, 24-27 inclusive and approved unanimously.**

**Mr. Charter moved, seconded by Mr. Snyder-Grant and approved 4-0-1 (Martin abstain).**

**Ms. Nagireddy moved, seconded by Mr. Martin to adjourn and approved unanimously. Meeting adjourned at 10:15 PM.**

#### **Documents Used**

- Agenda, Select Board, April 3, 2023
- Site Plan Special Permit #2/27/2023-490, 1 & 5 Nagog Park and 599 Great Road, MAG RE Holdings-Acton, LLC
- Class II Auto Dealer License Application, Garage 42, LLC
- Change in Liquor License Manager Application, Not Your Average Joe's

- Email Request from David Mark Dated April 8, 2023 Requesting Installation of Benches and Trash Receptacle on the Assabet River Rail Trail
- 250 Committee Logo Contest Flyer
- Memo from Economic Development Director Regarding Next Steps for the RFP for 3 and 13 School Street
- Memo from Acton Conservation Trust Dated April 12, 2023
- Memo from Veterans' Service Officer Dated April 6, 2023
- Current IMA for Shared Veterans' Services with Town of Boxborough
- Meeting Minutes, March 20 and April 10, 2023
- Memo from Middlesex County Retirement System Dated February 13, 2023
- Memo from Cemetery Division Dated April 3, 2023
- One Day Alcoholic Beverage License Application, Boston Events
- Farmers Winery License Application, Aaronap Cellars
- Farmers Winery License Application, House Bear Brewery
- Memo from Melissa Settipani-Rufo Requesting Donation Acceptance from Silver Unicorn Bookstore Dated April 10, 2023
- Memo from Maura Haberman Requesting Donation Acceptance from Acton Ford Dated April 3, 2023
- Memo from Maura Haberman Requesting Donation Acceptance from Burton's Grill and Bar Dated April 6, 2023
- Memo from Melissa Settipani-Rufo Requesting Donation Acceptance from Miriam Lezak and David Martin Dated April 6, 2023
- Memo from Maura Haberman Requesting Donation Acceptance from John Palmer Moving & Storage/Big Foot Moving & Storage Dated April 3, 2023