



SELECT BOARD
MEETING MINUTES
NOVEMBER 18, 2024
7:00 PM
ACTON TOWN HALL, ROOM 204
472 MAIN STREET

Present: Fran Arsenault, Alissa Nicol, Dean Charter, David Martin, Jim Snyder-Grant

Additional Attendees: Town Manager John Mangiaratti, Assistant Town Manager Thom Begin
Executive Assistant Lisa Tomyl

I. Regular Business

1. Resident Concerns
None

2. Chair Update/Town Manager Update/Members Minute

Mr. Mangiaratti provided an update regarding a dog that was deemed dangerous by the Board and a report that the owners are not following the order, adding that the owners appealed the order with the court; Animal Control and the Police Chief are working on implementing any punishments according to general laws for failure to comply. He also announced a documentary screening, sponsored by the DEI Office, is scheduled for November 19 at the Maynard Fine Arts Theater. Ms. Nicol announced that the consultant for the Health Insurance Trust worked with BCBS and the insurance company has agreed to stop demanding a \$550K prepayment. BCBS will use the \$900K they currently hold from the HIT to pay claims that come in during the runout period, and will no longer charge late fees. The Citizens' Library Governance Committee is meeting on December 3 to finalize the report and recommendation to the Board on December 16; the public forum was well attended. The Water District is conducting a service line identification project required by the EPA; residents who received a notice that their service line is unknown material should contact the District's office; residents can test their water if they wish, and can call or visit the District's website for more information.

Mr. Charter announced that the Community Preservation Committee has received applications for \$3 million in funding for projects, and he will be requesting an agenda item at a future Board meeting to discuss the Board's priorities of the town's applications.

Mr. Martin added detail regarding the free screening of "Who We Are: a Chronicle of Racism in America" at the Maynard Fine Arts Theater at 6PM.

Mr. Snyder-Grant noted that the edited Sustainability Policy will be presented at the next Board meeting, thanked all the election workers, and announced that the VCC is down to 3 members and needs additional members.

II. Public Hearings

3. 7:10 PM Site Plan Special Permit #06/24/2024-490, AHC, Inc. & Thomas Buckborough, 358A and 358B Great Road
Hearing continued to December 16, 2024 at 7:10 PM
4. 7:15 PM Change of Beneficial Interest and Corporate Re-Organization, RBSBW Inc. d/b/a Roche Bros. Supermarket, 305 Main Street
Andrew Upton and Alexander Fury as counsel for the applicant. There is no change of operation of Roche Bros, just a corporate change of ownership. **Mr. Martin moved, seconded by Ms. Nicol to close the public hearing and approved 5-0-0. Ms. Nicol moved, seconded by Mr. Martin to approve a change in beneficial interest and corporate reorganization for RBSBW, Inc. d/b/a Roche Bros Supermarket at 305 Main Street and approved unanimously 5-0-0.**
5. 7:20 PM Change in Beneficial Interest and Transfer of Stock, RBSBW Inc. d/b/a Roche Bros. Supermarket, 305 Main Street
Transfer of 51% of stock being purchased by a single company, the senior Roche brothers will still be owners, with no change on day-to-day operations. Ms. Nicol asked about the timeline of the transfer and the opening of new stores in other states. This move by RBSBW, Inc is for estate planning purposes due to the retirement of the original owners, and there isn't a plan to expand to other states. Bizzutos is the distributor for all Roche Bros stores.
Ms. Nicol moved, seconded by Mr. Martin to close the public hearing and approved 5-0-0. Mr. Martin moved, seconded by Mr. Snyder-Grant to approve a change of beneficial interest and transfer of stock for RBSBE, Inc. d/b/a Roche Bros at 305 Main Street and approved 5-0-0.
6. 7:25 PM 7:10 PM Use Special Permit #09/19/2024-502, 278 Great Road, Country Canine Retreat, LLC
Representing the applicant was Samantha Teixeira, requesting a permit for a proposed new location of the business at 278 Great Road. Mr. Snyder-Grant noted that previously, there were outstanding septic capacity questions that have since then been resolved. Ms. Nicol asked if there is an outdoor area for dogs in the current location. Ms. Teixeira noted that there is, but the new building is in better shape and has more open space inside. Ms. Nicol asked about the process for, and frequency of, waste disposal. Ms. Teixeira noted the use of a dumpster which is emptied every 2 weeks, and that waste is picked up on the property several times a day. Senior Planner Kaila Sauer noted the conditions for the Use Special were listed in the memo in the packet. **Mr. Martin moved, seconded by Ms. Nicol to**

close the public hearing and approved 5-0-0. Mr. Martin moved, seconded by Ms. Nicol to approve the Use Special Permit at 278 Great Road for Country Canine Retreat, LLC and approved unanimously 5-0-0. Mr. Martin moved, seconded by Mr. Snyder-Grant to find this special permit is consistent with the master plan, is in harmony with the purposed intent of the zoning bylaw, will not be detrimental or injurious to the neighborhood in which it takes place, is appropriate for the site in question, and complies with all applicable requirement of the bylaw and approve unanimously 5-0-0.

III. New/Special Business

7. Presentation on Tax Relief Programs

Principal Assessor CJ Carroll presented the property tax exemptions available in Acton. Eligible candidates for tax exemptions include seniors over 65 meeting certain income and asset qualifications, disabled veterans and their surviving spouses, blind persons, and individuals in situations of extreme hardship. Mr. Mangiaratti noted the presentation tonight is part of the progress to increase awareness of programs and the Veterans benefit article at the Special Town Meeting. Mr. Snyder-Grant noted an appreciation for the ways Acton works to encourage people to stay in town longer, and the need to consider a change in the overlay usage. Mr. Carroll noted that the department relies on an average of the amount the program is being utilized, and the funding was slightly increased since the override. Mr. Snyder-Grant also asked how privacy is handled with hardship exemptions. Mr. Carroll noted resident privacy is handled internally within the Assessor's Office and the Board of Assessors.

Terra, Mass Ave – encouraged people to apply for the programs, requested that the circuit breaker discount be given automatically to all elderly homeowners, and asked how many units in large complexes receive an exemption. Mr. Carroll emphasized the Senior Circuit Breaker based tax credit, and noted that future educational sessions will be held at the Council on Aging as it could be more widely utilized.

Jeff Bergart, Alcott Street – Select Board has as a current short term goal for tax relief and plans to reach out to notify people of the programs.

Ms. Nicol asked if the state could notify qualifying households to entice more households to take advantage of the circuit breaker credit and tax relief programs. Mr. Carroll would be open to pursuing additional ways to reach out other than the Select Board and Council on Aging and finding out if the state has a mechanism to notify households.

8. Presentation of Preliminary Level Services Estimates and Capital Needs

Mr. Mangiaratti presented the current level services estimates based on staffing and capital needs identified by Department Heads. Mr. Mangiaratti reviewed the current Select Board short and long term goals. Initial budget challenges are similar to last year: a large increase in health insurance cost, contractual increases for personnel, supplies and services cost increases. He further noted that residents

continue to expect services, the highest capital cost is the DPW Facility, and expects to revisit the two offsets used last year.

Mr. Martin asked if the Maple Street parking lot improvements would be taken out of the parking lot fund and to possibly consider bringing back pre-pandemic parking lot fees. Would like to see a plan for future use of the fire stations before considering renovations and before hiring more firefighters. Mr. Charter suggested using the energy efficiency fund to go through the streetlight inventory. Would like to see the energy efficiency savings from the North Acton Fire Station in a spreadsheet to compare to the DPW Building Plans and would prioritize adding more fire personnel as highest staffing need. Ms. Nicol agrees with looking at the operational plan for the fire stations, and would like clarification for the need of additional shifts and personnel for the fire department. Mr. Snyder-Grant suggested using Green Communities Grant funding for the maintenance of the streetlights, and asked about a funding source for the HVAC unit at the PSF and when it will need replacing, as currently, repairs are conducted on an as-needed basis for short term solutions. Mr. Snyder-Grant asked about using newer technologies for customer service vs. hiring more staff. Mr. Mangiaratti noted the town's consolidation of shared inspectional services with neighboring towns.

9. Consider Request from Acton Housing Authority to Waive Additional Building Permit Fees for McManus Manor Project

Representing the Acton Housing Authority is Kelley Cronin. Ms. Nicol recalled providing a matching support to encourage the state to put in more funding and noted that an additional \$2.9 million in tax credits was secured for the project. Ms. Cronin noted that request was to close a gap caused by an increase in soft costs, and not the current shortfall due to construction cost increases. Mr. Snyder-Grant noted in the past the town billed for per-inspection cost, and now for this project is waiving the inspection fees. Mr. Martin asked if the DPW project would be charged inspection fees. Mr. Mangiaratti noted it would not, and that the AHA is a partner, but is not treated as a municipal department. Mr. Martin would approve waiving more fees, but suggested leaving some in reserve for any contracting work that needs to be done. Mr. Charter noted that if the building inspectors feel they could handle the work without the use of external contractors, then supports waiving fees. Ms. Arsenault suggested waiving a specific dollar amount. Ms. Nicol suggested only waiving fees for the internal inspections. Mr. Martin suggested a specific dollar amount would be better due to the complexities of the budgeting process.

Mr. Martin moved, seconded by Mr. Charter to approve an additional \$50,000 in inspection fee waiver for the McManus Manor project and approved 4-0-1 (Snyder-Grant)

10. Authorize Purchase and Sale Agreement for 19 & 35 Wetherbee Street

Mr. Mangiaratti updated the Board on the P+S that is the focal topic for calling for the Special Town Meeting and requested the Board authorize the Town Manager to sign on behalf of the Select Board that includes a timeline that will meet the requirements of the grant and the sellers. **Mr. Martin moved, seconded by Ms. Nicol to authorize the Town Manager to sign the purchase and sale agreement for 19 & 35 Wetherbee Street and approved unanimously 5-0-0.**

11. Authorize Purchase and Sale Agreement of 348-352 Main Street

Mr. Mangiaratti noted that the town currently owns the property and that the Acton Housing Authority has exercised the purchase of part of the parcel and are asking the Town Manager to sign the P+S and to authorize the AHA to buy for the construction of McManus Manor. The housing project has a total 41 units. Ms. Nicol noted the final draft includes signature lines for Board members. Mr. Mangiaratti will bring it back to the Board in final form in December. **Mr. Martin moved, seconded by Mr. Snyder-Grant to authorize the Town Manager to sign the purchase and sale agreement for 348-352 Main Street pending final changes and approved unanimously 5-0-0.**

12. Discuss Water Resource Advisory Committee and Feasibility Study

Joe Robb, Chair of the WRAC presented the elements of the proposed study to be conducted by the committee. Ms. Nicol requested to have town staff support assigned as a point person for any questions and to attend their meetings. WRAC estimates completion in approximately 3-4 months. **Mr. Snyder-Grant moved, seconded by Ms. Nicol to support WRAC to conduct the feasibility study and approved unanimously 5-0-0.**

13. Update from Public Works Building Committee

Mr. Charter updated the Board on traffic concerns raised by abutters, and requested adding vegetative buffers that do not entice deer to prevent a breakdown of the buffer. Mr. Mangiaratti released the total estimate of the construction cost at \$47 million, and suggested constructing the building all at once rather than a phased construction plan to lessen the total cost. This would also limit the impact to the abutting neighborhoods. External engineering agency Weston and Sampson are looking at additional offsite locations for the temporary relocation of crew and staff in order to avoid phased construction. Next public meeting is December 12th at 7 PM in room 204. Mr. Charter stressed the need for shared storage space that is included in the facility design.

14. Update from Acton Leadership Group

Mr. Mangiaratti shared that revised estimates related to growth had been received, and the Board gave direction to include a specific construction cost number for the DPW facility project in the ALG plan. Mr. Charter suggested sticking with the percentage number presented earlier. Ms. Nicol recommended keeping the numbers in the spreadsheet.

15. Discuss Special Town Meeting Articles

Mr. Mangiaratti noted that the contract referenced in Article 3 was ratified and the motion was changed. Article 2 will be passed over or dismissed, Article 1 motion has not changed. Mr. Mangiaratti asked if the Board would change their recommendation for Article 3 as it is currently deferred. Mr. Charter asked if there will be PowerPoints for the articles, specifically for the ambulance article. Mr. Martin noted he recorded a presentation regarding Article 1 with Acton TV, and has a few slides. Mr. Charter will create slides for his presentations.

Mr. Martin moved, seconded by Mr. Charter to recommend Article 3 and approved unanimously 5-0-0.

16. Approve Reallocation of ARPA Funds

Mr. Mangiaratti summarized project funding that was allocated, but not yet contracted, and projects with remaining funds. These include: \$250K allocation for McManus Manor that is being worked, just under \$400K for HVAC was allocated with a total \$170K surplus, \$400K allocated for 17 Woodbury Lane should be under contract before deadline (also requesting additional CPC funding for landscaping on the property), \$25K remains unspent for the design of a community park for the parcel adjacent to McManus Manor, the South Acton Wastewater Treatment Plant project changed to groundwater exploration and Inflow & Infiltration work and is under contract, sustainability initiatives have \$30K remaining. Mr. Mangiaratti recommended reallocating \$200K to the dog park, 17 Woodbury, and 53 River Street park and will return on December 2nd with a more refined list. **Mr. Martin moved, seconded by Mr. Charter to allow the Town Manager to spend money for the Acton Dog Park, 17 Woodbury, and the 53 River Street Park at his discretion and approved 3-0-2 (Snyder-Grant and Nicol)**

17. Review Progress on Select Board Goal to Implement Traffic Calming Policy

Mr. Mangiaratti highlighted several traffic calming initiatives that have been implemented such as temporarily adding speed humps on Spruce Street near the Boardwalk campus, a new sidewalk installation on Willow Street between Summer and Central Street, finalizing finishing the retaining wall on Taylor Road for the new sidewalk, and suggested that the new landscaping and sign installation at Gardner Field playground has encouraged vehicles to slow naturally.

IV. Consent Items

Ms. Nicol held consent item 20. Mr. Martin held consent item 22. **Mr. Martin moved, seconded by Mr. Snyder-Grant to approve consent items 18, 19, 21, 22 and 24-26 and approved unanimously 5-0-0.** Ms. Nicol requested an edit in consent item 20 in the second sentence to insert the word “subsequently” before “past”. **Ms. Nicol moved, seconded by Mr. Martin to approve consent item 20 as edited and approved unanimously 5-0-0.** Mr. Martin requested a summary of

the revenue in the past for fees collected for pool tables and automated amusement devices for their next meeting. **Mr. Martin moved, seconded by Ms. Nicol to take no action on consent item 23 and approved unanimously 5-0-0.**

Mr. Martin moved, seconded by Ms. Nicol to adjourn and approved unanimously 5-0-0. Meeting adjourned at 10:30 PM

Documents Used

- November 18, 2024 Agenda
- Public Hearing Notice, AHC, Inc. & Thomas Buckborough, 358A and 3558 B Great Road
- Public Hearing Notice and Application, Change in Beneficial Interest Interest and Corporate Re-organization, RBSBW, Inc
- Public Hearing Notice and Application, Change in Beneficial Interest and Transfer of Stock, RBSBW, Inc.
- Public Hearing Notice, Country Canine Retreat, 278 Great Road
- Tax Relief Programs Presentation
- Presentation of Preliminary Level Services Estimates and Capital Needs
- Email from Kelley Cronin Dated November 12, 2024
- Purchase and Sale Agreement, 19 and 35 Wetherbee Street
- Purchase and Sale Agreement, McManus Manor LLC
- WRAC Document
- Memo from Lisa Tomyl Regarding Select Board Fee Schedule
- Special Town Meeting Warrant
- Traffic Calming Policy
- Northern Tier Rail Line Support Letter
- Meeting Minutes, October 21, 2024
- Citizens Petition Counsel Policy
- Municipal REDO Letter of Support for 495 MetroWest Partnership
- Private Way Plowing
- Memo from Conservation Division Dated November 6, 2024
- Memo from Community Services Office Dated November 12, 2024
- Memo from John S. Mangiaratti Dated November 14, 2024