

## BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING

September 8, 2015

Francis Faulkner Room 204

Regular Meeting 7:00 PM

Present: Katie Green, Peter Berry, Janet Adachi, Franny Osman, Chingsung Chang, Town Manager Steven Ledoux, and Lisa Tomyl, Recording Secretary

Chairman Green opened the meeting at 7:00PM

Mr. Berry arrived at 7:07 PM

### Citizens' Concerns

None

### Chairman's Update and Operational Update:

Ms. Green: Welcome back from the break – 2 special meetings in August: Special Town Meeting and one extra Board meeting to approve the easements for the BFRT/ARRT. PAYT started this past week with great compliance thus far. Town probably will introduce larger bags.

Mr. Ledoux: CrossTown Connect community compact signed in meeting with Lt. Governor Polito; public-private collaboration with aim to generate best-practices guide via communities with such compacts. Mr. Ledoux will miss next Board meeting on 9/28 due to attendance at annual conference of International City/County Management Association. Attending the 9/11 ceremony on September 11<sup>th</sup> at the Public Safety Facility. All welcome to attend, arrive by 9:45. We are down to 4 finalists for the Land Use/Economic Development -Director position. There will be an Assessment Center exercise on September 21<sup>st</sup> to evaluate the four candidates -in an all day session.

### Public Hearings and Appointments

7:10 PM All Dangerous Dog Hearing Order to Show Cause: Jessica Wall from Anderson & Krieger and Tack Palmer, Animal Control Officer for the Town of Acton, were representing the Town. Dog-owners Mr. Henry and Ms. Nichols also were present. Ms. Adachi swore in all witnesses present for the hearing. Mr. Palmer gave a history of the -incident in April at a store in Maynard, and the subsequent conversations with the owner. Chloe is a Staffordshire terrier, 43.5 pounds, age 7-9; the other dog was a Yorkshire terrier. Ms. Osman asked how long the dog has been housed at the residence; the owners said the dog was rescued, has lived at the residence for 2 1/2 years-and is friendly with people, but has a strong prey instinct with other animals. The owners have made amends with the owner of the deceased dog, both emotionally and financially. Chloe is never around other dogs especially after the incident.

The -owners said their son looked into the store window before entering to see if the store-owner's dog was in the store. After he entered, he saw the store-owner's dog, turned to leave, -tripped and released Board of Selectmen

September 8, 2015

the leash\_Chloe fatally bit the other dog. Chloe was not wearing the pronged collar that she usually does when she is out, and the incident happened very quickly. The -son tried to pull Chloe away from the other dog. Ms. Nichols said Chloe has never been aggressive around other people and children, but rather protective and kind. Ms. Adachi asked if Chloe's prey instinct makes her lunge at other dogs and become unresponsive to voice commands; -Ms. Nichols confirmed that Chloe lunges at dogs and lunges to kill. The dog has been through training courses due to her aggressive behavior around other dogs. Ms. Nichols said she had not considered muzzling Chloe when she would be in the presence of other dogs.

Ms. Nichols no longer takes Chloe to other dog parks and confines dog-walking to -the immediate neighborhood.

Steve Meyers – 26 Duggan Road- Stated he had 2 small daughters and the situation stresses him out. Both daughters are afraid of dogs. Won't let his daughters run free out of fear that Chloe might attack them and not just animals. Concerned there is no history of the dog other than what was stated by the owners (Petfinder.com – from Webster/Uxbridge area).

Joan Kellogg - 27 Duggan Road - Did not receive a notice about hearing. She has no children or dogs but has grandchildren who have a\_chihuahua. Is afraid to go by the house where Chloe lives because she is afraid -Chloe might attack-eg. Concerned that -Chloe will attack children and believes muzzling is the least the owners can do to keep the neighborhood safe.

Debbie Foley – 25 Duggan Road – Across the street. Can't believe that the dog isn't muzzled and thinks that the dog should be muzzled at all times, including inside in case the dog escapes..

Mark Foley – 25 Duggan Road – Not much to add to his wife's statement. What it boils down to is what is going to be the trigger causing the dog to attack a child. Why not take the precaution to have the dog muzzled.

Robert Moran - 8 McLeod Lane – Shares a backyard with Chloe's owners. Has an 8 and 10 year old and many neighborhood kids that play in their backyard. Also have 2 dogs, age 13 Labrador retriever, and a 4-month-old puppy. His dogs are interacting with all kids when they are playing outside. Concerned that if Chloe gets out-, could get into his yard, try attack his dogs and put the kids at risk if they tried to intervene to protect his dogs. He has an invisible fence that would confine his dogs within the perimeter, but would not affect Chloe , who could enter his yard and kill his dogs. There are woods but -no physical fence between the properties.

Mr. Henry spoke about the grief the family went through after the incident. He acknowledged the concern his neighbors have about their children's safety. Mr. Henry stressed that the dog does not run out of the house as the dog is arthritic – the dog has to be carried up and down stairs.

Board of Selectmen  
September 8, 2015

Mr. Palmer reviewed the MA General Laws Chapter 140 provision on when a dog is considered to be a "dangerous dog." Attorney Wall explained the difference between a dangerous dog and a nuisance dog. Mr. Palmer recommends that the Board find that the dog is a dangerous dog.

Mr. Berry moved that Chloe, the dog that resides at 24 Duggan Road, be deemed dangerous dog based on the description of the incident. Ms. Adachi seconded. All Ayes (5-0).

Mr. Palmer recommended that dog be muzzled at all times. It will alleviate problems in the future by protecting other dogs.

Ms. Osman moved that Chloe be muzzled at all times outside and inside unless there is a double barrier in the house to prevent Chloe from getting access to the exterior, Mr. Chang seconded.

Mr. Berry moved to amend the motion to provide that the Animal Control Officer inspect for compliance. Mr. Chang seconded.

Mr. Palmer added that the muzzle be a basket-type muzzle.

All Ayes (5-0)

8:00 PM Presentation by LLB Architects for Facility Master Plan: Greg Smolley of LLB Architects presented slides about the Acton Town-Wide Facility Study, providing detailed information about the condition of 19 Town-owned buildings, and prioritizing issues that the Town should address. The buildings as a whole are in good condition and well-maintained and there are no immediate needs. The report that the Selectmen received is an executive summary of a much larger collection of supporting data that will be available for the Town to use going forward. The consultants are not including design/engineering and soft costs, which Town staff can add. The consultants welcome the Board's feedback.

8:20 PM Gas Main Installation, Hosmer Street, National Grid: Representing National Grid was Barbara Kelleher and Michael Tupper, Engineer for National Grid. Applicant to correct a spelling error in the name of the street from "Homer" to "Hosmer". The Board requested a corrected petition and will sign the petition. Ms. Adachi moved to approve the petition for the gas main installation by National Grid with the statement from the petition corrected and the request from Engineering Department. Ms. Osman seconded, All Ayes (5-0).

### **Selectmen's Business**

Request for a Grant of Location for a Stone Wall, 96 Main Street: Ms. Green read the public hearing notice. Mr. Bob Trombley presented slides about his request to install a free-standing stone wall where existing granite posts are currently located on the town right of way. Petitioner has the support of the Historic District Commission. Mr. Chang moved to approve the stone wall in the proposed location of the posts with a written notice confirming that the stone wall is in the town right of way and any future

Board of Selectmen  
September 8, 2015

considerations for usage of the space may or may not require future owners to move the stone wall. Ms. Adachi seconded. 4 Ayes, 1 Nay (Ms. Osman).

Kelley's Corner Improvement Initiative Plan/Acton 2020 Update: Chairman Andrew Brockway explained that the proposed changes consisted of 1) zoning amendments, including a master planning process that would enable the Town's involvement much earlier in the development process, and provisions to increase density and allow mixed-use; and 2) infrastructure improvements. For a number of reasons, including the fact that the consultant's report needs some work, the Kelley's Corner committee decided to postpone the presentation of the proposed changes until April 2016 Town Meeting. Mr. Brockway mentioned that the committee and Town staff members are engaged in discussions with the Stop & Shop owners of the parcel where K-Mart sits, and with developers. There will be a public forum in February 2016. Mr. Brockway explained that the proposed funding sequence and proposed project sequence fortunately would align with each other, with a total of 8M in funding (including 25% contingency) for the proposed work on Routes 111 and 27 and Community Way (5.4M probably from the federal TIP funds for Route 111, a state road; 2M maybe from MassWorks for the Town-controlled portion of Route 27; and 600K from the Town/other sources for Community Way). The state is interested in the project, which bodes well for TIP funding purposes. Mr. Berry encouraged the Board to look at the plans on DocuShare under the Kelley's Corner folder. Assistant Town Planner Kristen Guichard explained that the Baker Administration has created new evaluation criteria for projects and the Town has submitted plans for consideration.. Finally, Mr. Brockway said that the 2020 website was being updated, which will enhance communications henceforth.

Report on August ALG Meeting: Met in late August to discuss having a tri-board meeting with the Finance Committee, Board of Selectmen, and School Committee and doing a team-building exercise, along with having new committee members go through "Municipal Finance 101." Also review of each committee's goals.

Selectmen to Call for a November Special Town Meeting: Mr. Ledoux said that with the Kelley's Corner zoning amendments postponed until 2016 Town Meeting, what remained for a possible Special Town Meeting were a couple of collective bargaining agreements the proposed stormwater management bylaw and a citizens' petition regarding a school policy matter. . The administrative cost of a Special Town Meeting would be possibly around \$10,000. Ms. Adachi, as liaison to the Water Resources Advisory Committee, which has drafted the proposed and long overdue stormwater bylaw, knows the committee would like to move forward with the Special Town Meeting, but she also had reservations about calling another Special Town Meeting simply for that purpose. Barry Rosen, WRAC member, said WRAC would prefer to get the bylaw passed. Selectmen agreed to postpone the decision about calling a Special Town Meeting until the October 5<sup>th</sup> meeting.

**Selectmen's Reports:** The Selectmen Reports were included in the Selectmen packet and there were no questions.

#### **Consent Agenda**

Board of Selectmen  
September 8, 2015

Item 9 held by Ms. Green MS. Green moved to deny the request for a waiver of fees, and that the request be more specific. Mr. Berry seconded. All Ayes (5-0)

Mr. Bob Ingram (citizen) held item 12. Mr. Ingram didn't understand why the Acton Women's Club is allowed to have signs on the Town Common. Mr. Berry stated they have had them for years and are placed on the Municipal Properties property and not on the center green.

Mr. Bob Ingram (citizen) held item 17 stating that the application was not signed. Mr. Berry and Ms. Adachi stated the copy in the Selectmen packet was signed.

Mr. Charlie Aaronson (citizen) held item 23, not agreeing that that the Independence Day celebration should be held on July 4<sup>th</sup> and not July 2<sup>nd</sup>. Ms. Adachi stated there were most likely valid reasons for this decision, and to contact the Recreation Director.

Mr. Chang moved to approve items 10-20, 22-28. Mr. Berry seconded. All Ayes (5-0).

Mr. Chang moved to adjourn, Ms. Osman seconded. All Ayes (5-0)

Meeting adjourned at 11:07 PM

Respectfully Submitted,



\_\_\_\_\_  
Lisa Tomyl, Recording Secretary



\_\_\_\_\_  
Janet K. Adachi, Clerk