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TOWN CLERK, ACTON

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

June 4, 2012

Acton Town Hall

Francis Faulkner Hearing Room 7:00 p.m.

Present: Ms. Harting-Barrat, Ms. Adachi, Mr. Gowing, Mr. Sonner and Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised

CITIZENS' CONCERNS

None

CHAIRMAN'S UPDATE & OPERATIONAL MINUTE

Ms. Harting-Barrat Noted that the Memorial Day Activities and parade, Scholarship and Project Graduation were all a great success. She announced the upcoming music/concerts and activities at NARA.

Mr. Ledoux announced the Towne Schools Common Housing Project is nearing completion. He took a tour of the project with Ms. Adachi and Mr. Gowing. He noted they will be done shortly and commented on the quality of the work that has been done in the building. Mr. Ledoux attended the Mass Municipal Spring Conference in Lenox. He attended a workshop on coaching employees and another about problem solving and Retirement issues. The Town of Reading has a grant which will allow 25 people take at part time Master's Program at Suffolk University and would be talking to staff about this opportunity.

Labor Day movie representatives have met Police, Highway and will begin filming on Wednesday. The renovation has begun and they will be shooting night scenes. They will also be shooting at the Senior Center. Ms. Adachi and he met with representatives from Niger who were visiting Mike Klinger. Acton Nursing Service has their own website now. June 13th 7:30 forum regarding the Asa Parlin house to discuss suggested uses and outcome of this property.

PUBLIC HEARINGS & APPOINTMENTS

NATIONAL GRID – GAS LINE MAIN STREET TO SCHOOL STREET

Dennis Regan Representative of National Grid was before the board requesting to install gas line in Main Street to School Street. Mr. Sonner - Move to approve. Ms. Adachi - second UNANIMOUS VOTE

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MARY'S BROOK NAMING IN HONOR OF MARY S. MICHELMAN

Bettina Abe presented a slide show asking for Board of Selectmen support for the naming of Mary's Brook in Memory of Ms. Michelman. Ms. Adachi commented about the federal regulations that say you cannot use punctuation in the Sign. For now, then name will be valid within Acton. Ms. Abe will continue to work though this project until it finishes and the name is approved under federal regulations in 4 years.

Mr. Michelman thanked the Board for honoring his late wife, Mary. Ms. Adachi – Moved to approve the naming of the brook after Mary Michelman. Mr. Sonner – second. UNANIMOUS VOTE

DOG HEARING, JESSICA BOUTIN, 263 ARLINGTON STREET – OWNER OF SPIKE

All those that would be testifying and speaking were sworn in by the Clerk.

Dog Officer Mr. Palmer spoke about the issues surrounding this dog and reason he brought this to the Board for a formal hearing.

Officer Trisha Sullivan spoke about a bitten child on his way to school. In 2011 a neighbor said Boutin's son was walking the dog and it bit her gloved hands. She was made aware of a 10 year old girl who was bitten in the hand also while Boutin's son was walking the dog and he was not in control.

Mr. Gowing asked what the trigger point was to have this come to our attention. Mr. Palmer said 4+ bites in three years were brought to his attention, the dogs had not been licensed, rabies shots were not up to date and they had been issued several citations under the dog bylaw that were not being followed. Mr. Gowing was appalled that two bites in a week and felt that that the dog was not suited to this location.

Dr. Cowett – spoke about the dog coming out and attacking him and his two dogs while they were walking.

Ms. Tomasello, Neighbor at 283 Central Street was one of the people bitten on the hands by Spike.

Hans Friedrichs was riding his bike to school and had gloves on and the dog lunged and bit his hand. It was noted that Jeremiah (their son) did not have the dog under control.

Lisa Friedrichs – spoke about the incident and felt it was a family responsibility to keep your dog up to date with shots and under control.

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Ms. Boutin – noted that their son was in charge of walking. They have changed the time he is to walk the dog. The little girl was walking to school and asked to pet the dog and it bit her. They no longer allow their son to walk the dog. They have talked to a vet about his nipping. She felt it is because he is territorial. She apologized for letting the rabies and Dog License lapse.

Ms. Adachi asked about experience as dog owner. Ms. Boutin said she had been a dog owner her whole life and has never had an inside dog as she lived in the country. She asked about the lapsing. Ms. Ashley Smith-Boutin said it is she that takes care of the paper work in the family and somehow it lapsed. They are trying to follow the rules and have put safe guards in place. Ms. Adachi said that her son cannot have the responsibility for the dog. There is a need for training and they have to keep the dog restrained and, perhaps, a muzzling might work. She noted that Jack Russell's need a lot of exercise and they need activity.

Ms. Harting-Barrat asked if they were there when the dog bites happened. Yes they were, and one time a friend opened the door and the dog got out.

Mr. Gowing asked about why they have not licensed the dog. Jessica said that her former partner took care of these issues. He was concerned that the dogs had not been licensed and the Board is responsible to make sure the residents are safe.

Ms. Harting-Barrat asked Mr. Palmer what his next suggestion would be. His recommendation is to muzzle the dog. If the dog goes outside of the dog park the muzzle should be on the dog. Additionally, if they cannot secure or be sure the dog won't get out, it will have to be muzzled in the home.

Ms. Boutin said they would muzzle in the house as well if they cannot keep him from getting out. Mr. Palmer said it should be muzzled at all times. He felt that to be sure it was muzzled inside in case the dog gets out of the house.

Ms. Harting-Barrat asked if she would be willing to muzzle while in the house and outside. Ms. Boutin said yes. Mr. Palmer said training would not do any good at this time; he is too old to change.

Mr. Gowing said these citation issued could have been accompanied by jail time under Mass General Law 140 which says up to 60 days in jail and are you willing to go to jail.

Mr. Sonner asked owners whether or not any other incidents beside the ones here had occurred. He asked if they have not had training. Mr. Palmer was asked if they moved 60 miles away would the dog's behavior go away. No it would not work. If there is another bite that has owner liability and would the town be liable. Attorney Nina Pickering-Cook said no if we come up with a decision only if we had ignored the evidence in front of them. The Town would have no liability in this regard. If there is another single violation, lapse in license, expired Rabies shots or another "out of control" or another incident, Spike is to be removed from town.

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Mr. Gowing was concerned that they would follow the verdict.

Ms. Harting-Barrat – They need to post beware of dog sign and make sure dog is in room and secure before the door is opened.

Ms. Adachi said it must be muzzled all the time.

Ms. Adachi – Moved – That Spike shall be muzzled at all times, indoors as well as outdoors, that Spike shall be on a leash or tethered when outdoors; except that he shall be allowed to run untethered at Great Hill, provided he is muzzled; they must post on the front door their residence a sign that reads “Beware of Dog”. If you violate any of the requirements on this order or the Town Bylaw, or state laws or requirements applicable to dogs, you must remove Spike from the Town of Acton immediately. Mr. Gowing- second UNANIMOUS VOTE

A Decision will be issued in writing stating the conditions. If they have any questions, to call Town Manager, Mr. Ledoux and/or Mr. Palmer who could outline any appeal process they may want to take.

ACTON HOUSING AUTHORITY – DISCUSSION OF PILOT AGREEMENT

Kelley Cronin spoke about the PILOT process. They have been using the same formula for over 20 years. The formula is under state regulations. Ms. Adachi outlined the issue for the Board. Mr. Sonner noted that this supersedes an earlier Policy. Mr. Ledoux noted that the Sudbury document was written when he was working in Sudbury.

Mr. Gowing asked about the permitting fees. Housing Authority was concerned that they would not have enough money to build the project; Kelley noted that Acton has guidelines for town agencies, uniform policy as a tier two. They would be grateful to have the town waive the fees. Mr. Ledoux noted it is actually a gift of \$7,200 because we would have to fund the inspection department as they would have a deficit.

Kelley spoke about use of ACHC funds to cover this. This is over and above CPA funds. She noted that they can go forward without these monies.

Mr. Gowing - Move that the Town waive the building permit fees for Sachem Way construction project but to continue to collected fees for inspections which are in a revolving fund. Mr. Sonner – second. UNANIMOUS VOTE

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ARLINGTON STREET PROJECT –PARKING SPACES

Scott Hayes client representative outlined the request for additional parking spaces. They will pay for the construction and the Traffic Rules and Orders will need to be revised by adding parking with a 2 hour limit. Mr. Hayes said the space for additional parking spaces were there, no trees just turfed grass. Mr. Hayes was asked to coordinate with Corey York with regard to this project. Mr. Gowing – Moved to approve the addition of the three parking spaces on Spruce Street. Mr. Sonner – second – UNANIMOUS VOTE

SELECTMEN'S BUSINESS

ROLL OF LIAISON DISCUSSION AND ADMINISTRATIVE ISSUES

Postponed until Mr. Clough can be included in the discussion.

DISBANDING OF PHASE II 2020 COMMITTEE

Mr. Sonner - Moved to disband Phase II 2020 Committee. Mr. Gowing – second UNANIMOUS VOTE

DISCUSSION OF SIGNS/FLAGS ON THE COMMON

Ms. Harting-Barrat updated the issue of the gay pride flag on the Common which required them to remove the US flag from the pole and the US flag was taken. It was noted that we need to have a policy that would require the Board's approval.

Ms. Adachi said that there are many opinions and feels that we should not allow anything except for what town departments already put on the common. Mr. Ledoux noted the cemetery on the Common as the site in the chained area and we do not want to desecrate the burial grounds.

Ms. Harting-Barrat said we not allow anything on the Common and agreed with Janet. Mr. Gowing was offended that they put up their own Flag in place of the U.S. flag and it was Memorial Day. He felt it was not acceptable, and he felt we allow nothing on the common until we can be very specific of what we want.

Mr. Gowing said we need to continue to look at this and discuss it further. He feels that we allow Garden Club, Reminder to Vote Signs and allows Acton Women's Club and would also allow the Water District to display water ban notices.

Mr. Ledoux said he and Ms. Adachi will draft an interim policy. Mr. Gowing - Moved to approve nothing to be placed upon common until we finalize the policy of what would be allowed. Mr. Sonner - second UNANIMOUS VOTE – Additionally, to remove the flag on the Common. Mr. Gowing noted that the Common is not just the

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triangle, it goes down Main Street and is the front lawns for those residents and it is maintained by the town.

COMMITTEE/BOARD REAPPOINTMENT LIST 2012-2013

Ms. Adachi – Moved to approve the reappointment list as submitted by VCC. Mr. Gowing - second UNANIMOUS VOTE

SELECTMEN'S REPORTS

Mr. Sonner – TAC down to two committee members and need to get those filled. TAC is looking at biking, walking and shuttle. GAB lighting for lower fields. SATSAC timing and construction and they have not been awarded at this time. They will have a joint public session with the town and MBTA. Make sure we set up session for Goals. Wants to discuss how we will coordinate e-mails going forward that are sent to the board and Manager's office. Currently, the Chair responds to the board's shell and is responsible for answering them and forwarding the reply to the Board and Manager's Office. The Manager's Office will handle day to day inquiries and forward to the Board as they may arise. Mr. Sonner attended an Eagle Scout presentation on behalf of the Board.

Ms. Adachi – Spoke about the two visitors from Niger and referred Mike Klinger to Barbara Estarbrook for discussion about possible ABCC involvement. Housing Authority has received an offer from abutter to take down pine trees and replace with more landscaping and new trees. Bruce Freeman Rail Trail reached consensus with Concord about Route 2 crossing Concord will get what they want and we will get what we choose. She attended the Cons Com walk on the Anderson land off of Newtown Road, there is a development being planned on this property. CPC is winding down and WRAC continues to work on the bylaw.

Mr. Gowing – Mike spoke about the All Boards and Committees Meeting and may need to schedule for July 9th. Ms. Harting-Barrat wanted to look at this further before calling the meeting. Mr. Gowing attended the COA Volunteer Appreciation Day and felt we should do this for all Boards and Committee's

CONSENT

Holds: 11 and 12

Mr. Sonner # 11 Mr. Sonner will abstain on the January 8, 2011 Budget Session Minutes as he was not on the BOS at that time.

#12 MBTA letter – Mr. Sonner said this does not need to be at fall town meeting but it is his understanding is that was one of the options along with board approval.

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Mr. Gowing – Moved to approve the Consent calendar minus the “holds”. Mr. Sonner – second. UNANIMOUS VOTE

Mr. Gowing - Move to vote Held Items 11 & 12 Ms. Adachi - second Mr. Sonner abstained on #11 Minutes 3-1 Mr. Sonner Motion Passes

Mr. Sonner – Moved to adjourn - Mr. Gowing - Second. UNANIMOUS VOTE

Adjourned 9:45 p.m.



Christine Joyce
Recording Secty



Michael Gowing, Clerk ✓

8/20/12
Date

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<input type="checkbox"/>	Type	Title	Owner	Edited	Size	Actions
<input type="checkbox"/>		110 Agenda, Board of Selectmen, June 4, 2012	admin	06/01/12	141 KB	    ▼
<input type="checkbox"/>		120 (2) National Grid Request to Install Gas Line on Main Street to School Street	admin	06/01/12	102 KB	    ▼
<input type="checkbox"/>		130 (3) Mary's Brook Naming in Honor of Mary Michelman	admin	06/01/12	3 MB	    ▼
<input type="checkbox"/>		140 (4) Dog Hearing, Jessica Boutin, 263 Arlington Street	admin	06/01/12	2 MB	    ▼
<input type="checkbox"/>		150 (5) Acton Housing Authority Discussion of PILOT Agreement	admin	06/01/12	458 KB	    ▼
<input type="checkbox"/>		160 (6) Arlington Strteet Project, Parking Spaces	admin	06/01/12	303 KB	    ▼
<input type="checkbox"/>		170 (8) Disbanding of Phase II 2020 Committee	admin	06/01/12	186 KB	    ▼
<input type="checkbox"/>		180 (9) Sign Policy Regarding Signs/Flags on the Town Common	admin	06/01/12	463 KB	    ▼
<input type="checkbox"/>		181 (9b) Memo regarding the Gay Pride Flag on the Common	admin	06/01/12	24 KB	    ▼
<input type="checkbox"/>		185 (10) Appointment List As Of 6/1	admin	06/01/12	321 KB	    ▼
<input type="checkbox"/>		190 (11) Accept Minutes, Board of Selectmen, January 8, 2011 (Budget Saturday)	admin	06/01/12	468 KB	    ▼
<input type="checkbox"/>		200 (12) Request for Support to MBTA	admin	06/01/12	167 KB	    ▼
<input type="checkbox"/>		210 (13) Request for Support to MPO Regarding the ARRT	admin	06/01/12	650 KB	    ▼
<input type="checkbox"/>		220 (14) Committee Appointment, Linda Mayer, ABCC	admin	06/01/12	223 KB	    ▼
<input type="checkbox"/>		230 (15) Committee Appointment, Sunanda Sahay, ABCC	admin	06/01/12	114 KB	    ▼
<input type="checkbox"/>		240 (16) One Day Liquor License-Congregation Beth Eolhim	admin	06/01/12	92 KB	    ▼
<input type="checkbox"/>		250 (17) Accept Gift, Recreation	admin	06/01/12	58	

	Department				KB					
	260 (18) Accept Gift, Recreation Department	admin	06/01/12	45 KB						
	270 (19) Accept Gift, Recreation Department	admin	06/01/12	56 KB						
	280 (20) Accept Gift, Planning Department	admin	06/01/12	44 KB						
	290 (21) Accept Gift, Planning Department	admin	06/01/12	33 KB						
	300 (22) Accept Gift, Nursing Service	admin	06/01/12	21 KB						
	310 (23) Disposal of Obsolete Materials, Memorial Library	admin	06/01/12	39 KB						
	320 (24) Accept Gift, Cemetery Department	admin	06/01/12	118 KB						

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BOARD OF SELECTMEN & SEWER COMMISSIONERS'

MEETING AGENDA

Francis Faulkner Hearing Room

June 4, 2012

7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:05 **CHAIRMAN'S UPDATE/OPERATIONAL MINUTE**
The Chair and Town Manager will briefly update the Board
2. 7:15 **NATIONAL GRID GAS INSTALLATION, MAIN STREET**
Enclosed please find materials in the subject regard
3. 7:20 **MARY'S BROOK NAMING IN HONOR OF MARY S. MICHELMAN**
Enclosed please find materials in the subject regard
4. 7:30 **DOG HEARING, JESSICA BOUTIN, 263 ARLINGTON STREET**
Enclosed please find materials in the subject regard
5. 7:50 **ACTON HOUSING AUTHORITY, DISCUSSION OF PILOT
AGREEMENT WITH THE TOWN OF ACTON AND REQUEST FOR
FEE WAIVER FROM THE BUILDING PERMIT FEES**
Enclosed please find materials in the subject regard
6. 8:15 **ARLINGTON STREET PROJECT PARKING SPACES**
Enclosed please find materials in the subject regard

SELECTMEN'S BUSINESS

7. **ROLE OF LIAISON DISCUSSION AND ADMINISTRATIVE ISSUES**
8. **DISBANDING OF PHASE II 2020 COMMITTEE**
Enclosed please find materials in the subject regard
9. **DISCUSSION OF BOARD POLICY REGARDING SIGNS/FLAGS ON
THE TOWN COMMON**
Enclosed please find materials in the subject regard

10. 2012-2013 PRELIMINARY COMMITTEE REAPPOINTMENTS

Enclosed please find materials in the subject regard (waiting to see if VCC will complete their task in time for me to prepare for Board's review, otherwise I will ask for it to be held for the next meeting on June 18th)

SELECTMEN'S REPORTS

III. CONSENT AGENDA

11. ACCEPT MINUTES, BOARD OF SELECTMEN, BUDGET SATURDAY, JANUARY 8, 2011

Enclosed please find materials in the subject regard

12. LETTER OF SUPPORT REQUEST FROM THE MBTA TO PRESENT AT AN UPCOMING FALL TOWN MEETING

Enclosed please find materials in the subject regard

13. REQUEST FOR SUPPORT OF THE ASSABET RIVER RAIL TRAIL (ARRT) TO THE METROPOLITAN PLANNING ORGANIZATION (MPO)

Enclosed please find materials in the subject regard

14. COMMITTEE APPOINTMENT, LINDA MAYER, ACTON BOXBOROUGH CULTURAL COUNCIL

Enclosed please find materials in the subject regard

15. COMMITTEE APPOINTMENT, SUNANDA SAHAY, ACTON BOXBOROUGH CULTURAL COUNCIL

Enclosed please find materials in the subject regard

16. ONE DAY LIQUOR LICENSE, CONGREGATION BETH EOLHIM

Enclosed please find materials in the subject regard

17. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$1,130.00 from various donors, to be used to fund the Goward Field Playground Renovations.

18. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find gift of \$580.59 from various donors, to be used to fund the Goward Field Playground Renovations

19. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$1,086.17 from various donors, to be used to fund the Goward Field Playground Renovations

