

BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING

September 8, 2014

Francis Faulkner Room 204

Regular Meeting 7:00 p.m.

Present: Mike Gowing, Katie Green, Janet Adachi, Peter Berry, Franny Osman; Town Manager Steven Ledoux. Lisa Tomyl, Recording Secretary

Chairman Gowing opened the meeting at 7:04 p.m.

CITIZENS' CONCERNS

None

CHAIRMAN'S UPDATE AND OPERATIONAL UPDATE:

Mr. Gowing – quiet summer. Kids back at school – tomorrow is the voting primary. Reviewed where voting locations are located for each district. ActonTV won 3 video awards. Fall season of Miracle League opened last Saturday. Employee Professional Development Day was 9/4 at Quail Ridge. Very successful event.

Mr. Ledoux: Brief ceremony of remembrance regarding 9/11 at the PSF at 10:00.. Discussed regarding a vote from the board regarding the NESWC fund balance. DOR required that the 1mill fund balance be restored into the account was generated from. It will be considered as free cash.

Land Use relocated to 33 Nagog Park officially opened today. Move went very smoothly and transition will be good. Thanked the Board for attending the employee staff development event with a special thank you to Ms. Osman and Ms. Adachi for participating in the ALS ice bucket challenge.

PUBLIC HEARINGS AND APPOINTMENTS

7:10 p.m. **Dangerous Dog Hearing Tiffany Brown:** present: Nina Pickering-Cook, Town Counsel, and Nelba Santos, Assistant Animal Control Officer. Mr. Gowing read the public hearing notice. Peter Berry, Clerk, swore in the AACO, and Tiffany Brown, dog owner. All parties introduced themselves. Ms. Santos opened with the report and statement made by Tack Palmer, Animal Control Officer. Faulk, a 4 year old German shepherd allegedly made 2 unprovoked attacks. Ms. Brown submitted photos and certificates of training completed for overacting dogs as well as letters of support from neighbors at her residence. Ms. Brown states she is a certified dog trainer. History of behavior of the dog in question by Ms. Osman – Ms. Brown states he (Faulk) was fearful of other dogs. She adopted him to assist in rehabilitating him to alleviate him of his fearfulness. She feels that the dog can be trained to coming off muzzle and be a "balanced dog". Since the biting incidents, she has kept him on a muzzle. Faulk has shown sign of fear when in closed spaces. Ms. Adachi questioned about the previous bite report. She wanted to know about the circumstance surrounding it. Ms. Brown stated that there was a barbecue going on and the dog may have become fearful and the situation happened very quickly. Ms. Green questioned about the

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training class the dog is currently being trained at. Witness statement from Dr. Mike Eckel, father of victim of bite in May 2014 in Sudbury. Presented pictures, and stated dog was off leash, his daughter suffered, and is terrified of dogs. Dr. Eckel felt as though if the police were not called, Ms. Brown would have left the scene. Dr. Eckel offered the jacket that the victim (his daughter) was wearing at the time of the bite to the Board to examine. Ms. Osman inquired if the victim has received or asked for any type of counseling for the stress from the incident. Dr. Eckel stated that his daughter is handling it the way that she wants to heal to get over the incident and has certainly considered counseling as a result of the event. Ms. Green inquired the events leading up to the bite. The victim (Ms. Eckle) gave her statement of the event. Witness statement from Pamela Fallo. Ms. Fallo stated the dog attacked her while unprovoked. She presented evidence of a bite mark via cell phone photo.

Ms. Osman – move to deem dog dangerous

Mr. Berry – second

Mr. Gowing motioned to deem the dog as a “Dangerous Dog”, All Ayes, UNANIMOUS VOTE.

Ms. Osman moved to recommend the dog be muzzled and on a 3 foot leash at all times whenever it is in public

Mr. Berry – second

All Ayes – UNANIMOUS VOTE

7:45 p.m. TRB Development Group Application of 24 Hour Permit for CVS Pharmacy, 400

Massachusetts Avenue: Mr. Gowing read the Public Hearing notice at 7:45PM. Representing CVS Pharmacy is Attorney Lou Levine, Mike Gagnon, manger of CVS at 400 Mass Ave. Mr. Gagnon stated that CVS will close operations in one night at old (current) location. The current 24 hour permit at 393 Mass Ave licenses will terminate on the first day of opening at 400 Mass Ave. Deliveries are restricted (hours of deliveries), as well as lighting, which was dealt with the site plan review – no lights or shadows will affect abutters.

Ms. Adachi – move to approve the application for 24 hour permit

Ms. Green – second

All Ayes, UNANIMOUS VOTE

7:50 p.m. Site Plan Special Permit #07/03/14 – 450, 37 Knox Trail; Driveway Expansion: Mr. Gowing read the public hearing notice. Mr. Berry is the Selectmen Liaison. Counsel for the Applicant has requested an Agreement on Time Extension. Hearing continued to September 22, 2014 at 7:25 PM.

Ms. Green – move to continue hearing

Mr. Berry – second

All AYES – UANAIMOUS VOTE

8:00 p.m. Local Table, Rose Saia, Full Liquor License:

Mr. Berry questioned if all servers were TIPS certified – Ms. Saia stated yes.

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Ms. Green – move to approve the all alcohol license

Ms. Adachi – second

ALL AYES – UNANIMOUS VOTE

SELECTMEN'S BUSINESS

Water Resources Advisory Committee Draft Storm Water Bylaw – attended by members of WRAC, Jeff Clymer gave overview of the draft storm water bylaw.

Acton Nursing Service, Homecare Management Solutions Report Options – Doug Halley from the Health Department representing the HMS Nursing Report Options. Mr. Gowing stressed that there will have to be a Town Meeting to make the final decision on the future of the Acton Nursing Service. Mr. Halley gave the financial overview of the 4 options presented in his and the Healthcare Management System report and recommendations. Ms. Green noted the report made strong points regarding the needs of those who utilize the current service, and was realistic regarding what the options are. Residents were given the opportunity to speak about personal experiences. Ms. Adachi stated that the discussion is not about shutting down the service – it was about what direction the service will be headed or voted on at fall town meeting. Senator Eldridge also spoke about the board supporting the Acton Nursing Service. Mr. Gowing will work with the Finance Department to present to the Finance Committee the dollar amounts what the Acton Nursing Service is losing since the vote of last spring town meeting. Town Manager Ledoux requested to have a vote on the dates of the special fall town meeting for the September 22 Selectmen meeting. Dates discussed were November 12th and 13th.

SELECTMEN'S REPORTS:

Ms. Adachi: Acton Community Housing Corporation has requested appointment to update Selectmen about various issues including proposed housing production plan. Design Review Board met 8/6 and more recently. Submitted comments on 37 Knox Trail, principally addressing concern about idling buses. Ms. Adachi is waiting for comments on proposed revised charge from Planning, Municipal Properties, Planning Board, maybe Zoning Board of Appeals; have Acton Community Housing Corporation comments; topic will be on Selectmen's agenda once all comments in.

Ms. Green: The **Historical Commission** met twice since the Board's last meeting. At the first meeting, they discussed the demolition of historic stone walls that they've seen going on around town. They are looking into who is in charge of monitoring the issue in town and enforcing rules around preservation where appropriate, as many stone walls are protected under the Scenic Roadways law. Their second meeting was largely to discuss the issue of adding the Nashoba Brook Pencil Factory to the National Historical Register. They've asked the Selectmen to endorse this proposal and that vote is on the Board's consent agenda for later in the evening. They also offered to come before us at a future meeting to present on the Pencil Factory. It's a very interesting property and Ms. Green encouraged the Board to consider this offer.

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The **Board of Health** met and took a first pass at regulations regarding manure management in town. If you are interested in this issue, stay tuned as they will be having public hearings on the regulations in the near future.

The **Acton Memorial Library Board of Trustees** met and voted to recommend the initial FY'16 operating budget as proposed by the Library Director. The recommendation is a level service budget with an approximately 2.78% increase over FY'15. The Board of Trustees would like to reintroduce the idea of having the Board come before the Board of Selectmen on a yearly basis to provide an update on the library, etc. While it gets time consuming to have every board and committee in town appear before the BOS on an annual basis, Ms. Green encouraged the Selectmen to consider whether they are certain boards, like the AML Board of Trustees, that we may want to invite to come before us.

The **Acton Boxborough Regional School Committee** met and is starting the process of renaming the Elm Street basketball courts. They have a defined process for naming any school property so this is just the first step in that process. Ms. Green encouraged any interested members of the public to contact the school committee with their opinions. The School Committee also discussed taking the next step in establishing a transportation revolving fund. This is in reaction to a state law that was recently passed allowing regional districts to create such funds.

Mr. Berry: email report

Ms. Osman: **Citizens Library**:

- Book sale about to happen.
- I am overdue to connect with Citizens Lib. which I am liaison to.

Economic Development Committee (EDC) met.

- Worked on its goals.
- Committee had some questions about various businesses' statuses around town, Franny met with Steve Ledoux to get answers.
- They had a tour of West Acton Village Ecology (WAVE) project. Mathias Rosenfeld of that project will come to EDC on Sept. 18 to talk with the EDC.

Met with Andrew Scribner-MacLean, Assistant Town Manager of Maynard about whether we can get a flexible fixed route including Acton/Maynard and Emerson Hospital.

Council on Aging Board:

- They want to know what is going on with Senior Center Study Committee. Who is on it, would like to know its progress.
- Nonmedical Reserve Corps needs volunteers, if interested talk to Doug Halley, Health Director.

dhalley@acton-ma.gov 978 929 6632

Commission on Disabilities:

- Discussed nursing service at the last meeting.

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-Looked at question of bathroom on first floor of Town Hall, considered construction and distance issues, determined that second floor by elevator was acceptable so we don't need to ask the first floor handicapped accessible bathroom, presently

-It was requested that I share with Board of Selectmen and other committees that, during meetings at Town Hall, if you don't need a handicapped accessible bathroom, go to the ground floor, leave the more convenient bathroom on the "first" (second) floor for someone who might need it.

Mr. Gowing: **HDC** – the historic district held a public meeting for a development on Flannery Way in West Acton. Previously, units had been built on the opposite side of Flannery Way however, they were not located in the historic district. As it was more than 300 feet from the public way (Mass. Avenue), the use of clad windows and Azek trim was allowed (this is unique as the district usually only allows wood).

MAGIC – Town updates

Hudson – looking at a downtown revitalization (particularly parking). CIC grant with Framingham & Marlboro for complete streets. Master plan is done. \$3-5M released by Gov. for C.S. development grants.

Maynard – STM October (election of 2 selectmen) Nason St. parking deck completed. COA now at the Maynard Country Club

Lexington – MassDot has begun Rt. 2 improvements across Rt 95. Too many banks downtown resulting in a warrant article to create a moratorium on new banks. Boston MPO MOU is up for re-election. They are running for re-election as a town at large member.

Boxborough – CIC grant application for a resource guide. Affordable housing – looking for legal response.

Littleton – affordable housing was above 10%, fell below due to expiring permits, then back up to 12% due to Avalon. Commuter rail service (4 more trips). Sam Park/Market Basket will open after regular stores are restored. 300 birthday celebration was last Saturday.

Stow- downtown village plan (including well), STM in February to relocate the fire dept. and COA to the closed school. Board of Selectmen accepting applications for EDC (began 1966). Town center development (if the town buys). Adopting a complete streets.

Concord – Rt. 62 rail bridge in repair, along with most of the roads. New green communities grant for boiler, DOER grant for oil to gas for individual homeowners – Agriculture day September 13-14 where all the farm stands shut down center and provide a fall event.

Sudbury – **Raytheon is closing in three years!** Town council resigned. A Fall townmeeting is needed to meet redesigning the downtown area because newly discovered issue that will cost an additional \$750K and \$7.2 million prop 2 override on new police station shortfall of (\$700K).

Carlisle – expand the pathways (sidewalks), senior housing project almost filled (they anticipated a year – it has only been 6 mos.).

Consent Agenda

Ms. Osman – requested to hold item 7 – recusing

Mr. Gowing requested to hold item 8

Mr. Berry requested to hold item 17 , Acton Water District requests to hold item to the 9/22 meeting to vet through the Massachusetts Historical Commission

Mr. Berry requested to hold item 19 – requesting minutes to be amended and put back on consent for September 22, 2014

Ms. Green requested to hold item 21 -

Mr. Gowing – moved to accept Wright Hill Easement with recusal of Ms. Osman (item 7) – Ms. Adachi second – 4 Ayes, 1 abstain (Ms. Osman)

Mr. Gowing move to approve consent items 8-16, 18, 20-23. Mr. Berry second, ALL Ayes, UNANIMOUS VOTE

Extra Information

23. Request for special permission to sell fundraising cards on behalf of the Acton-Boxborough Soccer Boosters at various town-owned properties on September 20, 2014.

Ms. Green move to adjourn:

Ms. Osman - seconded

Meeting adjourned at: 11:30PM

Respectfully submitted,



Lisa Tomyl, Recording Secretary



Peter Berry, Clerk