



**BOARD OF SELECTMEN  
Meeting Minutes  
February 6, 2012**

**Approved: March 19, 2012**

**PRESENT:** Raid Suleiman, Chair; Christine Robinson, Clerk; Frank Powers, Member; Rebecca Neville, Member and Les Fox, Member

**ALSO PRESENT:** Selina Shaw, Town Administrator (appeared at: 7:50 PM) and Cheryl Mahoney, Department Assistant

The documents discussed herein have been included with the file copy of the agenda packet for the above referenced date and are hereby incorporated by reference.

Chair Suleiman called the meeting to order at 7:30 P.M. in the Grange Meeting Room of Town Hall.

**ANNOUNCEMENTS**

Chair Suleiman read the announcements.

**MINUTES**

- The Selectmen passed over approval of the Regular Session minutes of January 23, 2012.
- Member Powers moved to accept the minutes for the Regular Session of January 9, 2012, as revised. Seconded by Member Neville. **Approved 5-0.**
- Member Powers moved to accept the minutes for the Executive Sessions of January 30, 2012 and January 31, 2012, as written. Seconded by Member Neville. **Approved 4-0-1 (Powers abstained)**

**SELECTMEN REPORTS**

- Member Neville reported that she attended a recent Personnel Board meeting.

She also reported on school related activities:

The work of the Regional School Study Committee continues. Potential savings have been identified. There has also been discussion on the enrollment trends/projections.

The School Committee also continues its exploration of the other two proposed models.

Discussion continues on the proposed ABRHS lower fields improvement project. Acton CPA funding is no longer being considered and the Current funding proposal is to have the District bond a portion.

**DOG HEARING**

- At 7:45 PM Chair Suleiman convened a dog hearing to consider further complaints filed regarding, the dog(s), Buddy, owned by Janine Bush, 109 Steele Lane, Boxborough. Chair Suleiman reviewed the dog hearing process and ground rules: order of testimony (complainant, complainant's witnesses, owner/keeper, owner/keeper's witnesses); 10 minute limit on testimony per witness; witnesses shall not be permitted to question one another; civility; swearing in of witnesses, i.e. testimony on oath; and no verbatim transcription of the proceedings, but minutes will be taken. Town Clerk Markiewicz, swore in those who intended to provide testimony, Thomas Keim, Teresa Lee and Boxborough Dog Officer, Phyllis Tower. The list of those present for this hearing is provided and incorporated by reference. Mr. Keim asked why a formal hearing was necessary, instead of just issuing a violation citation. Chair Suleiman advised that this was not the first violation of the dog control bylaw or hearing concerning the dogs owned by Ms. Bush. Chair Suleiman summarized the findings of the August 23, 2010 hearing and expressed concern that Ms. Bush is not complying with the Board's order. It was further noted that this is not the first reported violation since the Selectmen's 2010 order was issued. Before opening the discussion portion of the hearing, Chair Suleiman stated that dog owner, Janine Bush, had advised she would not be attending and a statement she had provided would be read during the owner/keeper response portion of the hearing procedure. The Complainant in the current matter, Thomas Keim, was invited to testify. Keim testified that he had never been bitten before in all his years of jogging and described the actions he takes when he is approached by an aggressive dog. Chair Suleiman read Ms. Bush's written statement into the record. Dog Officer, Phyllis Tower, testified that although she had spoken on the phone with both Mr. Keim and Ms. Bush, she was not present during the incident and relied on Mr. Keim's complaint and statement. It was noted that all parties in the

complaint had agreed that Mr. Keim was bitten by Buddy. After testimony was concluded, the Board of Selectmen discussed the matter. It was confirmed that although Ms. Bush had previously appeared before the Selectmen for a dog hearing, this was the first reported incident involving Buddy. Member Powers sought clarification regarding whether or not Buddy was wearing the electric fence collar at the time of the incident. Keim stated that he was more concerned with other matters to notice the dog's collar. He did state that he had not noticed if Ms. Bush's daughter had the collar in her possession when she retrieved the dog but that the dog was clearly in distress (yelping) when the girl brought the dog back onto Bush's property. Member Powers sought input from the Dog Officer on the effectiveness of electric fences and whether they could be penetrated. The Dog Officer confirmed that while an electric fence system serves as a deterrent, it is not 100% foolproof and should not be used as the sole means of control; it is a tool that is effective when combined with direct owner supervision. The Dog Officer then recommended three options to the Board for controlling these dogs owned by Ms. Bush:

- 1) while outside the house, an adult must walk the dogs on a lead/leash in combination with a restraining collar, such as a Martindale or choke chain;
- 2) the dogs must wear a correctly fitted muzzle at all times while outside the house and be directly supervised by an adult. The muzzle should be used in combination with the electric fence; or
- 3) the installation of an outdoor kennel, at least six feet in height. Such installation should be inspected by a building official and a Selectman to verify that it is secure and in compliance with the issued order.

The Dog Officer presented examples of each of these options. The Selectmen were polled and the consensus was that Ms. Bush would be presented with all three options. She would be required to choose one of these options and implement it within 10-14 days of receiving notification of this order. It was further clarified that should she choose to build a kennel structure she would have to implement one of the two other options until the kennel was completed and approved. Also it would be communicated that if there are further problems Ms. Bush would be brought back before the Selectmen and stricter enforcement options could be implemented. Mr. Keim stated he felt this determination was reasonable.

Chair Suleiman, on behalf of the Selectmen, made the following order:

Pursuant to provision of the General Law Chapter 140 §157 the Town held a hearing on February 6, 2012. Witnesses, including the complainant, were duly sworn and testified. Exhibits were presented which are incorporated into this decision by reference. It was determined that on November 26, 2011, "Buddy" a dog, owned by Janine Bush of 109 Steele Lane, did leave the Bush property and without provocation, did attack Thomas Keim on a public way, biting him on the leg. This incident occurred in violation of a standing order previously issued by the Selectmen on August 23, 2010. It is determined by this Board that within ten to fourteen days of receiving notification of this order, dog owner Janine Bush shall implement one of three above-mentioned options to control her dog. She shall have the choice to determine which option to implement; however, said choice shall be made in consultation with the Dog Officer, Phyllis Tower. If the dog's owner elects to build a kennel structure, she shall implement one of the other two options until the kennel has been completed and approved as indicated above. The Dog Officer shall report back to the Board of Selectmen to confirm the owner's compliance with this order. The Board emphasized that any further violations of this or the previous order or of the Dog Control Bylaw would be subject to more severe penalties.

Mr. Keim agreed that the Board's determination in the matter was reasonable.

The hearing was closed at 8:15 PM.

## **APPOINTMENTS**

The Selectmen took up discussion on athletic field maintenance in Boxborough. DPW Director, Tom Garmon, was present for this discussion. David Scheuer of Acton-Boxborough Youth Sports was unable to be here. TA Shaw and Dir. Garmon have met with ABYS representatives and members of the Boxborough Recreation Commission to discuss ABYS's concerns as to how field maintenance will be managed now that the new field usage policy is in place. ABYS has no intention of pulling back on its commitment as to field maintenance in Boxborough, however they do have some concerns, specifically the mechanisms for the lining of the fields for non-ABYS users and how to handle the coordination of field usage specification requests (field lining) between the Town and ABYS. There was discussion as to what responsibilities ABYS had previously taken on and how to manage field management as we move forward. At this meeting there was discussion about having similar meetings periodically in order to keep the lines of communication, among the stakeholders, open and creating a Memorandum of Agreement to address respective responsibilities & clarify procedures. The Selectmen instructed TA Shaw to prepare an initial draft of an MOA. The Selectmen would like to keep an eye on the new field usage procedures as we move forward and review their progress at an upcoming meeting.

## **SELECTMEN REPORTS (Continued)**

- Member Powers reported that he had participated in a meeting with the police union this morning.

He also reported that TA Shaw has contacted the candidate for the building inspector position and he is coming in next week.

Member Powers reported that he has prepared an initial draft of a letter to the MBTA Advisory Council providing the Selectmen's input on proposed increases and cuts in services. Member Fox will review same.

- Member Fox reported that MAPC will also be drafting a letter to the MBTA Advisory Council providing their input on these proposed changes.

Member Fox reported that he attended a MAGIC meeting, where he learned that MAGIC's regional representative to the Regional Transportation Advisory Council can no longer serve due to their new role on the MPO Executive Committee, and Acton's Franny Osman has agreed to take on this responsibility. He also learned that at least three other towns are, also, in discussion on expanding/ improving playing fields.

- Member Robinson reported that the Police Advisory Board is having another meeting next week.
- Member Neville reported that a representative from Stone Consulting will be coming in to present their report on the department head compensation survey. The Library Board of Trustees, and the department heads will be invited to attend. Hard copies will be provided at the meeting. The Selectmen should have electronic copies by the end of the week, and were asked to provide their questions/concerns to TA Shaw as soon as possible. She will forward them on to Stone Consulting so the consultant can address them when they present their report. It was determined that next week's meeting will convene at 6:30 PM and this shall be the first item on the agenda.

#### **NEW BUSINESS**

- A draft of a proposed Code of Conduct was provided for the Selectmen to review so they could provide input at a future meeting.

#### **APPOINTMENTS**

- Finance Committee member, Gary Kushner and other members of the Committee, were present to discuss the Town's Capital Plan. Kushner provided a PowerPoint presentation on this. The Capital Plan is a tool – a view forward in order to anticipate expenses and dollar amounts are intended as placeholders. An expense is considered a capital expenditure if it is \$5,000 or greater. Also, though not technically "Capital expenditures," expenses that are in excess of \$5,000 in a department's operating budget are in the Capital Plan for planning purposes. Department heads provide the information and have input as to when items should be addressed. There was a review of the preliminary list of proposed capital articles and other expenditures scheduled for FY 13. There was discussion on anticipating needs and future years' items; the status of the "debt", currently existing and as we move forward; and the levy & Prop. 2 ½ mechanisms. The intention is to do a more in-depth review of the proposed capital articles with the FinCom at the February 27<sup>th</sup> meeting. The Capital Plan will be a component of the FinCom's ATM report.

#### **OLD BUSINESS**

- The Selectmen re-opened discussion on Annual/Special Town Meeting. FinCom members were present for this discussion. The list of articles provided tonight is just preliminary and for informational purposes. There was discussion on some of the proposed articles, such as: the proposed PAYT sense of the meeting article; the School's administrative model options; new revolving fund for field use; and FinCom's proposed collective bargaining articles.
- FY 13 budget matters were addressed during the Capital Plan and the Annual/Special Town Meeting discussions so no further discussion was needed at this time.

#### **CONCERNS OF THE BOARD**

- TA Shaw informed the Selectmen that Rep. Benson's office advised her today that there is a hearing on the Acton Water District legislation tomorrow. None of the Selectmen are able to attend and TA Shaw has a previous commitment. Rep. Benson's aide has advised that a letter of support from the Selectmen should be sufficient. Member Fox moved to draft a letter in support of the pending Acton Water District legislation and send it to Rep. Benson. Seconded by Member Powers.  
**Approved 5-0.**

#### **ADJOURN**

- At 10:07 PM Member Neville moved to adjourn. Seconded by Member Powers. **Approved 5-0.**

# SELECTMEN'S ANNOUNCEMENTS

**FEBRUARY 6, 2012**

*The necessary contact information is available at the end of these announcements.*

- **Boxborough's Annual Town Meeting** will be held on **Monday, May 14<sup>th</sup>**. More details will be provided in the coming months.
  
- **The FY 2013 budget process has begun. The current draft budget is available on the Town's website (Home page, under "NEWS")**. You are encouraged to attend Selectmen, Finance Committee, School Committee and Library Trustee meetings at all times, but especially during the budget season. Please check the web calendar for meeting dates. Your input is important.
  
- **Nomination papers are now available for elected town offices** at the Town Clerk's office, Boxborough Town Hall, 29 Middle Road. The annual Town Election will be held May 21<sup>st</sup>. Offices that will be on this year's ballot are:
  - 2 seats on the Board of Selectmen, and
  - 2 seat on the Library Board of Trustees.There is also one seat available on the:
  - Board of Health
  - Planning Boardand the Local School Committee, and on both the Regional and Local Committees.
  - The positions of:
    - Tax Collector, and
    - Town Moderator will also be on the ballot.The last day to file completed papers is Monday, March 26<sup>th</sup> at 5:00 PM.
  
- **The annual street listing/census forms have been mailed to residents**. Please review the information, make any corrections necessary, sign the form and return it to the Town Clerk's office at Town Hall. Please note that voters who do not complete their census form will be put on the inactive voter list. Please contact the Town Clerk, Liz Markiewicz if you have not received your census form or if you have any questions.

- February 15<sup>th</sup> is the **final day to register to vote** or to change parties in order to be eligible to vote **in the Presidential Primary** to be held on Tuesday, March 6<sup>th</sup>. The Town Clerk's office will be until 8:00 p.m. If you have any question about your voting status, please contact the Town Clerk.
  
- The **Boxborough Historical Society will hold its Annual Pot Luck Supper** on Sunday, February 26<sup>th</sup> at 5:00 PM in the Grange Room at Boxborough Town Hall. Jim Gorman will be presenting "Handguns in New England: A Social and Manufacturing History from the Revolution to the Roaring 20's". Admission is free and all are welcome. Please call John Fallon to volunteer to bring something to the Supper.
  
- **The Boxborough Museum** at 575 Middle Road will be open from 2:00 to 4:00 pm on Sunday, February 12<sup>th</sup> and March 11<sup>th</sup>. Admission is free, all are welcome, and members of the Boxborough Historical Society will be on hand to discuss Boxborough's history and the exhibits. Brochures for the Boxborough Town Center Walking Tour will be available, and arrangements can also be made for private tours.
  
- Town Departments welcome your questions and feedback on services. Please contact them through the email hyperlink appearing on each department's web page, give them a call or stop in to chat. If you are unable to stop in during normal office hours, don't hesitate to call and make an appointment for a mutually convenient time outside of normal hours.
  
- The Selectmen want to hear from you and invite residents to contact them regarding issues of concern. The Board can be contacted via e-mail from the link on the Selectmen's webpage.
  
- The Board of Selectmen continues to look for volunteers willing to serve on the various Town boards and committees, many of which have openings. Please consider participating. You will find it to be a worthwhile and rewarding experience. No matter what your knowledge or interest is, we can use your help in making Town government work.

- Contact information is available on the town website: <http://www.town.boxborough.ma.us> or you may call Town Hall at 978-263-1116 if you have any questions.
- The Selectmen can be contacted directly at [selectmen@town.boxborough.ma.us](mailto:selectmen@town.boxborough.ma.us).
- If you wish to find out more about volunteer opportunities on Town boards or committees contact Town Administrator Selina Shaw [Selina.shaw@town.boxborough.ma.us](mailto:Selina.shaw@town.boxborough.ma.us)
- For more information on the Annual Street Census, Registering to vote or the Annual Town Election go to the Town Clerk's webpage or you may call Town Clerk, Liz Markiewicz at 978-263-1116 extension 117.
- Please contact John Fallon, of the Boxborough Historical Society, at 978-264-0069 if you wish to arrange a private tour of the **Boxborough's Historic Town Center**.
- Please contact John Fallon at 978-264-0069 to volunteer to bring something to the **Historical Society's Annual Pot Luck Supper**.



**BOARD OF SELECTMEN**  
**Meeting Agenda**  
**Boxborough Town Hall**  
**Grange Meeting Room**  
**February 6, 2012**

**1. CALL TO ORDER, 7:30 PM**

**2. ANNOUNCEMENTS**

**3. DOG HEARING, 7:45 PM**

- a) To consider a complaint filed by Thomas Keim, 142 Hager Lane, Boxborough, regarding Buddy, owned by Janine Bush, 109 Steele Lane, Boxborough

**ACTION:**

**4. APPOINTMENTS**

- a) David Scheuer, ABYS, re: field maintenance in Boxborough  
b) Gary Kushner, Finance Committee member re: Capital Plan  
c) Citizens' concerns

**5. MINUTES**

- a) Regular session, January 9, 2012  
b) Regular session, January 23, 2012  
c) Executive session, January 30, 2012  
d) Executive session, January 31, 2012

**ACCEPT & POF**  
**ACCEPT & POF**  
**ACCEPT & POF**  
**ACCEPT & POF**

**6. SELECTMEN REPORTS**

**7. OLD BUSINESS**

- a) FY13 Budget  
b) Annual/Special Town Meeting

**8. NEW BUSINESS**

- a) Code of Conduct

**9. CORRESPONDENCE**

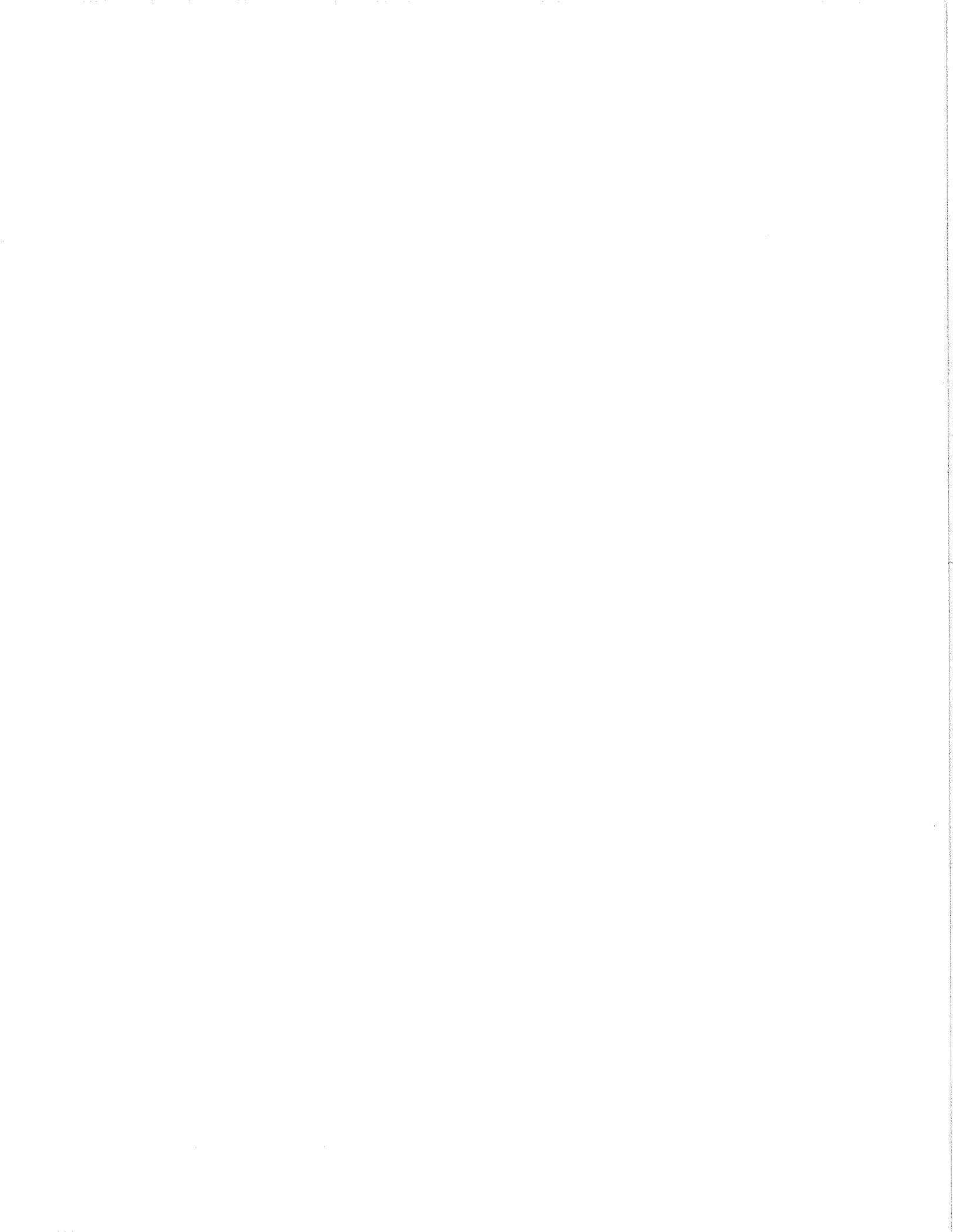
- a) Internal Communications  
b) Minutes, Notices & Updates  
c) General Communications

**ACCEPT & POF**

**10. PRESS TIME**

**11. CONCERNS OF THE BOARD**

**12. ADJOURN**





3a

**BOXBOROUGH BOARD OF SELECTMEN**  
29 Middle Road, Boxborough, Massachusetts 01719  
Phone: (978) 263-1116 • Fax: (978) 264-3127  
www.town.boxborough.ma.us

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Raid M. Suleiman, Chair      Christine L. Robinson, Clerk      Leslie R. Fox      Rebecca R. Neville      Francis J. Powers

Sent by Certified Mail Return Receipt # 7005-0390-0001-8472-6967 and by e-mail to:  
Janine@targetstaffing.com

February 1, 2012

Ms. Janine Bush  
109 Steele Lane  
Boxborough, MA 01719

Re: Dog Complaint

Dear Ms. Bush,

As we discussed, a formal complaint was filed by Thomas Keim on December 2, 2011 concerning the alleged vicious behavior of your dog, Buddy. A copy of the complaint, including the complainant's narrative is attached.

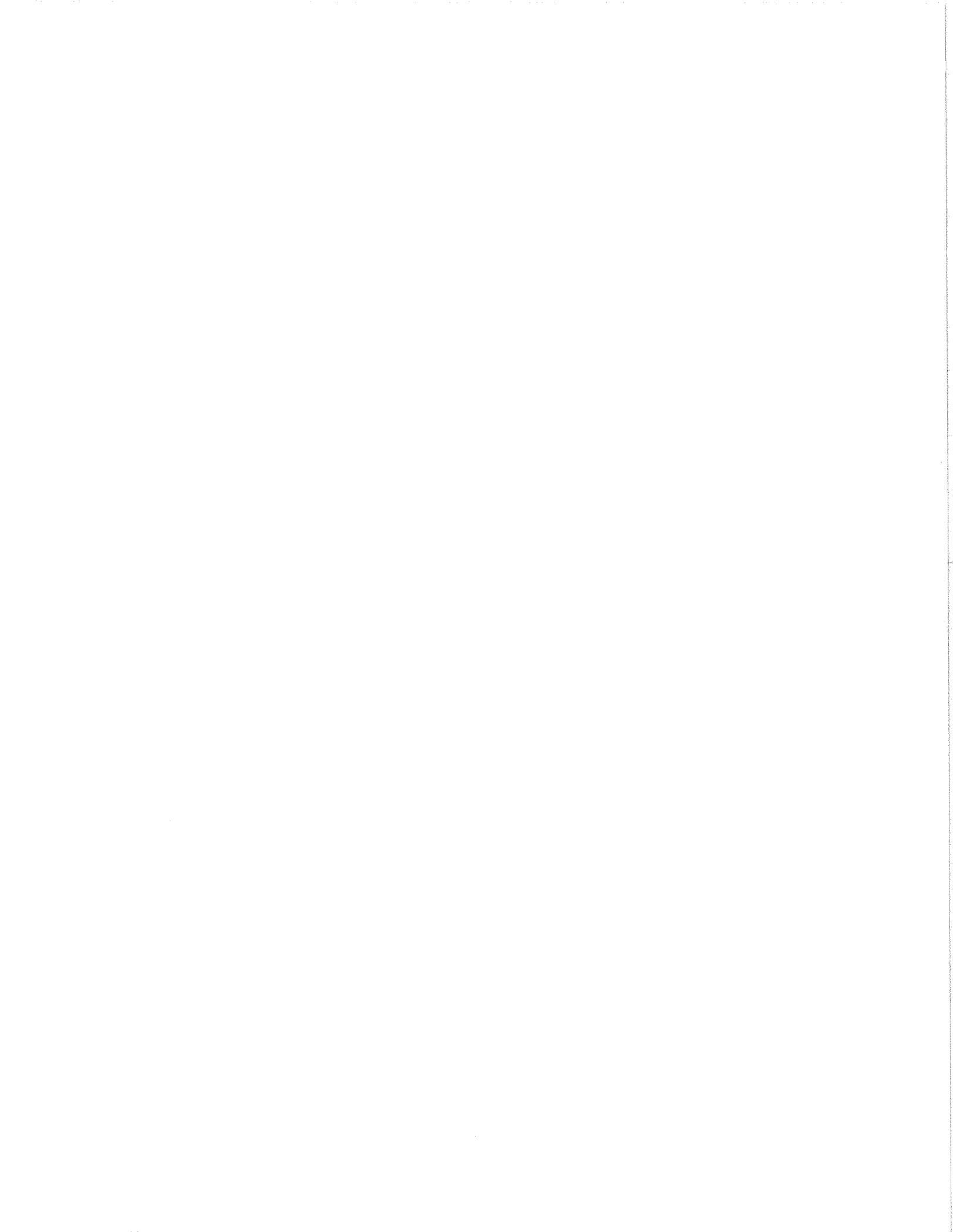
The Board of Selectmen will conduct a hearing pursuant to the general laws chapter 140 §157 on Monday, February 6, 2012 at 7:45 p.m. in the Grange Meeting Room, Town Hall. We hope that you will be able to attend. You are welcome to bring an attorney and any witnesses as you deem necessary.

Please don't hesitate to contact me with any questions.

Sincerely,

Selina S. Shaw  
Town Administrator

cc. Phyllis Tower, Dog Officer  
Thomas Keim



**TOWN OF BOXBOROUGH  
COMPLAINT  
VICIOUS or BARKING DOG**

M.G.L. Chapter 140 § 157

TO: Phyllis Tower, Dog Officer Date: Nov 30 2011  
29 Middle Road  
Boxborough, MA

RE: Dog's name: Buddy  
Description: (breed,color,etc.): Small Black Mean  
Name of Person who owns or harbors: Janine Bush

Address (if known): Steele Lane Boxborough  
I, Thomas A Keim, of Hager Lane Boxborough, MA make a  
[name] [address] [town/city]

complaint that a dog or dogs described above, constitute a nuisance because (Select all that apply):

It has a vicious disposition - State facts here: Vaporized, it bit me. Details attached

It barks excessively - State facts here: \_\_\_\_\_

It causes the following other disturbances - State facts here: \_\_\_\_\_

It is a source of annoyance to a sick person residing in the vicinity.

Sick Person's name: \_\_\_\_\_

Sick Person's Address: \_\_\_\_\_

State facts here: \_\_\_\_\_

*\*Please use the back of this document if you need to provide further information.\**

I, therefore, respectfully request that an investigation be undertaken pursuant to the provisions of Massachusetts General Law Chapter 140 § 157, resulting in the issuance of any order necessary to abate the above-noted nuisance. I understand that this obligates me to attend a hearing and provide testimony under oath and I intend to make myself available for this purpose.

*This complaint is made under the pains and penalties of perjury.*

Complaint's signature: \_\_\_\_\_

Phone (H): 978 269 0904 (W): \_\_\_\_\_

To whom it may concern:

On Saturday, November 26, 2011, between 11 am and noon, I was bitten by a dog. Details follow.

I was dressed in shorts and t-shirt, and was jogging around Old Harvard Estates in Boxborough, as is my frequent custom. Depending on footing and other conditions, I typically run either on the sidewalk, where there is one, on the roadway next to the curb, or on the town right of way very close to the pavement. On this day, I was running mostly on pavement.

I ran down Steele Lane, circling the edge of the big paved circle at the end in the clockwise direction. As I approached and passed the driveway that I now know to belong to Janine Bush, I heard a number of small yappy dogs. I looked left and saw two black dogs and one person on the front yard of the Bush house. At least one of the dogs began to run in my direction, still barking. The dog was still a long way off, and this happens a lot, so I continued to run. Continuing to follow the road, I turned my back to the point where I could not see the dog or the house. I could hear the dog continuing to get closer.

In my experience, it has always been effective in conditions like these to pay no attention to the dog, and to continue running without changing course, pace or stride. I did so in this case. In many year of running, and still more years in which I delivered papers to people's doors, I have never been bitten. Until now.

The dog came up to me from behind, and brushed against my left leg while running past me. I have been brushed like this by oncoming dogs before. It has been my practice whenever this happens to continue running without changing course, pace or stride. I did so in this case. In many years of running, I have never been bitten. Until now.

The dog passed me by a yard or two, turned, and immediately bit my left leg.

I stopped immediately and turned toward the dog, showing my teeth and making threatening noises. The dog continued to bark at me and run back and forth a couple of yards away from me. But it made no further advances while I was looking directly at it. I did not note that the dog was wearing a collar.

I turned and was able to see the person still in the Bush yard. She certainly saw and heard the dog tear out after me. We were far enough apart and there may have been shrubs low in her line of sight, so she may not have actually witnessed the bite itself. But she certainly would have recognized, were she paying any attention at all, that it was me the dog was after, and that the dog had caused my trouble.

I shouted at the person that her dog had drawn blood. I walked calmly and deliberately directly toward the house, dividing my attention between keeping an eye on the dog and shouting my reason for approaching. (We were far enough apart that shouting should have been interpreted as a courtesy, so that there could be no uncertainty about the reason for my approach, rather than an aggression.)

At some point the person disappeared into the house. I am not sure, but I think the second dog disappeared at the same time. Also, at some point as I approached the house, the attack dog backed off and left me.

A relatively young girl came from the house to speak to me before I had occasion to ring the bell. She was apparently the person I had seen earlier. She made no pretense that she was unaware of the reason for my presence; she apologized for the behavior of the dog. She told me that her mother would be able to come to the door in a few minutes.

I decided to wait for the mother and not to discuss the matter further with the girl.

The mother immediately apologized for the behavior of the dog, and offered me a cold beverage and first aid supplies, but seemed reluctant to do anything else. I explained that I had had recent experience with an animal bite (my own cat; at home, in the house), and that I was reasonably certain that the correct procedure was to telephone the town. She told me that the dog was current with its rabies shots, and seemed to think I should be satisfied with that. A little later, she telephoned a veterinarian's office, and asked the receptionist to tell me that the dog was current. I didn't ask for any of that.

I kept coming back to calling the town. I didn't know the exact name of the office or the officer, but the mother (Janine Bush) did know the name of the Dog Control officer, and went to the Boxborough website in an attempt to get a cell phone number. That wasn't going to work, so I started suggesting that she call the police. Not necessarily so that they would send someone, but at least to find out what the proper procedure should be. She was reluctant to do that. (I don't carry a phone when I run, nor a pad or pencil, so my choices were to communicate to the world through Mrs. Bush or to walk away and deal with it myself, increasing the probability of a counterstory being developed.)

At some point in this process she asked inappropriate questions, including whether I was from "around here" and what I had done to provoke the dog. Eventually I think she came to understand that if we did not do a satisfactory job of reporting this incident, I was going to do it myself. She did call the police but only asked for the dog officer's cell phone number. The police were unwilling to provide that, but did take Mrs. Bush's number and offered to try to arrange a call back.

The call back arrived very shortly after that. Mrs. Bush talked to the dog officer. I then did, too. The dog officer knew exactly what to do. She determined the extent and location on the body of the injury, and advised me to call my doctor, which I agreed to do and later did. Overall, I would estimate I spent 20 minutes at the Bushes.

The Bushes claim to have an electronic fence, and I think they do. Before the mother came out, the daughter said something about it but said that the dogs were not wearing their collars. At some point the question arose as to where the dog was. I looked up the driveway, and could see the dog still near the far end of the driveway.

Mrs. Bush sent the daughter out with a leash and a collar to retrieve the dog. I was a little uncomfortable with this, but I watched carefully, and the dog displayed no hostility toward the daughter.

But as the girl was bringing the dog back to the house, the dog starting squealing and writhing in circles. Mrs. Bush shouted that the girl was causing the dog to be shocked, but the girl didn't understand.

Eventually Mrs. Bush walked away from me and dealt with the problem. I do not remember whether she turned the fence off first, and then explained to the daughter what had happened, or whether she first got the daughter to remove the dog from the effect of the fence and then turned off the fence. But it was evident that they had a fence, and that it would have been more than sufficient to stop the dog, if it had been properly used.

It also appeared that the girl was not as aware of what was happening as I would have expected from someone of her age, which may explain how the dog fence came to be inappropriately used in the first place.

On the form to which this memo is attached, I have entered the attack dog's name as buddy. I only know this name because Mrs. Bush said that that was the dog's name.

When I got home, we dressed the wound. I then called my primary physician's office. The triage nurse asked about my most recent tetanus shot, which I could confirm had been within a year. She said that she thought the answer would be that I did not need to come in to the office at once, but that I should come if signs of infection set in. She said she would confirm that with the doctor on duty and get back to me to confirm. She did.

On Tuesday, the dog control officer appeared at my door. She asked that I complete this form, so I have done so.

Thomas A. Keim

December 2, 2011

February 2, 2012

To Selectmen:

I today received word of Monday's dog hearing. Instead of wasting everyone's time with a he-said she-said, I am replying to the Complainer's account of what happened.

There was commotion all day at our next-door neighbor's house with at least 5 workers tearing their roof apart and rebuilding it. Our dogs were nervous from all the noise, hence the barking the Complainer heard.

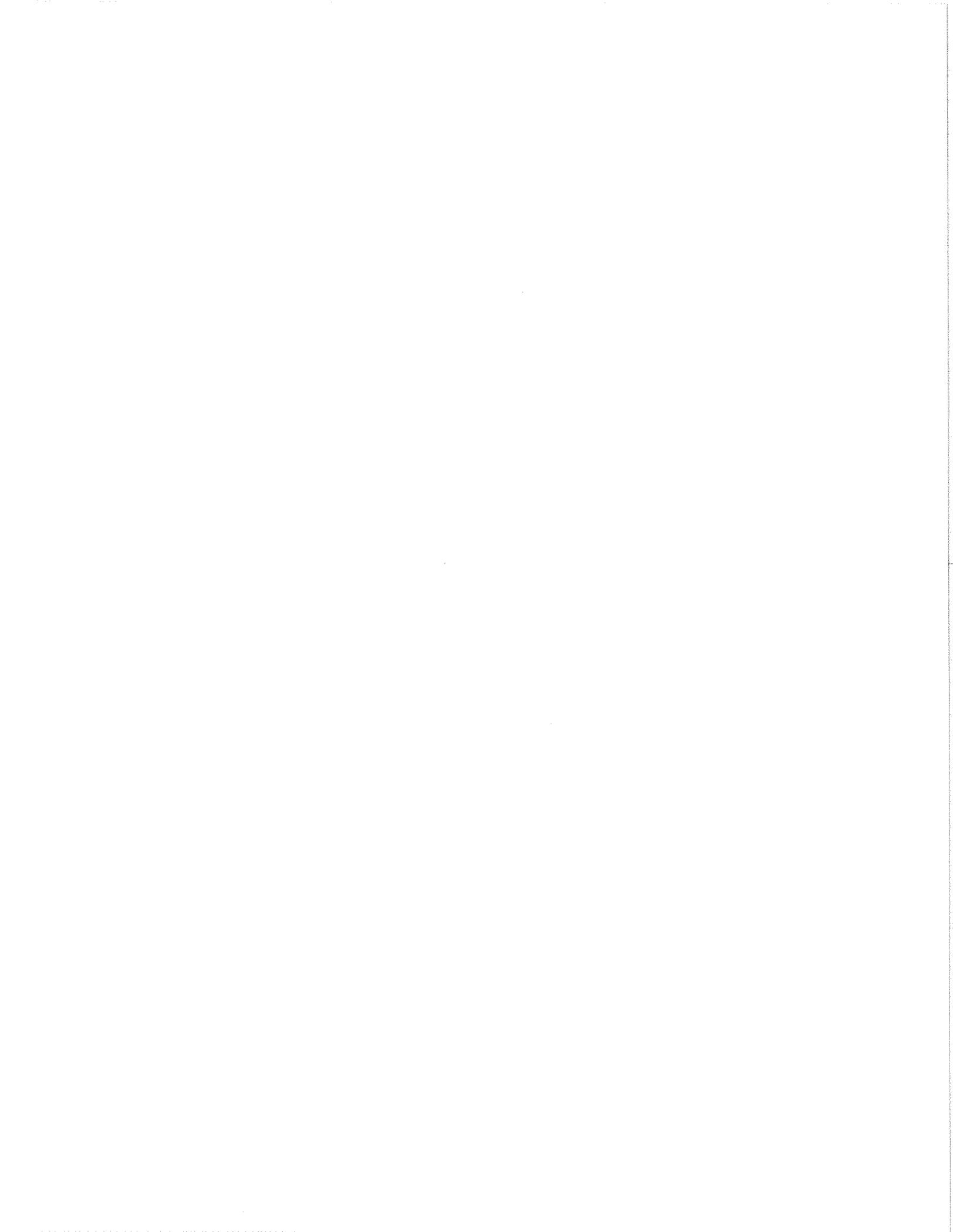
When the Complainer jogged by our driveway, it must have been the proverbial straw that broke the camel's back, and Buddy must have felt its responsibility to protect its turf. I can only assume as much because Buddy can't speak. It was unfortunate the Complainer was bit, and we felt terribly.

The dog's electric fence collar was on Buddy when he dashed past the yard. When an animal travels at a great speed, it will be too fast for the collar to effectively shock it. I take issue with the suggestion I would harm the animal by putting the electric collar on during its walk back to the property, and am even more offended the Complainer would suggest I would put my 11-year-old daughter through the trauma of causing the dog pain. (For the record, the switch to turn the unit on/off is in our basement, and I spent the entire time outside with the Complainer.) Furthermore, when I spoke with the dog officer Phyllis Tower, I asked her if she had ever heard of a dog running through its electric fence to chase someone.

If calling the vet, the police station, and giving the man first aid and a drink mean I was reluctant to do anything, then I apologize for my rude behavior. And I certainly never would have asked an elderly jogger what he did to "provoke" the dog.

The most important point of this meeting is to see what can be done to rectify the situation. Neither of our dogs have ever bitten anyone. We no longer let the dogs out together since they feed off one another's nervous energy (both are rescues), and we also have raised the shock level on the electric fence. Neither dog has been off the property since the incident, nor before this incident, which seemed to be a terrible fluke.

Janine Bush



## DOG CONTROL BYLAW

### A. Underlying Philosophy:

All citizens are entitled to fully enjoy their property and the public ways and lands. Those citizens who own or keep dogs are entitled to enjoy their animals, but only to the extent that such animals do not unreasonably impinge upon the activities of other persons.

### B. Bylaw:

No person owning or keeping any dog in the Town of Boxborough shall permit the animal to go at large to the injury or nuisance of others.

### C. Responsibility for Enforcement:

Responsibility for enforcing the bylaw and the provisions of the General Laws concerning dogs in Chapter 140 is vested with the Dog Officer, any police officer of the Town of Boxborough, in an emergency, or any other person so appointed by the Board of Selectmen. In order to carry out this responsibility effectively they are empowered to:

1. Consider all complaints that the bylaw or other provisions of the General Laws relating to dogs have been violated;
2. Catch and impound dogs, order dogs muzzled or restrained, dispose of dogs, issue citations for violations of the bylaw, or take such other actions as shall be necessary to enforce the bylaw and the provisions of the General Laws.
3. Any person may make a written complaint to the selectmen that any dog owned or kept within the Town of Boxborough is a nuisance as defined in Section F of this bylaw. The Board of Selectmen shall investigate or cause to be investigated such complaint, including an examination on oath of the complainant, and may make such order concerning the restraint or disposal of such dog as may be deemed necessary. Violations of such orders shall be subject to the enforcement provisions of Section D of this bylaw.

### D. Fines

The provisions of Non-Criminal Disposition, General Law Chapter 40, Section 21D may be used to enforce this bylaw. The Dog Officer, any police officer of the Town of Boxborough or any other person so appointed by the Board of Selectmen may issue notices of violation of bylaw. The fines for such violations, per dog, shall be as follows:

First offense:	Written warning, no fine
Second offense:	Fifteen Dollars (\$15.00)
Third offense:	Twenty-five Dollars (\$25.00)

Subsequent offenses: Fifty Dollars (\$50.00) for each offense.

Further, if the owner or keeper of a dog be a minor, the parent or guardian of such a minor shall be held liable for any violation of this bylaw.

Fines shall be paid to the Town of Boxborough before redemption of the dog, if impounded, or within twenty-one (21) days of issuance of the imposed fine when impoundment has not occurred. An owner or keeper of any dog so impounded for violation of this bylaw shall, in addition to any applicable fees and penalties, pay the commercial kennel or animal hospital a boarding charge of not less than ten dollars (\$10.00) per day while such animal is impounded, nor more than the actual cost for the boarding and care of such animal in any commercial kennel or animal hospital.

#### E. Violation Abatement or Good Behavior Abatement

After a period of three (3) years from the date of the last violation, any subsequent offenses will be treated as new offenses under Section D.

#### F. Definitions of Terms Used in Dog Control Bylaw

"Go at large:" any dog shall be deemed at large if said dog is outside the boundaries of the property of its owner or keeper and not under the direct care and control of a person demonstrating the ability to properly care and control the animal.

"Nuisance:" any dog shall be deemed a nuisance for, but not limited to, the following reasons:

- biting, attacking or threatening the health or safety of any person while said dog is on property other than that of the owner or keeper
- exhibiting a vicious disposition or excessive barking or other disturbance
- chasing, jumping upon, or running into any person on foot, on bicycle or on other non-motorized conveyance on property other than that of the owner or keeper
- chasing or jumping upon any vehicle on a public way
- attacking, killing or maiming any pet, domestic animal, farm animal, livestock, fowl or protected wild game while said dog is on property other than that of the owner or keeper
- damaging property other than that of the owner or keeper
- defecating on property other than that of the owner or keeper, unless said owner or keeper promptly picks up after the dog
- running free on school property during school hours; except those animals

certified by the Massachusetts Commission for the Blind or the Director of the Office of Deafness to assist the visually or hearing impaired, which shall be deemed to be exempt from this provision.

Adopted by Annual Town Meeting:	May 12, 1997
Approved by Attorney General:	August 4, 1997
Amended by Annual Town Meeting:	May 11, 2010
Approved by Attorney General:	August 19, 2010



**PROCEDURES FOR  
HANDLING DOG  
COMPLAINTS**  
*M.G.L. Chapter 140 § 157*

In accordance with the statute, any person, including a non-resident, may submit a written complaint to the Board of Selectmen about a vicious or barking dog. A complaint form has been created to assist the complainant in submitting the details of the complaint but a letter or other written notice is acceptable.

**Investigation**

Although the statute does not impose time standards on the Town's investigation of the incident, Town Counsel recommends that "...the investigation be undertaken as expeditiously as possible."

**Notice**

Once a written complaint is received, Town shall send written notice of the complaint to the owner/keeper. At the minimum, such notice shall state that:

1. A complaint was received
2. A formal hearing will be held on a specific date and time. *[publication is not required]*
3. The owner/keeper, together with his/her attorney and such witnesses as he/she deems necessary are invited to attend.

Town shall also send copy of notice to Complainant.

**Hearing**

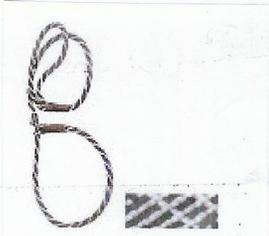
1. Sign In
  - Although not required, the Town's practice has been to ask those present for the hearing to sign in.
2. Ground Rules
  - Announce at start of hearing
  - Wide discretion – Board may set time limits on presentations, whether to allow the parties to question one another or to allow the parties' legal counsel (if any) to file post-hearing briefs.
3. Swearing In
  - Preferably, a disinterested party, e.g. a Notary Public, Justice of the Peace or judge shall swear in the complainant (otherwise hearing board/officer may do so).
  - To preserve the integrity of all testimony, Town Counsel recommends that all parties that could potentially testify also be sworn in at the beginning of the proceeding.
  - Individual raises right hand and must "solemnly swear or affirm that the testimony to be given in this matter will be the truth, the whole truth and nothing but the truth."
4. Order of Testimony
  - Complainant
  - Complainant's witnesses
  - Owner/keeper
  - Owner/keeper's witnesses

A verbatim transcript of the proceedings is not necessary but minutes must be kept.

## Decision

1. Decision of Board of Selectmen is final
  2. Written decision is strongly recommended, although not required by statute
  3. Should include:
    - Introductory statement: "Pursuant to the provisions of G.L. c. 140, §157, the Town held a hearing on \_\_\_\_\_. X witnesses, including the complainant, who were duly sworn, testified. X exhibits, which are incorporated into this decision by reference, were presented."
    - Summary of the facts, e.g. identity of the dog, owner/keeper's name, the property at issue, pertinent incidents with specific dates
    - Specific findings (inclusion of these are critical in order for the decision to survive an appeal):
      - a. that the dog at issue constitutes a "nuisance" to the community, and does so because it:
        - i. has a vicious disposition, or
        - ii. barks excessively, or
        - iii. creates some other disturbance [explain]
      - OR
      - b. that the dog, as a result of such barking or other disturbance, causes annoyance to a sick person within the jurisdiction of the responsible board/official.
  4. In order to withstand a challenge in District Court, unless the responsible board/official believes that the evidence presented warrants a finding of viciousness as compared to normal or expected reactions of other dogs in similar circumstances, it may be better to base any decision on excessive barking, where applicable, or some "other disturbance." [Be specific about nature of "other disturbance"]
  5. Impose conditions
    - Restraint
    - Banishment from jurisdiction
    - Euthanization
- Town Counsel recommends that the hearing board/officer initially impose lesser measures such as restraint, reserving harsher options for situations when the dog is deemed uncontrollable, vicious or when restraint is not an option. When the conditions aim simply to abate the nuisance rather than punish or otherwise penalize an owner for past problems, the order is more generally defensible on appeal.
6. Right of appeal
    - Statute does not require inclusion, but recommended by Counsel: "If you are aggrieved by this decision, you may appeal it to the \_\_\_ District Court within ten days pursuant to G.L. c. 140, §157"

Leash walked



Slip lead



Martingale collar



Choke chains

Attached kennel



Doggie door attached to 3 sided outdoor pen



Doggie door



Covered kennel



Outside door of kennel

Muzzle



basket muzzle



Basket muzzles on Greyhounds/JRT

The electric fence, for what ever reason, failed. That type of containment has proven not adequate for the dogs at the Bush residence.

I would like to offer three suggestions:

An adult must hand leash walk the dogs while outside the house. A slip lead, or appropriate collar such as a martingale or choke chain should be used to prevent escape. A terrier breed is very apt to quickly stop and back out of a regular buckled collar.

Or

A kennel to be installed at least 6' high. The kennel would be attached to a garage or another door of the house where the dogs would go directly from inside the home/garage to the outside chain link kennel via doggie door preventing any chance of escape. The kennel should have a secure cover fastened to the top perimeter of the walls to prevent the dogs from climbing out. The floor should either be concrete or lined with chain link that is fastened to the bottom perimeter of the walls. The human access door to the kennel via the yard should be kept secure with an additional lock and only opened when the dogs are not in the kennel for cleaning, feeding, or changing water. The finished kennel should be inspected by a member of the selectmen and the dog officer.

Or

the dogs must wear a correctly fitted muzzle at all times while outside the house. There are a variety of muzzles. The basket muzzle allows the dog to open its mouth to bark and even to drink water, but can not bite. These are used in Greyhound racing and Jack Russell Terrier competitions.





**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**January 9, 2012**

**Approved:**

**PRESENT:** Raid Suleiman, Chair; Christine Robinson, Clerk; Frank Powers, Member; Rebecca Neville, Member and Les Fox, Member

**ALSO PRESENT:** Selina Shaw, Town Administrator, Margaret Dennehy, Town Treasurer and Town Counsel, Attorney Joseph Fair, Kopelman & Paige.

Chair Suleiman called the meeting to order at 6:30 PM in the Town Administrator's office.

**EXECUTIVE SESSION**

- Member Powers moved to adjourn to executive session in the Town Administrator's office for the purpose of discussing strategy with respect to collective bargaining and to reconvene in open session at 7:00 PM to discuss the remaining business on the agenda. Seconded by Member Neville. Approved 5-0 by **Roll Call Vote: Neville "aye," Powers "aye," Robinson "aye," Fox "aye," and Suleiman "aye."**

Chair Suleiman stated that an open meeting may have a detrimental effect on the negotiating and bargaining positions of the Board.

Chair Suleiman reconvened the meeting in open session at 7:00 PM in the Grange Meeting Room.

**ALSO PRESENT:** Cheryl Mahoney, Department Assistant

The documents discussed herein have been included with the file copy of the agenda packet for the above referenced date and are hereby incorporated by reference.

**ANNOUNCEMENTS**

- Announcements were not read.

*The Board took agenda items 7a, 8a and 5 (a-e) out of order*

**OLD BUSINESS**

- Chair Suleiman opened discussion on matters concerning health insurance for FY 2013; providing a summary of previous discussions and guidelines for tonight's discussion. He introduced Town Counsel, Attorney Joseph Fair, of Kopelman & Paige, who provided summary of the applicable laws, & the recent reforms & municipalities' obligations. He also provided the reasons & rationale for these reforms; and an outline of the required procedures if the Town elects to change its coverage plan as it relates to the new sections of the law. Member Powers moved that the Town of Boxborough adopt and engage in the process to change health insurance benefits under M.G.L. c. 32B, §§ 21 through 23. Seconded by Member Fox. There was discussion about how MNHG calculates and manages their plan. There was discussion on the positives and the negatives of the Town adopting this tonight versus voting it a future date. There was discussion on the notice requirements if the Town elects to seek out another plan provider or design our own plan; the timeframes resulting from various notice requirements; their effect other contingent requirements and the respective timeframes. Attorney Fair noted many of these reforms focus on cost savings. Audience members voiced concern that the Town never advised employees of potential changes to the Town's insurance plan; noting that if employees had been told sooner they might have been able to work out other options. It was stated that there has been inadequate communication with MNHG during this process. The effect on employees of the limited insurance plan offerings possibly being contemplated by MNHG was also a concern. There was also discussion as to how healthcare reform will affect employees in the future and health insurance, in general. Attorney Fair noted that vote tonight does not force the Town to stay with MNHG, as we go forward; the Town can still investigate other plans. There was a discussion about the criteria for enrolling in GIC and that program's requirements. There was also discussion on how MIIA calculates and manages their healthcare plan program. Liz Markiewicz, as the Town Hall employee's representative to the Insurance Advisory

Committee (IAC), resident, and former School Committee member, urged the Selectmen to adopt this; and provided her reasons and rationale. It was noted that the primary reason that these discussions are taking place is due to an item in the teachers' contract which specifically addresses insurance coverage. Chair Suleiman clarified that implementation of these legislative mandates and costs to the individual subscribers are separate and distinct issues. The Selectmen noted that if this is not adopted the Town can not explore its options; and because the looming deadlines the Town must continue on with MNHG for FY 13. TA Shaw advised that Town employees were invited to a meeting last week and one scheduled for this week to discuss the coverage options being contemplated by MNHG. It was further noted by the Selectmen that it could take up to a year for the Town to enroll in a new plan due to the complexities involved in investigating options and the required notification procedures. The question was raised as to whether this could be adopted tonight; and moved to rescind at a future date. Attorney Fair advised that he was unable provide a definitive answer to that question without researching the particulars. The Selectmen requested that Town Counsel expedite the issuing of a written opinion on this matter. Attorney Fair advised he should be able to provide this by the end of the week. The Selectmen were polled and it was determined that they would table voting until this information is provided and to vote on this at their meeting on Saturday, January 14<sup>th</sup>. Member Powers moved that the Town of Boxborough table the vote on adopting and engaging in the process to change health insurance benefits under M.G.L. c. 32B, §§ 21 through 23, until Selectmen's meeting of Saturday, January 14, 2012. Seconded by Member Neville. **Approved 5-0.**

## NEW BUSINESS

- DPW Department Assistant. Vicki Franz was present as the Selectmen took up approval of the Chapter 90 Reimbursement Request. Member Powers moved to authorize the submission of Chapter 90 Final Report and Reimbursement Request in the amount of \$89,721.79 for road paving and drainage work on Cedarwood Road, Kendall Road and the top portion of Windermere Drive, and certify conformance with applicable statutes and regulations. Seconded by Member Robinson. **Approved 4-0 (Member Neville not present for vote).**

## MINUTES

- Member Fox moved to accept the minutes for the Regular Sessions of December 5, 2011, & December 19, 2011, as revised and the minutes for the Regular Session of December 13, 2011, and Executive Sessions of December 13, 2011 & December 22, 2011, as written. Seconded by Member Neville. **Approved 5-0.**

## SELECTMEN REPORTS

- Member Neville reported that she, Member Fox and FinCom member, Bill Burke, had met with Chief White to review his FY 13 Budget.

She also reported that Boxborough assessment for the A/B School District for FY 13 is going down.

- Member Powers reported on MMAF matters, currently, before the Conservation Commission. MMAF has not filed for modification of its OoC, but seems MMAF is beginning to put some effort into addressing some of the OoC items. He also noted that MMAF's Don McPherson will be coming to the next Selectmen's meeting.

He also reported that discussions with the Police Union are progressing. They still determining future meeting dates.

- Member Robinson reported that she has been working on the Recreation Field Use Guidelines.
- Member Fox reported that at their budget meeting Chief White advised that he [White] had offered to serve on Littleton's Fire Chief Search Committee.

Member Fox reported that he, Chair Suleiman and FinCom Chair Raad had met with DPW Dir. Garmon to review DPW's FY 13 budgets. Garmon was instructed to put in a 1% placeholder for salaries. There was also discussion on overtime trends and that repair/replacement of the fueling system may need to be added to the capital plan.

- He also reported that he has been working with BHB Chair Murphy on drafting the charge for Stow Rd Study Committee. Murphy will be presenting to BHB on Wednesday. There was discussion on the status of the search for candidates for this committee. Fox will inform the BHB that the Selectmen wish to invite the proposed candidates to an upcoming Selectmen's meeting.

- Chair Suleiman reported that he participated in the meeting with Town Counsel to discuss Health Insurance issues.

He also reported that, as Member Powers reported, MMAF has requested time at the Selectmen's January 23<sup>rd</sup> to make a presentation. The Airport Study Committee and the Conservation Commission will be advised and been invited to attend.

He also reported that he will be meeting with TA Shaw and FinCom member, Hesler next week to review Town Hall FY 13 budgets.

*At this point, Chair Suleiman turned chairmanship over to Member Robinson and recused himself from discussion on Agenda Items #8b (i-vii).*

#### **NEW BUSINESS**

- The Selectmen determined that they would pass over discussion of the presented Police Department Policies, so that Chief Ryder could come in to explain these changes and rationale behind them at the January 30<sup>th</sup> Selectmen's meeting.

*Chairmanship was returned to Chair Suleiman.*

*The Board took up a matter not on the agenda.*

- The Selectmen took up the housekeeping matter of calling the Special Town Meeting/ Annual Town Meeting, May 14, 2012. Member Neville moved to call the annual town meeting, to begin on Monday, May 14, 2012, at 7 PM, to be held at the Blanchard Memorial School and if necessary, a special town meeting to be held within the annual town meeting. Seconded by Member Powers. **Approved 5-0.**

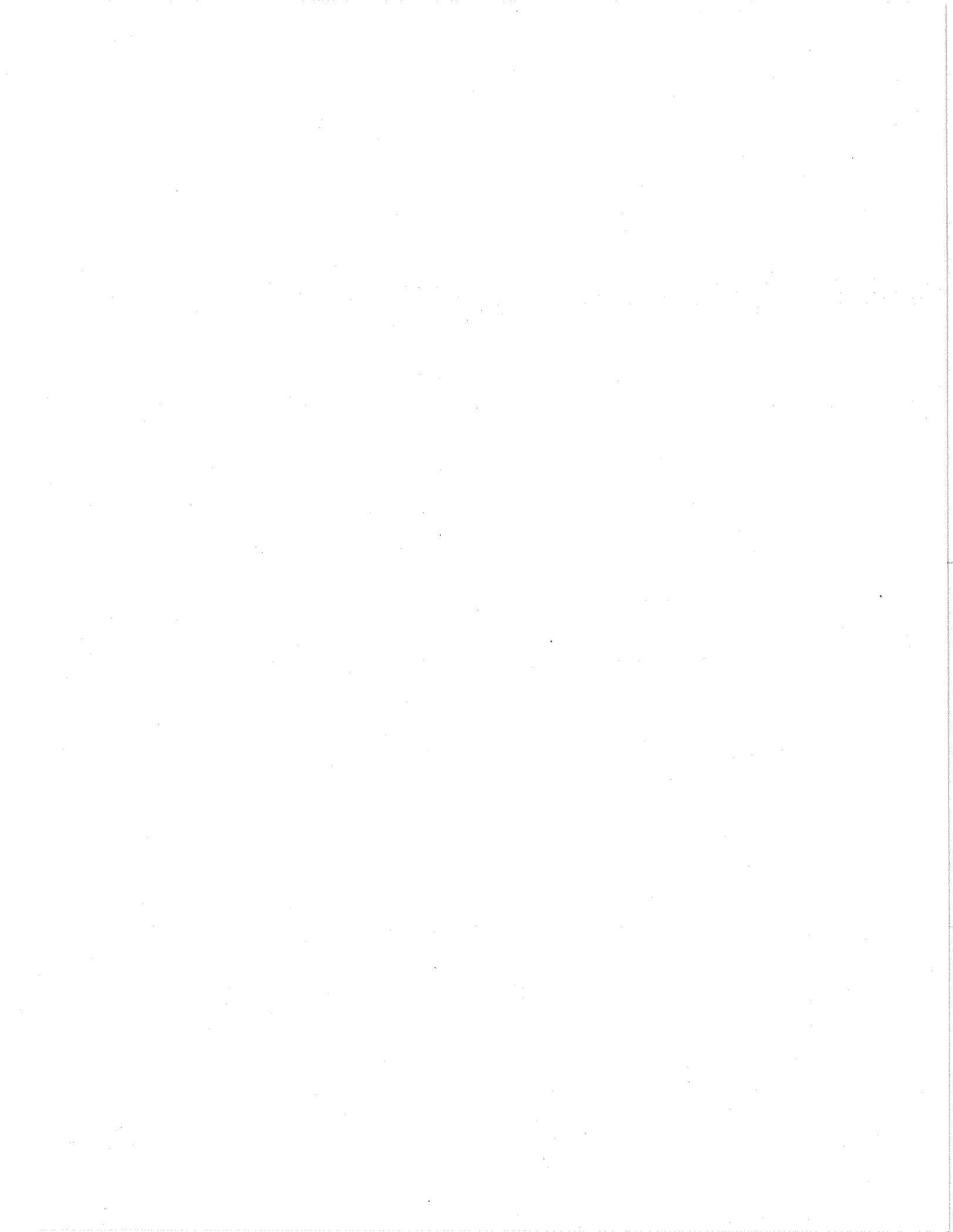
- Member Powers moved to decline membership in the Suburban Coalition. Seconded by Member Neville. **Approved 5-0.**

#### **CONCERNS OF THE BOARD**

- There was discussion about changing the start times for the remaining January Selectmen's meetings.
- TA Shaw provided an update on the status of salary/compensations survey(s). She anticipates received the results in February.

#### **ADJOURN**

- At 9:06 PM, Member Neville moved to adjourn. Seconded by Member Powers. **Approved 5-0.**



76  
**Potential STM/ATM Articles – May 2012**

**STM**    Minuteman Regional    Amend FY 12 Assessment    \$15,176  
 [add'l capital share of Trades Hall remediation project]

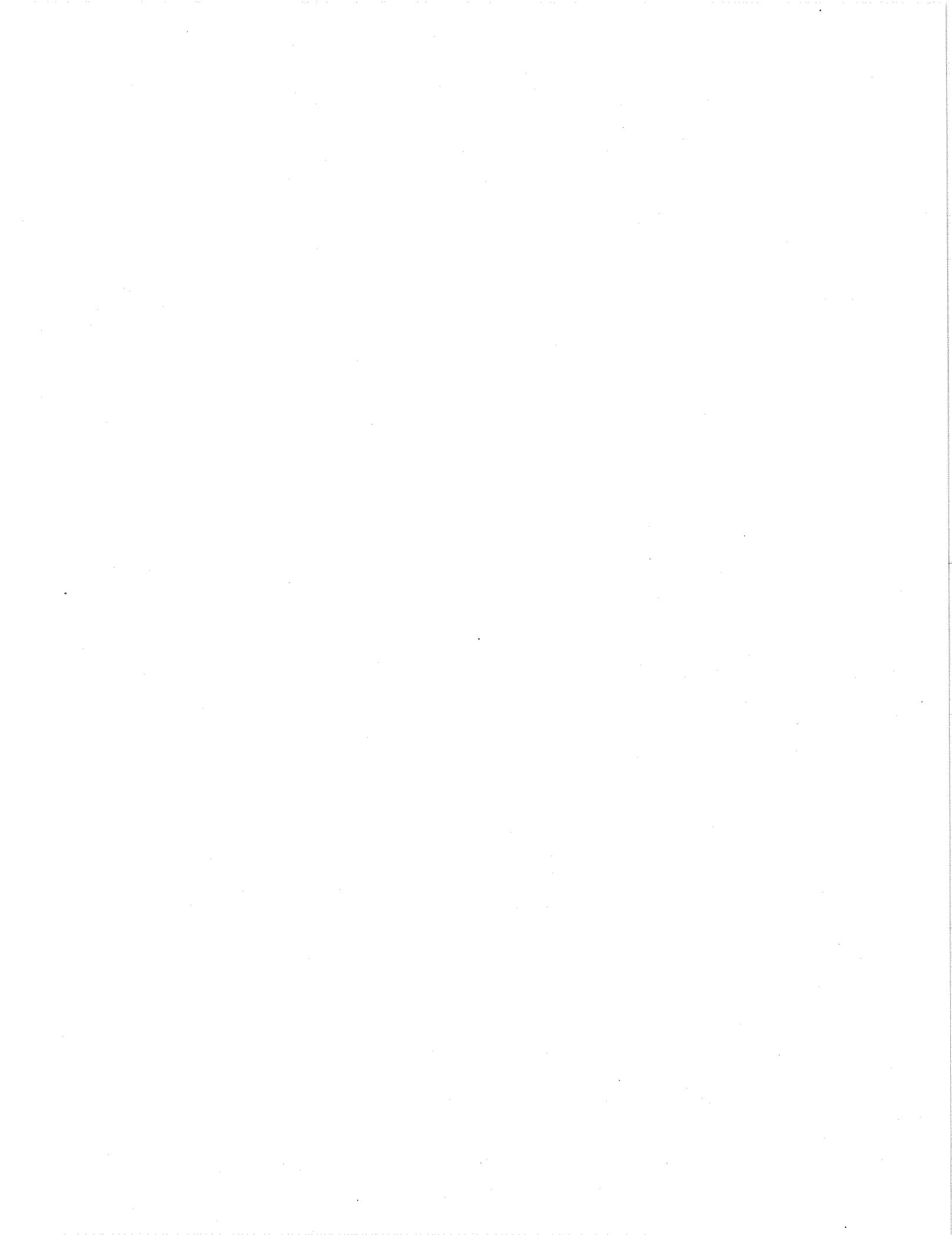
#	Department/Board	Nature of Article	Est. Appropriation	Proposed Funding Source/ Comments
1.		Choose Town Officers		
2.		Receive Reports		
3.		Set Salaries and Compensation of Officers		
4.	Personnel Board	Amend Schedule B		
5.	Finance Committee	Approve the cost items of the collective bargaining agreement between the Town and the police union	\$TBD	
6.	Finance Committee	Approve the cost items of the collective bargaining agreement between the Town and the fire union	\$TBD	
7.	Finance Committee	Approve the cost items of the collective bargaining agreement between the Town and the dispatch union	\$TBD	
8.	Finance Committee	Town Operating Budget	\$TBD	
9.	AB Regional S. C.	Lower Fields	\$TBD	
10.	BoS	Generators – Hager Well & Blanchard Memorial School	\$69,000	
11.	BoS (Fire Department)	Generator	\$60,000	
12.	BoS (DPW)	Generator	\$TBD	
13.	BoS (Town Hall)	Capital Improvements: Painting exterior	\$50,000	
14.	BoS (Police Department)	Refurbish/rebuild a 2006 marked police cruiser	\$13,500	
15.	BoS (Fire)	Install AC system in day room and office areas	\$20,000	
16.	BoS (Fire Department)	Emergency Response Vehicle (CP)	\$50,000	
17.	BoS (Public Safety Dispatch)	Emergency Medical Dispatch – Training, Quality Assurance & Related Software	\$15,000	
18.	Blanchard School	Capital Improvements:	\$TBD	
19.	Sargent Memorial Library	Capital Improvements: Paint exterior (CP)	\$20,000	

**Potential STM/ATM Articles – May 2012**

#	Department/Board	Nature of Article	Est. Appropriation	Proposed Funding Source/ Comments
20.	Planning Board	To acquire by eminent domain an easement for sidewalk purposes (Middle Road from Mass Ave to Town Hall) Need to take by eminent domain. Acquisition was approved last year, but motion was for it to be gifted...		
21.	Planning Board	Consultant to conduct build-out analysis	\$10,000	
22.	Conservation Commission	Transfer to ToB Conservation Trust Fund	\$5,000	
23.	CoA	Lease of community center from UCC	STBD	
24.	Board of Selectmen	Road acceptance – Hughes Lane		
25.	Petition Article (P.Kicelemos)	All funding articles to be approved by election (in addition to Town meeting vote)		
26.	BoS [Consent]	Close out old articles:	<STBD>	Transfer to general fund
27.	Agricultural Commission [Consent]	Reauthorize Revolving Funds: <ul style="list-style-type: none"> <li>• Community Gardens (\$2,000)</li> <li>• Electrical Inspection (\$50K)</li> <li>• Plumbing and Gas Inspection (\$15K)</li> <li>• Fire Arms Permits (\$2,000)</li> <li>• Library Fines (\$7,500)</li> <li>• Dog License Fees (\$4,000)</li> <li>• Steele Farm (\$10,000)</li> <li>• Integrated Preschool Program (\$44,000)</li> <li>• ConsComm Wetland Bylaw (\$20,000)</li> <li>• Senior Van (for expenses and revenues associated with operation of the van) (\$4,000)</li> <li>• Fire Alarm System Maintenance (\$4,100)</li> </ul>		
28.	[Consent]	Revolving Fund - GIS Assessor Map (for the payment and expenditure of fees to update the GIS Assessor Map) (\$5,000) – amend to include collection of fees from copying to be used for plotter supplies expense		
29.	[Consent]	Establish Revolving fund for field permit fees – to be used to help offset field maintenance expense		
30.	[Consent]	Personal real estate exemptions – increase in exemptions (purely housekeeping... each year need to accept Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988)		
31.	[Consent]	Chapter 90 appropriation (Reimbursable)		

Potential STM/ATM Articles – May 2012

Borrow (within 2 ½):	\$
Free Cash:	\$
Stabilization Fund:	\$
Capital Exclusions:	\$
Prop 2 ½:	\$
Debt Exclusions:	\$
Total:	\$



FOR DISCUSSION PURPOSES

**TOWN OF BOXBOROUGH**  
**Statement of Ethics of the Board of Selectmen**

1. **A member of the Board of Selectmen, in relation to his or her community should:**
  - a. Realize that his or her basic function is to make policy, with administration delegated to the Town Administrator.
  - b. Realize that in creating and enforcing town policy, the Board of Selectmen may direct the Town Administrator in setting priorities that affect policy, but that the day-to-day operations of the town are left to appropriate department heads.
  - c. Realize that he or she is one of a team and should abide by, and carry out, all Board decisions once they are made.
  - d. Be well informed concerning the duties of a Board member on both local and state levels.
  - e. Remember that he or she represents the entire community at all times.
  - f. Realize that service on the Board is service to the community and not service for personal or political benefit.
  - g. Abide by the ethics guidelines established by the State.
  
2. **A member of the Board of Selectmen, in his or her relations with the Town Administrator and other primary Department Heads, should:**
  - a. Endeavor to establish sound, clearly defined policies that will direct and support the administration of or the benefit of the staff and residents of the community.
  - b. Recognize and support the administrative chain of command and refer complaints to appropriate members of the administration.
  - c. Give the Town Administrator and primary Department Heads full responsibility for discharging his or her duties.
  - d. Refrain from instructing or requesting assistance from Town staff; instead all such activities should be handled through proper administrative channels through the full Board and the Town Administrator or primary Department Heads.
  
3. **A member of the Board of Selectmen, in his or her relations with fellow Board members, should:**
  - a. Recognize that action at official legal meetings is binding and that he or she alone cannot bind the Board outside of such meetings.
  - b. Refrain from making statements or promises regarding the outcome of matters that will come before the Board until after having a full and fair opportunity to weigh the merits of an issue during a Board meeting.
  - c. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
  - d. Make informed decisions.
  - e. Refrain from communicating the position of the Board of Selectmen to reporters or state officials without prior board approval.
  - f. Be respectful of other Board members and their opinions.
  
4. **A member of the Board of Selectmen, in his or her relations with Town staff, should:**
  - a. Treat all staff as professionals, with clear, honest communication that respects the abilities, experience, and dignity of each individual.
  - b. Limit contact to specific Town staff. Questions of Town staff and/or requests for additional background information should be directed only to the Town Administrator, or the primary Department Heads. The office of the Town Administrator should be copied on all requests or correspondence.

## FOR DISCUSSION PURPOSES

- c. Never publicly criticize an individual employee. Concerns about staff performance should only be made to the Town Administrator or appropriate primary Department Head through private conversation.
- d. Limit requests for staff support, and ensure that all requests go through the office of the Town Administrator or the Primary Department Head.
- e. Ensure that any materials or information provided to a Selectmen from a staff member be made available to all Selectmen.

# TOWN OF BOXBOROUGH

## Statement of Values of the Board of Selectmen

*All citizens will be accorded respect, courtesy, and fair due process by Town employees and members of all boards and commissions dealing with the public. Policies will be created for key government functions, based upon generally accepted practices throughout the Commonwealth.*

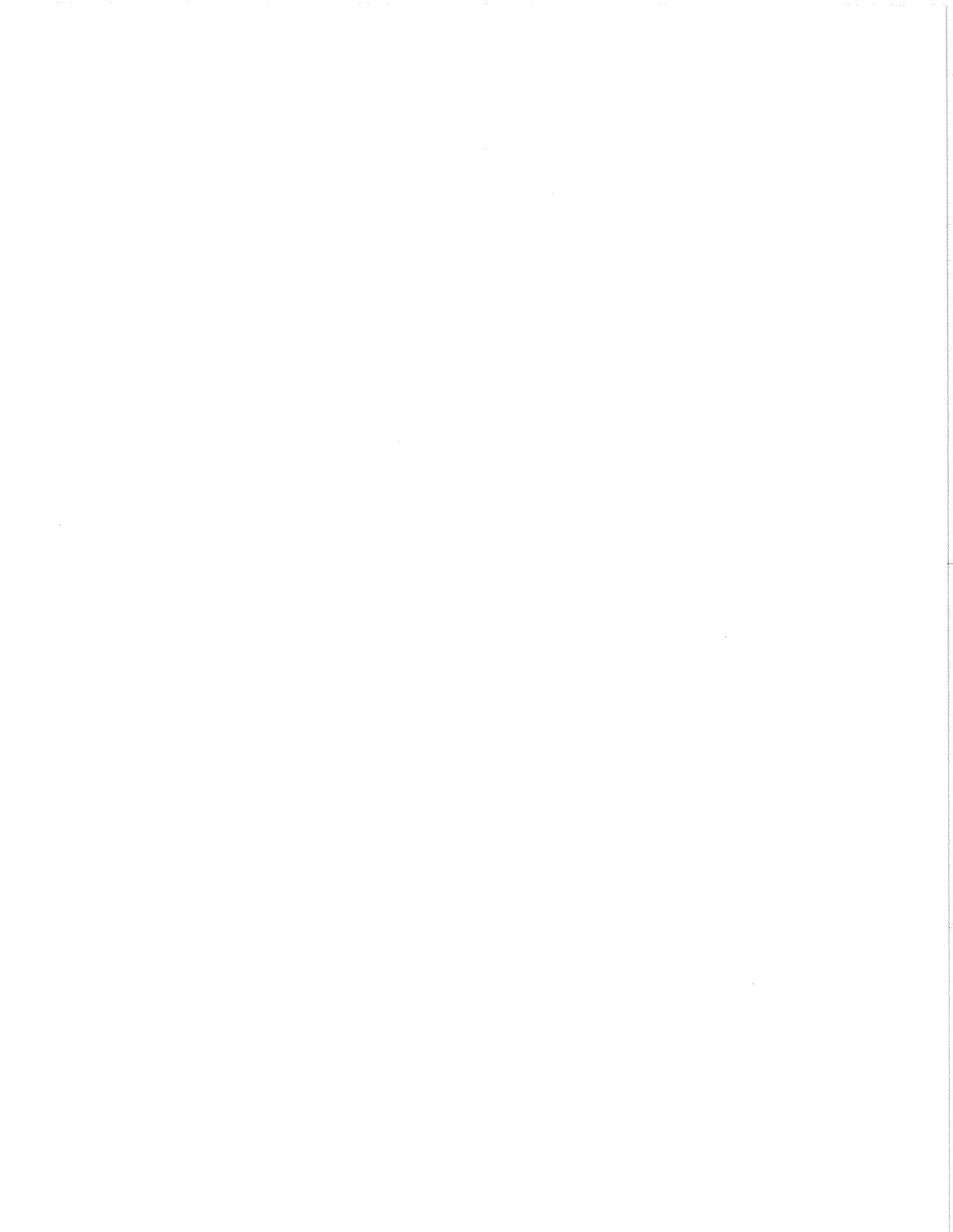
*Promote transparency in town government. Continue to provide information about town government, including related documents (e.g. minutes, bylaws, contracts), on town's website.*

*Expand the communication channels among the BoS, department heads and boards/commissions - by instituting formal quarterly meetings with department heads and meetings at least semi-annually with all boards. Liaisons should meet with department heads on a monthly basis. Expand communication channels among the selectmen, keeping all members informed.*

*Reinforce a high level of accountability flowing down from the BoS to the departments by creating overall goals for the town government and flowing specific contributing objectives and priorities to the department heads. Performance reviews will be based upon an accounting of actual performance against the agreed-upon objectives and priorities. Refine performance tool.*

*Formalize a personnel and capital resource planning activity in order to effectively prioritize potential personnel additions, infrastructure requirements, capital equipment purchases, and other large discretionary acquisitions such as land purchases in an environment of limited and possibly shrinking resources. This will require department heads, boards and commissions to carefully forecast personnel, infrastructure, capital, and real property needs and priorities. These individual forecasts will be integrated and prioritized from a town-wide perspective in order to constitute comprehensive five-year and ten-year plans that will form the basis for effective town meeting actions.*

*Establish several realistic goals and participate in regional and statewide municipal organizations working toward improvements in local revenue distributions, effective development policies, regional management of emergency services, affordable housing policies and other resource management issues. Review potential for consolidation of services within the town.*



# Code of Conduct: Can't We All Just Get Along?

January 20, 2012  
MMA Annual Meeting & Trade Show

Applying the Code of Conduct to Conflicts  
among and between Elected Officials,  
Supervisors, Employees, and the Public

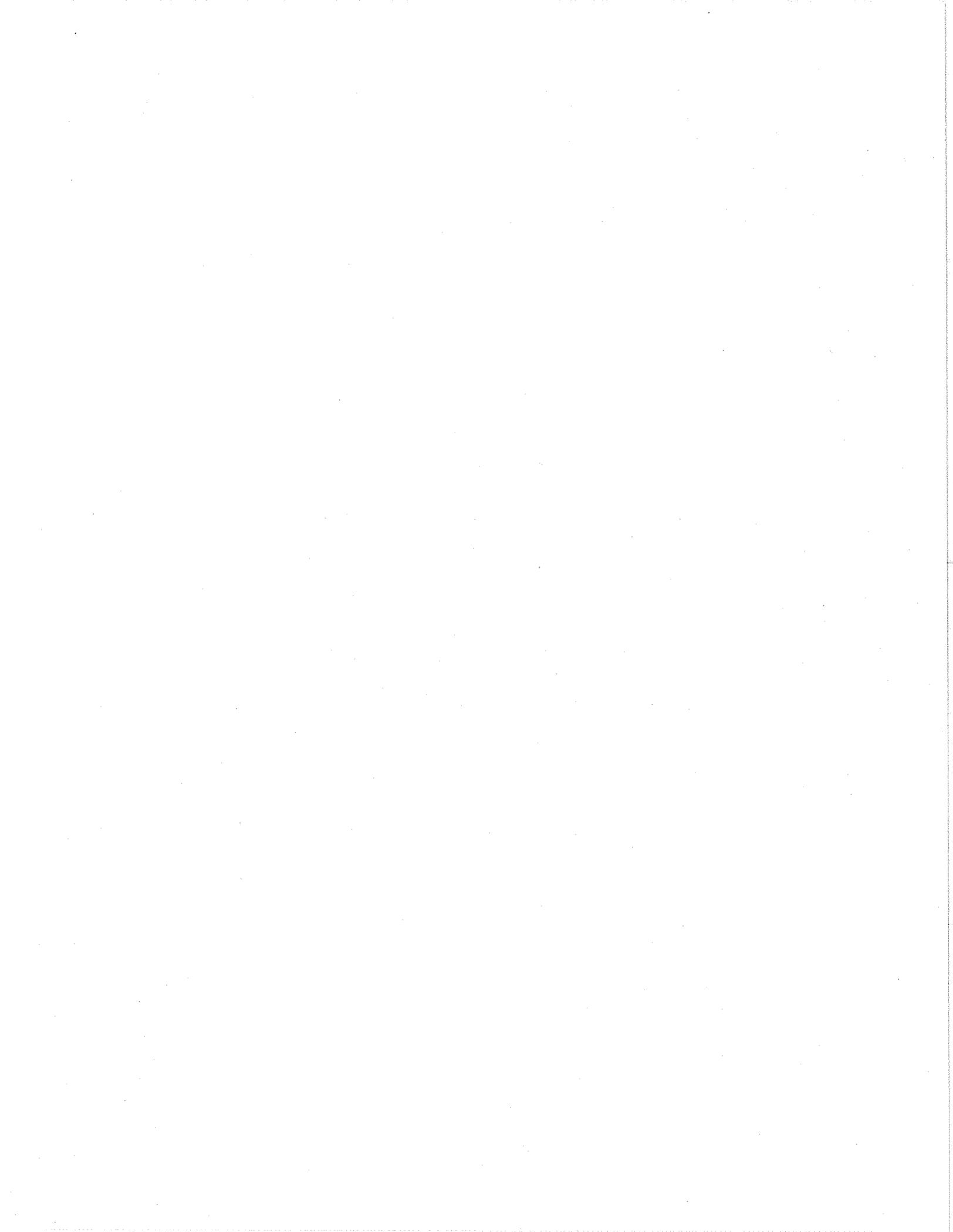
**Edward R. Mitnick, Esq.**  
*Just Training Solutions, LLC*

1380 Main Street, Suite 202  
Springfield, MA 01107

233 Needham Street, Suite 300  
Newton, MA 02464

***Justtrainingsolutions.com***

Email: [emitnick@justtrainingsolutions.com](mailto:emitnick@justtrainingsolutions.com) • Direct Phone: (413) 237-5286



## **“Can’t We Get All Just Get Along”**

Focus on:

- understanding conflict sources, including dynamics and attitudes,
- steps to resolve conflict,
- preventive measures to keep it from reoccurring,

• 1

## **Elected Officials are more than Politicians**

Elected Officials are:

- Leaders
- Department Heads
- Administrators
- Supervisors
- Managers

Elected Officials are considered supervisors under the law with respect to harassment and discrimination

• 2

## What is workplace conflict?

A sharp disagreement or opposition of interests or ideas.

What are the costs of workplace conflict?

•  
\*3

## What are the Costs of Workplace Conflict?

- increased absenteeism
- increased turnover
- increased stress
- increased costs for employee assistance programs (EAPs)
- Increased workers' compensation claims
- increased risk for accidents / incidents
- decreased productivity and motivation
- lower morale
- reduced image and customer confidence
- poorer customer service
- Increase in complaints, grievances, and lawsuits

•  
\*4

## Sources of Conflict

- Poor Communication
- Different Values
- Differing Interests
- Scarce Resources
- Personality Clashes
- Poor Performance

• 5

## 7 Steps to Avoid Conflicts

1. Gain Knowledge
2. Avoid Ignorance
3. Be an Effective Administrator and Supervisor
4. Build Positive Meaningful Relationships with Employees
5. Adopt, Implement, and Enforce a Code of conduct Policy
6. Effectively Address Performance Issues
7. Be A Real Leader

• 6

# Steps to Avoid Conflicts

## Step One: Gain Knowledge!

- What are your duties and responsibilities?
  - In many cases, an Elected Official's authority is very limited – Do not Abuse!!!!
  - Members of Boards and Committees have no independent authority or power
- Find out what is going on.
- Obtain the 3D's: data, details and documents.
- Don't make assumptions!
- Don't make comments or pronouncements without the facts to back them up!

• 7

# Steps to Avoid Conflicts

## Step Two: Avoid Ignorance!

•Nothing in the world is more dangerous than sincere ignorance and conscientious stupidity.  
**Martin Luther King, Jr.**

•There is no darkness but ignorance.  
**William Shakespeare**

•The doorstep to the temple of wisdom is a knowledge of our own ignorance.  
**Benjamin Franklin**

•Ignorance, the root and stem of all evil.  
**Plato**

•People always fear change. People feared electricity when it was invented, didn't they? People feared coal, they feared gas-powered engines... There will always be ignorance, and ignorance leads to fear.  
**Bill Gates**

•All I know is just what I read in the papers, and that's an alibi for my ignorance.  
**Will Rogers**

•Blinding ignorance does mislead us. O! Wretched mortals, open your eyes!  
**Leonardo da Vinci**

• 8

## Steps to Avoid Conflicts

### Step Three: Be an Effective Administrator and Supervisor

- Appoint, hire, and promote the best qualified people for the job. Avoid hiring friends, relatives, political supporters
- Set clear and reasonable expectations.
- Hold yourself and employees accountable.

•9

## Steps to Avoid Conflicts

### Step Four: Build Positive Meaningful Relationships with Employees

Key: Knowing what employees want!

•10

## What do Employees Want?

- Feeling In On Things
- Full Appreciation for Work Done
- Good Wages
- Good Working Conditions
- Interesting Work
- Job Security
- Promotions/Growth Opportunities
- Personal Loyalty to Workers
- Tactful Disciplining
- Sympathetic Help with Personal Problems

• 12

## What Supervisors Thought Employees Wanted Most

1. Good Wages
2. Job Security
3. Promotions/Growth Opportunities
4. Good Working Conditions
5. Interesting Work
6. Personal Loyalty to Workers
7. Tactful Disciplining
8. Full Appreciation for Work Done
9. Sympathetic Help with Personal Problems
10. Feeling In On Things

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## What Employees Actually Wanted Most

1. Interesting Work
2. Full Appreciation for Work Done
3. Feeling In On Things
4. Job Security
5. Good Wages
6. Promotions/Growth Opportunities
7. Good Working Conditions
8. Personal Loyalty to Workers
9. Tactful Disciplining
10. Sympathetic Help with Personal Problems

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• 14

## What can Elected Officials, Department Heads, and Supervisors control?

- 1. Interesting Work**
- 2. Full Appreciation for Work Done**
- 3. Feeling In On Things**

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• 15

## Steps to Avoid Conflict

Step 5: Adopt, Implement, and Enforce a Code of Conduct Policy

**Eliminate workplace conflict by implementing a policy of mutual respect**

**Prohibits conduct that would be construed as:**

- Inappropriate
- Offensive
- Rude
- Disrespectful
- Bullying
- Intimidating

•

• 16

## Steps to Avoid Conflict

Step 5: Adopt, Implement, and Enforce a Code of Conduct Policy

•Covers any inappropriate and offensive conduct that may not amount to Harassment and Discrimination

•Strictly Enforce in a Consistent Manner

•**Applicable to All Personnel: Elected Officials, Supervisors and Employees**

•**Distribute Annually to Everyone – Sign Acknowledgement Form**

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• 17

Step 5: Adopt, Implement, and Enforce a Code of Conduct Policy

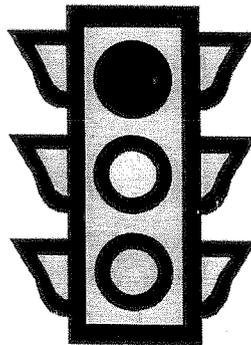
Examples of "offensive" conduct that may violate the "Code of Conduct" policy:

- Unwarranted or invalid criticism
- Gossiping or spreading rumors
- Blaming without factual justification
- Treating an employee differently than the rest of the work group
- Use of profanity
- Exclusion or social isolation
- Shouting or humiliating
- Playing practical jokes or making the employee the butt of jokes
- Off-premises conduct
- No feedback on work performance
- Ostracizing
- Excessive monitoring

• 18

**Effectively Implementing and Enforcing a Code of Conduct Policy:**

**First: Use the TRAFFIC LIGHT!**



• 19

## Effectively Implementing and Enforcing a Code of Conduct Policy:

### Second: Apply the "Reasonable Person Perspective!"

- The Intentions of the Alleged Wrongdoer do not Count!
- Look at from the perspective of the message receiver!

• 20

## Steps to Avoid Conflict

### Step 6: Effectively Address Performance Issues

#### **Positive/Effective**

- **Collaboration:** working together to find a mutually beneficial solution.
- **Compromise:** finding a middle ground.

#### **Negative/Harmful**

- Avoidance
- Competing
- Accommodating: Surrendering our own needs and wishes to please the other person.

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## Steps to Avoid Conflict

### Step 6 Effectively Address Performance Issues

If Conflict related to an **Employee's Performance**, use SMART Guidelines:

**S**pecific, clear, and observable facts regarding the employee's failure to meet job standards should be discussed and documented.

**M**utual goals should be developed and agreed to by the manager and the employee to address performance deficiencies and to help the employee meet and/or exceed job expectations.

**A**ctions that will need to be taken if the employee continues to fail to meet job expectations should be established.

**R**evue and discuss any concerns and suggestions made by the employee regarding the ability and resources needed to improve performance and meet job expectations.

**T**ime frames should be established for improved performance and status checks.

## Steps to Avoid Conflict

### Step 7: Be A Real Leader

**Walk the Walk!**

**Talk the Talk!**

**Lead by Example!**

# Edward R. Mitnick, Esq.

*Just Training Solutions, LLC*

1380 Main Street, Suite 202  
Springfield, MA 01007

233 Needham Street, Suite 300  
Newton, MA 02464

*Justtrainingsolutions.com*

Email: [emitnick@justtrainingsolutions.com](mailto:emitnick@justtrainingsolutions.com) • Direct Phone: (413) 237-5286

# CREATING A CIVIL



# DIALOGUE:

## WITH EMPLOYEES, DEPARTMENTS AND THE PUBLIC

By JANE DE COLGYLL



Y

ou are a town manager, and over the last two years you have worked with your board of selectmen as well as town departments, committees and commissions to come up with recommendations to save money in the municipal budget. You used an exhaustive and fair process to decide where appropriate cuts should be made. As a result, your town's finance department has been scaled back from five employees to three.

While the affected employees were all part of the process, it comes as no surprise that the surviving employees are having some difficulty. Overwhelmed by the amount of work that now must be done by fewer people, the remaining employees are exhibiting symptoms of disengagement and anxiety. You find them complaining about how much work they have to do, gossiping, and comparing their situations with other departments that have remained fully staffed. You notice more absenteeism, abuse of sick leave, and low morale. Their negativity is spilling over to their interactions with other departments and the public, as evidenced by curt answers to questions posed by other staff and less-than-stellar customer service. More formal complaints are filed over issues that years ago would have been settled directly between the conflicted parties.

Other departments continue to make demands on the finance department, but the other employees feel unwelcome in the negative environment and seek answers to their questions through other means in order to avoid contact with the finance employees. There is a risk of all town departments developing a "silo" mentality, thereby weakening communication among departments. It has become hard for all teams to see and understand the bigger picture.

Residents, meanwhile, find that it takes longer for the finance department to do its job, and they have witnessed poor customer service or uncivil behavior. As we know, it only takes one bad experience in town hall for negative public opinion to be formed and generalized to all departments.

As a town leader, what can be done to turn this situation around? There is a tendency to want to throw up your hands, say, "It is what it is!" and go on with the important work of managing the budget process, putting aside the frustrating human drama around you. To do so, however, is to neglect an important leadership opportunity. You have the ability to set the tone of civility for your entire organizational structure. You can help employees move through their disengagement and anxiety to engagement and civility. You can encourage departments to create collaborative relationships with other departments, boards, committees and commissions, and help your residents appreciate the excellent work your town employees are doing for the community.

Local officials have the ability to set the tone for community discourse by effectively communicating up, down and across—up to residents, down to each employee, and across to departments, boards, committees and commissions.

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*Jane de Colgyll is an employee assistance program consultant with AllOne Health EAP ([www.allonehealth.com](http://www.allonehealth.com)), which works with more than 270 municipalities in Massachusetts.*



### Communicating Down

Let's look at that theoretical finance department employee: disengaged, anxious, worried about losing his or her job, fretting about the amount of work he or she has to do, poorly motivated, and complaining about others. No community can afford to have unhappy, unproductive workers. So what can be done to turn this situation around? As a community leader, you have an opportunity, through communication, to create an atmosphere where employees feel important and motivated.

The following are some strategies you may use to keep employees engaged, reassured and productive:

- No matter what your position within the organization, get to know every employee by name and talents. They will feel valued and connected.
- Make sure you keep the "big picture" in view for all employees, establishing board, town hall, departmental and employee objectives that support the larger goals of the town.
- Honestly explain how the decisions in city or town hall affect every employee's work and life.
- Maintain regular all-staff meetings and departmental huddles.
- Share information, and repeat it when necessary. When they are feeling overwhelmed, it's hard for employees to take in information; repeating the message is vital for understanding.
- Be sure to clear up misinformation quickly.
- Invite a collaborative process with employees that values input from all.
- Promote an "open door" policy and be there to listen. Some town leaders have identified certain hours during which they will be fully available for one-on-one discussions.
- Publicly recognize individual employee contributions to the work of the city or town. This may be done in a public meeting, a news article in the local paper, or in your remarks on cable TV.
- Encourage a culture of creativity from bottom to top. Seek ideas from employees on projects you have in mind. Make sure all stakeholders have the opportunity to share their knowledge and expertise before final decisions are made.
- Build morale with employee-driven, low-cost or no-cost fun activities. While these creative opportunities for social interaction may appear to be time-consuming fluff, they can actually be productive in fostering a feeling of well-being and trust among employees that is hard to measure in dollars and cents.
- Promote employee career development by encouraging cross-training among under-resourced departments.
- Model fairness and equity in your words and deeds.



### Communicating Across

Collectively, city and town departments need to know what is happening on all levels of local government. The open sharing of information helps to build a sense of connectedness throughout the organization, which promotes collaboration among departments and creative problem-solving.

The following are some ideas that may help to keep information moving across departments, boards, committees and commissions:

- Make it a priority to meet monthly with department heads, no matter how disparate their locations, in order to keep everyone "in the loop." Hold these meetings in various department settings and provide food to encourage attendance.
- Offer a clear agenda, allowing time in each meeting for discussing the future.
- Share examples of challenges that departments have overcome.
- Applaud individual department and intradepartmental successes.
- Expect conflict, but move quickly to find common ground and resolution when conflict occurs.
- Demonstrate your willingness to be open to ideas from all department heads.
- Offer incentives to departments for finding creative, low-cost or no-cost ways to work together.
- Create intradepartmental electronic tools for clear communication on a weekly basis.
- Visit each department for a few hours at least twice per year, working side-by-side with employees to learn what they do.
- Plan an annual department-head retreat to focus on the best ways to build teamwork and collaborate effectively across departments.

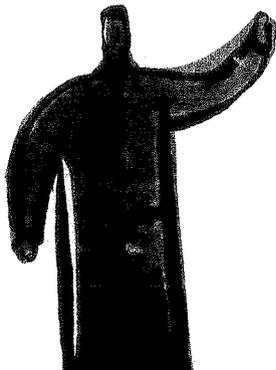


## Communicating Up

In his article "Community Building: How to Do It, Why It Matters," published by ICMA Press, Ed Everett points out that people need to feel that they belong to something bigger than themselves. This is not a new concept, but Everett shines a spotlight on ideas that help to move us toward civility and the civilizing force of true community. He discusses the evolution of local government and public involvement, pointing out that town halls in early history were viewed as the center of the community. At that time, citizens were active in their own governance. Since about 1970, however, citizens have been more likely to treat town hall like a vending machine, Everett says, expecting services for their tax dollars just as we expect a product when we put money in a vending machine. What do we do when the vending machine is out of candy? We shake it, and maybe kick it! How can we change this view back to that of vitally interested citizenry engaged in the life of their community, proud of its city or town hall, invested in making their hometown a safe and fun place to live?

The following are a number of strategies for addressing this issue and improving the city or town's image in the eyes of the public. (Many of these ideas were offered by local officials during the workshop "Best Practices for Top Recurring Municipal Problems," which AllOne Health presented during the MMA's Annual Meeting in January.)

- Make sure the public is not only informed about the positive contributions of municipal employees to the operations of the city or town, but also that their opinions are heard and respectfully considered.
- Make the city or town website accessible and interactive 24/7 for local residents to communicate with municipal offices, voice concerns, learn what each department is doing, find forms, etc.
- Collect email addresses of residents and use them periodically to send important news items touting municipal successes and challenges.
- Institute an "open door" policy for residents, with specific times that department heads will be available.
- Make sure every department responds directly and quickly to resident complaints.
- Conduct sit-down interviews highlighting a variety of municipal employees on a regular basis for viewing on cable and/or print follow-up articles in the local paper.
- Create and promote special events unique to your city or town (e.g., a farmers market or holiday parade).
- Erect a highly visible electronic community bulletin board, near the city or town entrance or on main intersections, reminding residents and the visiting public of important local events.
- Share some aspect of local history at key municipal meetings, publish historic notes in the local newspaper, or set aside a special section of the city or town website for historic notes.
- Include local history in the grade-school curriculum.
- Plan an open house where department heads describe what each department is doing.
- Promote good-natured competitive community involvement in a "cleanup day."
- Confer annual volunteer awards for community service/civic involvement.
- Hold a student artwork contest on the theme "What I like best about my city or town," and use the winning submissions to produce a city or town calendar.
- Plan a historic house and garden tour in your city or town.



## Meeting Human Needs

In the last few years, AllOne Health has worked with municipal leaders on the human challenges they face as they trim local budgets and attempt to meet the growing expectations and challenges from residents, governing bodies and employees. The list of top recurring problems cited by municipal leaders is daunting, but on closer inspection, some human themes emerge.

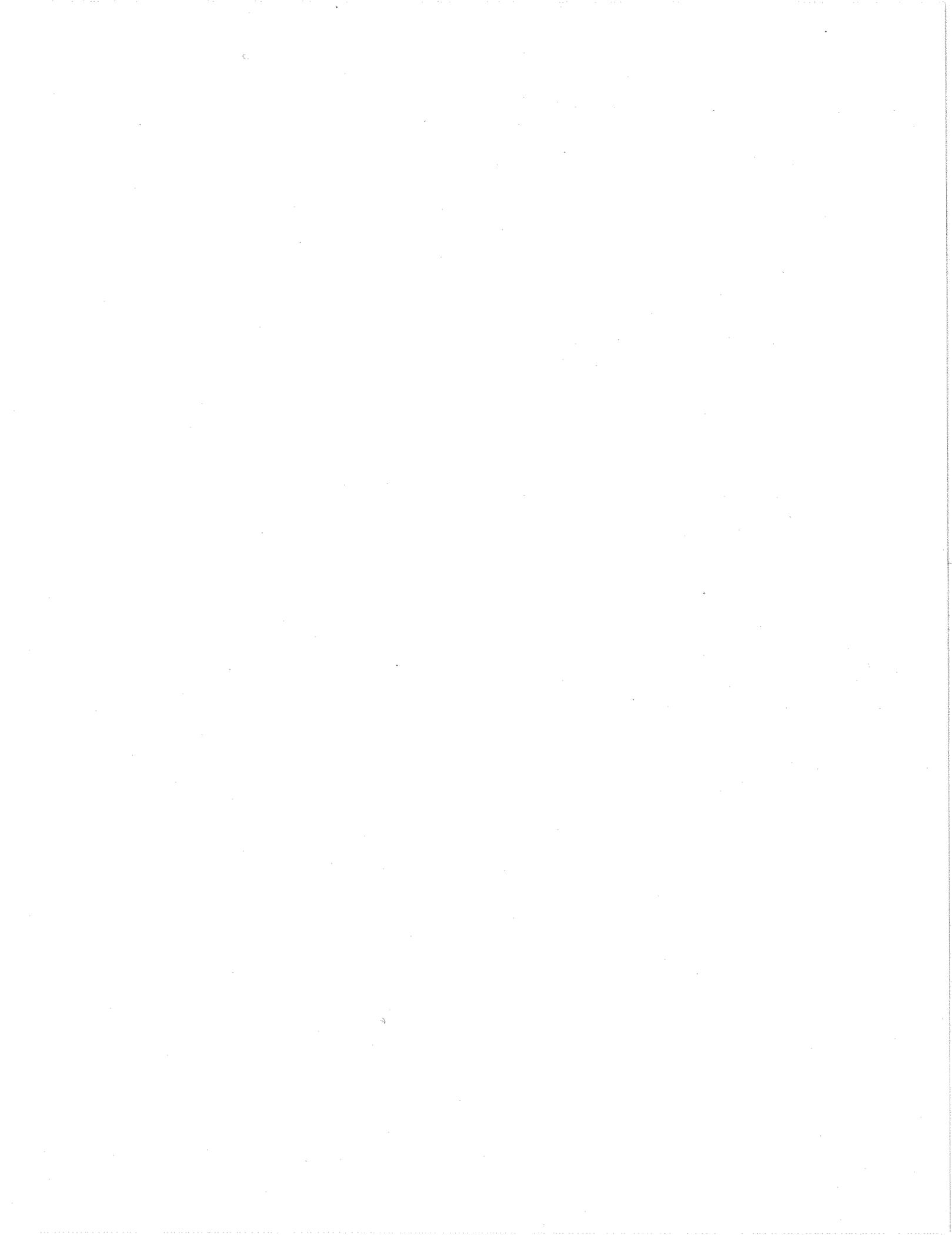
Municipal officials can take the lead to model the voice of reason and civility at every level of human interaction—with employees, in departments and with the public—by effectively communicating up, down and across. Once the basic human need to feel valued has been met, employees, departments and the public can become increasingly civil and engaged in the work of the city or town. ❁

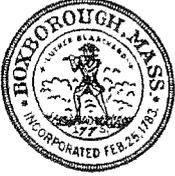


**Internal Communications and Outgoing Communications**  
**February 6, 2012**

1. January 2012 Monthly Construction Activity Report from the Building Department, dated January 31, 2012.\*
2. Letter from MIIA Operations Manager, John Kelly, dated January 27, 2012, advising members that their Board has declared \$500,000 in dividends at their annual meeting. Also advising that MIIA is continuing in its distribution of Participation Credits for FY 13 and that additional credits will be distributed in FY 12. [Boxborough's dividend voucher of \$121 accompanied letter.]
3. Memorandum from MAPC Executive Dir., Marc Draisen, dated January 23, 2011 (*received on 1/25/2012*) to the MAPC Council Representatives & Other Local Officials regarding Professional Technical & Planning Assistance to MAPC Municipalities.\*
4. Letter and accompanying materials from the MBTA Advisory Board's Executive Director, Paul Regan, dated January 18, 2012, to Advisory Board Members providing information to members on the MBTA's proposed fare increases and service cuts.
5. Correspondence from Comcast's Senior Manager of Government & Community Relations, Timothy Kelly, dated January 10, 2012, to the Board of Selectmen:
  - a. Coverletter accompanying their 4<sup>th</sup> Quarter Report and access fee payment check of \$ 328.85.
  - b. Coverletter regarding their obligation pursuant to Section 6.4(c) of their renewal license and the accompanying prepayment check in the amount of \$30,000.

\* Indicates that the item is included in the agenda packet as well as in the general notebook.





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**BOXBOROUGH BUILDING DEPARTMENT**

29 Middle Road, Boxborough, Massachusetts 01719

Phone: (978) 263-1116 • Fax: (978) 264-3127

www.town.boxborough.ma.us

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To: Board of Selectmen ✓  
Town Planner  
Town Assessor  
Town Clerk  
Finance Committee  
School Committee

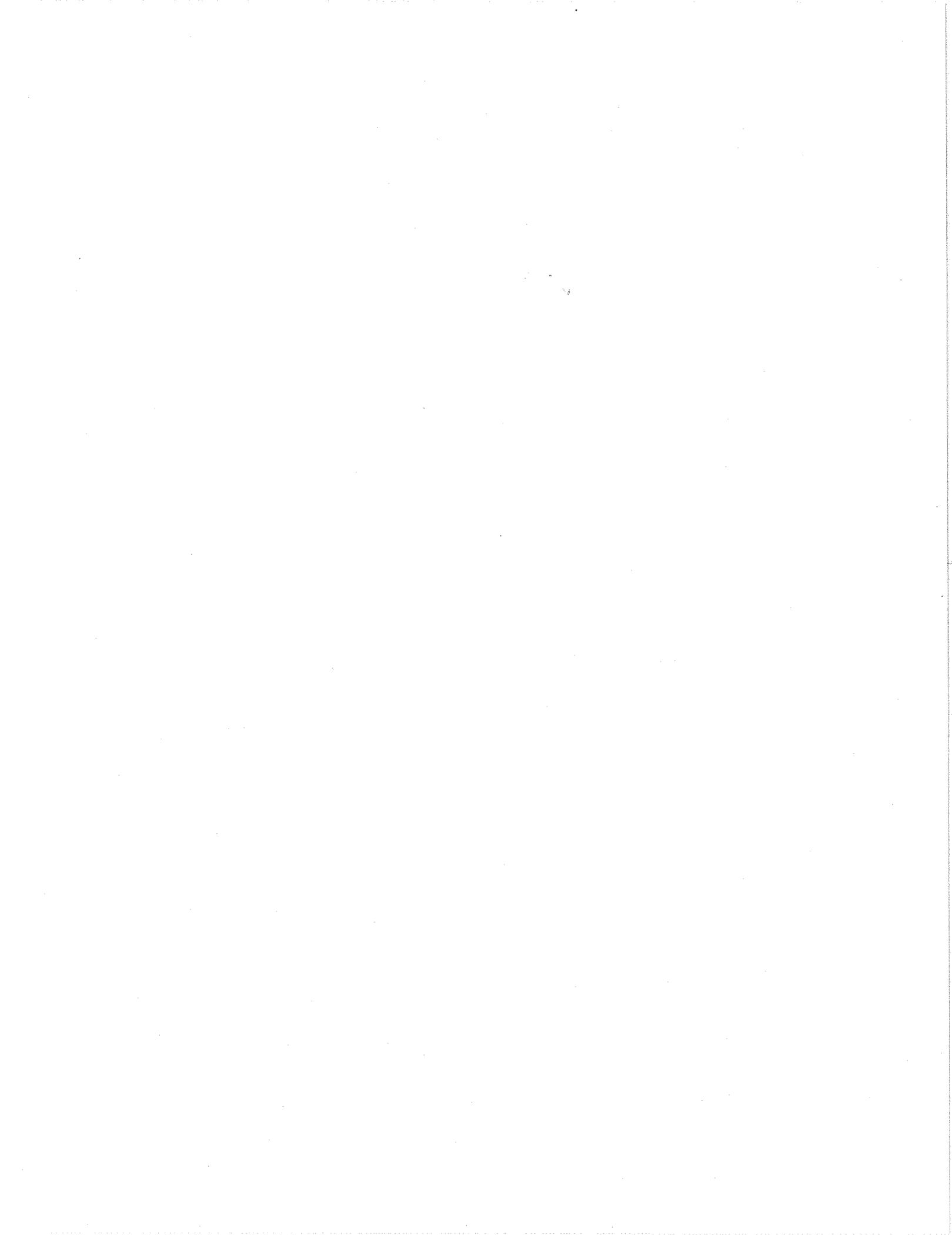
From: Building Department

Date: January 31, 2012

RE: Building Department Monthly Construction Activity Report

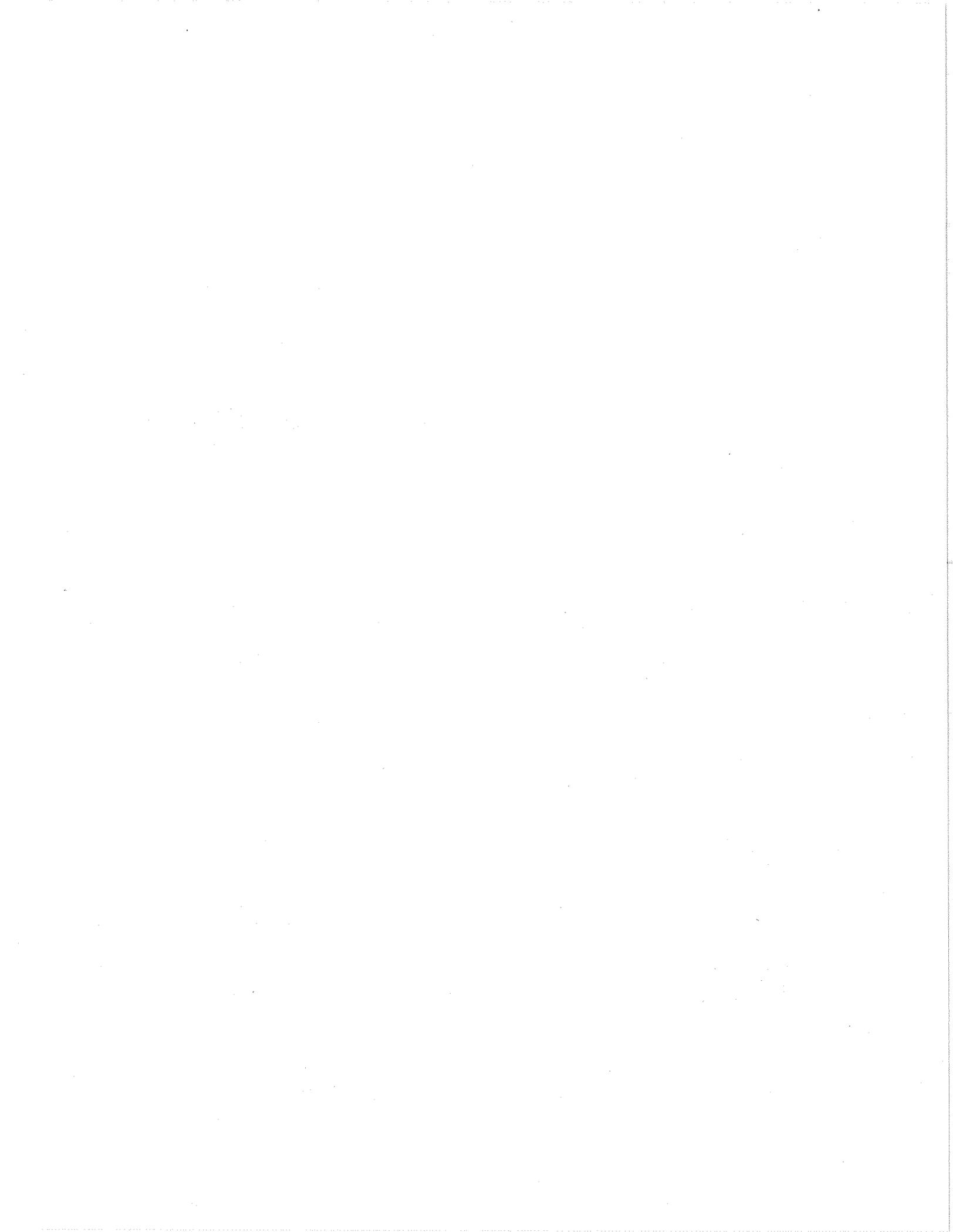
The Building Department has released the January 2012 Construction Activity Report. A copy is attached.

ma



# Building Department Monthly Construction Activity CY 2012

	January	February	March	April	May	June	July	August	Sept.	October	November	December	Y-T-D Total
<b>Residential:</b>													
Single Family - new													0
Additions/Alterations	8												8
Repairs													0
Foundation Only													0
Pool													0
Accessory Apartment													0
<b>Business:</b>													
New													0
Additions/Alterations	3												3
<b>Other:</b>													
Construct. trailers													0
Tents													0
Cell Tower / Antenna	1												1
Demolition													0
Foundation Only	1												1
Mechanical /Sheet Met	1												1
Woodstove	2												2
Signs													0
Shed/Barn													0
Change of Use													0
<b>Totals:</b>													
Number of Permits	16	0	0	0	0	0	0	0	0	0	0	0	16
Construction Cost	1,508,792												1,508,792
<b>Total Fees</b>	9,640												9,640
<b>Fines Collected</b>													0



# Permit Listing Report

by District

Date Range: Issued between 01/01/2012 And 01/31/2012

Printed On: Tue Jan 31, 2012

SQL Statement: ([Type of Permit]="Building")

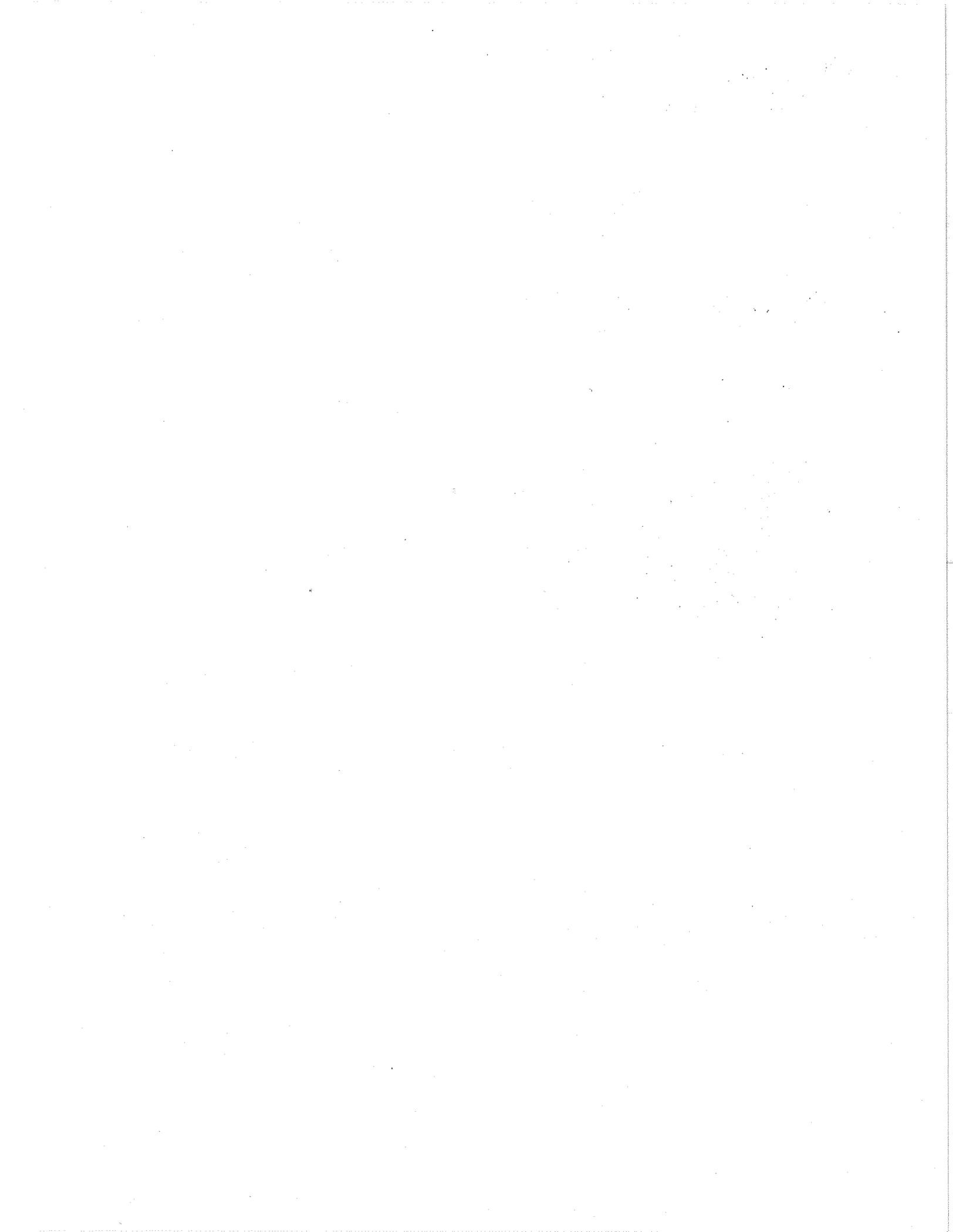
District	Address (Work Location)	District	Zoning	Owner	Permit No	Permit Status	Date Issued	Contractor (Phone #)	Work Category	Work Description	Est. Cost	Proposed Use And Detail	Fees Paid	Check #
	629 MASS AV			MICOZZI NINO, TR BOX REALTY TRUST					COMMERCIAL - ALIATION OR FT-UP		\$700,000.00			
Building	BP-2012-0091		OPEN				Jan-03-2012	MICOZZI NINO, TR BOX REALTY TRUST		Commerical Dentist Build Out	\$700.00			23451
	228 LIBERTY SQ RD			QIBao					Insulation		\$1,500.00			
Building	BP-2012-0092		OPEN				Jan-03-2012	Home Depot		Attic Insulation	\$50.00			36502
	989 HILL RD			SINGER, ISADORE M & ROSEMARIE K							\$7,000.00			
Building	BP-2012-0093		OPEN				Jan-03-2012	SINGER, ISADORE M & ROSEMARIE K		Strip and Roof Garage	\$70.00			368
	115 COBLEIGH RD			BREUER, DANIEL D & BREUER, KATHI S					Bathroom Remodel		\$17,000.00			
Building	BP-2012-0094		OPEN				Jan-09-2012	Jeff Brown (978) 635-1611		Bathroom Remodel, New Front and New Basements Windows	\$170.00			12867
	1155 BURROUGHS RD (1151 BURROUGHS RD)			Zisham Wei					Woodstove		\$0.00			
Building	BP-2012-0095		SIGNED OFF				Jan-11-2012	Zisham Wei		Pellet Stove	\$50.00			325
	59 CEDARWOOD RD			HAYES, MICHAEL L TEETS, PATRICIA A ROOF							\$30,134.00			
Building	BP-2012-0096		OPEN				Jan-12-2012	Paul Trischitta		Strip and Re-roof	\$310.00			1620



# Permit Listing Report

by District

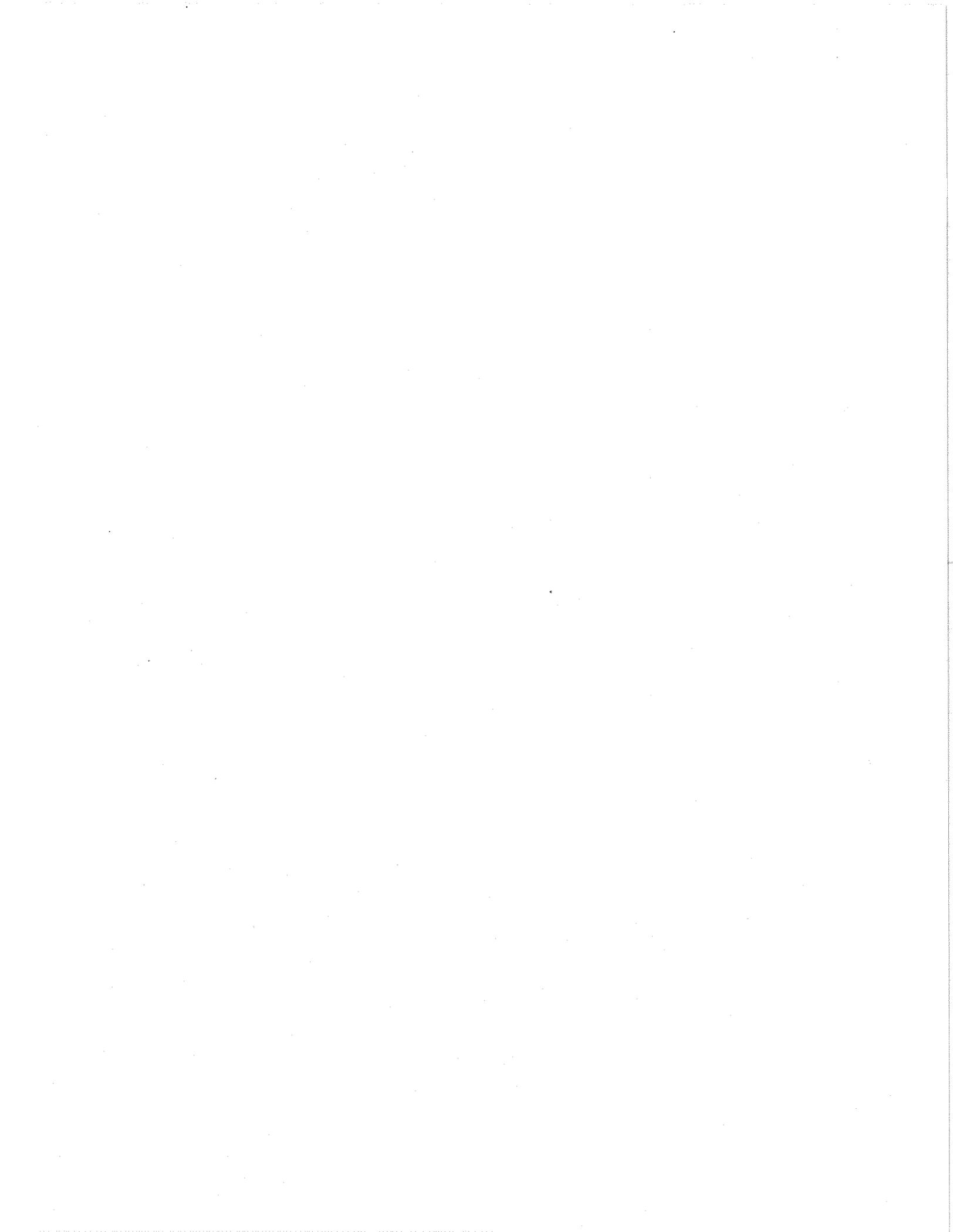
District	Address (Work Location)	District	Zoning	Owner	Date Issued	Contractor (Phone #)	Work Category	Work Description	Est. Cost	Proposed Use	Fees Paid	Check #
Permit Type	Permit No	Online Permit No	Permit Status				(Phone #)					
<b>103 BLANCHARD RD</b>												
Building	BP-2012-0097		OPEN	A/R ZHAO, QIANGLIN	Jan-12-2012	Robert Green (617) 799-8545	ROOF	Strip and Reroof	\$0.00		\$92.00	5029
<b>151 REED FARM RD</b>												
Building	BP-2012-0098		OPEN	KEMBEL, DAVID A & KEMBEL, KIM BARKH	Jan-12-2012	Robert Green (617) 799-8545	ROOF	Strip and Re-Roof	\$11,800.00		\$0.00	5029
<b>863 DEPOT RD</b>												
Building	BP-2012-0099		OPEN	MCCARTHY, JEROME F & RITA E	Jan-12-2012	Renewal By Andersen	Windows	Windows	\$5,106.00		\$60.00	25046
<b>594 BURROUGHS RD</b>												
Building	BP-2012-0100		OPEN	A/R GRAPE, JOHAN A & SEYMOUR, ANN C	Jan-12-2012	Barry John Chimney Sweeps	Woodstove	Fireplace Insert	\$3,205.00		\$50.00	cash
<b>649 MASS AV</b>												
Building	BP-2012-0101		OPEN	BYKHOVSKY, DMITRI, IR	Jan-12-2012	Neal Kidney (508) 360-4062	FOUNDATION ONLY	Foundation Only - Commerical Auto Show Room	\$420,000.00			
<b>99 MEADOW LN</b>												
Building	BP-2012-0102		OPEN	MARKOWITZ, STUART & CINDY JACO BSON	Jan-17-2012	Curtis Martin (978) 342-1344	Bathroom Remodel	Remodel Bath	\$17,500.00		\$175.00	4477
<b>90 CENTRAL ST</b>												
Building	BP-2012-0103		OPEN	WELLS OPERATING PRITNSHIP	Jan-17-2012	William Course (978) 689-0224	Sheet Metal	Sheet Metal Permit-FHVAC	\$127,207.00		\$1,270.00	5608



# Permit Listing Report

by District

District	Permit Type	Address (Work Location)	District	Online Permit No	Zoning	Owner	Date Issued	Contractor (Phone #)	Work Category	Work Description	Est. Cost	Proposed Use	And Detail	Fees Paid	Check #
		85 SWANSON RD				A-B PROPERTIES LLC C/O WINSTANLEY ENTERPRISES				cell tower antenna	\$150,000.00				
Building		BP-2012-0104			OPEN		Jan-23-2012	C. Davis Associates (617) 645-1655		Add additional equipment cabinets and add RRV's ans swap 6 antennas	\$150.00			\$150.00	8375
<hr/>															
		260 LITTLETON COUNTY RD				HARVARD SPORTSMENS CLUB, INC			COMMERCIAL - ALTERATION OR FIT-UP		\$5,840.00				
Building		BP-2012-0105			OPEN		Jan-26-2012	Gerard Caruso (978) 486-4173		Roof above entry doors	\$60.00			\$60.00	1119
<hr/>															
		LIBERTY SQ RD				COUTTS, LORNA M			COMMERCIAL - ALTERATION OR FIT-UP		\$12,500.00				
Building		BP-2012-0106			OPEN		Jan-30-2012	Rick Utsch (978) 486-0761		1220 Liberty Square Unit B Interior tenant fit-up and dust collection system					
<hr/>															
											District ( ) TOTALS:	ESTIMATED COST:	\$1,508,792.00	NUMBER OF PERMITS:	16
												FEE INVOICED:	\$9,640.00	FEE PAID:	\$3,325.00
													BALANCE:	\$6,315.00	
<hr/>															
											GRAND TOTALS:	ESTIMATED COST:	\$1,508,792.00	NUMBER OF PERMITS:	16
												FEE INVOICED:	\$9,640.00	FEE PAID:	\$3,325.00
													BALANCE:	\$6,315.00	



92 (3)

1815\*  
L. Hughes  
E. Hughes

Smart Growth & Regional Collaboration



received  
1-25-2012

**MEMORANDUM**

**To:** MAPC Council Representatives and Other Local Officials  
**From:** Marc D. Draisen, Executive Director  
**Subject:** Professional Technical and Planning Assistance to MAPC Municipalities  
**Date:** January 23, 2011

We are pleased to announce that the Governor and Legislature have renewed their commitment to fund the District Local Technical Assistance (DLTA) Program. Established by Chapter 205 of the Acts of 2006, DLTA enables Regional Planning Agency (RPA) staff to provide technical assistance to communities for "any subject within regional planning expertise." Although there is no deadline for submittal of proposals, I will begin to allocate funds to projects based upon submittals received by the end of Friday, February 17, 2012. Note that since each year there are more requests than there is funding, I encourage you to submit your proposals as early as possible.

Over the past several years, MAPC has assisted dozens of communities to undertake local and inter-municipal plans, re-write local zoning, or enter into inter-municipal agreements to save money and/or to improve service delivery. This is a great opportunity for your community and MAPC to collaborate on projects that meet local needs while advancing regional and state goals regarding smart growth and regional collaboration.

**FUNDING CATEGORIES**

Eligible projects fall into two major funding categories— 1) Sustainable Development and Preservation and 2) Regional Collaboration in Service Delivery or Procurement. These categories are further described in the attached "Frequently Asked Questions about DLTA" sheet.

**SUBMISSION REQUIREMENTS**

Please submit a two-page maximum concept scope that satisfies the following requirements:

- Provides a succinct project overview, describes the project status, location, and any previous or related efforts accomplished to date (e.g., plans, reports or studies that have been completed by local staff or consultants).
- Describes the need for the project and the local, regional and state goals that the project will advance. Please refer specifically to the MetroFuture goals ([www.metrofuture.org/content/metrofuture-scenario](http://www.metrofuture.org/content/metrofuture-scenario)).
- Identifies the expected products of the project (e.g., proposed or adopted bylaw or ordinance, regional agreement, permitting procedures, collective purchasing agreement).
- Proposes or estimates the project timeline and associated project milestones, if applicable (e.g., must be completed in time for close of fall town meeting warrant in August).

60 Temple Place, Boston, MA 02111 • 617-451-2770 • Fax 617-482-7185 • [www.mapc.org](http://www.mapc.org)

Michelle Ciccolo, *President* • Lynn Duncan, *Vice President* • Marilyn Contreas, *Secretary* • Taber Keally, *Treasurer* • Marc Draisen, *Executive Director*

- Describes the community's commitment to the project. The application should indicate the support of the mayor, city manager or town administrator to request the grant.
- Defines the community's expected contribution to the project (e.g., XX hours of municipal planner staff time or planning board volunteer time to assist in analysis).
- Identifies the lead contact for the application.

MAPC staff will review the concept and work with applicants to determine the level of effort the project would require and the appropriate allocation of DLTA funds. The final agreement between the community and MAPC will be signed by MAPC's Executive Director and the Town Administrator/City Manager/Mayor.

*All proposals should be sent to Mark Racicot, MAPC Manager, Land Use Division, at [mracicot@mapc.org](mailto:mracicot@mapc.org).*

#### **FUNDING TIMELINE**

MAPC will begin projects as soon as funds arrive early in calendar 2012. MAPC will allocate most DLTA funds by early March, 2012. Projects must be completed by December 31, 2012. We will probably hold a small amount of funds aside for allocation to urgent needs later in the year.

#### **PROGRAM CONTACTS**

For further information on this program, previously funded projects, or to discuss a project concept, please contact:

Mark Racicot (land use projects): 617-451-2770 ext. 2063, [mracicot@mapc.org](mailto:mracicot@mapc.org).

Steve Daly (municipal services projects): 617-451-2770 ext. 2047, [sdaly@mapc.org](mailto:sdaly@mapc.org).

**Frequently Asked Questions about the 2012 District Local Technical Assistance Program**  
**Prepared by Metropolitan Area Planning Council, January 2012**

**Q. What types of projects are eligible for DLTA funds?**

**A.** Eligible projects fall into in two major funding categories— 1) Sustainable Development and Preservation and 2) Regional Collaboration in Service Delivery or Procurement.

**Q. What is meant by Sustainable Development and Preservation projects?**

**A.** This funding category provides assistance for local land use projects that are consistent with *MetroFuture*, MAPC's regional plan ([www.metrofuture.org](http://www.metrofuture.org)), and the Commonwealth's Sustainable Development Principles ([http://www.mass.gov/envir/smart\\_growth\\_toolkit/pdf/patrick-principles.pdf](http://www.mass.gov/envir/smart_growth_toolkit/pdf/patrick-principles.pdf)). It supports two major eligible activity types:

1. Identification, assessment and mapping of Priority Development Areas (PDAs) and Priority Preservation Areas (PPAs) at local and regional levels. Such efforts usually consist of a group of abutting communities working together, with technical support from MAPC, to assess and identify the areas in which they want to promote future industrial, commercial, residential, or mixed-use development (PDAs), as well as the areas that they want to preserve as open space (PPAs). After this local discussion, MAPC usually performs an analysis to determine which sites promote regional and state objectives and are therefore of regional significance. Examples of this activity type include:
  - a. The 495/MetroWest Development Compact ([www.495partnership.org/compact](http://www.495partnership.org/compact)).
  - b. South Coast Rail Economic Development and Land Use Corridor Plan ([www.southcoastrail.com/CorridorPlan.html](http://www.southcoastrail.com/CorridorPlan.html)).
  - c. The North Shore Strategic Planning Grant project
  
2. Implementation of zoning and permitting changes that create prompt and predictable permitting for housing and/or commercial development in areas consistent with *MetroFuture* or designated by a Regional Strategic Planning project as designated in 1.a – c above. Such projects may include, as examples, the following:
  - Open space residential design (OSRD) bylaws.
  - 40R (Smart Growth Housing) or 43D (Expedited Permitting) districts.
  - Other zoning or permitting procedures to enable prompt and predictable industrial, commercial, and/or housing development consistent with *MetroFuture* growth patterns.
  - Zoning bylaws or ordinances for mixed-use, higher-density development or redevelopment in an urban neighborhood, a town center, or a village that provide for diverse housing types and/or commercial uses. This could include transit-oriented development.
  - Design guidelines, design review bylaws or ordinances, or similar regulations for industrial, commercial or higher-density housing development in urban neighborhoods and town or village centers.
  - Revised parking regulations or other regulations relating to transportation and mobility (e.g., bicycle, pedestrian) that would support the growth or preservation of commercial and/or residential developments.
  - Transfer of Development Rights (TDR) bylaws with sending and receiving districts that direct development to locations that are consistent with *MetroFuture*.
  - Housing Production Plans as defined by the Department of Housing and Community Development.

**Q. What activities are eligible under the category of Regional Collaboration in Service Delivery or Procurement?**

A. This category provides funding for municipalities to work together to achieve savings and/or to improve the quality of service delivery. Examples of this type of activity include:

- Shared services (e.g., regional lockup, regional 911 centers, other public safety and emergency response responsibilities, information technology/data management, school district/regional school district analysis, shared professional and administrative services, agreements to operate shared waste disposal/recycling facilities/programs).
- Cooperative agreements (e.g., regional analysis of affordable housing needs, compact among communities for locating affordable housing).
- Collective purchasing (if such purchasing cannot otherwise be accomplished using statewide contracts or can be achieved regionally for less than the state contract price, or items proposed for purchase are specific to municipal and or school district agreements).
- Other cost saving measures that benefit more than one municipality.

**Q. What other additional criteria will MAPC use in determining which projects to fund?**

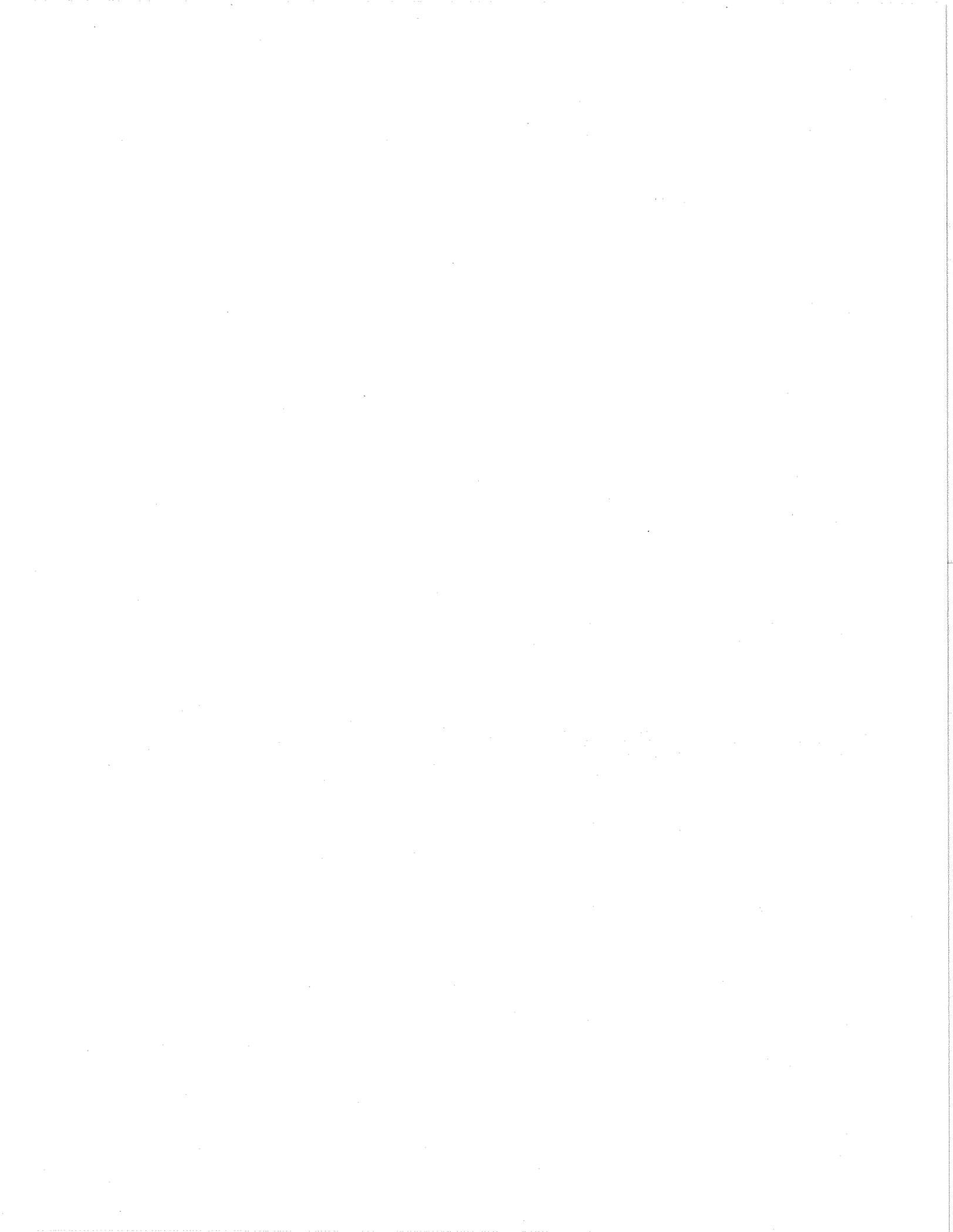
A. In addition to the requirements specific to each funding category, MAPC will also consider the following criteria when prioritizing projects for DLTA funding:

- **Replicability:** The project could be a model or template for use in other municipalities or groups of municipalities.
- **MetroFuture Goals:** The project advances multiple MetroFuture goals. (Note: No project will be selected that is inconsistent with MetroFuture goals.)
- **Inter-municipal Collaboration:** The project will encourage collaboration in the land use field or in municipal service delivery among multiple municipalities. Generally speaking, projects involving multiple municipalities will be prioritized over those affecting only a single city or town.
- **Equity:** The project addresses regional equity issues by enhancing the quality of life for low-income households, minorities, people with disabilities or other disadvantaged groups, as identified in MetroFuture and the Commonwealth's Sustainable Development Principles.
- **Readiness for Implementation:** The project is likely to result in near-term "changes on the ground" (e.g., new construction, approved zoning changes, inter-municipal collaboration on service delivery).
- **Economic Development:** The project will encourage economic development in MetroFuture preferred growth areas through such methods as local permit streamlining, downtown or town center economic revitalization, mixed-use development, or establishment of a Ch. 43D "priority development site."

- Affordable Housing: The project will advance the production or preservation of housing, especially housing that is affordable to low- or moderate-income households, or mixed-income housing.
- Local Capacity: The applicant community has demonstrated they have the capacity to adopt and implement smart growth measures or successfully collaborate with neighboring municipalities to share services or conduct joint purchasing.

**Q. Is a municipality required to provide a match for DLTA funding?**

A. A successful DLTA application *does not require* a local match, and whether or not a match is proposed will not be used in project selection. However, if a proposed project scope exceeds available DLTA funding, then MAPC and the project proponent(s) may engage in a strategic discussion about either a) reducing the project scope to meet the limited DLTA funding capacity or b) securing a local contribution (or funding from another source) to more fully support the project.





**Minutes, Notices and Updates**  
**February 6, 2012**

**Minutes**

1. Minutes of the Personnel Board meeting held December 7, 2011.
2. Minutes of the Finance Committee meetings of January 9, 2012 and January 23, 2012.

**Notices**

1. Notice of a Boxborough Emergency Reserve Corps meeting to be held February 6, 2012.
2. Notice of a Finance Committee meeting to be held February 6, 2012.
3. Notice of an Energy Committee meeting to be held February 7, 2012.
4. Notice of an Airport Study Committee meeting to be held February 8, 2012.
5. Notices of Boxborough School Committee related meetings:
  - a. Meeting of the Acton Boxborough Regional School District: Regional School District Study Committee to be held at the RJ Grey Jr. High School on February 2, 2012.
  - b. Joint Meeting of the Boxborough School Committee and the Acton and Boxborough Boards of Selectmen and Finance Committees to be held at the RJ Grey Jr. High School on February 2, 2012.
  - c. Cancellation of Negotiations Subcommittee [Executive Session] meetings to have been held February 8 and 15, 2012.
  - d. Negotiation Subcommittee [Executive Session] meeting to be held February 29, 2012.
6. Job Posting from the Boxborough Public School District for a School Custodian.
7. Notice of a MART Advisory Board meeting to be held February 16, 2012.





**General Correspondence**  
**February 6, 2012**

1. January/ February 2012 Newsletter, *TransReport*, from the Boston Region Metropolitan Planning Organization.

