

**BOARD OF SELECTMEN  
MEETING MINUTES - JANUARY 22, 2007**

7:00 p.m. - Selectmen's Meeting Room, 63 Main Street, Northborough, MA

**MEMBERS PRESENT:** Dawn Rand, Chairman  
William Pantazis, Vice Chairman  
Leslie Rutan, Clerk  
Jeff Amberson  
Fran Bakstran

\*Pledge of Allegiance

**APPROVAL OF MINUTES – JANUARY 8, 2007 REGULAR MEETING**

Selectman Pantazis moved the Board vote to accept the Minutes of the January 8, 2007 Regular Meeting as submitted; Selectman Rutan seconded the motion; all members voted in favor.

**7:00 p.m. - STATE SENATOR HARRIETTE CHANDLER**  
State Legislative Update.

Senator Chandler informed the Board that the budget process has begun and admitted that it does not look good. Revenues are beginning to fall short and capital gains are suffering as well. The Speaker of the House has said to expect only a 2-3% increase in revenues for the fiscal year beginning July 1, 2007. The Governor has told the various State agencies that they should expect to have to decrease their budgets by 5%. She will continue to keep the Board updated as additional news comes in.

Senator Chandler also informed the Board that one additional source of revenue that is being considered is from gambling. She asked members of the Board to share their thoughts on this. Following some discussion, the Board agreed that as a last resort, the gambling revenue is something that warrants further exploration.

Also discussed was the need to reduce health insurance costs. Allowing cities and towns to be included in the State Health Insurance Program will create greater purchasing power and thereby reduce rates.

Mr. Brenner extended his appreciation to Senator Chandler for her efforts in the Town's approval of its request for five additional liquor licenses for the Loop Retail Development project.

Selectman Rutan asked Senator Chandler whether or not other communities are getting involved in the Community Preservation Act? Senator Chandler answered that yes, they are. She suggested that the Zoning Board of Appeals and/or the Planning Board look very carefully for 40R and 40S issues when reviewing the proposed Avalon Bay affordable housing development project on Route 20. She added that the State will pick up any extra expenses relating to the needs of school age children.

**7:20 p.m. - VIRGINIA SIMMS GEORGE, CHAIR  
COMMUNITY AFFAIRS COMMITTEE**

Ms. George was present to invite members of the Board and the public to the Annual Winter Ball. The Ball will be held on Saturday, January 27<sup>th</sup> at the White Cliff's. Tickets are \$50 each and can be purchased at Lowe's and in the Town Clerk's Office.

**7:25 p.m. - PUBLIC HEARING  
Continued from December 11, 2006 and January 8, 2007**

- To consider the application of the Comfort Inn for one Billiard Table at premises located at 115 Lawrence Street/Rout 9.
- To consider the application of the Comfort Inn for one Automatic Amusement Device at the same address.

Mr. Brenner recommended that this Public Hearing be continued to the Board's regularly scheduled meeting on February 12, 2007 in order to allow the applicant additional time to work on his plans with the Building Inspector.

Chairman Rand asked if there were any members in the audience who wished to make a comment. There were none.

Selectman Amberson moved the Board vote to continue the Public Hearing on the application of Jayesh Patel d/b/a The Comfort Inn to keep and operate a billiard table and an automatic amusement device for premises located at 115 Lawrence Street/Route 9 to the February 12, 2007 Board Meeting; Selectman Rutan seconded the motion; all members voted in favor.

**7:27 p.m. - PUBLIC HEARING**  
Complaint filed by Susan Duquette concerning the nuisances caused by dogs owned by Christian Potter of 255 West Street.

Chairman Rand opened the Public Hearing. She informed the public that anyone who wishes to provide testimony must first be sworn in by Town Clerk Andrew Dowd. Town Administrator Barry Brenner read aloud the Public Hearing Notice whereas complaints have been filed by Susan Duquette concerning the nuisance of dogs owned by Christian Potter of 255 West Street.

Dog Officer Claudia McGuire

Dog Officer Claudia McGuire was officially sworn in by Town Clerk Andrew Dowd.

Ms. McGuire summarized the events leading up to tonight's public hearing. A majority of the complaints received were about excessive barking and that the dogs are running loose unattended throughout other properties and roadways on numerous occasions. See attached Summary of Complaints against the Potter Dogs.

Several comments were made by members of the Board in response to Ms. McGuire's report.

**PUBLIC HEARING CONT. . .**Susan Duquette

Susan Duquette of 267 West Street was sworn in by Town Clerk Andrew Dowd. Ms. Duquette reviewed a list of events leading up to her formal complaint and request for tonight's public hearing with the Board of Selectmen. She spoke mainly of the dogs incessant barking at all hours of the day and night and its impact on the quality of life for her and her family. She also spoke about the numerous occasions that the dogs are running loose on the property of herself and other neighbors. She has tried to rectify this problem directly with Ms. Potter with no success.

Ms. Duquette proposed that the Town consider adopting a Town ordinance to address excessive barking by dogs. Chairman Rand informed her that such an ordinance would have to be considered at an Annual Town Meeting.

A certified letter was sent to Ms. Christian Potter notifying her of tonight's Public Hearing. Ms. Potter was present and provided testimony as summarized below.

Christian Potter

Ms. Christian Potter of 255 West Street was sworn in by Town Clerk Andrew Dowd. Ms. Potter stated that she is the owner of the two dogs being complained about this evening. Ms. Potter stated that her dogs are Great Pyrenees. They are live-stock guardian dogs that have been bred and trained as such. She stated that the dogs are kept on a ¼ acre wooded enclosure with an outdoor kennel. The fence is four-feet in height and is recessed into the ground. She did admit that the dogs have breached the fence on several occasions. The fence has since been repaired. Ms. Potter thought it important to note that while the dogs were loose, they never injured or were aggressive to any person or animal nor did they cause any damage to private or public property. She stated that she has attempted to work with Ms. Duquette to resolve this problem, even though she feels that the complaints made against her dogs are unreasonable.

Laurie Klein

Laurie Klein of 209 West Street was sworn in by Town Clerk Andrew Dowd. Ms. Klein submitted a written statement to the Board. See attached. She informed the Board that she is veterinarian as well as a dog owner. She complained of the excessive barking late at night and early in the morning and that the dogs are not properly confined. These dogs have been on her property twice in the last week. She has had to swerve around them in the road. She added that she has offered the Potter's advice on training her dogs not to bark and has talked to them about the risks to both dogs while they run free in the road and neighborhood.

Alan Krouse

Alan Krouse of 247 West Street was sworn in by Town Clerk Andrew Dowd. Mr. Krouse informed the Board that his main complaint was that the dogs continually roam free throughout the neighborhood. He admitted that he is intimidated by these dogs.

**PUBLIC HEARING CONT. . .**

There is always the threat that the dogs will come onto his property when his grandchildren and his own dog is outside. He has tried unsuccessfully to contact the Potter family a couple of times about this problem.

Ruth Rizzi

Ruth Rizzi of 160 West Street was sworn in by Town Clerk Andrew Dowd. Ms. Rizzi informed the Board that her main complaint was that the dogs continually roam onto her property. She stated that she had no idea who these dogs belonged to until she received the recent notice of this hearing. She stated that she conducts a business out of her home and often when patients arrive, the dogs are running free on her property. She added that the barking has not been an issue for her since she lives at least one-half mile away from the Potter family.

For the Public Hearing record, Mr. Brenner noted the receipt of two letters (attached) one from Ted Antkowiak of 273 West Street and one from Mary Lee of 231 West Street, concerning complaints against the dogs owned by Christian Potter.

Ms. McGuire recommended several methods to help eliminate the barking, although she added that none of these are guaranteed to work. Ms. Potter adamantly disagreed with the methods proposed by Ms. McGuire to help eliminate the barking.

Following some discussion amongst members of the Board, it was agreed that something needs to be done immediately to address the issues discussed this evening.

Selectman Amberson moved the Board vote to close the Public Hearing; Selectman Rutan seconded the motion; all members voted in favor.

Selectman Bakstran moved the Board vote to require Christian Potter to take the following actions to mitigate the nuisances caused by her dogs Mopsie and Duster as recommended by the Dog Officer:

**Barking:** The dogs must wear “No Bark” collars and/or a “No Bark” outdoor mounted device shall be installed and in operation whenever the dogs are outside. In addition, between the hours of 7 PM and 7AM, the dogs must be physically accompanied by an adult, if they go outside.

**Containment:** Fencing strong and high enough to contain the dogs, or a chain link dog pen, shall be constructed in such a manner as to enclose a portion of the yard which includes a door of the house. Dogs should only be let outside through said door. If it is necessary to remove the dogs from the owner’s property, or take them to another part of the owner’s property that is not enclosed by the fencing, then the dogs must be securely restrained on a leash, not longer than 6 feet, and said leash must be controlled by an adult.

Selectman Amberson seconded the motion; all members voted in favor.

**PUBLIC HEARING CONT. . .**

This action will be followed up in writing to Ms. Potter allowing her 14 days to comply and notifying her of her right to appeal.

**8:15 p.m. - PUBLIC HEARING**

Complaint filed by Susan Duquette concerning the nuisances caused by a dog owned by Joyce Whittington of 255 West Street.

Chairman Rand opened the Public Hearing. Dog Officer Claudia McGuire and Susan Duquette of 267 West Street were both sworn-in by Town Clerk Andrew Dowd.

Dog Officer Claudia McGuire

Ms. McGuire summarized the events leading up to this Public Hearing. See attached Summary of Complaints against the Whittington Dog. She stated that the dog is a Shih-Tzu X and is owned by Joyce Whittington, the Nanny who resides with the Potter Family at 255 West Street. Ms. McGuire informed the Board that she has spoken to Ms. Whittington who has been cooperative and has agreed to the use of a "no-bark" collar.

Susan Duquette

Ms. Duquette informed the Board that she does not have the same issue with this dog as with the other dogs owned by the Potter family. She indicated that Ms. Whittington has been very cooperative and acknowledged that there have been no incidents with this dog in recent months. She informed the Board that she does not wish to continue with a formal complaint at this time.

A certified letter was sent to Ms. Whittington notifying her of tonight's Public Hearing. She was not in attendance. There were no audience members who wished to provide testimony.

Selectman Amberson moved the Board vote to close the hearing; Selectman Bakstran seconded the motion; all members voted in favor.

Selectman Amberson moved the Board vote to take no action against the dog owned by Joyce Whittington of 255 West Street; Selectman Bakstran seconded the motion; all members voted in favor.

This action will be followed up in writing to Ms. Whittington.

**7:45 p.m. - PUBLIC HEARING**

Complaint filed by Dog Officer concerning the vicious disposition and other disturbances caused by dogs owned by Marie McGuirk of 80 Crestwood Drive.

Dog Officer Claudia McGuire

Dog Officer Claudia McGuire was officially sworn in by Town Clerk Andrew Dowd. Ms. McGuire summarized the events leading up to tonight's public hearing. The complaints received have been against two dogs, a golden retriever and wolfhound-mix,

**PUBLIC HEARING CONT. . .**

owned by Marie McGuirk of 80 Crestwood Drive. The complaints are that the dogs are continuously running loose, unattended throughout the neighborhood, they tear at trash and that the Golden Retriever exhibits an aggressive and vicious nature. See attached Summary of Complaints against the McGuirk Dogs.

Ms. McGuire informed the Board that although an electronic fence encompasses most of the entire yard, the dogs are often able to escape or are let loose. Although in the past, she has had little or no cooperation from Ms. McGuirk, there have been no reported incidents since she was notified of tonight's public hearing.

Chairman Rand noted the receipt of a letter from the Northborough Postmaster informing the Board of his safety concerns for the mail carriers when trying to deliver mail in this neighborhood. See attached.

Liz Mcmanus

Liz McManus of 121 Madison Road was sworn in by Town Clerk Andrew Dowd. Ms. McManus informed the Board that she likes to go for walks in this area and has been aggressively pursued by the golden retriever. These incidents have kept her from walking in this neighborhood. She did add that she hasn't seen the dogs running loose in recent months.

Ms. McGuire confirmed that the last complaint received was on January 6, 2007.

A certified letter was sent to Ms. Whittington notifying her of tonight's Public Hearing. She was not in attendance. There were no other audience members who wished to provide testimony.

Selectman Bakstran moved the Board vote to close the public hearing; Selectman Pantazis seconded the motion; all members voted in favor.

Selectman Pantazis moved the Board vote to require Marie McGuirk to take the following actions to mitigate the nuisances caused by her dogs Murphy and Buffy as recommended by the Dog Officer:

Chain link or stockade type fencing, 6 feet high, constructed in such a manner as to enclose a portion of the rear yard which includes the back door of the house. Dogs should only be let outside through the back door. If it is necessary to remove the dogs from the owner's property or take them to another part of the owner's property that is not enclosed by the fencing, then the dogs must be securely restrained on a leash, not longer than 6 feet, and said leash must be controlled by an adult. Repair or block the front door in some secure manner, so that the dogs cannot open it themselves;

Selectman Rutan seconded the motion; all members voted in favor.

**PUBLIC HEARING CONT. . .**

This action will be followed up in writing to Ms. McGuirk allowing her 14 days to comply and notifying her of her right to appeal.

**REPORTS**Barry M. Brenner, Town Administrator

- No report.

Dawn Rand, Chairman

- No report.

William Pantazis, Vice Chairman

- Requested that the Board send a letter to our State Representatives in support of their continued exploration of the use of casino gambling revenues as an additional source of funding, realizing that all other options have been exhausted. The Board agreed and Selectman Rutan urged residents to offer their opinion on the matter.
- Congratulated Greg Senecal on his recent promotion to DPW Supervisor after working with the Town for 26 years.

Leslie Rutan, Clerk

- Thanked both the Fire Chief for his recent Departmental Report and the Police Chief for his recent Annual Report. She found them very informative and detailed.
- Reported that the Regional School Committee Naming Sub-Committee considered four nominees that were brought to their attention by the Regional School Committee. The Committee decided that none of the names should be brought forward at this time. At the request of Selectman Pantazis, she clarified that the charge of this Committee is to consider names that are brought to their attention from the Regional School Committee.
- Requested that Mr. Brenner follow up on whether or not a sidewalk is feasible on Brigham Street.
- Attended a Government Panel at the High School where several local and state officials came to the High School and talked with the various ninth-grade classrooms about local government.

Jeff Amberson

- Noted that the Recreation Department is accepting registrations for their Spring Programs.
- Noted that the CPA Committee will meet on Thursday at 7pm at the Town Hall in Conference Room B to review the proposals received from various Town organizations.

Fran Bakstran

- Noted that the Historical Commission is in the process of drafting an updated Historical Demolition Delay Bylaw to be presented at this year's Annual Town Meeting. The final draft will be reviewed January 24<sup>th</sup>.

Fran Bakstran Report Cont. . .

- Noted that the Historical Commission is hosting a presentation at the Historical Society on January 26<sup>th</sup> at 7:30pm where a guest speaker will talk about historic preservation in Northborough.
- Attended the High School Civic Lesson where she talked to ninth-graders about trash.
- Attended the Comedy Night at Guiseppe's Grille to raise money and awareness for the Library project. Reminded residents that donations are still being accepted.
- Requested an update on the job openings that were budgeted for this fiscal year. Mr. Coderre provided a status update on the recruitment process.
- Noted that the Northborough Affordable Housing project at Church Street Village will be holding a Public Information Meeting on February 26<sup>th</sup> at 7pm at the Town Hall. Also noted that the application deadline for the affordable units is March 21, 2007.

**ZONING STUDY SUBCOMMITTEE STATUS REPORT**

Selectman Bakstran provided a status report on the efforts of the Zoning Study Subcommittee. She brought to the committee, the concerns expressed by members of the Board at the last meeting. The discussion on parking has been tabled for the time being. The Committee is currently working on the site-approval process which is the tool that will implement any zoning bylaw changes that may or may not occur.

Chairman Rand noted her concern with the proposed requirement that if a person clears 10% or more of their land, they will first have to appear before the Planning Board. Selectman Bakstran stated that it is her understanding that this requirement will not apply to clearing of residential land. Chairman Rand stated that she has no concern if this requirement does not apply to the clearing of residential land.

Selectman Pantazis expressed his concern with the Sub-Committee rushing to try to get everything done by this year's Annual Town Meeting. Selectman Bakstran assured him that it is not the goal of the committee to have everything ready for this year's Annual Town Meeting. She agreed with the importance of doing things right and educating the public, adding that some items may have to wait for a future Town Meeting.

**FEBRUARY MEETING SCHEDULE**

Mr. Brenner informed the Board that Chairman Rand will not be available to attend the meeting on February 26<sup>th</sup>. He proposed that the Board meet in Regular Session in February on only the second Monday, February 12, 2007.

The Board agreed to adopt the following meeting schedule for February:

February 12, 2007 - Regular Session.



**9:00 p.m. – EXECUTIVE SESSION**

Selectman Amberson moved the Board vote to enter into Executive Session pursuant to Massachusetts General Laws, Chapter 39, Subsection 23B, Subsection 3, Personnel Matter; Selectman Rutan seconded the motion; the roll call vote was taken as follows:

Bakstran	“aye”	Pantazis	“aye”
Amberson	“aye”	Rand	“aye”
Rutan	“aye”		

Chairman Rand announced that the Board would return from Executive Session only to adjourn.

**9:25 p.m. – RETURN TO OPEN MEETING**

**ADJOURNMENT**

Selectman Amberson moved the Board vote to adjourn; Selectman Bakstran seconded the motion; all members voted in favor.

Meeting adjourned at 9:25 p.m.

Respectfully submitted,

Diane M. Wackell  
Executive Assistant to the  
Board of Selectmen