

**Selectmen Meeting
Minutes
December 21, 2016**

Selectman Dziokonski, Selectman Connolly, Selectman Sargent, and Chairman Iacobucci were in attendance. Selectman LeBlanc was absent. Attendees were Town Administrator Ward. Chairman Iacobucci opened the meeting at 7:00PM.

Review of Minutes

The board received minutes from November 16, 2016 Selectmen's for review and approval. Selectman Connolly made a motion to approve minutes as presented. Selectman Sargent seconded the motion. The vote was unanimous.

Public Comment

Mr. Steve Townsend of 270 Sterling Street was before the board. Mr. Townsend explained he was before the board requesting Mr. Connolly recuse himself from participation in the upcoming Earth Removal Permit for 260 Sterling Street discussion. Selectman Connolly stated he will not respond at this time but will address this during the hearing.

BETA Group

Community & Economic Development Director Phil Duffy was before the board with updates on the Complete Streets Project and the Downtown Lighting Study. He introduced Arek Galle of BETA Group.

Complete Streets

Mr. Galle reviewed he has been working on the projects and has prepared an overview of each. The complete streets inventory report has been completed, there is 25 miles of infrastructure. The goal is to have the DPW rank the streets on infrastructure management improvements. Complete an evaluation of all the streets in town and plan a tool for the criteria to form a matrix. There are 15 different projects for the town to pursue funding for up to \$400,000.

Downtown Lighting Study

Mr. Galle explained the downtown lighting evaluation included downtown through Depot Square, Main, Mechanic and Union Streets. He stated there are all types of lights and lamps, they are inconsistent. The main corridors of Clinton should be lite, there are 1000 light poles in town and 40 owned by National Grid on High Street. He explained a representative from National Grid attended a recent meeting with himself, Mr. Duffy, Mr. Ward and Superintendent McGown for a review of the project. He explained the town

could discuss purchasing the lights from National Grid and he explained there are ornamental lights available through National Grid but the options are limited. It would be a benefit to have all the lighting match. He reviewed the intent is to hold workshops for both project in January and February. This project will provide improvements to the downtown. Selectman Sargent asked if the plan will be completed and a cost estimate for the project available for town meeting. Mr. Galle explained the project will be presented in phases and the town will determine the priority. Selectman Dziokonski asked if the plan to be submitted will have a cost break down, so the project could be completed incrementally. Mr. Galle explained the costs will be presented in phases and the town can prioritize the phases. He reviewed there will be a parking workshop on January 25, 2017 for public input and a lighting forum to follow. Administrator Ward reviewed the town will have the option to buy the poles and then will be required to take over maintenance of them. He explained if the board were to approve, he is willing to work with National Grid on getting a proposal to purchase the lighting. Then this can be included in the project costs. Selectman Sargent made a motion to approve Town Administrator Ward work with National Grid on a purchase agreement for the downtown street lighting. Selectman Dziokonski seconded the motion. The vote was unanimous. The board thanked Mr. Duffy and Mr. Galle for the project updates.

Barking Dog Complaints – 500 Main Street

Chairman Iacobucci opened the hearing inviting Animal Control Officer Paul Wood before the board for his report on the complaints received regarding 500 Main Street. Mr. Wood explained to the board he has been to the business on 5 separate visits. The first four visits he issued verbal warnings, the last visit he issued a written violation to the owner. He explained he visited the site to monitor the noise. He reviewed he has been there at different times and the noise level does increase at different times. There is an outdoor penned area at the side of the building this is the area where the noise reaches high levels it is barely audible from the inside. Selectman Dziokonski asked if you have issued verbal and written warnings does that indicate there is some validity to the complaints. Mr. Wood explained yes, there is noise from the dogs both inside and out. There is nothing to absorb the noise in the outdoor pen so that is where it is the loudest. He reviewed he monitored the noise from the Nelson Street area and was able to hear noise. Selectman Connolly asked what is the time of the most frequent noise complaint or is it 24/7. Mr. Wood reviewed the complaints are during the day but not at a specific time. Chairman Iacobucci made a disclosure he has a family member who has a contract with the Country Dogs Day Care but he intends to participate in the hearing. He invited the individuals who filed the complaints before the board. Ms. Winifred Hastings of 12 Nelson Street was before the board she had a question regarding the area where the dogs are outside, she asked if there is another area for this business. She explained it is typically very noisy in the morning when the dogs are being dropped off. It is very loud and the residents

on Nelson Street are unable to use their decks without hearing the noise. She has lived on Nelson Street for twenty years, she supports local business and has approached the owner to bring this issue to her attention a few times but nothing changes. Chairman Iacobucci asked if the complaints are mostly during the morning. Ms. Hasting explained it is all throughout the day, it is a nuisance. Selectmen Connolly explained he has had personal experience with barking dogs and it is annoying. He asked if the issue is Monday through Friday from 9AM to 5PM. Ms. Hastings explained yes because the business is closed on the weekends. Selectman Connolly asked if she made any recommendations to the owner to resolve the issue. Ms. Hasting explained she feels the dog pen outside is too close to the road and the problem is at its worst when they are in the pen.

Marty Shaughnessy of 30 Nelson Street was before the board, he reviewed he is aware the Animal Control Officer was on the case and has offered to assist him in any way he can. He explained times of concern to him are in the early morning between 7AM and 7:30AM and four to five hours later the barking is continuous for 40 to 50 minutes at a time. It is all types of dogs. He explained he has gone to the business twice and asked for the owner to do something about the issue. He is the President of the Condo Association and there are residents that work from home and find the barking to be disturbing, it continues for long periods of time which makes it hard to concentrate. How did this business receive permission to open in this area and permission to have 60 dogs? Selectman Dziokonski explained the permission would be granted based on the law, at this time there is no law or town by law or license procedure regarding a dog day care business. Government works by laws and regulations. Mr. Shaughnessy thanked the board. Selectman Connolly explained this is a commercial building and anyone can get permission to open any type of business. Clinton is a congested community and there are private residents next to businesses in town, it is ok to operate a business in a business district. Mr. Shaughnessy reviewed this shouldn't be happening and the board needs to change this situation. Chairman Iacobucci explained he hoped something can be worked out tonight the business owner is at the meeting to discuss.

Jacqueline Sanders of 32 Nelson Street was before the board. Ms. Sanders explained she is aware she resides in a mixed-use district, the business is in a brick building which doesn't absorb the sound, during the summer the noise is bad. She understands Country Dogs has a right to have a business but the residents have a right to have peace and quiet. When the dogs are in the pen they howl and bark starting at 6AM. There are residents at the condos with children who are unable to nap because of the noise, disabled residents who are home bound, some residents run business from home all have a right to peace at their home. She explained a solution would be when the dogs are outside they are left alone not receiving good care therefor they are barking, have an attendant outside. She asked the board to please help.

Attorney Robert Cirillio and Country Dogs Day Care owner Karen Newsham were before the board. Attorney Cirillio reviewed Ms. Newsham has owned the business for 5 years,

prior to opening the business a public hearing was held and no one attended. The business consists of 5,000 square feet and employees nine people. He reviewed the business is in an industrial zone surrounded by a residential area. No dogs are left at the building overnight and there is an area outside for the dogs to use briefly, they are not left out for 40 minutes at a time. He understands complaints have been written regarding the noise while residents are outside on their decks but was unaware of the noise to residents while in their homes. He agrees with the Animal Control Officer who explained the noise can barely be heard from inside the building with doors closed but there may be an issue when dogs are outside. He asked at this time no action be taken.

Ms. Newsham reviewed she has an employee outside with dogs and they receive good care, they are typically outside for 5 to 10 minutes. She also explained she has received 3 visits from the ACO and received one written warning. She wants to be a good neighbor. Discussion continued with board members reviewing the location and use of the pen along with an attendant always present when a dog is in the pen. She is unable to sound proof the building and there are barking dogs on Nelson Street itself. Selectman Connolly asked if she would consider relocating the pen. Ms. Newsham stated she evaluated the building and the outside area when moving in and this is the only accessible area outside for the pen, it is the safest place for the enclosure which is 12 feet wide and 36 feet long. She explained the same types of businesses operate in busy cities, she is aware of a similar business on Newbury Street in Boston. Chairman Iacobucci asked if she would consider using muzzles while the dogs are outside. She explained the dogs would not be safe with the use of muzzles. Selectman Dzioknoski asked if some plantings could be installed around the pen to create a sound barrier for the barking. Ms. Newsham explained it is a parking lot so she cannot plant but could try to use containers. She has customers who have attended the meeting to speak on behalf of the business.

Mr. Christopher Kotsopoulos of 120 Nashaway Road in Bolton was before board to speak on behalf of Country Dogs Day Care. He introduced himself stating he is the Director of Quality Assurance at NP Medical in Clinton and is a client of the Country Dogs Day Care. For the last two years, he has left his dog in the care of Country Dogs while he is working. He continued with a prepared statement explaining the care his dog gets at the day care. He asked for the board to dismiss the concerns of the neighbors. Selectman Sargent stated he agrees the business owner is a great person and does a great job with her business but also realizes excessive barking can be aggravating, he hopes this good business will work with the neighbors. Selectman Connolly explained he is supportive of a person in business but will not be dismissive of complaints. Selectman Dziokonski explained the most annoying noise are that of a crying baby and a barking dog, he agrees with Selectman Connolly and will not be dismissive of the complaints of the residents in the area. Discussion continued with the residents of Nelson Street continuing to address their concerns regarding the excessive barking. Chairman Iacobucci closed the hearing. Selectman Connolly made a motion to continue the hearing to July 2017 to allow Ms.

Nesham, the business owner time to research ways to reduce the sound of the barking dogs, and to allow the residents, the Animal Control Officer and the business owner to meet and work together on resolution to the complaints, he explained he like to see all work together on a way to solve the issue. Selectman Sargent seconded the motion. Under Discussion: Selectman Dziokonski explained the Animal Control Officer would be aware of sound proofing recommendations for the owner for the outside area. Chairman Iacobucci agreed explaining he would like to see them all work together to find a resolution. The vote was unanimous.

Earth Removal Permit Hearing- 260 Sterling Street Continued

Chairman Iacobucci re-opened the discussion of the 260 Sterling Street Earth Removal Permit from April for Mr. James Litterio. Selectman Connolly began by addressing the Public Comment portion of the meeting where slanderous comments were made about him. Accusations there is the appearance of a conflict of interest due to a close personal relationship with Mr. Litterio. He explained this couldn't be more wrong. He will not be bullied into not participating in the meeting. Chairman Iacobucci invited the applicant forward. Mr. James Litterio was before the board. He explained he has been before the board twice prior and presented the board with information regarding the earth removal request. He reviewed the engineered plans submitted to the board explaining the project will take place 150 feet in from the road and have an evergreen screen in front, there will be two trucks operating 8 to 10 trips a day. He doesn't see any issue with the traffic, there is also a stonewall around the property. At this time, he is unable to utilize the property. Chairman Iacobucci reviewed there will be the installation of a garage which will enhance the property. Selectman Connolly asked for an estimation on the quantity number of cubic yards to be removed. Mr. Litterio explained 8,000 cubic yards. Selectman Connolly asked the duration of the project. Mr. Litterio estimated about 20 to 25 days, then he will be stabilizing and landscaping the property. Selectman Connolly asked which days of the week will he be hauling the earth removal. Mr. Litterio explained he would be working Monday through Friday and Saturdays if possible. Selectman Connolly asked what are the hours of operation. Mr. Litterio explained 7:00AM to 3:00PM or 4:00PM in the afternoon. Selectman Connolly asked what about erosion issues during the project. Mr. Litterio explained he is working with a professional company. Selectman Connolly asked if Mr. Litterio will work with all town officials on this project. Mr. Litterio stated yes, he will work with all of the official and the standards set. Chairman Iacobucci asked the name of the company he will be working with. Mr. Litterio stated it is Clear Summit out of Lancaster and Bolton. Selectman Dziokonski asked how many trips per day. Mr. Litterio explained it would be about 10 trips per truck, 20 total per day over a 20-day period. Selectman Connolly reviewed this would be about 400 trips, there is about 10,000 yards per week brought to the landfill site. Chairman Iacobucci open the hearing for Public Comment, he invited anyone to speak in support of the project. Mr. Ron Sonia of 130

Willow Street was before the board. Mr. Sonia asked the board to approve the permit for earth removal. This will allow use of the land as the owner desires. He stated he feels the owner has been bullied by his neighbor and it is unacceptable. The neighbor wants too much control. Mr. Litterio should be able to build the barn or garage as presented. Chairman Iacobucci thanked Mr. Sonia for his input. He continued the hearing inviting anyone to speak in opposition of the project. Mr. Steve Townsend of 270 Sterling Street, was before the board he handed the board a packet of information. He began review of the information presented along with reference to the letters included from neighbors in opposition of the project. He asked for the boards reconsideration of this permit be denial of the permit request. There is enough area to build on the property without removing earth. He continued review of the information presented and an explanation of the photos included. He reviewed the timeline of the events to date, excavating began without a permit in March or April, it continued on June 21st, on July 14th it continued for 2 hours, please review photos 1 to 6. He made reference to the initial hearing before the board on April 20th. He expressed concern regarding there is no plan for the landscape after the project is completed, there is no proposed project timeline or plans for maintenance during the project. He also submitted a request for a traffic study to review the impact this type of project would have on the traffic pattern. There are many concerns with the neighbors, some have written letters to the board asking for the request to be denied. He asked for the board to deny the request and review of the by-laws and have the property restored. Discussion continued regarding the boards review of the permit request. Selectman Connolly asked Mr. Townsend his opinion on regulations if a permit was granted. Mr. Townsend explained he isn't an expert but he estimates only 600 to 800 cubic yards should be removed to make space for a barn. He explained that much has already been removed, no more should be removed. Selectman Connolly asked about the duration of the permit. Mr. Townsend explained the permit should include all of the work the stabilization of the site and the removal of the earth, the complete job is hard to say maybe four or five days. He explained he isn't an expert this is an estimation. Selectman Connolly asked what hours of operation should be approved for the project. Mr. Townsend explained it should be during the week from 8:00PM to 4:00PM. Selectman Dziokonski asked Mr. Townsend if Mr. Litterio's plans include finished landscaping once the project has been completed how will this diminish your property value. Mr. Townsend explained he has had a local real estate agent access and appraise his property. The agent reported the curb appeal is nonexistent and he will lose 10% of his property value. Selectman Sargent stated Mr. Litterio owns the property and he is in support of the project and will be voting to support the permit as requested, it will look beautiful when completed. Mr. Townsend expressed 8000 cubic yards is an extreme amount requested. Chairman Iacobucci reviewed he holds a real estate license in Massachusetts, and the completion of this project will add value to the neighborhood. Mr. Townsend explained the landscaping is important to the value of the project. He reminded

the board of the letters submitted from the Sterling Street residents. Mr. John Lussier of 280 Sterling Street, he explained he is opposed to the project, he attended the ZBA meeting and agrees with Mr. Townsend. Mr. Townsend has done a great job in research. The project shouldn't be allowed. Mr. Townsend explained he has concerns along with the neighbors' concerns and all should be strongly considered. Chairman Iacobucci allowed Mr. Litterio to address comments made. Mr. Litterio reviewed the property has been in his family for 105 years, he intends to make it better, and give it a nice yard. It is a nice project and will add value to the area. At this time his daughter is living in the home with her family his grandchildren, his intent is to better the yard and benefit the whole area. He wanted to remove the trees with the exposed roots. He has been before all the board and this is simply about building a barn. He thanked the board for their time. Mr. Townsend explained the town by-laws have been violated three different times. The scope of this project requires more vetting than what was presented. Chairman Iacobucci closed the hearing. Selectman Connolly reviewed the by-laws haven't been violated, the Building Commissioner has done nothing wrong, there was no cease & desist order. A property owner can regrade the property without getting a permit or a license required. He reviewed he inquired with Mr. Townsend at an August meeting to speak with the property owner, and explained Mr. Townsends response was not ever, not a chance, refusing to meet with your neighbor to discuss. Selectman Connolly explained he has reviewed the plans submitted for the project. He has driven by the proposed area and feels this is a reasonable project with no negative impact to the neighborhood. Selectman Dziokonski explained he has some concerns, the amount of soil being delivered to the town have identified routes not through a neighborhood. This project estimates 15 truckloads per day. He wouldn't want this in his own neighborhood and the ZBA reviewed and concluded the material doesn't have to be removed for the build. Selectman Connolly made a motion to grant the earth removal permit for 8000 cubic feet to be removed by November 30, 2017, with hours of operation to be Monday through Friday from 7:00AM to 4:00PM and Saturdays from 8:00AM until Noon, with the agreement to accommodate any issues with town officials, Police, Fire, Building Commissioner and DPW Superintendent. Selectman Sargent seconded the motion. The vote was 3/1 in opposition Selectman Dziokonski.

Class II Motor Vehicle Dealer License Hearing- 88 Water Street

Chairman Iacobucci opened the hearing inviting the applicant forward. Ms. Patricia Leone of 88 Water Street was before the board. Chairman Iacobucci asked if the intention is to move the Class II license currently held on 835 Main Street to 88 Water Street. Ms. Leone explained yes, but not to sell cars on site just to have the ability to buy and sell at the auctions. Selectman Connolly asked if there will be cars for sale on the property. Ms. Leone explained no. Chairman Iacobucci opened the hearing up for Public Comment. He asked for Public Comment in support of the license, there was none. In opposition of

the license there was none. Selectman Sargent made a motion to approve the license request as submitted. Selectman Connolly seconded the motion. Under Discussion: Selectman Dziokonski asked if 88 Water Street is the address of the current repair business. Administrator Ward reviewed the applicant has gone before the ZBA and received approval for the sight. The vote was unanimous.

2017 LIQUOR LICENSE RENEWALS

Chairman Iacobucci reviewed the board received a 2017 Liquor License listing for approval for annual renewal. Selectman Sargent made a motion to approve the Liquor License holders as submitted to operate in 2017. Selectman Connolly seconded the motion. Under Discussion: Administrator Ward reviewed there are two establishments that are finishing compliance regulations for the certificate required so they have been granted a 30 day extension to complete the regulations. The vote was unanimous.

2017 CLASS II LICENSE RENEWALS

Chairman Iacobucci explained the board received request from the current license holders to renew for 2017. Selectman Sargent made a motion to approve the Class II Licenses as presented. Selectman Connolly seconded the motion. The vote was unanimous.

2017 CLASS III LICENSE RENEWALS

Chairman Iacobucci explained the board has received request for renewal from the current Class III dealers to renew for 2017. Selectman Sargent made a motion to approve the list as presented. Selectman Connolly seconded the motion. The vote was unanimous.

2017 COMMON VICTUALLER LICENSE RENEWALS

Chairman Iacobucci explained the board received requests from the establishments of current license holders to renew the licenses. Selectman Sargent made a motion to approve the list as presented. Selectman Connolly seconded the motion. The vote was unanimous.

2017 JUKEBOX LICENSE RENEWALS

Chairman Iacobucci explained the board received requests from the establishments of current license holders to renew the licenses. Selectman Sargent made a motion to approve the list as presented. Selectman Connolly seconded the motion. The vote was unanimous.

2017 AUTOMATIC AMUSEMENT DEVICE LICENSE RENEWALS

Chairman Iacobucci explained the board received requests from the establishments of current license holders to renew the licenses. Selectman Sargent made a motion to approve the list as presented. Selectman Connolly seconded the motion. The vote was unanimous.

2017 ENTERTAINMENT LICENSE RENEWALS

Chairman Iacobucci explained the board received requests from the establishment of current license holders to renew the licenses. Selectman Sargent made a motion to approve the list as presented. Selectman Connolly seconded the motion. The vote was unanimous.

Administrative Business

Late Night Closings

Town Administrator Ward reviewed the following establishments are requesting late night closings for Saturdays in the month of January 2017: Clinton Turn Verein, Crystal Café, Old Timer, Liberty Tavern, Ringside Café, Polish American Veterans & The Simple Man Saloon. Selectman Sargent made a motion to approve the requests as presented with any additional requests approved sent for Police Chiefs review and approval. Selectman Connolly seconded the motion. The vote was unanimous.

Fire Chief Monthly Report

Fire Chief McLaughlin submitted a monthly report relative to the operations of the department for the month of November 2016 for the Selectmen's review and approval. Selectman Sargent made a motion to approve the report as presented. Selectman Connolly seconded the motion. The vote is unanimous.

Old & New Business

Water Bill Abatement Request

Chairman Iacobucci reviewed the board has received a request from Mr. Robert Paglia for consideration of a water/sewer abatement for property located at 151-169 Green Street. Selectman Dziokonski made a motion to approve the request as presented. Selectman Connolly seconded the motion. Under Discussion: Selectman Dziokonski explained this is the second request for an abatement at this property he would like some sort of assurance from the property owner that he has done his due diligence to discover the leaks and make repairs. Chairman Iacobucci agreed, it is alarming there may be multiple leaks in need of repairs, it is the responsibility of the owner to find and repair leaks. Selectman Connolly agreed stating the property owner needs to resolve the problem. The vote was unanimous. Town Administrator Ward reviewed the abatement amount is calculated by the DPW.

Record Access Officer (RAO) Appointment

Chairman Iacobucci reviewed as of January 2017, the public records law requires the board to appoint a Record Access Officer. This is another unfunded mandate by the state. Selectman Sargent stated a stipend should be budgeted for the employee appointed. He explained serving on the budget subcommittee with Selectman Connolly he will work on this stipend. The board discussed appointing Town Administrator Ward for the interim while they address the stipend amount and the guidelines for the position.

Administrator Ward reviewed he will be happy to take on the title for a short time, at this time all of the requests generally go through him. He explained other communities have appointed the Town Clerk as the RAO, some larger cities have appointed more than one person. They have designated a representative of each department. Selectman Connolly made a motion to appoint Town Administrator Ward as the interim RAO subject to change within 60 days. Selectman Sargent seconded the motion. The vote was unanimous. Selectman Sargent made a motion to approve the budget subcommittee and Town Administrator Ward review a stipend for the position and report back to the board. Selectmen Connolly seconded the motion. The vote was unanimous.

89 Parker Street Complaint

Selectman Dziokonski reviewed the board has received a complaint regarding the conditions of 89 Parker Street, this should be reviewed by the Building Inspector. Selectman Dziokonski made a motion to forward this complaint to the Building Inspector for review. Selectman Connolly seconded the motion. The vote was unanimous.

Committee Reports

There were none.

Chairman Iacobucci announced the town recently lost a former public servant. Mr. Martin McNamara III, he served as a Selectman and was a great point of reference for any one new to the position. He will be missed. He also wished all a Merry Christmas.

Chairman Iacobucci stated the board will be entering Executive Session under article 3 Fire Union Negotiations and will not return to open session. He called for a Roll Call vote at 9:40PM. Roll Call Vote Selectman Sargent" aye", Selectman Dziokonski "aye", Selectman Connolly 'aye", Chairman Iacobucci 'aye".

Executive Session Article 3 Fire Union Negotiations 9:40PM-9:58PM

Selectman Connolly made a motion to adjourn the meeting at 10:00PM. Selectman Dziokonski seconded the motion. The vote was unanimous.

Meeting Adjourned,

Joyce A. Corbosiero
Administrative Assistant
Clinton Board of Selectmen

