



# Town of Ashland

## MASSACHUSETTS

### BOARD OF SELECTMAN MINUTES August 3, 2016 – 7:00 PM Town Hall

#### ***Call Meeting to Order***

Joe Magnani called the meeting to order at 7:00 PM. Present at the meeting were Chair Joe Magnani, Vice-Chair Carl Hakansson, Yolanda Greaves, Rob Scherer, Steve Mitchell, Town Manager Michael Herbert, Assistant Town Manager Jennifer Ball and Town Counsel Lisa Mead.

Joe Magnani announced that the meeting was to be taped and broadcast live on WACA.

Joe Magnani led the Pledge of Allegiance.

Carl Hakansson read the **Vision Statement**: The Town of Ashland will be a prosperous and fiscally sound community with a full range of housing, business, cultural, educational and recreational opportunities in a safe and attractive environment for residents and visitors. Carl Hakansson also read the **Mission Statement**: The Town of Ashland, in furtherance of its commitment to recycling, hereby declares that it will purchase items made of recycled materials whenever such products meet its quality requirements and are available at reasonable prices and terms, i.e. when the price for recycled products is within 10% of the lowest responsive virgin material bid.

#### ***Citizen's Participation***

Lt. Lyn Moraghan gave an update on Camp Bailout and thanked the Board of Selectmen for their continued support. Sam who has been a participant for 3 years said that she hopes to pursue a career in the emergency field.

Mark Dassoni asked the Board if they received his e-mail and Michael Herbert responded that it had been received. Mark Dassoni also explained that he continues to watch the progress of the RTD and he hopes that everything continues to run smoothly.

Roberta Soolman gave an update of the Charter Review Committee and explained that there is currently a survey online concerning the Charter and she asked that residents complete the survey. She also said that the Committee is working with the Collins Center at UMASS Boston on research and feels that their input will be very useful. The Committee is hoping to complete their work by the end of the year and will have a report to the Board shortly after that.

#### ***Scheduled Appointments***

##### **Takings – West Union Sewer Transmission**

Joe Magnani made a motion to open the public hearing for the Taking of an easement in 101 Presidents Row for the installation of sewer and/or water transmission pipelines as authorized by Article 11 of the November 17, 2015 Special Town Meeting. Said notice have been sent by this Board on June 16, 2016 to the following owner of record:

101 Presidents Row

Owner: Ashland Commons Associates  
c/o Jeff Ewing  
APT Asset Management, Inc.  
500 Cummings Park, Suite 6050  
Woburn, MA 01801

Joe Magnani asked if anyone was interested in speaking in favor of this. Roy Correia from the Water and Sewer Department explained that his department is in favor, as it will allow for the increase in size of the line which will save time and money by utilizing the easement versus doing it otherwise. Michael Herbert explained that the funding for the easement was granted at Town Meeting and maintenance is needed.

Yolanda Greaves made a motion to close the public hearing. This motion was seconded by Steve Mitchell with a unanimous vote of 5-0-0.

That the Board of Selectmen take by eminent domain, as approved by Article 11 at the November 17, 2015 Special Town Meeting, a permanent easement in a portion of the property located at 101 Presidents Row, Ashland, MA more particularly described in Certificate of Title No. 166179, filed with the Land Registration Office for the Middlesex County Registry of Deeds in Book 961, Page 29, shown on a plan entitled "Easement – Site Plan Land in Ashland, Massachusetts" and which includes "Segment 1 – 31,000 SF +/-, Segment 2 – 24,000 SF +/- and Segment 3 – 9,000 SF +/-" and prepared by Alpha Surveying and Engineering, Inc., dated November 1, 2015.

The purpose of the taking is to acquire an easement interest in the aforesaid area to allow for the installation and maintenance of sewer and/or water transmission pipelines by the Town of Ashland, for the health and welfare of its inhabitants, including but not limited to: the right to lay, construct, operate and maintain them; the right of excavation to provide access thereto; the right of entry upon the aforesaid property, by foot or by vehicle, with or without equipment, in connection with the exercise of said rights; and any and all other rights incidental thereto and not inconsistent with the foregoing. Said rights are to be exercised in the Town's sole and unfettered discretion. The owner(s) of the aforesaid property, their successor(s) and assign(s) may pass and repass over and upon the easement area and shall retain all rights to use the same for any and all purposes not inconsistent with the rights herein granted; provided, however, that no permanent structure that may unreasonably interfere with the Town's rights as aforesaid shall be erected over, under or upon the easement area at any time, nor shall shrubbery or tree(s) be planted thereupon without the express, written permission of the Town.

Should the Town's use of the easement area for the aforesaid purposes result in damage thereto, the Town's sole responsibility is to restore the same as nearly as practical to its condition immediately prior to said damage; provided, however, that in the event improvements are made to the easement area, whether consistent or inconsistent with the foregoing, the Town shall not be required to replace the same with other than grass, reasonable and normal landscaping or asphalt, as the case may be.

The foregoing right and easement shall be assignable and otherwise transferrable at the will of the Town, subject to the conditions referenced above.

And further that the Board of Selectmen moves to award \$25,000.00 for this taking in accordance with the appraisal dated November 14, 2015 by A.M. Appraisal Associates, Inc.

This was seconded by Yolanda Greaves with a vote of 5-0-0.

Member	In Favor	Opposed	Abstained	Not Present
Magnani	<u>X</u>	—	—	—
Hakansson	<u>X</u>	—	—	—
Mitchell	<u>X</u>	—	—	—
Greaves	<u>X</u>	—	—	—
Scherer	<u>X</u>	—	—	—

**Amend Underground Storage Tank License – 123-127 Union Street**

Joe Magnani read the hearing notice to open the public hearing on an amended underground storage tank license located at 123-127 Union Street (“the Shell Station”).

Allen Micale who is the consultant that is doing the work of removing the current 3 tanks and will be replacing them with 2 tanks that will allow for the sale of diesel going forward. Mr. Micale also mentioned that additional renovations.

Captain Robie explained that they currently have a license on the property and will be reducing the overall number of gallons stored on the property

Yolanda Greaves made a motion to close the public hearing. This was seconded by Steve Mitchell with a unanimous vote of 5-0-0.

Yolanda Greaves made a motion to approve the new amended license which will allow for 2 - 15,000 gallon tanks in order to carry diesel fuel. This was seconded by Steve Mitchell with a unanimous vote of 5-0-0.

**Hanto – Entertainment License Violation Hearing**

Joe Magnani made a statement that he needs to recuse himself from the discussion and explained that Carl Hakansson would conduct the hearing.

Carl Hakansson explained that on July 22, 2016 notice of this hearing was sent pursuant to the provisions of G.L. c. 140 § 183A, and Section 3-2(e) of the Town of Ashland Charter to determine whether Sing Sing, Inc. d/b/a Hanto Restaurant, (“Hanto”), the holder of an entertainment license issued pursuant to G.L. c. 140§ 183A to conduct business at the premises located at 380 Union Street, Ashland, MA 01721, allegedly violated the provisions of said Chapter 140, or any rules and regulations promulgated under the authority of that Chapter and, if such violation is found to have occurred, whether such license should be modified, suspended, or revoked in accordance.

The subject to be discussed at the hearing include the following alleged violation of applicable law, rules and/or regulations:

1. Whether, on or about Friday, June 10, 2016, Hanto violated the condition placed on its license that allows it to host concerts on three Saturdays per month.

Carl Hakansson swore in Jerry Effren and Henry Chang who are the attorney and the representative of Hanto, respectively.

Lisa Mead, Town Counsel, stipulated to the fact that Hanto had entertainment on a Friday night, which is in violation of their Entertainment License.

Jerry Effren explained that he is representing the establishment and he said that the owner of Hanto is out of the country, but the newly hired manager, Henry Chang, is present and will be handling the scheduling of entertainment moving forward.

Carl Hakansson explained that given the license holder has agreed that there was a stipulation and a violation based on the stipulation there is no need for further determination of the allegation and the Board must decide on what the penalty should be assessed.

Board members discussed what the penalty should be as a result of the admitted violation. Yolanda suggested suspending the license for 2 nights in September. Steve Mitchell explained that he feels that progressive discipline would be appropriate and where this is the first time he would suggest a 1-night suspension. Rob Scherer stated that he supports a 2-night suspension, but he would spread that out over 2 months. Carl Hakansson supports a 2-night suspension.

Yolanda Greaves made a motion that we remove 1 Saturday night in September and 1 Saturday night in October, which would limit the music to not include drums or a base guitar. This was seconded by Steve Mitchell with a vote of 4-0-1 (Magnani).

Yolanda Greaves made a motion to close the public hearing. This motion was seconded by Steve Mitchell with a vote of 4-0-1 (Magnani)

Carl Hakansson requested that the Town Manager send a letter to the owner outlining the decision.

***Consent Agenda***

1. Declaration of Surplus: SCBA Equipment and Golf Cart, Ashland Fire Department and 15 red Children's Chairs from the Community Center.
2. Donation: \$450 from KG Naryana – Ashland Cultural Council
3. Proclamation – Rose Miranda – Assistant Town Clerk
4. Acceptance of Minutes: BOS meetings May 18, 2016, *June 1, 2016 and June 15, 2016*; Cadillac Paint Working Group November 14, 2012

Joe Magnani read the items listed above on the consent agenda and asked for a motion to approve.

Carl Hakansson requested that the minutes from June 1<sup>st</sup> and Jun 15<sup>th</sup> and the Toll Road request be pulled from the Consent Agenda. This was seconded by Steve Mitchell with a unanimous vote of 5-0-0.

Yolanda Greaves asked that the Board pull the request for declaring the 15 red children chairs as surplus. This was seconded by Rob Scherer with a unanimous 5-0-0.

Steve Mitchell made a motion to approve the consent agenda as revised. This motion was seconded by Yolanda Greaves with a unanimous vote of 5-0-0.

*Old / New Business*

**Stage 2 Water Restriction – Address Prohibiting Hand Held Watering and Sprinklers**

Michael Herbert explained that the town is currently in a Stage 2 water ban and Michael Herbert suggested that the Board consider adding additional restrictions.

Yolanda Greaves made a motion to prohibit the use of automatic sprinklers during the Stage 2 water restriction. This motion was seconded by Steve Mitchell with a unanimous vote of 5-0-0.

Joe Magnani asked that members of the community that have wells consider adhering to the same restrictions to help conserve.

**Request for Waiver of Water Restrictions – Ashland Fields**

Michael Herbert explained that the town has received a request to exempt the town fields from the water restrictions.

Yolanda Greaves made a motion to allow the waiver for the watering of the fields as requested from Ron Mortensen. This motion was seconded by Steve Mitchell with a unanimous vote of 5-0-0.

**Implementation of Sewer Moratorium**

Michael Herbert explained that he is requesting that the Board of Selectmen as Water and Sewer Commissioners implement a temporary sewer moratorium. Michael said that Ashland had a moratorium on sewer connections established by Town Manager John Petrin. In 2013, Town Manager Tony Schiavi lifted that moratorium. Since 2013 the town has had several large-scale developments built and or permitted, including the RTD (398 units), Ashland Woods (60 units), Residence at Valley Farms (80 units), a large-scale skilled nursing facility (Waterview Lodge). Additionally, there are several projects in the regulatory phase, including 133 West Union Street (140 units). There are also several other smaller 4, 5, and 6 single family home subdivisions that have been or are being built.

Michael Herbert stated that the moratorium is not meant to be permanent. It is designed to give the town the ability to determine the direction it wants to head through the strategic planning process and then help in the design of the necessary infrastructure. Michael expects the moratorium to last until December 31, 2017.

Steve Mitchell made a motion to impose a temporary moratorium as of August 3, 2016 on connections to public sewer as presented with the addition of language to 326-36 that accommodates those permit requests that are already submitted. This motion was seconded by Yolanda Greaves with a unanimous vote of 5-0-0.

**Sign September 8, 2016 Primary Election Warrant**

Yolanda Greaves made a motion to approve the State Primary Election Warrant as presented. This was seconded by Rob Scherer with a unanimous vote of 4-0-0 (Mitchell absent)

**Open Meeting Law Complaint of June 12, 2016**

Lisa Mead explained that Mr. Morgan filed an Open Meeting Law Complaint and she has filed an extension on the complaint. Atty. Mead went on to explain that she has reached an agreement with Mr. Morgan and the agreement will be sent to the Attorney General.

Yolanda Greaves made a motion to accept the resolution of the Open Meeting Law Complaint as drafted by Atty. Mead. This motion was seconded by Steve Mitchell with a unanimous vote of 5-0-0.

**State Park – General Discussion**

Board members discussed the number of issues that exist in the area of the Ashland State Park, such as dogs off of leashes, vandalism and parking issues.

Joe Magnani made a motion to request the Town Manager to contact our State Legislators and members of DCR to discuss the State Park. This motion was seconded by Yolanda Greaves with a unanimous vote of 5-0-0.

#### **Acceptance of Easement**

Yolanda Greaves made a motion that the Board of Selectmen, acting as the Water Commission, do hereby accept, pursuant to G.L.c. 83 §1, from Fafard Real Estate and Development Corp. for the perpetual right and easement for surface access and egress over the private streets within the so called Workmen's circle development, including Algonquin Trail, Half Crown Circle, and Captain Eames Circle, for the purpose of the accessing the cross-country sewer main and related appurtenances located within the 30' strip of land extending from Captain Eames Circle towards James Road and from Development Corp and from Thousand Pines Development Corp, for the perpetual right and easement for surface access and egress over (1) Algonquin Trail and Half Crown circle, both private ways in which Grantor has reserved easement rights, and (2) that portion of the "30' Wide Utility & Access Easement" extending from the end of Half Crown Circle to where it intersects the "30' Wide Utility Easement" in which Grantee's municipal cross-county sewer main is located as more fully set forth in the easements as presented. This motion was seconded by Steve Mitchell with a unanimous vote of 5-0-0.

#### **Temporary Handicap Parking Signs – 1-day request**

Steve Mitchell explained that the Dragon Fly Festival Committee has been working with Public Safety to designate temporary handicap parking area and detours that will be in effect the day of the event. Steve also explained that letters will go out to the neighbors updating them on the plan, so everyone understands what will be happening in advance of the event.

Yolanda Greaves made a motion to approve the Temporary Handicap Parking Signs 1 day signs as presented. This motion was seconded by Rob Scherer with a vote of 4-0-1 (Mitchell)

Yolanda Greaves made a motion to continue the meeting past 10:00 pm. This motion was seconded by Rob Scherer with a unanimous vote of 5-0-0.

#### **Rail Transit District Update**

Joe Magnani explained that he feels that public needs to understand that the Board shares the same concerns as the public when it comes to the safety of the project.

Carl Hakansson said that the Board has received a lot of mail regarding the RTD and he shared a letter that was received from a 9-year-old boy. After reading the letter he and Michael Herbert paid a visit to the child and his family to let him know that his letter was received.

Yolanda Greaves and Rob Scherer both agree that discussion and planning of the project is needed and they both stated that the project has been in the pipeline for years, however some residents feel that this is a new project and they criticized the Board for the process. All Board members understand that this has been a learning process and they now know how to handle such issues better in the future.

Michael Herbert explained that he understands the impact the Nyanza has had on the community and the stories that drive the passion. He is very grateful for the people that he has been able to meet as a result of the project.

Steve Mitchell wanted to be sure that the public understand that the Board has always wanted to maintain safety and any opportunity to improve the culvert and remediation is great for the community.

#### **Toll Road Request**

Steve Mitchell made a motion to approve the request for the Ashland Lions to hold a Toll Road from 9:00 am to 1:00 pm on September 24<sup>th</sup> at the intersection of Main Street with a rain date that needs to be determined. This motion was seconded by Yolanda Greaves with a unanimous vote of 5-0-0.

Steve Mitchell made a motion to approve the request for the Greater Ashland Lions to hold a Toll Road at the Main St. and Rte. 135 intersection from 9:00 am to 1:00 pm on October 1<sup>st</sup> with a rain date of October 8<sup>th</sup>. This motion was seconded by Yolanda Greaves with a unanimous vote of 5-0-0.

**Acceptance of Minutes**

Yolanda Greave made a motion to accept the minutes of June 1, 2016 as presented and June 15, 2016 as amended. This motion was seconded by Steve Mitchell with a unanimous vote of 5-0-0.

***Selectman Appointments***

**Reappointments**

Yolanda Greaves made a motion to approve the 2016 Board of Selectmen reappointments as presented. Motion to appoint **Joseph J Magnani, Jr.** and **Paul D Monaco** to the *Affordable Housing Trust* for a 2-year term that will expire on August 31, 2018.

Appoint **Kris Briggs** to the *Board of Registrars* for a 3-year term that will expire on August 31, 2019.

Appoint **Craig J. Mathias and John Stephen Thomas** to the *Cable Advisory Committee* for a 3-year term that will expire on August 31, 2019.

Appoint **Timothy Connors** to the *Community Preservation Committee* for a 1-year term that will expire on August 31, 2017.

Appoint **Carl G. Hakansson and Catherine M. Van Lancker** to the *Conservation Commission* for a 3-year term that will expire on August 31, 2019

Appoint **Alice Smart and Barbara Thoresen** to the *Council on Aging* for a 3-year term that will expire on August 31, 2019.

Appoint **Maureen A Assensoa and Cynthia C. Winterhalter** to the *Historical Commission* for a 3 year term that will expire on August 31, 2019.

Appoint **Michael Herbert** to the *Metropolitan Area Planning Council* for a 3-year term that will expire on August 31, 2019.

Appoint **Michael Herbert** to the *Metrowest Water Supply Protection Committee* for a 1-year term that will expire on August 31, 2017.

Appoint **Michael Herbert** to the *Metrowest Veterans Services District* for a 1-year term that will expire on August 31, 2017.

Appoint **William Child and Greg Wands** to the *Open Space and Recreation Committee* for a 3-year term that will expire on August 31, 2019.

Appoint **Jennifer Ball** to the *Public Safety Building Committee* until completion.

Appoint **John Ellsworth, and Murdina Harrison** to the *South Middlesex Opportunity Council* for a 1-year term that will expire on August 31, 2017.

Appoint **Mary Mortensen** to the *Stormwater Advisory Committee* for a 3-year term that will expire on August 31, 2019 and to appoint **Maeghan Walters** and **Rajitha Purimetla** indefinitely.

Appoint **Patricia M. Kendall, Wayne E. Bates and Matthew Marshquist** to the *Sustainability Committee* for a 3-year term that will expire on August 31, 2019.

Appoint **Catherine Rooney** to the *Town Forest Committee* for a 3-year term that will expire on August 31, 2019.

Appoint **Gene Crouch, Don Jones, John McPartland** and **Mark Oram** to the *Trimount Aggregate Oversight Committee* for a 1-year term that will expire on August 31, 2017.

Appoint **Edward Hart, Lawrence Kniveton, Steven Mitchell, Michael Herbert** and **Clifford Wilson** to the *Warren Woods Ad Hoc Committee* for a 1-year term that will expire on August 31, 2017.

Appoint **Wayne Bates, Catherine Rooney, Phillip Williams** and **Jeffrey Lemay** to the *Water Policy Committee* for a 1-year term that will expire on August 31, 2017.

Appoint **Heather Jack, Joseph Magnani, Judith Romano** and **Thomas Waldstein** to the *Youth and Family Services Advisory Board* for a 1-year term that will expire on August 31, 2018.

Appoint **Stanley Daner** to the *Zoning Board of Appeals* for a 3-year term that will expire on August 31, 2019.

Appoint **Peter Kopecky, Stuart Siegel** and **John Trefethen** to the *Zoning Board of Appeals* for a 1-year term that will expire on August 31, 2017.

This motion was seconded by Steve Mitchell with a unanimous vote of 5-0-0.

### ***Town Managers Appointments***

#### **Call Firefighters**

Michael Herbert explained that he is appointing Michael Murphy, Anthony Penticast and Michael Falone to the Call Department and he explained that he is not requesting a waiver of the 14 days waiting period.

#### **DPW Director – Doug Small**

Michael Herbert explained that he appointing Doug Small as DPW Director and said that Doug Small will be starting in October 2016. Doug Small said that it is an honor to have the opportunity to come back to the town.

### ***Town Manager Reports***

#### **Financial Update**

Michael Herbert explained that he is looking to add an additional Board of Selectmen meeting on August 17<sup>th</sup> at 6:00 pm for the purpose of the School Roof Bond Sale.

Michael Herbert also stated that he will be presenting the free cash number as soon as the audit is complete.

#### **Public Health Department Accreditation**

Michael Herbert mentioned that he has been working with the Board of Health Department on becoming accredited. He feels that the biggest impact for the public is the professionalism it presents.

#### **Inspector General Response**

Michael Herbert explained that he had sent off a response to the IG regarding the time keeping of Mark Oram. Michael said the town has imposed some additional checks and balances as a result to be sure that everything is clear moving forward.

Rob Scherer asked is there is still a discussion regarding regionalizing health services. Michael Herbert explained that this is still an option but at this point he has not found another community that is looking at forming a regional group at this point.

### **Strategic Planning Committee**

Michael Herbert mentioned that he has been advocating for people to join the Strategic Planning Committee. He asked that anyone interested should complete a Talent Bank Form.

### ***Board Reports***

#### **Carl Hakansson**

Carl explained that there have been areas in town that has been worked on by volunteers and as a result of the Selectmen's grants. He said the improvement are all part of the commitment the Board has made.

Carl wants to be sure that the public understand how public participation works at Board meetings and explained how the process works.

Carl gave a shout out the Jeff Stone.

#### **Rob Scherer**

Rob reminded everyone that the Upper Charles Rail Committee is getting ready to send out the RFP.

#### **Yolanda Greaves**

Yolanda said that she attended the ABA Meeting at Rte. 126 Ashland Storage.

Yolanda mentioned that she will be attending the business Meet and Greet that Beth Reynolds has setup for next week at Fitness Together.

MPO meeting and Rte. 126 is staying on the 2020 list. She thanks everyone that helped by commenting on the project and she said it was very helpful with keeping the project on track.

Yolanda requested that the removal of signs from the downtown area is added to the Board's September 17<sup>th</sup> agenda.

Yolanda thanked the Dads Club for the playground they put in at the Warren School.

#### **Steve Mitchell**

Steve Mitchell explained that he attended the ABA event last night.

Steve reminded everyone that the Dragon Fly Festival will take place on Saturday August 13<sup>th</sup> from 2:00 pm to 8:30 pm.

Steve said the Fiscal Impact Tool (or "Community Impact Tool") is important and needs to move forward, so the Planning Department can use it as a tool.

#### **Joe Magnani**

Joe Magnani also gave a shout out to Jeff Stone and he congratulated him.

Joe mentioned that there are 4 summer concerts left and they run from 6:30 pm to 8:30 pm.

Joe thanked the members of Connect Community Church who volunteered and completed various improvements at Stone Park.

### ***Adjournment***

Yolanda Greaves made a motion to adjourn. The motion was seconded by Steve Mitchell with a unanimous vote of 5-0-0.

### ***Next Meeting***

The next meeting is scheduled for August 17, 2016.

***Documents used as backup:***

Notice of Intent Easement 101 Presidents Row, Legal Notice Amended License, Hanto Stipulation, Declaration Surplus Golf Cart, SCBA Cylinders and Children's Chairs, Gift Check, Minutes Board of Selectmen May 18<sup>th</sup>, June 1<sup>st</sup>, June 15<sup>th</sup>, Cadillac Paint Working Group November 14, 2012, Ashland Lions Toll Road request, Greater Ashland Lions Club Toll Road request, Sewer Moratorium Memo, Temporary Moratorium Chapter outline, List of Reappointments, Dragon Fly Detour Map, Request for Watering Exemption, Fafard Real Estate and Development Corp. Easement Documents, OML July 12 Memo and backup, Election Warrant Posting Documents, Memo Sewer Commission Moratorium, Call Firefighter Applications, John Small Resume, Local Public Health Accreditation Information, Memo "Addressing the Risks of Time Abuse Across Multiple Jurisdictions".