



SELECT BOARD MEETING
Meeting Minutes
April 10, 2023
6:00 P.M.

APPROVED: 4/24/23
Amended

PRESENT: Diana Lipari, Chair; Wesley Fowlks, Member; Les Fox, Clerk; and John Markiewicz, Member

ALSO PRESENT: Town Administrator Mike Johns; Rajon Hudson, Assistant Town Administrator; Kelley Price, Administrative Assistant; and Kirby Dolak, BXBTV

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.

Executive Session

- 1. Call the Meeting to Order Noting the Time & Presence of a Quorum**
- 2. Executive Session**
 - a. To discuss strategy with respect to collective bargaining or litigation per MGL Ch. 30A §21 (a) (3) (Fire Local 4601) (Chief of Police)
 - b. To review and/or approve the release of executive session minutes of 3/1/23; 3/27/23; 3/30/23; 4/3/23; 4/5/23; and documents relating to the Boxborough Police Chief
- 3. Reconvene in Open Session at 6 PM**

Regular Session

1. Call the Meeting to Order Noting the Time & Presence of the Quorum

At 6:00 PM, Chair Lipari called Select Board meeting to order, via ZOOM pursuant to the procedures noted.

ANNOUNCEMENTS

Chair Lipari read through the announcements.

Vote on Executive Session Topics From 4/3/23 & 4/10/23

Town Administrator Johns explained that the Board discussed the DPW Director contract for Director Ed Kukkula in Executive Session. The Director's contract is ending at the end of this fiscal year and contract negotiations have been ongoing.

Member Fowlks moved to enter into the employment contract with Ed Kukkula with the contract proposed in Executive Session. Seconded by Member Markiewicz.

Approved: 4-0-0 by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

Town Administrator Johns noted that the Board also discussed a Memorandum of Agreement for the Local Fire Union 4601 during Executive Session. Contract negotiations were ongoing in the fall and winter.

Member Fowlks moved to accept the Memorandum of Agreement as negotiated by the Town Administrator and presented to the Board in Executive Session for the Local Fire Union 4601. Seconded by Member Markiewicz.

Approved: 4-0-0 by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

Town Administrator Johns explained that he has had the opportunity to work with Interim Police Chief Szewczyk over the last number of months. He has found the Chief to be highly professional, strategic, and good at both building and managing a budget. During the Board's Executive Session, he presented a three-year and three-month contract for Chief Szewczyk.

Member Fowlks moved to accept the Town Administrator's recommendation to enter into a contract with Chief Szewczyk as the permanent Chief for three months and three years. Seconded by Member Markiewicz.

Approved: 4-0-0 by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

APPROVAL OF MINUTES – *the Board took up this item at this time.*

- a. Regular Session Minutes: 1/07/23 & 3/27/23

Chair Lipari moved to approve the meeting minutes of January 7, 2023, and March 27, 2023, as presented. Seconded by Member Fowlks.

Approved: 4-0-0 by Roll Call Markiewicz, “aye,” Fox “aye,” Fowlks “aye,” Lipari “aye.”

Town Administrator Johns reviewed an email from David Ketchen, Littleton Electric Light, and Water Department, regarding a public forum at the Littleton Police Department on April 25th from 7:00 PM to 9:00 PM to discuss two major articles for the upcoming May 1st Littleton Town Meeting, as part of the Littleton sewer expansion project. This may be of interest to Boxborough residents, as the Town prepares to enter into an intermunicipal agreement.

Town Administrator Johns announced that Assistant Town Administrator Hudson recently completed his municipal certificate as an MCPPO. The Board congratulated Assistant Town Administrator Hudson on his accomplishment.

NEW BUSINESS – *the Board took up this item at this time.*

- a. Appointments
- Personnel Board (C. Mahoney)

Chair Lipari moved to appoint Cheryl Mahoney to the Personnel Board for a term ending June 30, 2025. Seconded by Member Markiewicz.

Approved: 4-0-0 by Roll Call Markiewicz, “aye,” Fox “aye,” Fowlks “aye,” Lipari “aye.”

PUBLIC HEARING NOTICE – 6:30PM

- Call Public Hearing Notice to Order Noting the Date/ Time and Presence of a Quorum by Roll Call Vote
- Action: Road Acceptance - Loring Avenue, Joyce Lane, and MacLeod Way as Public Ways.

Chair Lipari moved to open the Public Hearing regarding the acceptance of Loring Avenue, Joyce Lane, and MacLeod Way as public ways by the Town of Boxborough. with a Roll Call attendance: Markiewicz, “present,” Fox “present,” Fowlks “present,” Lipari “present.”

Alec Wade, Town Planner, explained that the request is for the Select Board to vote to layout the ways as depicted on a specific plan set. The plan set depicts the roadway in its entirety, as well as many access and utility easements, including subsurface drain lines. After consultation with legal counsel, staff feels this is the most appropriate plan set and we does not feel that it needs to be attached with any other plans for the purpose of road acceptance. If Town Meeting sees fit to adopt this plan set as a public way, the Town will be taking ownership of the road, along with all access and utility easements and every drain line. A bit of extra width has been included around these lines, allowing the Town access to go below ground to make any repairs as needed. If this is the case, the Town would then restore the land to its previous state. Additionally, the Town will take ownership of some of the drainage areas. Mr. Wade addressed some of the open questions on this item.

- 1) What is the condition and anticipated replacement cost of any subsurface drain lines or structures?
Mr. Wade stated that there is a scheduled inspection date of April 14th, with a rain date of the 18th, for the drain lines. This will help estimate the cost of the work.
- 2) Will the property owner come current on the past two tax bills prior to acceptance?
Mr. Wade stated that he has had discussions with the developer/ property owner of the roadway but has not discussed whether they will come current on their tax bill. If approved at Town Meeting, the Town will have 120 days to fulfill the actual taking and can use that time to work out with the developer if they intend to come current on the tax bill. It would be quite difficult for the Town to lien any other properties, as the LLC this was previously under has since dissolved.
- 3) Will the Homeowners Association (HOA) support the Town’s enforcement efforts in preventing on street parking?
Mr. Wade stated that the HOA has confirmed in writing that they do intend to support the Town’s enforcement efforts. The best way forward is to sign a Memorandum of Understanding (MOU) to this effect.
- 4) The Planning Board rose questions regarding a formal engineer’s estimate of cost to be prepared for the road replacement and any additional structures.
Mr. Wade stated that a staff estimate of cost has been completed, but it is reasonable to also develop an engineer’s estimate of cost once the drain line has been scoped.
- 5) The Select Board asked, if the Town uses eminent domain as the method for taking the roads, would the developer be able to seek damages against the Town?
Mr. Wade stated that the developer does not intend at this time to seek compensation for the Town taking its roadway. Legal counsel feels confident that, if within the three-year window granted by right to pursue compensation, anyone did choose to pursue this, there would not be ground to stand. As the Town will be maintaining this as a public way, no one will lose their

access to the road or the structures. Over time, the Town will be bettering the road and the structures through regular care and maintenance. Additionally, none of the nearby property values will be negatively impacted by this road acceptance.

Mr. Wade stated that, at this time, the Town's assessed impact for taking is \$0.00.

In response to a question from Member Fox, Mr. Wade stated that this area will not need to be resurveyed. If there are any discrepancies when scoping occurs, those could be addressed at that time.

Chair Lipari moved to recommend to Town Meeting that the private ways known as Loring Ave., Joyce Lane, and McLeod Way be laid out as public ways in the manner shown on the plan recorded with the Middlesex South Registry of Deeds as Plan 906 of 2002 and as further set forth in accordance with that plan the legal descriptions provided to the Board and to place a copy of the plan on file with the Town Clerk. Seconded by Member Markiewicz.

Approved: 4-0-0 by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

Chair Lipari moved to close the Public Hearing regarding the acceptance of Loring Avenue, Joyce Lane, and MacLeod Way as public ways by the Town of Boxborough. Seconded by Member Markiewicz.

Approved: 4-0-0 by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

NEW BUSINESS

- b. Discussion & Vote: Authorization of Town Administrator to Act as Municipal Hearing Officer - *The Board took up this item at this time.*

Town Administrator Johns explained that the Board can consider authorizing the Town Administrator to act as the Municipal Hearing Officer for both the Fire Code and the Building Code, as well as for nuisance and/or dog hearings. Boxborough does not currently have a hearing officer. A fee structure can be creating regarding violating these items, in hopes of correcting the action, and in some cases the fee can likely be waived. A fee structure would allow for some teeth in the enforcement process. He noted that he is certified to act as the Municipal Hearing Officer for the Town.

Chair Lipari moved that the Select Board has the option to authorize the Town Administrator to act as Municipal Hearing Officer in the case of nuisance and/or **dangerous** dog hearings, at the discretion of the Chair. Seconded by Member Markiewicz.

Approved: 4-0-0 by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

Chair Lipari moved to authorize the Town Administrator to act as Municipal Hearing Officer for the purposes of fire violations. Seconded by Member Fowlks.

Approved: 4-0-0 by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

Chair Lipari moved to authorize the Town Administrator to act as Municipal Hearing Officer for the purpose of Building Code violations. Seconded by Member Fowlks.

Approved: 4-0-0 by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

COMMUNITY CONCERNS

None at this time.

The Board took a five-minute recess.

NEW BUSINESS

- a. Action: Annual Town Meeting Notice for Public & Media Release – *The Board took up this item at this time.*

Chair Lipari moved to authorize the Annual Town Meeting Notice for Public & Media Release as presented by the Moderator in a communication to the Board. Seconded by Member Fowlks.

Approved: 4-0-0 by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

- b. Appointments

- Treasurer/Tax Collector (N. Quansah)

- a. Action: Authorization as the Signer for Town Bank Accounts
- b. Action: Minuteman Nashoba Health Group Alternative Delegate for the Town of Boxborough

The Board welcomed Naomi Quansah to the position of Treasurer/Tax Collector.

Chair Lipari moved to appoint Naomi Quansah to the position of Treasurer/Tax Collector, beginning May 1, 2023, with a term ending June 30, 2024. Seconded by Member Fowlks.

Approved: 4-0-0 by Roll Call Markiewicz, “aye,” Fox “aye,” Fowlks “aye,” Lipari “aye.”

Chair Lipari moved to authorize the incoming Treasurer/Tax Collector, Naomi Quansah, to be a signer on the Town's bank account starting May 1, 2023, specifically Middlesex Savings Bank, Unibank, Massachusetts Municipal Deposit Trust (MMDT), and Eastern Bank. Seconded by Member Fowlks.

Approved: 4-0-0 by Roll Call Markiewicz, “aye,” Fox “aye,” Fowlks “aye,” Lipari “aye.”

Chair Lipari moved to authorize the incoming Treasurer/Tax Collector, Naomi Quansah, to serve as the alternate delegate for Boxborough for the Minuteman Nashoba Health Group (MNHG). Seconded by Member Fowlks.

Approved: 4-0-0 by Roll Call Markiewicz, “aye,” Fox “aye,” Fowlks “aye,” Lipari “aye.”

PUBLIC HEARING NOTICE – 7:15PM

- Call Public Hearing Notice to Order Noting the Date/Time and Presence of a Quorum by Roll Call Vote
- Action: Nuisance or Dangerous Dog Complaint

Chair Lipari moved to open the Public Hearing regarding the Nuisance or Dangerous Dog Complaint, with a Roll Call attendance: Markiewicz, “present,” Fox “present,” Fowlks “present,” Lipari “present.”

Town Administrator Johns stated that, pursuant to MGL Chapter 140 Section 157, the Select Board is conducting a hearing as a result of a written report by Boxborough Animal Control regarding a dangerous dog incident involving a dog known as Luna, owned by Julie Bergeron of 89 Middle Road. The purpose of this hearing is to determine whether the dog is a dangerous or nuisance dog and, if so, what, if any, action should be taken by the Board. Town Administrator Johns swore in the associated parties.

Nicole Costanzo, Esq., Town Council, first questioned Phyllis Tower, Animal Control Officer. Ms. Tower explained that her role as Animal Control Officer is to take any calls through Police dispatch from residents regarding dogs that are not following the bylaws of the Town or dealings with wildlife. She has been an Animal Control Officer for 23 years. She has been familiar with the dog Luna on July 14, 2022; March 8th and March 13th of 2023. In the July 2022 incident, she was driving near 89 Middle Road and witnessed a gentleman standing over an injured dog. The dogs of 89 Middle Road had been loose prior to her arrival, with the owners at work and a nanny at the residence at the time. The owner of the injured dog was awaiting a ride to bring the dog to the emergency vet. The attacking dog was Luna. Two other dogs of 89 Middle Road were present but not involved in the attack. At that time, Ms. Tower stated that she issued a verbal warning. The owner stated that the dogs would have electric collars and would investigate the incident. There were no further incidents until March 8, 2023.

Regarding the March 8th incident, Ms. Tower stated that the owners of the dogs at 89 Middle Road were on vacation, and someone took the dogs into the yard. At that point, the dogs left the property. There is a fence on the property, but it was only made to run the wire for the electric collars and not harness the dogs. During this incident, Luna was wearing an electric collar, but this did not seem to stop her from leaving the yard. It is unclear why this occurred. The remedial action did not appear to be working.

Regarding the March 13th incident, Ms. Tower explained that the owners of 89 Middle Road were back from vacation and there was a dog fight in the street in the area of 89 Middle Road. Upon her arrival, Police and Fire Department staff were already present along with several residents. She spoke with the victim dogs' owner, Ms. Norton, and Luna's owner, Ms. Bergeron. At the time of the incident, Police took statements from both parties. The attacking dog was Luna, and it was explained to her that another dog of 89 Middle Road, Moose, was present and circling the whole incident but did not get involved in any way. Ms. Norton's statement was that the dogs were outside the home at the time of the incident.

Ms. Tower stated that she has some specialized training in this role. It appears Luna does not like small dogs. The dog seems to be fine with people. The dog was quarantined at the Station due to a break in the skin caused by the dog. When released back to the owner's house, Luna simply walked away from all people involved. It does not appear that Luna was provoked to attack in any of these three incidences. From what has been witnessed, Luna is a danger to other small dogs. In reviewing the associated laws, Ms. Tower recommended, per MGL Chapter 157 Section 140, Luna should be securely confined either inside or outside of the 89 Middle Road location. This enclosure needs to include a chain-link fence with a roof and floor. If a floor is not proposed, the walls need to be buried at least 2' in the ground. The dog should be brought from the house, through a breezeway, and into this enclosure, which should be attached to the rear of the home to prevent escape. The kennel should not have doors, also to prevent escape. If the kennel does have doors, they should be padlocked shut. When the dog is removed from the premises, it should be humanely muzzled and properly restrained with a leash with a minimal tensile strength of 300 lbs. and which is no longer than 3'. The owner will provide proof of insurance for not less than \$100,000. Lastly, the owner shall provide Animal Control with the following to identify the dog throughout its life: photographs or videos and a microchip with the confirmation number given to Animal Control. Additional remedial action can likely be taken, and euthanasia is not recommended at this time.

Member Fowlks asked for a definition of the word “provoke.” Attorney Costanzo stated that “provoke” can indicate that the dog was justified in attacking, such as someone entering the property, pulling the dogs tail, etc. This could include any number of mitigating circumstances that may lead to an attack incident.

Attorney Costanzo asked for the Police Chief’s testimony. Police Chief Szewczyk stated that he has worked for Boxborough since November 2022. Prior to that, he has had an over 20-year career in the Department. He has responded to incidences regarding dog accidents in his past work. His only experience with Luna was through written reports and when the dog was brought to the Station after the March 8th incident. In meeting Luna at the Station, he found her disposition to be friendly towards people.

Attorney Costanzo asked for Officer Tim Schaeffer’s testimony. Officer Schaeffer stated that he has been with the Boxborough Police Department for just over three years but has an over 20-year career. He has responded to incidences regarding dog accidents in his past work. When responding to the property at 89 Middle Road on March 13th, there were a number of cars in the road, as well as people. He noticed a female party in the back of a car with her dog that was involved in the attack. He witnessed blood smears on the car, blood droplets on the ground, and blood on the woman’s hands and pants. At that point, he responded to the house for a medical call for a dog bite. He encountered the male owner of Luna with a sweatshirt wrapped around his right arm which was starting to bleed through. The ambulance arrived and began working on the male owner. Ms. Norton, owner of the dog, Penny, that was attacked stated that she was out for a walk with her animal when Luna began attacking her dog from the yard. It is unclear if the dog came out of the house or was already in the yard. Luna came into the roadway and Moose was circling the entire time. The male owner came out of the house and did everything he could to separate the dogs, which is how he was bitten. Ms. Norton stated that she was fearful for her own safety. The Police report noted that she was shaken. Officer Schaeffer stated that he would not feel comfortable making a determination regarding Luna and would digress to the Animal Control Officer. Ms. Norton stated to him that she did not know if she would ever be able to walk past the house in question again.

Member Markiewicz asked if Luna has attacked other people before. Julie Bergeron, Luna’s owner, stated that Luna has never before attacked or bitten other people. Luna has only attacked the two dogs. The bite to her husband occurred in trying to break up the dogfight.

Attorney Costanzo asked for Maya Norton’s testimony. Maya Norton, 37 Cobleigh Road, explained that every morning and afternoon she walks her 10-year-old child to school at Blanchard Elementary School and passes by the house in question. On March 13th, she was walking home from dropping off her child, on the left side of the road with her dog, Polly. She was walking on the opposite side of the street from the house in question. At approximately 8:40 AM she saw a brown dog and a white dog at the house. The dogs started barking, which was something the dogs would normally do when she walked by. Someone inside the house started pounding and saying, ‘stop barking.’ The brown dog ran straight to her and Polly and started circling. The white dog ran after the brown dog. There is a physical barrier, but it is falling down, and it would not contain any animal. The white dog ran straight to Polly, who is approximately 40 pounds. She was dragged several feet as her dog tried to get away. The white dog, Luna, grabbed onto Polly and would not let go. The male owner came straight out of the house and put his body between the two dogs, to his great physical jeopardy. There were some witnesses who pulled over and tried to help. She stated that she believes, without the owner’s body being in the middle, that her dog would have been mauled to death. Ms. Norton explained that she rescued Polly from a shelter in December. She is a mixed dog and approximately 40 pounds. Polly had tooth marks on her head and her leg. She ended up having six staples on her leg to keep the puncture wounds closed and had to take medicine for about 20 days. Ms. Norton stated that she walks this route every day and that there is no other route to access the School. Polly has never been involved in any other altercations with any other animals that she is aware of. Ms. Norton explained that her backyard is connected to Luna’s owner’s backyard. There is a New England style stonewall in between the properties, which she does not believe is a sufficient barrier to prevent the animals from entering each other’s property. Polly is leashed 100% of the time when she is outside. Ms. Norton stated that when she got Polly from the shelter she was energetic and skittish but has since become calmer and gentler. Since this incident, Polly is very hyper and skittish. She has a hard time walking past the house in question. Ms. Norton stated that, regarding her own anxiety in having to walk past the property each day, she tries to be reasonable. She believes that her neighbors are good people and doing their best. She stated that she is worried for her child’s safety, as her child is only 50 lbs. and, even though Luna has technically only attacked other dogs, she is worried this could be a prey instinct. Ms. Norton stated that she has no ill will towards her neighbors. Luna’s owners did pay the medical bills and she believes they will do the right thing to protect the community.

Attorney Costanzo asked for Julie Bergeron’s testimony. Julie Bergeron, 89 Middle Road, stated that Luna is approximately 50-60 pounds, almost seven years old, and a pitbull-type mix. She has owned Luna since she was four months old. She also owns Moose and Ruby. Luna is the smallest of the three dogs. The three dogs get along very well, and Luna has never attacked either Moose or Ruby. Other than the three incidents in Town, Ms. Bergeron stated that she is not aware of any other instances involving Luna. There is a fence in the backyard, but it is not meant to to physically contain the dogs. There is an electric fence to keep the dogs contained but there have been issues with it, and she suspects it was not functioning on the day in question. The fence has an alarm that goes off in the garage, but it cannot necessarily be heard from inside. Ms. Bergeron stated that her husband reported hearing the alarm sounding after the fact on the day in question. He husband had a bite on his on his thumb from the incident which required nine stitches. She

does not believe her husband was bitten intentionally during the dogfight. Ms. Bergeron stated that, since the incident, they have walked Luna outback on a leash. She agreed that the fence is not doing its job to contain the dogs. She has purchased a 6' chain link fence, although this may not be the best solution. She noted that Luna has been the sweetest dog and just recently started having these incidents for unknown reasons. She understands the concern and wants to make everyone comfortable. Luna has not been left alone outside in the yard since the incident. She would like the Board to consider a 6' chain link fence that wraps around the basement door and the back breezeway door to contain a small section of the yard versus a kennel. They would also consider muzzling Luna while she is outside as an extra precaution.

Member Fowlks asked if the electric fence was installed by the owners or managed by a company. Ms. Bergeron stated that this was installed by her family. It generally works well. Member Fowlks asked why the line is not buried. Ms. Bergeron stated that she rents the home but has discussed a fixed, permanent fence with the owner of the property.

Chair Lipari asked if Luna digs. Ms. Bergeron stated that she has not previously seen this. She believes that Moose typically knocks the fence over and then Luna breaks through the fence. She also has not seen Luna climb before.

Member Fowlks asked if the property owner would be okay with an additional electric fence being buried on the property, in addition to the chain-link fence. Ms. Bergeron stated that she does not believe this would be a problem.

Member Markiewicz asked if the owner has muzzled the dog in the past. Ms. Bergeron stated that she has not in the past.

Ms. Bergeron apologized to Ms. Norton.

Ms. Norton explained that she was asked to provide her recommended outcome, and so she recommended a tall fence that could not be jumped over or dug under. Also, a lead that could not be escaped from. The proposals from Ms. Tower also sound reasonable.

There was no further public comment or testimony at this time. The Board entered into deliberations.

Attorney Costanzo stated that the Board now needs to determine if Luna is a dangerous dog, a nuisance dog, or neither. She reviewed the definitions for these terms. If the Board determines that Luna is a dangerous dog, there are seven specific remedies that the general laws allow. If the Board determines that Luna is a nuisance dog, the Board has more discretion in crafting a solution, if it so chooses.

Member Markiewicz stated that he would like to see Luna confined to the owner's property with a tall enough fence that the dog cannot jump over it. Whenever the dog is removed from the house and enters a public right of way, it should be muzzled.

Member Fowlks stated that he is leaning toward classifying the dog as a nuisance, as the two attacks seemed to occur when the electric fence was not working. A 6' chain-link fence and also burying an electric line could be proper remediation items, along with flags to notify others.

Member Fox noted that a roof over the enclosure would allow for it not to have to be a specific height.

Chair Lipari stated that it is unfortunate that the owners did not take more care with this dog. The dog's behavior is not incomprehensible, and the issue is that the owners did not take charge up until this point. She stated that she is leaning toward declaring this dog a nuisance dog, even though this was an unprovoked attack. The dog should be muzzled and maintained on a short leash when it is off the property. The enclosure should have a roof and a floor, or have walls buried 2' into the ground. She recommended that it may be in the owner's best interest to also seek proof of insurance for the dog.

Town Administrator Johns noted that he spoke with the homeowner who is willing to consider a fence and other measures on the property, as long as they are paid for by his tenants. Ms. Bergeron stated that she believes the homeowner would be open to a fence, but not necessarily a structure with a floor.

Member Fowlks stated that he would like to hear from the homeowner to make sure that any enforcement actions are acceptable by him, in order to make sure that the enforcement does not force the renter to leave the property.

Member Fowlks moved to continue this hearing for two weeks to receive more information from the homeowner. Seconded by Chair Lipari.

Discussion:

Ms. Tower stated that she would like to see an interim measure of this motion that Luna be restrained by a 300 lb. tensile strength, 3' long leash, anytime she is not on the property.

Attorney Costanzo stated that, without acknowledging this dog as a nuisance or dangerous dog, the Board likely does not have the authority to force an order of conditions on the dog owner at this time while continuing the hearing.

Member Fowlks withdrew his previous motion.

Member Fox moved to declare the dog in question as a nuisance dog and that it be restrained on a proper leash, 300 lb. tensile strength not exceeding 3' in length and muzzled when it is off premises of the house, and to direct the Town Administrator to work with the Dog Officer and the owners to come back to the Board on April 24, 2023, at 7:15pm with a proposed permanent solution that satisfies the Dog Officer. Seconded by Member Fowlks.

Approved: 4-0-0 by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

Chair Lipari moved to close the public hearing. Seconded by Member Fowlks.

Approved: 4-0-0 by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

NEW BUSINESS

- c. Action: Authorization of the 2023 Annual Town Meeting Warrant Mailing

Chair Lipari moved to authorize the 2023 Annual Town Meeting Warrant mailing. Seconded by Member Fowlks.

Approved: 4-0-0 by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

BOARD & ADMINISTRATOR COMMENTS & REPORTS

Town Administrator Johns reiterated that the Littleton Electric Light and Water Department will be hosting a public forum at the Littleton Police Department on April 25th from 7:00 PM to 9:00 PM to discuss two major articles for the upcoming May 1st Littleton Town Meeting, as part of the Littleton sewer expansion project. This may be of interest to Boxborough residents, as the Town prepares to enter into an intermunicipal agreement. This will also be available via Zoom.

Member Fowlks moved to adjourn at 9:08pm. Seconded by Member Markiewicz.

Approved: 4-0-0 by Roll Call Markiewicz, "aye," Fox "aye," Fowlks "aye," Lipari "aye."

Item#

Exhibits

Agenda

Public Hearing Legal Notices

Town Planner's Report – Road Acceptance, April 5, 2023

Draft Meeting Minutes January 7, 2023; and March 27, 2023

Naomi Quansah resume

Cheryl Mahoney interest form

2023 Boxborough Annual Town Meeting Preview