

Select Board  
Tuesday, April 5, 2022, 2022  
Town Hall – Clark Room  
66 Westford St., Carlisle, MA 01741

The Carlisle Select Board met on Tuesday, April 5, 2022, at 7:00 p.m. at the Carlisle Town Hall (Clark Room) located at 66 Westford Street. Present were Barney Arnold-Chair, David Model-Vice chair, Kate Reid, Nathan Brown and Luke Ascolillo.

**Community Input:** There were no requests

The Select Board welcomed Interim Town Administrator Steven Ledoux.

**Town Administrator Screening Committee:**

On the motion made by Kate Reid and seconded by David Model, it was unanimously **VOTED** to appoint the following individuals to serve on the Town Administrator Screening Committee:

- Barney Arnold, (Lowell Rd) Select Board
- Madeleine Blake, Planning Board
- Deepa Chungi, Carlisle PTO
- Victor Liang, FinCom
- Bryan Sorrows, Fire Chief
- Peggy Wang, Town Clerk
- Mark Wey, Citizen at Large

ROLL CALL VOTE: B. Arnold-Aye, L. Ascolillo-Aye, N. Brown-Aye, D. Model-Aye K. Reid-Aye

The application deadline for candidates is Friday, April 8, 2022.

**Cemetery Deed Transfer Requests:**

Deed 772

On the motion made by Kate Reid and seconded by Nathan Brown, it was unanimously **VOTED** to transfer land in the public burial ground to Jeffrey Johnson and Sharron Kenney, of 64 Blaisdell Drive, Carlisle MA at Green Cemetery, Lot D149, Grave 1, 2 and 3. ROLL CALL VOTE: B. Arnold-Aye, L. Ascolillo-Aye, N. Brown-Aye, D. Model-Aye K. Reid-Aye

Deed 773

On the motion made by Kate Reid and seconded by Nathan Brown, it was unanimously **VOTED** to transfer land in the public burial ground to Karin Blake and Constance Tassinari of 15 Caroline Way, North Andover, MA 01845 at Green Cemetery, Lot D152, Grave 1 and 2. ROLL CALL VOTE: B. Arnold-Aye, L. Ascolillo-Aye, N. Brown-Aye, D. Model-Aye K. Reid-Aye

Deed 774

On the motion made by Kate Reid and seconded by Nathan Brown, it was unanimously **VOTED** to transfer land in

the public burial ground to David Williams and Betsey Jackson of 48 Pheasant Hill Lane, Carlisle, MA at Green Cemetery, Lot D153, Graves 1, and 2. ROLL CALL VOTE: B. Arnold-Aye, L. Ascolillo-Aye, N. Brown-Aye, D. Model-Aye K. Reid-Aye

Deed 775

On the motion made by Kate Reid and seconded by Nathan Brown, it was unanimously **VOTED** to Elizabeth C Barber, 100 Aldershot Lane, Carlisle, MA at Green Cemetery, Lot C17, Grave 3. ROLL CALL VOTE: B. Arnold-Aye, L. Ascolillo-Aye, N. Brown-Aye, D. Model-Aye K. Reid-Aye

Deed 776

On the motion made by Kate Reid and seconded by Nathan Brown, it was unanimously **VOTED** to Esther Krapf of 826 West Street, Carlisle MA at Green Cemetery, Lot D170, Graves 1, 2, 3, 4, 5, and 6. ROLL CALL VOTE: B. Arnold-Aye, L. Ascolillo-Aye, N. Brown-Aye, D. Model-Aye K. Reid-Aye

***Transfer Station Action Committee Appointments:***

On the motion made by Nathan Brown and seconded by Kate Reed, it **VOTED** to appoint the following individuals to serve on the Transfer Station Action Committee:

- Carren Panico (187 Tophet Road) for a 1-year term expiring June 30, 2023.
- Carrie Patel (85 Tophet Road) for a 1-year term expiring June 30, 2023.

ROLL CALL VOTE: B. Arnold-Aye, L. Ascolillo-Aye, N. Brown-Aye, D. Model-Aye K. Reid-Aye

**Dog Nuisance Hearing (MGL Ch.140, s.157) – 40 Laurelwood Road**

Chair Barney Arnold opened the Dog Nuisance Hearing scheduled for Tues., April 5, 2022, at 7:30 PM in the Clark Room of the Town Hall, 66 Westford Street, Carlisle, MA. This is a hearing of the Select Board held pursuant to General Laws Chapter 140, §157 and Section 14.6.7 of the Town’s General By-Laws.

Dog Owners: Claudio and Ludmilla Sena  
40 Laurelwood  
Carlisle, MA 01741

Name of Dogs: (1) Adult Male named Apollo (License No #323)  
(1) Adult Female named Athena (License No #324)

Breed of Dogs: German Shepherd Mix

Also present were Town Counsel, Attorney Jennie Merrill and Carlisle Animal Control Officers Gene Delano and Matt Svatek and the complainants Ronnie Green and Steve Mierau of 35 Milne Cove Road, Carlisle, MA.

Note: Dog owners Claudio and Ludmilla Sena were not present.

Notice of the hearing sent to the owners by certified mail on March 4, 2022, to the dog owners.

The purpose of tonight's hearing is for the Select Board to determine whether the dog(s) in question meet the legal definition of nuisance dogs.

Barney Arnold reviewed the ground rules for tonight's proceedings and informed those present that all testimony will be limited to the issues directly related to the subject matter of the hearing; only one person will be permitted to speak at a time, all the discussion will go through the Chair; all parties will be expected to conduct themselves civilly. After the hearing has been closed, the Select Board will enter into deliberations, and no further testimony or evidence will be accepted.

**Complaint:**

Carlisle Select Board has received a complaint that on many occasions, since mid-November 2021, one or more dogs on your property have been barking excessively, disturbing residents in the area even while inside their homes. The Complaint alleges that a dog charges and barks at the neighbor when they are in their driveway. In accordance with Section M.G.L. c. 140 §157 and Section 14.6.7 of the Carlisle General Bylaws, the complaint has been investigated by the Carlisle Dog Officer/Animal Control Officer.

At the direction of the chair, the following sworn testimony was taken under oath in accordance with M.G.L. c.140, §157.

The following testimonies are not verbatim. Online video recording of the meeting is available at <https://www.youtube.com/c/MinutemanMediaNetwork/videos>

1. Ronnie Green - There are two dogs at 40 Laurelwood Road that bark incessantly starting in the early morning and continues throughout the day. This has been an ongoing problem since October (2021). The dogs have full access to the outdoors through a doggy door, so the dogs basically have free reign. When the dogs are barking they cannot hear the television or enjoy their home. She further described the barking as very disturbing and that the dogs sound as though they are in distress. There may be an invisible fence because she has never seen the dogs leave the yard. Ms. Green offered to play a recording of a phone conversation with the dogs barking.
2. Steve Mierau - The dog owners have been unresponsive and will not answer their door. Clarified that the dog owners are renters and do not own the property.
3. Matt Svatek - Received many calls from the complainants. On each call, he could hear the dogs barking in the background. Each time he received a call he would attempt to contact the owners, but they weren't home or wouldn't answer the door. He also has more testimony from other individuals in the neighborhood about the barking. He has witnessed the dogs barking each time a car would drive by. There is a dog door built into the slider that the dogs can go in and out of. There have been attempts by the owners to control the barking (no-bark collars) however the attempts have been unsuccessful.
4. Gene Delano – Confirmed that he received a call and could hear the dogs barking for 27 minutes. The dog owner's contact information was passed along to him by the Town Clerk. He has left messages with no return call. According to the Carlisle Police Log, there were 14 incidents between from Oct 2021 – Mar 2022. Last month, he was able to speak with one of the dog owners and explained that it is his opinion that the free access to the outdoors is the issue.
5. Jonathan DeKock – There are sidewalks that abut the property with an existing fence approx. 6 inches from the sidewalk. The dogs are always bark loudly and aggressively when people walk past the

property. Young children will purposely cross the street instead of continuing along the sidewalk because of the barking.

In addition to the testimony, the following evidence was submitted to the Hearing Authority at the hearing:

1. A copy of the Notice of dog hearing sent to the dog owners
2. A copy of the Notice of dog hearing sent to the complainants
3. Dog Hearing Guidance Letter from Town Counsel

On the motion made by David Model and seconded by Nathan Brown, it was unanimously **VOTED** to close the hearing. ROLL CALL VOTE: B. Arnold-Aye, L. Ascolillo-Aye, N. Brown-Aye, D. Model-Aye and K. Reid-Aye

Chair Barney Arnold reviewed the definition of a Nuisance Dog: M.G.L. c.140, §136A defines “nuisance dog” as: a dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one’s quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

On the motion made by Kate Reid and seconded by Luke Ascolillo, it was unanimously **VOTED** to declare the two dogs named Apollo and Athena to be “Nuisance dogs” as defined under M.G.L. c.140, §136A.

ROLL CALL VOTE: B. Arnold-Aye, L. Ascolillo-Aye, N. Brown-Aye, D. Model-Aye K. Reid-Aye

On the motion made by Nathan Brown and seconded by Kate Reid, it was unanimously **VOTED** to issue the following notice of decision to dog owners Claudio and Ludmilla Sena:

Until such time that the dog owners can demonstrate to the Carlisle Animal Control Officer’s satisfaction that the excessive barking problem has been addressed;

- (1) Dogs are restricted from being outside unattended
- (2) Dogs owners shall take necessary remedial action to prevent excessive barking while the dogs are inside and outside of the home
- (3) Dogs shall be treated humanely at all times

ROLL CALL VOTE: B. Arnold-Aye, L. Ascolillo-Aye, N. Brown-Aye, D. Model-Aye K. Reid-Aye

***Annual Town Meeting Warrant preparations:***

There are 26 warrant articles for consideration at the April 25, 2022, Annual Town Meeting as follows:

- ART-1 Consent Agenda:
- ART-2 Town Reports
- ART-3 Salaries of Elected Officials
- ART-4 Actuarial Valuation of Post-Employment Benefits
- ART-6 Real Estate Tax Exemption
- ART-7 FY 2023 Chapter 90 Authorization

ART-8 Department Revolving Funds Authorization  
ART-9 PEG Local Access Appropriation  
ART-10 FY23 Salary/Wage Table.  
ART-11 Accept fire protection easement Stillmeadow Farm  
ART-12 Rescind borrowing authority 2019 ATM /  
ART-13 Fiscal Year 2022 Budget Transfers  
ART-14 FY23 Operating Budget  
ART-15 Capital Equipment  
ART-16 Municipal Facilities  
ART-17 Amend Ch.59, s.5, clause 41A Senior Tax Deferral  
ART-18 Amend Green Cemetery Fees MGL Ch.114, s.22-36  
ART-19 Approve CCHS Access Road paving and lighting  
ART-20 Amend General Bylaws change name of COA  
ART-21 Accept MGL Ch.33, s.59 re Military Pay  
ART-22 Accept MGL Ch.32B, s.9D 3/4  
ART-23 Appropriation for MUNIS CASH module  
ART-24 CPA Annual Recommendations  
ART-25 Bylaw Amendment Fall Special Town Meeting  
ART-26 Term of Town Governance Task Force

Vote on reduced quorum for Annual Town Meeting

On the motion made by Kate Reid and seconded by David Model, it was **VOTED** [3-2] to reduce the quorum to 100 and the plan at present time is to move forward on the original plan to hold Town Meeting indoors. ROLL CALL VOTE: B. Arnold-Nay, L. Ascolillo-Aye, N. Brown-Nay, D. Model-Aye K. Reid-Aye

Article 18 - Amend Green Cemetery Fees (MGL Ch.114, s.22-36)

On the motion made by Luke Ascolillo and seconded by Kate Reid, the Select Board **VOTED** to increase the following Cemetery Fees as follows:

Cemetery Lot fee to \$150.00

Perpetual Care fee: \$150.00

Lot Opening fee: \$500.00

ROLL CALL VOTE: B. Arnold-Aye, L. Ascolillo-Aye, N. Brown-Aye, D. Model-Aye K. Reid-Aye

***Town Administrator's Report:***

1. Gleason Library – One Day Liquor license

The Library Trustees are hosting an art reception on May 6<sup>th</sup> and are requesting a one day liquor license. The Board has approved these requests in the past provided that the Trustees obtain event liability insurance and check with Chief Fisher regarding the need for a police detail.

On the motion made by Kate Reid and seconded by David Model, it was unanimously **VOTED** to grant a One-day Wine and Malt Beverages License pursuant to MGL Chapter 138, Section 14 to the Trustees of the Gleason Public Library for an event to be held at 22 Bedford Road, Carlisle MA on May 6, 2022 from 7:00pm – 9:00pm subject to the applicant providing a host liquor liability insurance certificate. ROLL CALL VOTE: B. Arnold-Aye, L. Ascolillo-Aye, N. Brown-Aye, D. Model-Aye K. Reid-Aye

## 2. Community Choice Aggregation – EV Charging Stations

Jonathan DeKock, member of the Energy Task Force, made a presentation.

With the installation of new EV chargers at the Carlisle School, the Town has the opportunity to enroll this new electric service in the Community Choice Aggregation program. The choices are listed below. You will recall that the Carlisle Energy Task Force had recommended last year that when this time came, the Town should enroll in the Optional Green 100 program.

PROGRAM RATES		
JANUARY 2021 – January 2024		
<p>STANDARD (default)</p> <p>\$0.11450 / kWh</p> <p>100%: MA Class I + Nat'l Wind RECs</p>	<p>OPTIONAL BASIC</p> <p>\$0.10640 / kWh</p> <p>Meets MA Req</p>	<p>OPTIONAL GREEN 100</p> <p>\$0.13940 / kWh</p> <p>100% MA Class I RECs</p>

On the motion made by Kate Reid and seconded by David Model, it was **VOTED** to approve 100% green rate for the EV charging stations. ROLL CALL VOTE: B. Arnold-Aye, L. Ascolillo-Aye, N. Brown-Aye, D. Model-Aye K. Reid-Aye

## 3. Division of Standards – Continued Weights & Measures inspections

Since the Town of Carlisle has a population that now exceeded 5,000, the Town is required to have a Sealer of Weights & Measures or have the Division of Standards conduct all weights & measures inspections.

In the meantime, Steve Ledoux has agreed to reach out to neighboring towns and contact the Council of Governments regarding service rates.

## 4. DEP Expanded Solid Waste Ban

Mass DEP has announced expanded solid waste bans as a result of DEP’s 2030 Solid Waste Master Plan. It was noted that the Town of Carlisle is already recycling mattresses and providing compost bins as a result of DEP’s 2030 Solid Waste Master Plan.

The major changes are:

- Adding mattresses and textiles to the list of materials banned from disposal or transport for disposal in Massachusetts
- Lowering the threshold on commercial organic/food waste to facilities generating more than one-half ton of these materials per week.

**Minutes:**

There were no draft minutes for approval

**Approved Expense Warrants:**

Below are highlights from last week's approved expense warrants:

22PR20 (Town & School payroll) – total \$755,103.41

22TE20 (Town bills) – total \$422,696.53

- \$158k MIIA – health/dental insurance
- \$66k MTRS
- \$48k Middlesex Retirement
- \$12k Nashoba Valley Ski – winter ski program (paid from Rec Revolving)
- \$9k MA Division of Unemployment
- \$6k Eastern Minerals – road salt
- \$6k Human Resources Services – 2/3 installments for classification study
- \$5k WJ Graves – sand for roadways
- \$5k Barrett Planning Group – progress payment (1 remaining)

22TE20A (Town bills) – total \$722,866.14

- \$595k CCHS – monthly assessment
- \$127k US Bank – debt principal & interest payment

22SE20 (School bills) – total \$98,152.25

- \$45k TM Solution – business management services (July 2021 – March 2022)
- \$10k Eversource – utilities
- \$10k LABB – tuition

On the motion made by Kate Reid and seconded by David Model, it was **VOTED** to adjourn the meeting.  
ROLL CALL VOTE: B. Arnold-Aye, L. Ascolillo-Aye, N. Brown-Aye, D. Model-Aye K. Reid-Aye

**MEETING ADJOURNED**

Prepared by  
J. Gibbons