

Select Board
January 27, 2022

Robert Czekanski
Stanley Wysocki
Jonathan Keep

Via Zoom Remote Conferencing*

Don Lowe, Town Administrator
Kristen Zina, Permitting Assistant

Mr. Czekanski called the meeting to order at 7:00 pm.

Mr. Czekanski opened a public hearing at 7:02 pm pursuant to M.G.L. Chapter 140 Section 157 and the Town Bylaws concerning a possible violation of general law chapter 140 and section 110 of the Town Bylaws regarding a dog named Shatzie owned by Meriam Meyer of 42 Kettle Hole Road. Ms. Meyer was notified of the hearing on January 12, 2022.

Mr. Czekanski outlined the procedure for the hearing and swore in the witnesses, Ms. Meyer, her attorney Mr. Gubellini, dog trainer Brenda Bayer, and complainant Peter Kovacs.

Peter Kovacs of 14 Kettle Hole Road referred to the letter sent to the Town and included in the Selectmen's packet describing 4 incidents, 3 of which were vicious, 2 of which inflicted bodily harm on the animals in question. The most recent attack happened around Christmas. Mr. Kovacs regrets not reporting the previous incidents. Mr. Kovacs reported that his dog had previously gone into the neighbor's yard and that Shatzie had subsequently bit his dog Toby. The most recent event Shatzie exited the neighbor's property through a opening in the fence. Mr. Kovacs was able to strike Shatzie with a ball launcher to get the dog to back down and exit the property. Mr. Kovacs reported that when they are out in the yard the dog is in the yard running the length of the fence bumping against the fence.

There were no visible bite wounds on Toby. Following the event Mr. Kovacs met with Ms. Meyer. Since the event the dog has not been in the yard. Ms. Meyer has repaired the fence with chicken wire. Mr. Kovacs felt it was his responsibility to bring the situation to the Town's attention.

Animal Control Officer Phyllis Tower reported that she received a call on December 26th from Nashoba Regional Dispatch that Miriam Meyer that her dog had gotten out to the neighbor's yard and had an altercation with the neighbor's dog. Ms. Tower contacted Mr. Kovacs to get his side of the story and learned that his son had struck Shatzie to prevent the attack. On December 27th, Ms. Tower went to speak with Ms. Meyer. She was able to view the aluminum pool fence. The vertical rods are compromised. After ½ hour Ms. Meyer stated she would walk the dog in the yard until something was done about the fence and the yard is made more secure.

Atty. Gubellini of 70 Meditation Ln in Lancaster, MA was in attendance to represent Ms. Meyer. Mr. Gubellini stated that Ms. Meyer wants to be a good neighbor. Section 157 Section 140 states that no dog shall be deemed dangerous if it is reacting to a person and was not grossly disproportionate to a list of items.

Atty. Gubellini went through the incidents described in the letter submitted by Mr. Kovacs.

With regards to the first incident. Ms. Meyer contacted the dog owner and paid the bill in full. There were no further incidents despite the dog being walked in front of the Meyer home following the incident. The second incident, Shatzie was leashed and walked by Ms. Meyer's father. Shatzie got excited and went towards the dog and Ms. Meyer's father who was 90 at the time fell down. The poodle was unharmed and continues to be walked by the Meyer's home daily. The first attack by Shatzie to the Kovacs dog occurred on the Meyer's property when Ms. Meyer and her children were present. Atty. Gubellini alleged that Shatzie may have felt that his people were being threatened. Shatzie retreated when Mr. Kovacs yelled. In the most recent event Shatzie retreated when struck by Mr. Kovac's son. There was no attack on that day due to the reaction by the son, which Atty. Gubellini noted was not an unnatural reaction. Chain link fencing has been attached to the entire length of the metal fencing that runs to the stockade fence at the suggestion of the animal control officer and because Ms. Meyer wants to be a good neighbor and prevent the dog from escaping the property again. Brenda Bayer of Harvard has known Ms. Meyer

since they adopted Shatzie. She trained Shatzie and has seen Shatzie at play with other dogs in social groups off leash. She is a very obedient dog that comes when she is called. She is great with kids of all ages and with adults. Ms. Bayer spoke of the difference between reactive and aggressive dogs. Reactive dogs respond to protect owners and/or property.

Mr. Czekanski opened the hearing to questions from the members of the Select Board.

Mr. Wysocki inquired into previous conversations Mr. Kovacs had with the owner of the dog.

Mr. Keep asked to hear from the Meyer's about their idea for improving the fence. Mr. Gubellini explained that chain link fencing had been attached to the existing fence at the suggestion of the animal control officer.

Mr. Keep asked about the nuisance of the dog barking in the back yard. Mr. Gubellini explained that Ms. Meyer is willing to put black fabric to the fence to hopefully prevent Shatzie from barking when the Kovacs' dog is in the yard.

Mr. Kovacs explained that the dog went through a fence at a high speed and chased down his dog in his own yard. He admitted he was not a dog trainer but finds it hard for that behavior not to be defined as aggressive.

The Board deliberated. Mr. Czekanski noted that some of the reports are second hand and no reports were made at the time. Mr. Czekanski commented that whether the behavior is reactive or aggressive is irrelevant since the response is to the behavior and not the intent. Mr. Czekanski also recognized that it was Ms. Meyer who contacted the Animal Control Officer first and that she has been proactive in making changes to prevent a future incident.

Mr. Wysocki agreed with the statements and opined that he is not ready to vote on this dog as a dangerous dog with the evidence provided.

Mr. Keep agreed that he is not prepared to declare Shatzie to be a dangerous dog.

Mr. Czekanski stated that if the Board does not deem Shatzie a dangerous or nuisance do it would not preclude the dog being deemed so if a future incident were to occur.

Ms. Tower stated that a chain link fence would be very sturdy to hold a German Shepard back but has not seen the fence. Ms. Meyer agreed to have the Animal Control Officer view the fence and report to the dog.

Mr. Kovacs opined that a strong fence and a visual barrier would be appreciated.

On a motion made by Wysocki and seconded by Keep the Board voted to close the hearing. (Wysocki-yes, Keep-yes, Czekanski-yes)

On a motion made by Wysocki and seconded by Keep the Board voted to dismiss the complaint. (Wysocki-yes, Keep-yes, Czekanski-yes)

APPOINTMENT TO CULTURAL COUNSEL

Chair of the Cultural Counsel Chris Sterling was present. Mr. Gammons approached Town Hall with interest in serving on the Cultural Counsel which is in need of new membership. Mr. Gammons attended the January 6th meeting. David Gammons is from Wheeler Road

On a motion made by Wysocki and seconded by Keep the Board voted to appoint David Gammons to the Cultural Counsel. (Wysocki-yes, Keep-yes, Czekanski-yes)

CABLE ADVISORY COMMITTEE

The current contract expires in 2024 and the duration of the contract is 10 years. Kenneth Troup who was the head of the process at the last go round was present to speak on the work of the committee. The process is not is going out for bids to find multiple sources for cable sources as a town our size is not in a position to go out to find the least cost cable provider. The Town can get enough funding from Comcast to continue to provide Bolton Access services or to get a needs based senior citizens discount for services. The process might include having conversations with neighboring towns to hopefully improve the deal that we have with Comcast to provide those services. Currently the committee has three members, Kenneth Troup, Bob Johnson and Danielle Cochrane. Four new members have offered to serve on the committee.

On a motion made by Keep and seconded by Wysocki, the Board voted unanimously to appoint Jeffrey Larkin, Frances Morgan, Jean Pierre Van Steerteghem and Ed Sterling to serve on the Cable Advisory Committee. (Wysocki-yes, Keep-yes, Czekanski-yes)

Mr. Troup added that Nicki McGachey of Bolton Access Television has voiced interest in working with the Committee in an information and consulting role. The operation of the station is very much affected by Comcast

and the funding that we get. She is well connected to other communities and understands the technology needs that we've got.

REGIONAL AGREEMENT AMMENDMENT ADVISORY COMMITTEE (RAAAC)

Brian Boyle was present and gave an update to the Board on the substantive review of the RAAAC. The RAAAC advises the School Committee who makes sure that DESE approves it before it comes before the Town for approval. Mr. Boyle went through the proposed changes as presented in the Board's packet. The RAAAC built flexibility into the agreement that would allow for the membership to change as census data changes. RAAAC is recommending a change to the provision regarding the location of schools to delete the agreement that regional schools needs to be near the geographical center of the communities being served. They are proposing language to ask the School Committee to give due consideration to the financial restraints of proposition 2 ½ on the member towns when they are preparing their budget. The RAAAC is also hashing out language around information sharing norms and discussing the role of the Audit Advisory Committee.

Lorraine Romasco spoke regarding the forensic audit having a regular cadence partly because everyone on the committee is not a financial expert but also to both allow for a new superintendent to know what they are inheriting and also to open up the coffers for transparency. Ms. McCarthy was also in favor of the Audit Advisory noting that it is not a very common practice and may have come up as penance for practices in the early 2000's but would have real value.

Mr. Wysocki commented that we should look to have some public hearings with the citizens of Bolton and we should give them a clear picture of the changes. Ms. McCarthy responded that that is part of the plan to have public hearings in the fall to obtain feedback from the communities.

The document also proposes changes to the membership withdrawal and inclusion practices.

TOWN ADMINISTRATOR REPORT

Covid Update- We have 32 new cases in Bolton. State positivity rate is 9.48%. As of January 20th, the vaccination rate is over 97% and 67% of eligible residents have received a booster vaccine. When Congresswoman Trahan was in Town earlier in the day she commented that over her 27 communities Bolton has the highest vaccination rate.

Grant Update- Mr. Lowe reported that the Town has received a grant to help educate staff on cyber security awareness. The administrative prework is complete. 23 people will be involved in the training. We will also get credit from MIIA for the training.

Forbush Mill Corridor Revitalization Ceremony- There was a nice turnout for the event despite the 14 degree temperatures at the outdoor event on the common. Mr. Lowe thanked Representative Kate, Congresswoman Trahan, Secretary Kenneally and all three members of the Select Board for attending.

Mr. Keep suggested that we come up with a list of projects that we might have in mind for the infrastructure plan that Congresswoman Trahan referenced at the event. Mr. Lowe said that there are monies targeted for rural communities and schools. Mr. Lowe believes that there will be some nice opportunities and he hopes to have an update at the February 17th meeting.

SELECT BOARD BUSINESS

Public Service Announcements- Mr. Wysocki reminded the Board to bring their bottles and cans to the red barn for the boy scouts. He also urged the public to get vaccinated. Mr. Czekanski corrected that the group is now called the scouts.

Animal Control Officer Designations

On a motion made by Wysocki and seconded by Keep the Board voted unanimously by roll call to approve the animal control officer designations for Phyllis Tower and Pamela Johnson. (Wysocki-yes, Keep-yes, Czekanski-yes)

Intermunicipal Agreement Extension for Making the Connections Transit Program

On a motion made by Wysocki and seconded by Keep the Board voted unanimously by roll call to approve Intermunicipal Agreement Extension for Making the Connections Transit Program. (Wysocki-yes, Keep-yes, Czekanski-yes)

Bills/Payroll Warrants

On a motion made by Wysocki and seconded by Keep the Board voted unanimously by roll call to approve bills/payroll warrants W22-15 & W22-15A. (Wysocki-yes, Keep-yes, Czekanski-yes)

Minutes

No minutes were approved.

Executive Session

On a motion made by Wysocki and seconded by Keep the Board voted by roll call unanimously to enter executive session pursuant to MGL c. 30A, Section 21 (a) for purpose 3 to conduct strategy with respect to collective bargaining as the Chair finds that an open meeting may have a detrimental effect on the Board's bargaining position, for the Teamster's Union, Local No. 170 and The Bolton Police Union, Local 286, IUPA, AFL-CIO and to approve executive session minutes at 8:51 pm. (Wysocki-yes, Keep-yes, Czekanski-yes)

The Chair announced that the Board will return to open session for a possible vote.

The Board returned to from executive session at 9:00pm.

On a motion made by Wysocki and seconded by Keep the Board voted unanimously by roll call to execute the Memorandum of Understanding with the Teamster's Union 170. (Wysocki-yes, Keep-yes, Czekanski-yes)

On a motion made by Wysocki and seconded by Keep the Board voted unanimously by roll call to adjourn at 9:02 pm. (Wysocki-yes, Keep-yes, Czekanski-yes)

Respectfully submitted by J. Jacobsen.