

Board of Selectmen  
July 8, 2021  
Via Zoom\*

Jonathan Keep, Chairman  
Robert Czekanski  
Stanley Wysocki

Don Lowe, Town Administrator  
Jenny Jacobsen, Town Secretary

Mr. Keep called the meeting to order at 7:00 p.m.  
Ms. Jacobsen announced that the meeting is recorded.

#### EVENT APPROVAL

Myke Farricker appeared before the Board to request permission to hold 2021 Ride to Defeat ALS to raise money for research and patient care for those afflicted with ALS, or Lou Gehrig's disease. They have received police approval to hold the event on Sunday, September 19<sup>th</sup>. The ride begins and ends at The Longfellow Tennis & Health Club in Wayland with starting times of 7am –11:00 am.

**On a motion made by Wysocki and seconded by Czekanski the Board voted unanimously by roll call to approve the 2021 Ride to Defeat ALS on Sunday, September 19<sup>th</sup>, 2021 as requested. (Czekanski-yes, Wysocki-yes, Keep-yes)**

#### TRANSPORTATION PILOT PROGRAM

Valerie Oorthuys appeared before the Board to request support for the multi-town effort to join a community compact agreement. Each Town is committing to creating a pilot program for transportation within their community. Bolton Planning Board and Council on Aging are coordinating with Clinton Livery Service to take seniors, residents with disabilities and others to routine medical appointments to free up the MART van for other activities that the Council on Aging demographic might want to attend. The funding for the program for the first year will come from a grant. Bolton is asking for \$4,000 which typically would cover a year for this kind of service. Ms. Oorthuys will look into future grants as possible funding for future years.

**On a motion made by Wysocki and seconded by Czekanski the Board voted unanimously by roll call to Approve the pilot program to provide an on-demand livery service for residents and to execute the intermunicipal agreement with Metropolitan Area Planning Council (MAPC) Minuteman Advisory Group on Interlocal Coordination (MAGIC) Subregion. (Czekanski-yes, Wysocki-yes, Keep-yes)**

#### TOWN ADMINISTRATOR REPORT

##### Covid-10 Update

Mr. Lowe provided a final update on Covid-19. According to latest reports 74.2% of residents or 86.1% of eligible residents have received at least one dose of vaccine. No new cases since May 27<sup>th</sup>, 2021. All good news.

Electric Vehicle (EV) Charging stations are up and running at the DPW and the Public Safety Building. The goal is to break even. It is meant to be net zero and encourage the use of electric vehicles.

June Coffee with the Town Administrator was successfully conducted in person. Five people attended. There was some confusion with public meetings due to the lapse of the governor's order. The new legislation is good until April of 2022 and allows for the extension of remote meetings. Mr. Lowe announced his second Coffee with Town Administrator would be held on July 16 at the Bean.

##### ESSER II Funds

Mr. Lowe updated the Board on ESSER II Funds and recommended that the Board of Selectmen not pursue the funds since the effect of the funds on future budgeting is unknown.

#### 7:15PM PUBLIC DOG COMPLAINT HEARING

Mr. Keep opened the dog complaint hearing at 7:18pm concerning a possible violation of public laws pursuant to M.G.L. c. 140 § 157 and the Code of the Town of Bolton, Chapter 110-Animals, Section 110-3 Prohibited

Conduct regarding an American bulldog named Brody owned by Monica Danaher of 79 Lancaster Road. Ms. Danaher was notified of the hearing by delivery of a notice on June 24<sup>th</sup>, 2021.

The Chair swore in the witnesses and called on Animal Control Officer Phyllis Tower to report on the allegations. Ms. Tower reported that on October 23<sup>rd</sup>, 2020, Brody the American bulldog came onto 85 Lancaster Road and attacked the small Maltese. No injuries were reported. Ms. Tower left a notice on the door of 79 Lancaster Road as she was unable to reach the dog's owner. The dog returned on October 27<sup>th</sup> again with no injuries. On October 28<sup>th</sup>, Ms. Tower met with both the Danahers and Jablonskis. On May 28<sup>th</sup> Brody attacked and killed Bailey at 85 Lancaster Rd.

Mr. Jablonski shared his memories of the events. Mr. Jablonski opined that the dog is dangerous stating his concern for his daughter's safety.

Ms. Danaher reported that she had never seen any signs of aggression from Brody. She apologized for the incident. On May 28<sup>th</sup> the dog snuck out of the house. Ms. Danaher reported that there was no blood on her dog or herself concluding that the attack was non-violent. Ms. Danaher read a letter from Kennel Manager/Veterinary Technician at Lancaster VCA who is also a certified animal control officer. Ms. Danaher reported Brody's weight as being between 90-100 pounds. Seven years ago, the Danahers did an intensive training course with Brody prior to the birth of their oldest child because of the size of Brody and his excitability.

Mr. Jablonski responded to Ms. Danaher's description of the non-violent attack noting that there were teeth rips on his dog's body.

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

Ms. Tower asked for the Board's determination prior to offering her recommendations.

**On a motion made by Wysocki and seconded by Czekanski the Board voted unanimously by roll call vote to make the recommendation that the dog is a dangerous dog. (Czekanski-yes, Wysocki-yes, Keep-yes)**

Ms. Tower presented her recommendations to the Board that the dog may be securely confined by the owner or keeper, indoors or when outdoors in a secured enclosure such as a locked pen with a secure roof and protect the dog from the elements. If the enclosure has no floor, the sides must be embedded at least two feet into the ground; and when off the property the dog must be kept on a leash with a minimum tinsel strength of 300 pounds and measuring less than three feet.

Mr. Czekanski suggested that the entryway include a padlock and that a double gate system be used in the pen.

Mr. Czekanski also recommended that training with the owner and dog be included in the decision. Atty. Murphy recommended that a start and finish date be included.

**Upon the determination of the dog as dangerous, and on a motion made by Czekanski and seconded by Wysocki the Board voted by roll call unanimously that the dog be confined by the owner indoors and if outdoors in a secured enclosure with a locked pen and two gates that are sufficiently far apart to prevent both gates from being opened by one person at the same time. The enclosure should have a secure roof and if no floor that the sides are embedded 2 feet in the ground with a shelter or other protection for the dog from the elements. Additionally, when the dog is removed from the property, the dog be securely and humanely muzzled and restrained with a chain or device with a minimum tensile strength of 300lbs and measuring less than 3 feet in length. Additionally, that the owner attend training with the dog to begin in four weeks and to be completed within 13 weeks. The owner must at the earliest possible opportunity to construct the outdoor enclosure but if unable to complete prior to August 19<sup>th</sup> that the owner will report to the Select Board at their August 19<sup>th</sup> meeting about the status and proposed installation date. Finally, that the Town Administrator and Town Counsel are authorized to prepare and publish a written decision and order that is consistent with the vote taken this evening and the Town bylaws. (Czekanski-yes, Wysocki-yes, Keep-yes)**

#### Public Service Announcements

Mr. Czekanski made a motion to place on the next agenda a reorganization of the Board of Selectmen as it was not on the agenda for this evening. Mr. Keep noted that the Public Service Announcements segment of the meeting is not the appropriate place for his item.

Mr. Wysocki added a public service announcement to bring bottles and cans to the barn at the transfer station.

Mr. Wysocki asked the Town Administrator to chime in on the appropriateness of the motion made by Mr. Czekanski. Mr. Lowe opined that a discussion about a future agenda item is not something that needs to be on the agenda though merits of the item may not be discussed.

End of Year Transfers

**On a motion made by Czekanski and seconded by Wysocki the Board voted unanimously by roll call to approve the end of year transfers as presented totaling \$221,582.45. (Czekanski-yes, Wysocki-yes, Keep-yes)**

Name Change

**On a motion made by Czekanski and seconded by Wysocki the Board voted unanimously by roll call to amend the petition to change the name of the Board of Selectmen to the Select Board to include *the Zoning Bylaw amendment notwithstanding the public hearing requirement*. (Czekanski-yes, Wysocki-yes, Keep-yes)**

Bill/Payroll Warrants

**On a motion made by Czekanski and seconded by Wysocki the Board voted unanimously by roll call to approve the warrants FY21-27, FY21-27A & FY22-00. (Czekanski-yes, Wysocki-yes, Keep-yes)**

Minutes

No minutes were approved.

Item for Next Agenda

Mr. Czekanski made a motion to add an agenda item to the next meeting for reorganization of the Board.

**Motion was seconded by Wysocki. Motion was passed 2-1 by roll call vote. (Czekanski-yes, Wysocki-yes, Keep-no)**

**On a motion made by Czekanski and seconded by Wysocki the Board voted 2-1 by roll call to have a meeting to discuss the item on Thursday July 15<sup>th</sup>, 2021. (Czekanski-yes, Wysocki-yes, Keep-no)**

**On a motion made by Czekanski and seconded by Wysocki the Board voted 2-1 by roll call to hold the Thursday July 15<sup>th</sup>, 2021 at 7pm. (Czekanski-yes, Wysocki-yes, Keep-no)**

Executive Session

**On a motion made by Czekanski and seconded by Wysocki the Board voted unanimously at 8:10pm by roll call to move into executive session pursuant to M.G.L. Chapter 39, S.23B purpose 3 to review and approve executive session minutes of May 6<sup>th</sup>, 2021 and June 23<sup>rd</sup>, 2021. (Czekanski-yes, Wysocki-yes, Keep-yes)**

**On a motion made by Czekanski and seconded by Wysocki the Board voted unanimously by roll call authorize the Chair to approve the executive session minutes of the July 8, 2021 meeting. (Czekanski-yes, Wysocki-yes, Keep-yes)**

Respectfully submitted by Jenny Jacobsen.

*\*All attendees participated remotely via Zoom Remote Conferencing pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L.c. 30A Section 18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place.*