

Board of Selectmen  
August 19th, 2021  
Via Zoom\*

Stanley Wysocki, Chairman  
Robert Czekanski  
Jonathan Keep

Don Lowe, Town Administrator  
Jenny Jacobsen, Town Secretary

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

#### APPOINTMENTS

The Board considered three appointments. All positions were advertised.

**On a motion made by Czekanski and seconded by Keep the Board voted unanimously by roll call to appoint Alice Roemer to the Council on Aging. (Czekanski-yes, Keep-yes, Wysocki-yes)**

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

**On a motion made by Czekanski and seconded by Keep the Board voted unanimously by roll call to appoint Nathaniel Smith to the Historical Commission. (Czekanski-yes, Keep-yes, Wysocki-yes)**

#### EVENT APPROVALS

Megan Moran of Cultivate Care was in attendance to request approval for three proposed events to be held at 401 Main Street. The events are open to the community and will be held outdoors. Ms. Moran was having some technical sound issues. The events requested were:

Pride Day at the Farm on Saturday October 16<sup>th</sup> from 9am-3pm.

Family glow Party on Saturday October 16<sup>th</sup> from 6pm-8pm.

Barnyard Trick-or-Treat on Sunday October 31<sup>st</sup> from 10am – 3pm

Mr. Wysocki noted that two of the events requested fell outside of the parameters in the settlement agreement. Saturdays allow special events on Saturdays between 9 and 3pm. There are no hours permitted on Sundays. Ms. Moran requested the Halloween party be moved to Saturday October 30<sup>th</sup>.

**On a motion made by Czekanski and seconded by Keep the Board voted unanimously by roll call to approve the Pride Day at the Farm on Saturday October 16<sup>th</sup> from 9am-3pm and Barnyard Trick-or-Treat on Saturday October 30<sup>th</sup> from 10am – 3pm. (Czekanski-yes, Keep-yes, Wysocki-yes)**

#### CULVERT ASSESSMENT GRANT APPLICATION

DPW Director Randy Heglin was in attendance to request support of a grant application for an inventory and assessment of culverts throughout the town. 60/40 grant from Department of Environmental Protection. 60% grant 40% covered by town (20% cash and 20% in kind match).

Martha Remington of the Bolton Historical Commission requested that the assessment indicate the historical significance of the culverts.

**On a motion made by Czekanski and seconded by Keep the Board voted unanimously by roll call to support the culvert assessment grant application and appointed the Chair to sign the participation form on behalf of the Board. (Czekanski-yes, Keep-yes, Wysocki-yes)**

#### PUBLIC HEARING

Mr. Wysocki opened a public hearing at 7:21pm on the complaint of Animal Control Officer Phyllis Tower that the dog named Thudley (License #947) belonging to David Neuman of 42 Fox Run Road may be a nuisance or dangerous dog pursuant to M.G.L. c. 140 §157 and the Code of the Town of Bolton, Chapter 110-Animals, Section 110-3 Prohibited Conduct. Mr. Wysocki explained the five phases of the public hearing.

Mr. Wysocki swore in the witness. Michael Murphy, Benjamin Neuman, David Neuman, and Animal Control Officer Phyllis Tower.

Ms. Tower testified that the bite of Mr. Benjamin Neuman necessitated the hearing. The incidents with the dog began in November 12, of 2020. Ms. Tower read statements submitted by Kathy Cominski and a police report describing two attacks occurring in Lancaster and on Fox Run Road respectively.

Ms. Tower spoke to Mr. Neuman in April about keeping the dog on the property.

Ms. Tower received a bite report alerting her that Benjamin Neuman received a bite from the dog. The dog was quarantined for 10 days and showed no signs of rabies.

Atty. Keith Langer was in attendance representing the Neuman family. Mr. Benjamin Neuman stated that he was playing with the dog and put his hands between two dogs that were playing with a rope. Thudley was described as crying after the incident.

Mr. David Neuman reported that he was training Thudley at the time of the Lancaster incident. He had him off leash as part of the training.

The Neuman property is enclosed and the Neuman's plan to keep the dog on their property. Atty. Langer recommended to the Board that they include in their decision that when Thudley is walked he will be on 300 lb. tensile strength leash not to exceed 6 ft. in length.

Mr. Murphy requested assurance that this dog can be contained on the property citing his concern for the neighborhood.

A Jennifer Cantwell was removed from the meeting after causing a disruption with loud music.

The Board had the opportunity for questions.

Atty. Murphy read a training letter from Tiffany Brown founder and CEO of Canine Companion dated August 2021. Thudley has been trained since December 2020-January 2021 using the balanced training methodology and a Tens Unit electronic training collar with remote control to correct chaotic, over aroused behavior. Thudley responded to the collar 100% of the time. Mr. Neuman added that the dog has continued attending training twice a week and semimonthly overnight trainings.

Atty. Murphy also reported receiving the dog license and veterinary record showing the dog as being in good health.

The Board heard a description of the fence from Mr. Neuman as being at least 4 feet at all points and 6 feet in the front. The front facing is PVC and the rest is a metal chain link fence. Mr. Czekanski stated his concerns about a 4-foot fence containing the dog. Mr. Langer commented that pit bulls are not known for their jumping ability. Mr. Lowe commented that when there is snow on the ground the height of the fence is reduced thus supporting the need for a 6-foot fence.

1. Thudley be kept on the property of 42 Fox Run Road. The owner shall enclose their property (or such lesser area that they wish to designate) with a securely enclosed and locked fence that is 6' high and in lieu of a secure roof, an extension/additional fencing at the top of the fence that cantilevers in towards the interior of the property to discourage Thudley from jumping out. The sides of the fence shall be embedded into the ground for not less than 2 feet.
2. When removed from the owner's premises, Thudley shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length.
3. The owner shall obtain and provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; provided, however, that if a policy of insurance has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court; and provided further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance
4. Thudley shall be have a microchip implantation throughout its lifetime and the owner shall provide the Town of Bolton Animal Control Officer information about Thudley's microchip implantation.

Atty. Murphy added that the ACO's recommendations are consistent with the statutory remedies that are permissible under M.G.L. Chapter 140 § 157 C noting that in regards to the fencing the statute requires that the sides of the fence be embedded into the ground for no less than 2 feet if the dog is deemed dangerous.

**On a motion made by Czekanski and seconded by Keep the Board voted unanimously by roll call to close the hearing at 8:14 pm. (Czekanski-yes, Keep-yes, Wysocki-yes)**

**On a motion made by Czekanski and seconded by Keep the Board voted unanimously by roll call that the dog be deemed a dangerous dog. (Czekanski-yes, Keep-yes, Wysocki-yes)**

Atty. Murphy recommended that the Board include in their vote the Town Administrator and Town Counsel are authorized to draft a written decision consistent with the law and the Board's decision tonight.

**On a motion made by Czekanski and seconded by Keep the Board voted unanimously by roll call to accept the recommendations of the Animal Control Officer with the change from 18 inches to 2 feet and to authorize the Town Administrator and Town Counsel to draft a written decision consistent with the law and the Board's decision to be consistent with the law. (Czekanski-yes, Keep-yes, Wysocki-yes)**

#### JULY 8<sup>TH</sup>, 2021 DOG HEARING UPDATE-79 LANCASTER ROAD

Atty. Murphy informed the Board of the receipt of an email from counsel of the dog owner raising an issue on the double gate. Atty. Murphy recommended that the Town have the opportunity to review the email and try to resolve the issue. Moved to next meeting.

#### MUNICIPAL VULNERABILITY PREPAREDNESS PROGRAM (MVPP)

Conservation Agent Rebecca Longvall updated the Board on the most recently completed action grant. This was a planning assessment project. We were awarded \$250K to find ways to work with nature to find co-benefits. Ms. Longvall reviewed the key recommendations that came from the assessment. Ms. Longvall commented that the nature-based solutions memos were one of the best outcomes of the project. The project was helpful to analyze what issues we have but also how we can implement improvements. The link to review the presentation is

[www.climateresilient.wixsite.com/applecountry](http://www.climateresilient.wixsite.com/applecountry)

Ms. Longvall is exploring ways to engage local schools in future grant work.

#### 500 MAIN STREET CONCEPTUAL PLAN

Rich Gordon of Baystate Engineering appeared before the Board to present a conceptual plan for 500 Main Street. The concept is to use a large section of the property for a distribution warehouse. They are working with Mass Highway to have the site gain access directly from the offramp. They plan to use all measures of screening. The smaller portion of the land would be a over 50 community with 42 units and an architectural look that would fit the community. Mr. Gordon introduced his team, Scott Richardson from Gorman Richardson Architects, George Connors from Connors Engineering, Craig Seymour from GRC. Each team member gave a presentation in their areas of expertise. Their focus is rezoning or expanding zoning on the parcel to accommodate the use. They anticipate low impact to traffic and recognized a signalized solution to the off ramp may be required.

Mr. Wysocki and Mr. Czekanski opined that a separate ingress and egress from 495 to the warehouse would be preferred. Mr. Wysocki also noted that a fire road would be beneficial. Board encouraged the group to pursue their creative solution for the site. Mr. Keep shared concerns about visual impact to the Town and inquired about affordable units. Mr. Connors noted that the existing topography will be maintained to screen a large portion of the structure. Large trees will remain. Mr. Keep asked for details on the septic system being considered.

#### LIQUOR LICENSE TRANSFER-295 WILDER ROAD

This a transfer of the existing Twin Springs Liquor License to Escalante. All conditions of the license transfer to the new license holder.

**On a motion made by Czekanski and seconded by Keep the Board voted unanimously by roll call to execute the 2021 liquor license for the International Beverage Service Company LLC contingent upon receipt of the \$200 license transfer fee. (Czekanski-yes, Keep-yes, Wysocki-yes)**

#### 58 MAIN STREET CONCEPTUAL PLAN

Ben James of Good Leaf Holdings appeared before the Board. Mr. James walked through the highlights of the presentation. The plan is to operate a vertically integrated provider of fine cannabis products to discerning customers that would include cultivation, manufacturing and retail. Operations will be managed by a senior team of highly experience professionals with proven track records with a base of potential investors interested in funding the company at levels exceeding the projected needs. They plan to have no retail on the Bolton site. Mr. James briefly discussed the HVAC system that will reduce odors, and the well they hope to drill to produce the 6,000 gallons/day gross need for the use. They will implement water recycling to recapture 75% of water needs to reduce the net needs dramatically. Cultivation will be fully indoors. Manufacturing would be in the small building though it may be sited outside of Bolton. Extraction methods will not involve butane. Mr. Wysocki inquired about the association of Nicholas Catt with organization. Mr. James informed the Board the Mr. Catt will not be a decision-making part of the management team. The management team will be Vincent Posca, Kenneth Lafaucci, Mark Brown and Dennis Cardiff. Mr. James will send biographies of the management team to the Board. Mr. Keep commented that the proposal is a better fit for the neighborhood due to the absence of the retail component.

## TOWN ADMINISTRATOR REPORT

### Covid-19 Update

Vaccination rate for eligible population is 89.2%. 469 eligible residents of Bolton are unvaccinated. Bolton Town Hall will place a sign on the door requesting unvaccinated individuals to wear a mask when entering the building.

### Town Meeting Update

All of the warrant articles from ATM were approved by the Attorney General's office. The name change article still requires the home rule petition from the Senator and Representative's offices.

### Electronic Voting System

Mr. Lowe informed the Board that the 300 units were purchased with CaresAct funds from Meridia. Mr. Lowe displayed one of the units.

### Water Testing Program

Mr. Lowe encouraged the public to take advantage of the free well water testing program that will test 40 wells in Bolton free of charge. Information can be found at <https://www.townofbolton.com/board-health/pages/private-well-testing-program>

### Florence Sawyer Update

Mold has been discovered in 5 classrooms. Remediation and mitigation is underway. Carpeting has been removed and will be replaced with a hard surface. Mr. Lowe is working in lockstep with the new Superintendent Kirk Downing.

### Earmark for 100K

Representative Hogan was able to secure a 100K earmark in the FY22 budget for culvert repairs.

## SELECTMEN BUSINESS

Mr. Wysocki asked that the public service announcement bullet.

### Houghton Farm Road Road Acceptance

**On a motion made by Keep and seconded by Czekanski the Board voted unanimously by roll call to accept the deed for the ways at Houghton Farm Road. (Czekanski-yes, Keep-yes, Wysocki-yes)**

### Longevity Pay

Five employees were eligible to receive 100.00 in longevity pay at the Select Board's approval.

Warren Nelson	28 years of service
Kelly Collins	23 years of service
Lorraine Kenney	23 years of service
Donna Farnsworth	22 years of service
Nate Berry	21 years of service

**On a motion made by Keep and seconded by Czekanski the Board voted unanimously by roll call to approved the longevity pay for employees with over 20 years of service. (Czekanski-yes, Keep-yes, Wysocki-yes)**

Bills/Payroll

**On a motion made by Czekanski and seconded by Keep the Board voted unanimously by roll call to approve bills/payroll warrants: W22-1 & W22-1A, W22-2 & W22-2A, W22-3 & W22-3A. (Czekanski-yes, Keep-yes, Wysocki-yes)**

Minutes

**On a motion made by Czekanski and seconded by Keep the Board voted unanimously by roll call to approve minutes of June 17<sup>th</sup> , July 8<sup>th</sup> and July 15<sup>th</sup> regular session. (Czekanski-yes, Keep-yes, Wysocki-yes)**

Ms. Jacobsen commented that Mr. Keep was not in attendance at the July 15<sup>th</sup> meeting and inquired if it should be two separate votes. Mr. Lowe advised that the motion can stand as Mr. Keep had no objection to voting.

**On a motion made by Czekanski and seconded by Czekanski the Board voted unanimously by roll call to adjourn at 9:55pm. (Czekanski-yes, Keep-yes, Wysocki-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.*