

**Minutes of Regular Meeting  
Select Board  
Tuesday, March 23, 2021  
Remote Online Meeting  
Called to Order at 7:03 p.m.**



**Video Recording:** Click [HERE](#)

Select Board Members	Present	Staff Members	Present
Laurie Bent - Chair	Yes	Leon A. Gaumond, Jr., Town Manager	Yes
Harvey Boshart	Yes	Kara Fleming, Asst. to the Town Manager	No
Christopher Houston	Yes	Steven Fogg, Town Engineer	No
<b>Other</b>		Greg Corbo, Town Counsel	Yes
Ripley Hastings, Town Moderator	Yes	Deborah Davenport, Town Clerk	Yes
Sanford Whitehouse, Commissioner of Trust Funds	Yes	Lisa Yanakakis, Assistant Town Manager/Human Resources Director	Yes
Lisa Reitano, Finance Committee Chair	Yes	Susan Kelly, Finance Director/Town Accountant	Yes
		Imai Aiu, Town Planner	Yes
		Karen O'Reilly, Animal Control Officer	Yes

Chair Ms. Bent called the remote meeting to order and read the following: *Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, meetings in the Town of Weston will be conducted via remote participation to the greatest extent possible. We will strive to provide access to such meetings via a link to call in, or other similar option. In the event we are unable to accommodate the same, despite best efforts, we will post recorded sessions of the meeting as soon as possible following the same. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings. Italics indicate formal action taken.*

**Resident Comments**

Mr. Boshart mentioned an incident at the transfer station where a resident spoke to an employee in an insulting manner. Mr. Boshart apologized to the employee on behalf of the Town and said from comments on Facebook that Town employees have support from residents who appreciate their hard work.

**Continued Dog Hearing**

***MOTION:*** Mr. Houston moved to open the public hearing. The motion was seconded by Mr. Boshart. **Roll call vote:** Mr. Boshart, Mr. Houston, and Ms. Bent voted in the affirmative. **Approved unanimously.**

**Representation:** Mr. Kelley Murphy, 44 Tamarack Road, Weston, owner of the dog.

**Overview:** KP Law Attorney Gregg Corbo reviewed the status of the process, explaining that this is the phase of the hearing where the Board must deliberate and decide if the dog is a nuisance or dangerous dog, and they must decide what, if any, remedy should be imposed to protect the public from the danger or nuisance. Mr. Corbo read the description of a nuisance and dangerous dog.

***MOTION:*** Ms. Bent moved that the Board find that the dog owned and/or kept by Kelly Murphy and known as Layla is a dangerous dog based on sworn testimony and other evidence introduced at the public hearing, and that the dog has been involved in at least 2 or more aggressive incidences, one resulting in a bite and injuries to a person. The motion was seconded by Mr. Boshart.

Ms. Bent asked the Board if they thought this was the appropriate motion.

Mr. Houston said it was hard to read the rule and say it's not a dangerous dog but questioned if there were 5 concrete complaints against the dog and does that need to be specified. Mr. Corbo said he counted 2 incidences involving McGinty, 2 involving Richstone and 1 involving Link, but said there is no requirement to list the incidence as long as the Board feels the dog has met the criteria.

**Roll call vote:** Mr. Boshart, Mr. Houston, and Ms. Bent voted in the affirmative. **Approved unanimously.**

Mr. Murphy said they've had Layla evaluated by an experienced dog trainer, and Layla has been enrolled in a 3 week 'boot camp' plus 3 follow up sessions with the owner. Mr. Murphy reported that the trainer said he didn't feel this was a significant challenge.

**MOTION:** Ms. Bent moved that the Board issue the following order concerning the restraint of the dangerous dog owned by Kelley Murphy and known as Layla:

1. That when removed from the premises of the owner or the premises of anyone keeping the dog including any time the dog is being walked in a place open to the public, the dog shall be securely and humanely muzzled and restrained with a leash having a minimum tensile strength of 300 pounds, and not exceeding 3 feet in length, and
2. The dog shall be enrolled in a training program with a minimum of 8 training hours with a professional dog trainer approved by the Animal Control Officer, with proof of contract submitted to the Town Manager within 7 days of this order, and a Certificate of Completion submitted to the Town Manager within 48 hours of completion of the program.

The motion was seconded by Mr. Houston.

Mr. Boshart asked if there is anything that will allow the dog to not be considered dangerous, or does this order remain in effect in perpetuity. Mr. Corbo said there is no time limit, and the order will remain in effect as long as the Board deems it necessary. Mr. Corbo added that the Board could reconsider their decision based on new evidence, or they could add a component that the order be reviewed after a certain period of time.

Mr. Murphy asked if the order could be changed so that the Animal Control Officer could suspend the muzzle requirement if they are able to show that, after training, the aggressive instinct has been controlled.

Officer O'Reilly said she would be happy to stay involved with Mr. Murphy and Layla and will give her opinion and meet with the trainer, but expressed concern about the consequences of approving the removal of the leash if, per chance, there is another incident.

There was a discussion of this issue and possible solutions.

Mr. Corbo reviewed the consequences for failure to follow the order of the Select Board. He recommended adding a requirement that the leash be held by a "responsible adult capable of restraining the dog" as a compromise to the muzzle requirement. There was a discussion of this suggestion.

Mr. Houston suggested the muzzle requirement could be removed when the trainer certifies that it is safe to do so.

Ms. Bent moved to amend the motion as follows:

*Add the end of the order "3. Upon completion of the training program the muzzle requirement may be removed from this order if recommended by the trainer".*

And replace #1 of the order with

*That when removed from the premises of the owner or the premises of anyone keeping the dog including any time the dog is being walked in a place open to the public, the dog shall be humanely restrained by a responsible adult capable of controlling the dog with a leash having a minimum tensile strength of 300 pounds, and not exceeding 3 feet in length.*

The Board discussed the possibility of including a requirement for insurance, and whether homeowners' insurance would cover a dangerous dog. Mr. Houston said he did not support this idea, and Ms. Bent said she did not feel strongly about it given the already heavy deterrents on the owner and dog.

Mr. Corbo suggested motion amendments:

*MOTION: Ms. Bent moved to amend the original motion by deleting the words "muzzled and" and inserting after the word restrained "by a responsible adult capable of controlling the dog". And, adding to the end of the order "Upon completion of the training program the muzzle requirement may be removed from this order if recommended in writing by the trainer to the Animal Control Officer".*

*The motion was seconded by Mr. Boshart. **Roll call vote:** Mr. Boshart, Mr. Houston, and Ms. Bent voted in the affirmative. **Approved unanimously.***

Mr. Corbo read the whole motion, as amended:

***MOTION:** Ms. Bent moved that the Board issue the following order concerning the restraint of the dangerous dog owned by Kelly Murphy and known as Leila:*

- 1. That when removed from the premises of the owner or the premises of the person keeping the dog including any time the dog is being walked in a place open to the public, the dog shall be securely and humanely muzzled and restrained by a responsible adult capable of controlling the dog with a leash having a minimum tensile strength of 300 pounds, and not exceeding 3 feet in length, and*
- 2. The dog shall be enrolled in a training program with a minimum of 8 training hours with a professional dog trainer approved by the Animal Control Officer, with proof of contract submitted to the Town Manager within 7 days of this order, and a Certificate of Completion submitted to the Town Manager within 48 hours of completion of the program. Upon completion of the training program the muzzle requirement may be removed from this order if recommended in writing by the trainer to the Animal Control Officer.*

*The motion was seconded by Mr. Boshart. **Roll call vote:** Mr. Boshart, Mr. Houston, and Ms. Bent voted in the affirmative. **Approved unanimously.***

***MOTION:** Mr. Houston moved to close the public hearing. The motion was seconded by Mr. Boshart. **Roll call vote:** Mr. Boshart, Mr. Houston, and Ms. Bent voted in the affirmative. **Approved unanimously.***

## **Mass Central Rail Trail Murals Project**

Ms. Bent disclosed that her husband Joel Angiolillo is presenting on the project, but she feels she can be dispassionate and unbiased.

Representation: Mr. Angiolillo, member of Friends of the Legacy Rail Trail in Weston and Paul Penfield, President of Friends of the Legacy Rail Trail (FLRT).

Overview: Mr. Angiolillo described where the murals are proposed to be located and reviewed the history of the project. They are bringing the selected submissions for Board approval. The step after this is approval from MassDOT. Mr. Penfield explained why murals are desirable.

### Discussion:

Mr. Boshart pointed out that the mural submitted by the Cambridge School of Weston shows the power lines that are coming down. Mr. Angiolillo said he had already mentioned this to the school and they will be removed.

Mr. Angiolillo said that both sides of the Concord Road underpass and one side of the Church Street underpass will be painted. Others can be added later if desired.

The paintings will be done during May and June, pending MassDOT approval.

## **Riverside Road Zoning By-law Amendment Regarding Residential Housing**

Overview: Mr. Boshart explained that Greatland is requesting a zoning change to allow life sciences on the former Liberty Mutual site, and the possibility of including some housing. Two separate zoning bylaws are recommended: one allowing for a residential component including a land swap between the Town and the

developer, and the other allowing the life sciences use. The goal is to send proposed zoning bylaw changes to Planning for approval by Town Meeting.

Discussion: Ms. Bent asked if any of the residential units would be affordable, and Mr. Gaumont said the goal is 25%. There was a discussion about the potential residential use and the land swap. Mr. Boshart said that Greatland might not be the developer of the residential since this is not their area of expertise. The parcel could be purchased by any other developer for this purpose.

There was a discussion of access to Riverside from the site and whether it would meet the criteria for the Transit Oriented Development.

Mr. Houston asked questions about the process and working with the Planning Board, which were discussed.

Ms. Bent asked if they had buy-in from Greatland for the residential. Mr. Gaumont said they are meeting and have not left the discussions. Mr. Boshart said they have been very cooperative.

***MOTION:** Mr. Houston moved to forward Articles 26 & 28 proposed zoning bylaw amendments to the Planning Board for a Public Hearing. The motion was seconded by Ms. Bent. **Roll call vote:** Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. **Approved unanimously.***

### **Fiscal Year 2022 Proposed Operating Budget Discussion**

Overview: Mr. Gaumont said they are close to finalizing the budget and the Warrant. He then presented the budgetary goals, and budget summary which shows about a 4% increase in the budget request. He provided the revenue projections to date which show an increase in State Aid and a reduction in local receipts.

Mr. Gaumont detailed new budget requests including roadway maintenance (\$318,000), sidewalk plow (\$163,000), Network Administrator hours (\$20,000), software maintenance (\$24,378), Case Estates/Legacy Trail (\$6,000), and Amazon Business Prime (\$1,299).

Mr. Gaumont reviewed the Capital Requests (vehicle replacements, etc.), Debt Funded by General Fund requests, Water Capital Projects (Water Main rehab program), and Planning for the Unexpected & for Financial Stability.

Mr. Gaumont reviewed some items that did not make it into the budget including cameras for the Police Department, roads were not fully funded, the additional firefighter request.

Discussion: Mr. Boshart asked how much of the increase is Middlesex (?) retirement, and healthcare, which Mr. Gaumont provided, and they discussed.

Mr. Houston asked if “meeting policy goals” means they are truly meeting them. Mr. Gaumont said he believes they are following the policy as set forth. Ms. Kelly confirmed this and gave examples. Mr. Gaumont said they were planning to have the reserve policy discussion with the Board this summer.

Mr. Houston also asked if the \$1.8M would still be there if they had not done the compromise dip last year. Mr. Gaumont responded that it would have been at \$2M. Mr. Houston pointed out they are compromising again this year.

Ms. Bent asked the same question about the OPEB. Mr. Gaumont said it is being funded at the ARC’s recommended contribution so the Town is back to where it should be. Ms. Kelly suggested that this be the first policy to be revisited.

Mr. Boshart said it looks like they have a revenue problem for the first time in many years. He asked if the State aid amount is solid. Mr. Gaumont explained that State local aid is an estimate that was provided by the Governor because it has to go to the House & Senate where it could increase. The Board then discussed the workings of Local Aid and free cash.

Public Comments: There was no public comment.

### **Review Annual Town Meeting Warrant**

Overview: Mr. Gaumont reviewed the most current Articles in the Warrant (his version 11 for the upcoming Town Meeting.)

Discussion:

Mr. Houston wondered why some obvious and smaller priced items are not in the Consent Agenda (high school roof, replacing a pumper, tree presentation, etc.). He suggested the CPA Chair be asked if they could have their own Consent Agenda in order to be more efficient at the meeting. Mr. Houston will reach out to the CPA Chair about this. There was a discussion of what should go into the Consent Agenda.

Ms. Bent agreed that some smaller things could be grouped to save time and the Board discussed this.

Mr. Reitano asked if 10 people were needed to pull an item out of the Consent Agenda (yes). She liked the idea of the CPA Consent Agenda. She is bothered with lumping all of the capital items together because people at Town Meeting may be reluctant to stand up and make something an issue.

The Board discussed which articles should be under the Consent Agenda, which should be pulled for individual consideration, and the order of the Warrant.

After some discussion of other articles which should be considered individually, Mr. Sanford said the Commissioner of Trust Funds article should not be controversial.

***MOTION:** Ms. Bent moved to adopt the Town Manager’s Budget for inclusion in the Warrant, and to include the articles as discussed this evening. The motion was seconded by Mr. Boshart. **Roll call vote:** Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. **Approved unanimously.***

**Proposed Roadway Moratorium**

This item was not discussed.

**Consent Agenda**

***MOTION:** Mr. Houston moved the consent agenda as follows:*

Approve 2020 Select Board Annual Report.

Approve renewal of Services Agreement with Comcast for Brook School Apartments for the period ending May 10, 2024.

Approve a request from the Weston Public Library to accept the distribution of \$8,500 from the Nathalie and Theodore Jones Charitable Trust to be applied to the Library General Purposes Fund.

*The motion was seconded by Mr. Boshart. **Roll call vote:** Mr. Boshart, Mr. Houston, and Ms. Ben voted in the affirmative. **Approved unanimously.***

**Adjournment**

***MOTION:** Mr. Houston moved to adjourn the meeting. The motion was seconded by Ms. Bent. **Roll call vote:** Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. **Approved unanimously.** The meeting was adjourned at 9:42 pm.*

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Harvey Boshart  
Select Board Chair

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Date