

**Minutes of Regular Meeting
Select Board
Wednesday, August 30, 2023
Remote Online Meeting (Zoom 899 1230 6301)
Called to Order at 9:30 a.m.**

Remotely participating were Board members, Chair Laurie Bent, Christopher Houston and Thomas Palmer. Also present were Town Manager Leon A. Gaumont, Jr., Assistant Town Manager/Human Resources Director Lisa Yanakakis, Assistant to Town Manager, Michelle LeBlanc, Weston Animal Control Officer Karen O'Reilly, Town Legal Counsel Gregg Corbo, Weston Residents Alex & Daina Selvig, Selvig's Legal Counsel Jeremy Cohen, Selvig Hearing: Robert Baker, Starr Peteet, Josh Peteet, and Patrick O'Donnell.

Ms. Bent called the remote meeting to order and read the following:

Under current state law public bodies may continue holding hybrid and fully remote meetings, without a quorum of the public body physically present, as long as adequate, alternative access is provided. Information about how to join a hybrid or fully remote hearing will be included in the required Open Meeting Law posting.

Resident Comments:

Susan Zacharias asked the Select Board about an update on the Citizens' Petition that was filed in May 2022 which increases the Select Board membership from three members to five members. Mr. Houston noted a response letter was going to be sent to State Representative Alice Peisch's Office regarding this matter. Mr. Houston noted there will be interviews for candidates for the Town Governance Study Committee which will deal with the Select Board membership increase.

Selvig Dog Hearing; Public Hearing:

MOTION: Ms. Bent moved to open the Public Hearing on the Selvig Dog Hearing. 2nd by Mr. Palmer.

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

Ms. Bent opened the Public Hearing and turned the proceedings over to Town Counsel, Gregg Corbo. Atty. Corbo stated that he will call witnesses to this proceeding, ask questions and will provide recommendations for the Select Board. Mr. Corbo noted that the purpose of this hearing is to determine whether the two dogs known as Olive and Gracie, owned by Mr. and Mrs. Selvig, are Nuisance or Dangerous dogs. Those terms are defined in Massachusetts General Laws, Chapter 140 Sections 136A and 150. The board is to hear the evidence, from the complainant as well as from the dog owners, and it will proceed in three steps. The Board will hear evidence from the complainant, and any witnesses who intend to give testimony against the dogs or testimony concerning adverse interactions with the dogs. As part of the hearing, the town's Animal Control Officer will also give testimony. The Selvigs will then have an opportunity to present evidence as to why the dogs should not be declared Nuisance or Dangerous dogs. Finally, the Board will deliberate and make a decision. The Select Board will deliberate on whether the dogs are Nuisance or Dangerous dogs as those terms are defined at law. If the dogs are deemed to be Nuisance or Dangerous dogs, the Select Board will suggest remedies that should be imposed to abate the nuisance or dangerous condition.

MOTION: Ms. Bent, under the advice of Mr. Corbo, moved to waive the two provisions of the Dog Hearing Policy; the time limit of this public hearing to 30 minutes or less, and requirement the Select Board to hold a second meeting to reach a decision. 2nd by Mr. Palmer.

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

Mr. Houston and Mr. Palmer wanted to acknowledge they are familiar with the Selvigs. If the Selvigs or their Legal Counsel felt Mr. Houston's or Mr. Palmer's participation would have a negative impact, they would recuse themselves from this public hearing. Atty. Cohen stated there is not an issue with Mr. Houston's or Mr. Palmer's participation.

Atty. Corbo swore in all witnesses prior to any testimony that was provided.

Mr. Baker, in June 2022, was walking his 20-pound dog on the Case Estates. He said Ms. Selvig was walking her two dogs on leashes, and stated she was having difficulty controlling the dogs. Mr. Baker stated he then moved out of the way, with his dog close by his side, away from the Selvig's dogs. Mr. Baker stated the Selvig dogs came upon him quickly and knocked him and his dog down. Mr. Baker stated he was in fear of what was happening. Ms. Selvig was attempting to get her dogs off of him, however she was unable to handle them. Mr. Baker and his dog were able to break free from the Selvig dogs, and he ran into the woods to get away from them. Mr. Baker contacted Weston Animal Control Officer upon his return home.

Mr. Palmer asked if the Selvig dogs were muzzled. Mr. Baker stated they were not. Mr. Palmer asked if Mr. Baker thought the Selvigs dogs were going after him or his dog. Mr. Baker stated he felt the dogs were trying to get his dog.

Ms. Bent asked if the Selvigs dogs bit his dog, and he stated no, there was no blood, but his dog's fur was wet from the Selvigs dogs. Mr. Baker noted that he received some cuts and scratches from being knocked down on the trail by the Selvig dogs. Neither he nor his dog required medical treatment after this incident.

Ms. Peteet stated there were three separate incidents she would like to speak about. The first one occurred on November 16, 2020. Ms. Peteet stated that her children and a few other neighborhood kids were playing with the Selvig dogs, in the Selvig's backyard. One of her children, a seven-year-old, had a long sleeve shirt on, and one of the Selvig's dog bit his arm. The dog did not break his skin, and the Selvigs were unaware of this incident at the time it occurred. The child told Ms. Peteet, who saw black and blue marks on the arm. Ms. Peteet felt medical attention was not required at the time and felt she did not need to report it since the kids were rough housing with the dogs. Ms. Peteet warned her children about playing rough with large dogs and how injury can occur. Ms. Peteet notified the Selvigs of the incident. The Selvigs were apologetic and came up with a plan so this did not happen in the future. One of the Selvigs would be present in the yard anytime the children are over playing with the dogs.

The second incident occurred on October 16, 2022. Ms. Peteet stated her husband and kids were on their street walking their dog. One of the Selvig dogs ran up to them. Ms. Peteet stated the dog did not attack, however jumped on them pushing them into traffic on Ash Street. Ms. Peteet stated Alex Selvig was home but was not able to immediately grab the dog until her family were in the middle of the road. Ms. Peteet expressed a concern with the Selvig dogs being able to push a child or grown up into the street. Mr. Corbo asked Ms. Peteet where the dogs had come from (whether they ran out the front door or came from the backyard) and she was unsure.

The third incident, which the Peteet's veterinarian instructed them to report to the Town, occurred on November 15, 2022.. Ms. Peteet stated that her twin eight-year-old boys were walking their dog Foxy, on a leash in their backyard. One of the Selvig dogs jumped their fence and attacked Foxy. The twins were terrified trying to get the Selvig dog off Foxy. Ms. Peteet stated there was a lot of screaming, and the

twins went to get her. Ms. Peteet stated she was able to chase the Selvig dog away from Foxy. Mr. Selvig came over and took his dog. Ms. Peteet stated Foxy sustained five or six puncture wounds and was bleeding all over, so they rushed her to the veterinarian. Ms. Peteet stated the Selvigs did pay for the vet bills and were apologetic over the incident.

Mr. Palmer asked how old the Selvig dogs are. Ms. Daina Selvig stated Oct 2020, they owned a Great Dane named Sadie, who has since passed away. The dog involved in this incident is named Gracie, was around 6 months old at the time.

Mr. Cohen asked Ms. Peteet the exact location of the incident involving her family being forced into the street. Ms. Peteet stated that it was in front of the Selvig house.

Atty. Corbo asked Mr. Peteet if he had anything further to report. He stated he had nothing further to say aside from what Ms. Peteet had stated and what was written in his report. Mr. Corbo asked Mr. Peteet to describe the incident from October 16, 2022. Mr. Peteet stated he, his children and leashed dog went out on a walk. While walking by the public grass strip area between Ash Street and the stone wall, one of the dogs either jumped the fence or was being put into the car, observed them walking by and ran towards them. Mr. Peteet stated he picked up his dog, and he and the children returned home.

Ms. Bent asked Mr. Peteet what kind of dog they have. Mr. Peteet said PBGV (Petit Basset Griffon Vendéen) which is a small to medium sized scent hound dog with shaggy hair. His dog weighs approximately 23 pounds.

Mr. Cohen asked Mr. Peteet how often he walks his dog by the Selvig's house, the specific area where the incident happened. Mr. Peteet said they walk by regularly since that area is close to their main door of their home.

Mr. O'Donnell's incident took place on July 1, 2023. He stated on June 30, 2023, he was walking his dog Luigi on Ash Street, by the Selvig home. Mr. O'Donnell noted that the Selvigs live next door to him. Mr. O'Donnell said Mrs. Selvig was out in front of her home with her two dogs on leashes. He stated the dogs began to react aggressively when they noticed Luigi. One of Mrs. Selvig's dogs, Gracie, broke free from her control and ran towards Mr. O'Donnell and Luigi. Mr. O'Donnell picked up Luigi, and the Selvig dog (Gracie) leaped on Mr. O'Donnell knocking him to the ground. Mr. O'Donnell stated he suffered cuts and bruises from this incident. Mr. O'Donnell stated both he and his wife met with the Selvigs after this incident to come up with a solution to prevent this from happening again. Mr. O'Donnell stated that when he or anyone is in his driveway, the Selvig dogs charge towards their fence and growl/bark. The Selvigs stated that they will put up larger fencing on their property and muzzle the dogs when they are out in public. Mr. O'Donnell stated he feels that the Selvigs should rehome their dogs to prevent further incidents.

Ms. Bent asked Mr. O'Donnell how big his dog is. Mr. O'Donnell stated he has a 32-pound Lagotto Romagnolo, which resembles a small doodle.

Atty. Corbo wanted to clarify to the Select Board members that they do not possess the authority to order the Selvig dogs to be rehomed. Atty. Corbo asked Mr. O'Donnell whether he has had any issues with the dogs charging towards the fence when they see him after the Selvigs put up a larger fence facing his property. Mr. O'Donnell stated he does not see the dogs now but has yet to walk by the front of the Selvig house with his dog.

Mr. Houston asked the witnesses who have experienced incidents if they had

walked past the Selvig home since they put up their new fencing, and if it is sufficient to keep the dogs from coming out. Ms. Peteet stated that the Selvig dogs have not yet jumped this new fence. She did relate that she does not feel comfortable allowing her children or her dog in the backyard because the Selvig dogs will charge by the fence, and she feels they might eventually jump over it into her backyard. Ms. Peteet also noted that if she sees the Selvig dogs outside, she will not allow her children to walk the dog, and she will walk the dog without taking the children.

Ms. Bent asked Ms. Peteet if the Selvig dogs charge the fence when they are in their backyard. Ms. Peteet stated they charge the fence and bark and growl. Ms. Bent asked Ms. Peteet if she felt the new fencing is sufficient, and she replied that you only know when it is not.

Atty. Cohen asked Mr. O'Donnell if his dog went to a veterinarian because of the incident. Mr. O'Donnell stated the dog did not go to the veterinarian since his dog was not bitten. Atty. Cohen asked if Mr. O'Donnell received medical attention for his injuries from the incident. Mr. O'Donnell stated he did not seek medical attention for his injuries.

Atty. Corbo called on Ms. Karen O'Reilly, Weston Animal Control Officer. He swore Ms. O'Reilly in for her testimony. Atty. Corbo then asked Ms. O'Reilly about the report she had prepared, dated July 17, 2023, which documented several incidents involving the Selvig dogs. Atty. Corbo asked if her report fairly and accurately summarized the interactions in this proceeding. Ms. O'Reilly stated that it did. Ms. O'Reilly stated that there was not much more to add to the incidents that were described in detail; however, she wanted to note she was first made aware of the two Selvig dogs on April 24, 2022. Ms. O'Reilly stated that she was contacted by two dog owners who frequent the reservoir. Each of them reported several incidents at the reservoir where the Great Danes were off-leash and charged at their dogs aggressively. The reporting parties are not here to testify regarding this, having chosen not to be here. Ms. O'Reilly stated the dogs were young, and the reporting parties were unsure if the Great Danes were trying to play but given their size may be considered aggressive. Ms. O'Reilly stated that no injuries were reported in these specific incidents. Ms. O'Reilly stated that she contacted the Selvigs because one of the reporting parties knew who they were. The Selvigs were cooperative and agreed to have the dogs on leashes and planned to walk them in a less dog-populated area.

Ms. O'Reilly stated that she spoke with the Selvigs after each incident that was reported. She stated that Ms. Selvig was upset and apologetic about the Baker incident. Ms. O'Reilly discussed with Ms. Selvig the idea of limiting her to walking one dog at a time. Ms. Selvig agreed and related that she had been attempting to walk both dogs at once because her husband was out of town. Atty. Corbo asked if Ms. Selvig had complied with this. Ms. O'Reilly stated she believes so since she has received no reports of Ms. Selvig walking two dogs at the same time outside of her property.

Atty. Corbo asked Ms. Reilly about her interaction with the Selvigs after the incident involving Ms. Peteet on November 19, 2022. Ms. O'Reilly met with Mr. Selvig. He was in the process of reinforcing the fence, the current fence that he has on the side of the Peteet's house. Ms. O'Reilly stated that they discussed putting up a six-foot stockade fence, so that the Selvig dogs would not see the neighbor's dogs to cause a reaction, nor could they jump over the fence. They also discussed putting the same fencing on the side of the O'Donnell's residence in response to that complaint. Ms. O'Reilly stated the Selvigs did get a citation for lack of control of a dog, and she advised the Selvigs of a potential dog hearing.

Atty. Corbo asked Ms. O'Reilly during her investigations what the nature of the interactions with the Selvig dogs was. Ms. O'Reilly stated they were extremely friendly. She did note that she did not have any dogs with her during her interactions with the Selvig dogs. Ms. O'Reilly said she feels the Selvig dogs are stimulated by other dogs, not by humans. Humans can get harmed when the Selvig dogs go after other dogs. Ms. O'Reilly stated that she did not observe any aggressive behavior with the Selvig dogs while on

their property. Atty. Corbo asked Ms. O'Reilly if she had seen the new fencing the Selvigs have put up. Ms. O'Reilly stated she noticed that new stockade fencing was put up on the O'Donnell side of the property. Ms. O'Reilly stated that the Selvigs were increasing the height of the fence that is on the Peteeet side. Atty. Corbo asked Ms. O'Reilly if the stockade fence was sufficient to help prevent more incidents, and Ms. O'Reilly stated she believed it would help if the dogs were behind the fence and unable to see any dogs. Atty. Corbo asked Ms. O'Reilly if she had any further recommendations for features that could help contain the dogs. Ms. O'Reilly offered recommendations that the dogs be humanely restrained, muzzled, additional insurance coverage, leashing with a minimal tensile strength of three hundred pounds and not exceeding three feet, and possibly adding a full fence all around the Selvig property.

Ms. Bent asked Ms. O'Reilly if any recommendations or citations were issued in the incident involving Mr. O'Donnell in June 2023. Ms. O'Reilly said there were two separate citations issued from that incident, the control of the dog and the conduct of the dog. Ms. O'Reilly stated she discussed with the Selvigs the potential of a dog hearing happening. She stated that Ms. Selvig informed her that the dogs get muzzled when they leave their property and are taken out on a leash one at a time. Ms. O'Reilly stated the Selvigs have been cooperative, and appear to be willing to do whatever is necessary to ameliorate the situation. Ms. O'Reilly noted that the Selvigs must maintain insurance of no less than one hundred thousand dollars in the event their dogs cause loss, injury or damage to person(s) or domestic animals, whether intentional or unintentional.

Mr. Palmer asked what the cost of the fees were on the citations issued to the Selvigs. Ms. O'Reilly stated that it was one hundred dollars for each offense, totaling two hundred dollars.

Atty. Cohen asked Ms. O'Reilly if a dog can be controlled through training with dog trainers and using voice commands. Ms. O'Reilly said they can be. Ms. O'Reilly also noted that the training must be continuous.

Atty. Cohen spoke on behalf of the Selvigs. He wanted to point out that the Selvigs have followed every recommendation that Ms. O'Reilly provided. Atty. Cohen stated the Selvigs are apologetic for the incidents. Atty. Cohen acknowledged the Selvigs had not been the best at managing the dogs, but they have taken steps to correct that. The Selvigs are working with a dog trainer to help with the dogs.

Atty. Cohen stated the Select Board is tasked with deeming the Selvig dogs either Nuisance or Dangerous dogs. The benefit of deeming the dogs to be Nuisance dogs is that there could be an order of additional measures to assist in getting the dogs to become obedient. If a dog is deemed Dangerous, training would not be an option. Atty. Cohen noted that that a dog can still be labeled a Nuisance even if they have attacked. Atty. Cohen wanted to point out that the Selvigs have engaged a dog trainer who works on training the dogs daily. Atty. Cohen stated the Selvigs are committed to becoming better dog owners who can gain control over their dogs. They have put higher fencing up, have muzzles on their dogs when off the property and have obtained liability insurance. Atty. Cohen wanted to mention that out of the numerous incident reports involving the dogs, only one case involving one dog needing medical care; no humans or additional dogs were attacked. The Selvigs took care of the vet bill from the incident. Atty. Cohen wanted to point out that a dog deemed Dangerous would attack, bite, thrash its victim and potentially kill. Atty. Cohen stated under a Nuisance versus Dangerous order, the board gets the same authority, the same power when they put it in an order. If a Nuisance or Dangerous order is violated, the consequences are the same. The Select Board could seize the dogs, euthanize the dogs, or fine them. A violation of the order can be criminal. The Select Board has the ability to prohibit the Selvigs from licensing dogs for five years. The benefit of determining that a dog is a Nuisance is that the Select Board can order training and can make sure that the owner is conducting the training, and the trainer certainly will send monthly updates to the animal control officer if that is requested.

Ms. Selvig stated that she was deeply sorry for all the incidents that have occurred involving her dogs. She stated that she had expressed her apologies to those involved in person and in writing. She acknowledged that she and Mr. Selvig can do better to manage their dogs. Ms. Selvig pointed out that the training the dogs have undergone in the last two months has caused a noticeable improvement in the dogs' behavior. Ms. Selvig stated the dog trainer has also stated that the dogs are trainable. Ms. Selvig said that currently the dogs are trained on the property and eventually the trainer will work with the dogs off the property.

Mr. Houston asked Ms. Selvig if she ever considered an electric fence so the dogs would not go beyond their property line. Ms. Selvig stated that was discussed but given the size of the dogs and their sensitivity levels, it would be an insufficient option.

Ms. Bent asked Ms. Selvig if there have been any further incidents since June 30th, and Ms. Selvig stated no further incidents have occurred. Ms. Bent asked how old the dogs were. Ms. Selvig stated Gracie is three and Olive is two. Ms. Selvig stated Great Danes have a life span of about ten years.

Mr. Houston asked for clarification on the fencing that is currently in place. Mr. Selvig stated the fence along the O'Donnell's property side and the rear portion of the Selvigs property is approximately seven feet tall and there are no gaps, so it is impossible to see through it. Mr. Selvig stated the front of their property and the side bordering the Peteets property originally was a four-foot-tall split rail fence with, livestock wiring in between the rails. Mr. Selvig noted that the dogs were able to get over this fencing which was noted in the documented reports. Mr. Selvig stated that an additional two feet taller, with the same livestock wiring has been added to this fencing. Mr. Selvig noted the dogs have not been able to get over the fence since the additional livestock wiring was added.

Ms. Bent asked if both dogs were causing these issues, or just one. Ms. Selvig said it was hard to determine that due to the dogs being from the same breeder and close in age. Ms. Selvig stated the dogs were close and tended to follow each other. Mr. Cohen wanted to note that the Selvigs were committed to training both of their dogs the same, therefore both dogs should receive the same label in the order. Ms. Bent asked Mr. Selvig if he was able to put up a stockade fence all around his property to help alleviate the issue of the dogs being able to see people walking with their dogs. Mr. Selvig stated that he will have further conversations with the Peteets about the fencing that faces their backyard.

MOTION: Mr. Corbo through Ms. Bent moved to close the Evidentiary Portion of the Public Hearing at 11:38 a.m. on the Selvig Dog Hearing. 2nd by Mr. Palmer.

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

Atty. Cohen wanted to point out that now the evidentiary hearing is closed, no additional evidence, information, or complaints from this hearing can be brought forth.

MOTION: Mr. Houston moved to continue the Public Hearing for the purpose of deliberation and decision for September 12th, 2023, at 6: 35 p.m. 2nd by Mr. Palmer.

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

Mr. Houston left the meeting.

Appoint Assistant Town Clerk Dianne Poole as Temporary Town Clerk until a Permanent Town Clerk can be appointed.

Mr. Gaumont stated the Town Clerk, Deborah Davenport, has retired from the service of the Town effective August 25, 2023. Ms. Dianne Poole has served in the Town Clerk's Office since July 2005 as the assistant to the Town Clerk, and most recently became Assistant Town Clerk.

MOTION: Mr. Palmer moved to appoint Dianne Poole as temporary Town Clerk retroactive to Saturday, August 26, 2023, until a new Town Clerk can be recruited and sworn to office. 2nd by Ms. Bent.

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

Proposed trial change of Town Hall business hours

Mr. Gaumont stated that Town Hall employees expressed interest in schedule flexibility. The trial schedule change would allow residents to conduct business at Town Hall before working hours, and for some of the staff who conduct on-site visits the same opportunity. Mr. Gaumont stated that a flexible schedule is a great recruitment and retention tool when properly managed.

Ms. Yanakakis stated that many other municipalities have switched to a flexible schedule which helps retain their staff. This flexible schedule still has the office staffed from open to the end of the business day. Each office would be responsible for ensuring that the office was always covered. The total hours worked, and lunch breaks each week would stay the same. Ms. Yanakakis stated the hours would be Monday through Thursday- 7:30 a.m. – 5:00 p.m. and Friday 7:30 a.m. to 12:00 p.m. Ms. Bent requested Friday hours be changed to 7:30 a.m. – 1:00 p.m. to accommodate those on their lunch break seeking to conduct Town Hall business.

Mr. Palmer asked Ms. Yanakakis how feedback from the residents would be received for this trial period. Ms. Yanakakis said a survey would be created to generate responses from the public.

MOTION: Mr. Palmer moved to adopt the aforementioned trial Town Hall business hours with the exception of Friday closing at 1:00 p.m. 2nd by Ms. Bent.

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

Consent Agenda

MOTION: Mr. Palmer moved the Consent Agenda as follows. 2nd by Ms. Bent.

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

- Approval of minutes*; October 25, 2022, March 14, 2023, May 16, 2023, June 5, 2023, July 31, 2023, August 10, 2023
- Approve JST license agreement for WCL
- Approve appointment of Betsey Boyd to the Weston Cultural Council
- Approve appointment of Wendy Kaplan Armour to the Zoning Board of Appeals to finish the term ending June 30th, 2024.
- Approve Linwood Cemetery waiver request
- Approve Cell Tower proposals

- Approve: Deed from Weston Fee Owner LLC to the Town of Weston; Deed from the Town of Weston to Weston Fee Owner LLC; Amendment to Development Agreement (“Third Amendment”); and Second Amendment to Development Agreement.
- Approve a request for a permit to close Town House Road on Saturday, October 21, 2023, from 8:30 a.m. to 2:00 p.m. for the purpose of the Weston Police Association 5k Road Race. The request has been approved subject to conditions by the Fire and Police departments, the Department of Public Works, and the Board of Health.

Meeting Adjourned at 12:02 p.m.

Motion to go into Executive Session pursuant to G.L. c. 30A, § 21(a)(7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements (“Purpose 7”), the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g), to approve and review the executive session meeting minutes from April 11, 2023; votes may be taken. The Select Board will not be resuming open session. 2nd by Mr. Palmer.

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

Thomas Palmer
Clerk