

The meeting was called to order at 7:00 p.m., by Chairman, Richard Desjardins. Also in attendance were; member, Al Holman; Member, Richard Robinson; and Asst. Public Health supervisor, Diane Tiernan.

**Motion one** - Al made a motion to accept the meeting minutes from the previous meeting dated, 10/18/13 and Richard D. seconded the motion. Richard R. refrained from making a motion as he was not present at that meeting.

Minutes were also approved by Richard R. and Al for the meeting dated 9/26/13.

Richard R. stated he was against the article for a moratorium the Planning Board wants to place on medical marijuana in Upton. He would like to state his feelings at the upcoming town meeting. Al and Richard D. agreed that the town should just utilize the state code and take no further action. The members would act as a Board and show they were opposed to the moratorium.

Vouchers were reviewed and signed.

Diane stated she received a quote of about 35.00 for each magnetic sign for the animal control vehicle and town nurse. Al suggested that those signs may not be legal and we should also look into having the town seal painted on the vehicles by a professional. Al also suggested having portable yellow lights that we can put on the vehicles in the event of an emergency. Diane stated she would look into everything and get prices.

A food permit renewal for Rebecca's 3, Main Street, was reviewed.

**Motion two** – Al made a motion to approve of the permit and Richard R. seconded the motion. Richard D. made the motion unanimous.

Installer's permits for James Schmidt of Ashland and Shawn Scunzio of Millville were reviewed.

**Motion three** - Al made a motion to approve of the permit and Richard R. seconded the motion. Richard D. made the motion unanimous.

7:17 p.m., Selectmen Ken Picard, Robert Fleming, and James Brouchu arrived. Town manager, Blythe Robinson was also present. The Selectmen officially opened their meeting with the BOH.

Al stated that we asked the Selectmen here tonight to discuss the purpose behind the Common Victuallers license, issued by the Selectmen. Looking at the statistical information, the permit is creating double taxation to establishments. If an establishment serves food, the BOH issues a food permit and completes inspections. The common victualler's license was established years ago to protect the citizens. We now issue food permits and inspect the premises. Al stated he realized that several other towns require the license, but very few require a hearing, notice to abutters and a posting in a newspaper as Upton does. That makes the permit very expensive. James stated he doesn't agree that the permit is double taxation. The BOH makes sure gloves are being used, there is proper refrigeration, etc. The common victualler's license looks at everything through a business sense, everything outside of BOH regulations.

Richard R. stated he would like it know that he doesn't agree with Mr. Holman's argument.

Al stated to the Selectmen if what you say is true, then every business should hold a common victualler's license, not just a food establishment. James stated an establishment does not need the permit if they're not servicing food. It goes with the DPH food service permit. It enables us to check to see if the workman's comp. is up to date, there is proper signage, taxes are paid, etc. Al stated that you should change the permit to a business license then.

Robert stated if this permit is unnecessary, than why do other towns require it. We must be consistent. If you sell or touch food you need a license. You must post the hearing and notify the abutters. If you open up a book store then you don't need a common victualler's license. The building inspector, wire inspector and other town officials will inspect the premises. There is a means of checks and balances to ensure the safety and health of the public.

After much debate, James stated that he would like to ask that both Boards respect each other's role. We would not ask to take anything from your board. You're good at what you do. Both our roles are vital to town government. Richard D. asked the chairman of the Selectmen if they would like to take a vote.

**Motion four** – Robert Fleming made a motion to take no further action on the matter. Ken seconded the motion and James made the motion unanimous.

**Motion five** - Richard R. made a motion that the BOH take no further action. Richard D. seconded the motion.

Board also discussed the Animal Control position. An updated job description has recently been approved by the Personnel Board. Blythe asked how the Board would like to proceed with the position. Richard D. stated we could wait until a log of six months has been achieved by the animal control officer. Richard d. stated we could have further discussion in the future.

**Motion six** - Robert made a motion to adjourn the Selectmen's meeting and Ken seconded the motion. James made the motion unanimous.

7:42 p.m., the Selectmen left.

7:45 p.m. Animal Control Officer, Cori Oehley arrived. Cori came tonight to discuss the ACO position. She stated filling the position in a temporary status leaves her in a tough spot. She cannot let go of her other income until she knows what the future of the ACO position is. Richard R. asked Cori if she was certified already, Cori stated she was. Richard D. stated we really don't have enough information from our former officer to understand what kind of time was involved in the position. The only way we can do that is to have a log of your hours. Blythe stated she is keeping the Personnel board up to date, just let her know when we are ready to make a decision on whether to hire or share. Al asked if we had to post the position since Cori is already doing it. Blythe stated yes, it has to be done. It's up to the Board though on whether you want to wait three months, six months or however long you want to take to achieve a log. Cori stated she is happy to supply the Board with a log of her time, and submitted an updated log. Al stated this week shows 17 hours. He understands there may be weeks where you are working more and weeks you will

work less. Calls after midnight are something we need to look at. Cori stated she does receive calls all hours of the night. Al stated the position has more value if it's a 24/7 on call position. Cori stated she would like to shut her phone off at night and only be contacted by the Police Dept., through her cell phone in the evening. Board agreed. The Board suggested that Cori have a town cell phone that would be just for the ACO. Blythe was asked to add another cell phone to the list when the town orders new phones.

Cori stated she also would like to receive the rabies vaccine. If she is exposed to a potential rabid animal, she would like to be vaccinated as a preventative. She asked if the town would pay for the vaccine. Board discussed the necessity of the vaccine. Richard D. asked what the consensus of the Board was.

**Motion seven** – Al made a motion to pay for the vaccine and Richard R. seconded the motion. Richard D. made the motion unanimous. Al stated if you require the vaccine than do it soon.

Cori also asked if she could keep the ACO vehicle at her house. She does not like going down to the BOH parking lot late at night by herself to pick up the vehicle. Board stated she could do so.

Diane stated we also need to pursue using another kennel for stray dogs. We have had some issues with the kennel in Northbridge and Cori is pursuing other avenues. Cori stated that she is hitting roadblocks with a lot of the kennels because they do not want the liability and a lot of them are full. She is waiting to hear back from the town of Milford.

Board discussed the length of time we require a log for the position. Al stated he feels 3 months is sufficient. Richard R. stated he is not comfortable with only a three month data base. He would like to stick with six months. After some debate, the board agreed to a six month log, but will review in three months' time.

Cori stated she is also looking into having a speaker come to Upton to give a presentation on how to live with wildlife. She would like to educate the public. Many residents call her to say they see wildlife in their yards. She has contacted the Mass wildlife and with the Boards permission she would like to set something up. Board agreed. Cori also stated that she would like to post the hunting season in the local paper and towns website. Board agreed.

Cori agreed to send in a log every two weeks.

8:19 p.m. Cori left.

8:20 p.m. , Andy Leonard partner of Kevin Lobisser arrived to review the plans for Rockwood Meadows, off of East Street. Board reviewed the plans that were previously approved back in 2010, but Diane was unable to locate the approved permit for the design. Board agreed they would sign a new permit providing a new set of plans could be submitted with an up to date engineering stamp. Andy agreed to obtain a new set and left at 8:27 p.m.

A septic design was reviewed for 82 Williams Street, Rocco Addeo.

**Motion eight-** Al made a motion to approve of the design and Richard R. seconded the motion. Richard D. made the motion unanimous. Plans were approved.

A d-box repair permit was reviewed for 34 W. River street , AFonso.

**Motion nine-** Al made a motion to approve of the permit and Richard R. seconded the motion. Richard D. made the motion unanimous. Permit was approved.

Diane stated she was recently notified by the Water and Sewer dept., of a problem with the grease trap at Rebecca's 3. There was a large amount of grease accumulated in front of her restaurant in the town's sewer line. Ron Sansouci had the line cleaned out but was very upset that the neither the BOH nor Code Enforcement was overseeing the maintenance. Blythe stated that these issues will be the topic of the next staff meeting. She is hopeful that electronic permitting will catch these problems.

Diane stated that the food inspector was asked to speak to the culinary classes at BVT about her experiences as a food inspector. Diane stated the inspector needs to be compensated for her time and asked if the Board would pay the two hours or so it would take her to do the lecture. Board feels that should come out of B.V.T.'s expenses but since there are Upton students who attend the school, they unanimously agreed to pay for her time.

Diane stated that Ideal Pizza should have their mop sink installed shortly, but it may not be before the deadline. He may need another week or two. Since we do not meet again until 12/12/13 and his permit will expire on 12/6/13, she asked if we could extend his permit a few more weeks since he has been working diligently to comply with the Boards request. Board agreed to extend the permit until the next meeting, at which the owner will be in attendance.

**Motion ten** - Richard R. made a motion to adjourn and Al seconded the motion. Richard D. made the motion unanimous.

8:56 p.m., meeting was adjourned.

Respectfully Submitted,

Diane Tiernan, Asst. Public Health Supervisor