

**BOARD OF
SELECTMEN
MEETING
MINUTES**

August 25, 2015

Town Hall

Chairman Kenneth Picard; Selectman James Brochu; Selectman Robert J. Fleming; Town Manager, Blythe C. Robinson Executive Assistant, Sandra Hakala

1 The meeting was called to order at 6:00pm. Chairman Picard opened the meeting and after the
2 pledge of allegiance reviewed the agenda.

3
4 **MINUTES**

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6 ***Motion #1:*** Motion made by Selectman Brochu to approve the August 4, 2015 Regular Session
7 Meeting Minutes as submitted.

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9 Second: Chairman Picard, Majority Action of the Board.

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11 ***Motion #2:*** Motion made by Selectman Brochu to approve the August 12, 2015 Regular Session
12 Meeting Minutes as submitted.

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14 Second: Selectman Fleming, Unanimous Chairman Picard.

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16 ***Motion #3:*** Motion made by Selectman Brochu to approve the July 30, 2015 Executive Session
17 Meeting Minutes as submitted.

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19 Second: Selectman Fleming, Unanimous Chairman Picard.

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21 ***Motion #4:*** Motion made by Selectman Brochu to approve the August 3, 2015 Executive Session
22 Meeting Minutes as submitted.

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24 Second: Selectman Fleming, Unanimous Chairman Picard.

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26 ***Motion #5:*** Motion made by Selectman Brochu to approve the August 13, 2015 Executive
27 Session Meeting Minutes as submitted.

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29 Second: Chairman Picard, Majority Action of the Board.

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31 **INVITED GUESTS**

32 6:05 PM - Kennel License Hearing – Maryanne Lasala – 35B Pleasant Street

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34 Ms. Lasala applied earlier this year to obtain a license to house 12 dogs at her home on Pleasant
35 Street. Massachusetts State law (G.L. Chapter 140, §137C) requires that an inspection be
36 performed by the Animal Control Officer to determine that dogs are kept in a safe and humane
37 manner.

38
39 The Board of Health held a meeting on June 11, 2015 at which time they discussed the numerous
40 barking complaints received in the last eight months (37) and the condition of the property and
41 outdoor kennel. The result of this meeting was a vote of the Board of Health that Ms. Lasala be
42 limited to four dogs.

43 Ms. Lasala appealed this action to the Board of Selectmen. The Board of Selectmen, acting as
44 the Hearing Authority pursuant to Massachusetts General Laws, Chapter 140, Section 137C,
45 conducted a public hearing, which included examination of the inspection report by the Animal
46 Control Officer and complaints received by the Town regarding this matter, and based on the
47 credible evidence and testimony presented will determine whether or not to grant a private
48 kennel license to kennel twelve dogs owned and/or kept in the Town of Upton at 35B Pleasant
49 Street.

50

51 Ms. Lasala stated that she has held a kennel license for a number of years for a variety of breeds
52 and was not aware of the new State regulations which now require an inspection from the Animal
53 Control Officer. She recalled meeting with the BOH regarding a disturbance complaint and has
54 put additional coverings on the windows to reduce the barking incidents and turns up the radio or
55 television so that the dogs can't hear the neighbor. Ms. Lasala also stated that she has electronic
56 fence for when the dogs are outside.

57

58 Mr. Moran (ACO) and Trish Parent (Health Agent) performed another inspection only of the
59 kennel located outside and of the property surrounding the home as they were denied access in
60 the home thus making a recommendation that the number of dogs be limited to three.

61

62 The inspection of the outside kennel and the property revealed tall grasses around the home
63 and a small path weed whacked along the driveway and the garage. The kennel that is located
64 outside is approximately 10'x10' with overgrown grass inside that kennel. There were no fresh
65 feces and with 12 dogs the ACO expected it to be present and with kitty litter containers outside
66 led him to further conclude that the animals are being kenneled inside the house.

67

68 Mr. Moran consulted with the Northbridge ACO Daniel Chauvin, who has 18 years' experience
69 working as an ACO and Mr. Chauvin confirmed that there is not a formula to follow to determine
70 the appropriate number of dogs that can be safely and humanely kenneled in a home. Aspects to
71 be considered in making a decision include the amount of indoor and outdoor space available to
72 house dogs, distance away from other residences as more dogs contributes to barking complaints,
73 and if the kennel is outdoors, that there be sufficient shelter out of the elements.

74

75 According to the Assessor's records, Ms. Lasala's home has 1,008 square feet of living space for
76 herself and these 12 Dalmatians. The outdoor kennel is 100 square feet. Ms. Lasala's home is
77 approximately 20 feet from neighbor Mr. Kenny Apple.

78

79 Mr. Apple, a neighbor of Lasala's confirmed the barking has been reduced with the window
80 coverings but is concerned if this is sustainable.

81

82 The Selectmen consideration including examination of the inspection report by the Animal
83 Control Officer and complaints received by the Town regarding this matter, and based on the
84 credible evidence and testimony presented concluded that twelve dogs at this residential
85 residence was a commercial operation and they were not being adequately and humanly cared
86 for.

87

88 **Motion #6:** Motion made by Selectman Fleming to award a kennel license for not more than four
89 (4) dogs to Maryanne Lasala, 35B Pleasant Street and allow six weeks to transition from twelve
90 and in six weeks allows possible extension for transition if progress and need is demonstrated.

91
92 Second: Selectman Brochu.

93
94 Poll taken: James Brochu, aye Robert Fleming aye, Ken Picard nay.

95
96 **RECOGNITION**
97 Chairman Picard thanked all those participating and supporting the Red Rock Bar & Grill
98 Triathlon including public safety. All proceeds go to the wounded warrior project and the Upton
99 Mendon Athletic Boosters.

100
101 **MANAGERS REPORT**
102 Mendon Street paving about a mile in length was completed this week over two days.
103 Roadside mowing is contracted to start next week.

104
105 The repair and clean-up of an abandoned property at 14 North Main Street is being pursued. Ms.
106 Robinson met with the Attorney General's Office about their abandoned and vacant property
107 program which works to compel owners either voluntarily or not to repair their properties so that
108 they meet the State sanitary code requirements for human habitation. The Town will not have to
109 engage Town Counsel services because this program offered by the State will likely achieve the
110 same objective and at little cost. Both this property and the long vacant property at 6 Main Street
111 (next to the Risteen Building), and the initial position of the AG's office is that both properties
112 qualify. The Board of Health, Code Enforcement and the Town Manager will be working
113 together on this. According to the State, once they reach out to property owners or those who
114 have an interest most comply with fixing their properties up, and only about 20% end up being
115 renovated by a receiver under a court order.

116
117 DPW Director Roy and Ms. Robinson had a meet with the DOT District 3 office officials
118 overseeing the TIP project. There is a significant bottleneck at the DOT in Boston to sign off on
119 projects so they can move forward; many projects are in the same predicament. The DOT
120 suggests a follow up letter to the Highway Administrator about this project. A budget for the
121 appraisal work needed to look at the various easements and minor land takings that will be
122 needed to complete the project, and a budget for the cost of acquiring those which are a Town
123 expense. The cost estimate to complete the design of the water main replacement on Hartford
124 Avenue North, and then the construction of that is being updated. Ideally the water main
125 replacement would be completed in the summer of 2018, so the TIP project from Main
126 Street/Route 140 to Pratt Pond can be built in the summer of 2019.

127
128 A kick off meeting to upgrade the website was held with staff and Virtual Town Hall. This was a
129 project funded at Town Meeting this spring.

130
131 The final state budget brought approximately \$104,000 in additional regional transportation
132 funds to the MURSD district above what was expected, of which about \$55,000 will be allocated
133 to Upton. At the next Multi-Board meeting the district will want to discuss how to handle that.

134 Options include reducing the Town's assessment; leaving it where it is in case the State makes
135 9C cuts this year, putting it in a stabilization fund for regional transportation in the future; or if is
136 left where it is, utilize it for a shortfall during the year (snow/ice perhaps).

137
138 The developers of Rockwood Meadows have agreed to provide \$50,000 towards the purchase of
139 the next handicap accessible van. The payments will be made over three years as the closings
140 take place.

141
142 **DISCUSSION ITEMS**

143
144 **Motion to Approve VFW 5K Road Race – October 3rd**

145 The VFW plan to hold their annual road race on Saturday, October 3rd. The course is unchanged
146 from previous years and all of the relevant departments have signed off on the event. The race
147 occurs on Heritage Day weekend.

148
149 **Motion #7:** Motion made by Selectman Fleming to approve the request to hold the VFW 5K
150 Road Race on October 3rd as submitted.

151
152 Second: Selectman Brochu, Unanimous Chairman Picard.

153
154 **Motion to Execute – Affordable Housing Trust Agreement**

155 The Selectmen reviewed the trust agreement which has been executed by the Board of Trustees.
156 This document sets forth the conditions for utilizing the \$200,000 voted at the last Town Meeting
157 to be spent on affordable housing, the funding source being the community preservation fund.
158 Ms. Robinson recommends that the agreement be executed by the Board.

159
160 **Motion #8:** Motion made by Selectman Brochu to approve the Affordable Housing Trust
161 Agreement as submitted.

162
163 Second: Selectman Fleming, Unanimous Chairman Picard.

164
165 **Motion to Approve Amended Inter-municipal Agreement with Blackstone for Nursing Services**

166 During the last fiscal year the Town entered into an inter-municipal agreement to provide the
167 Town of Blackstone with four hours/week of nursing services performed by Trish Parent.
168 Blackstone has asked that the number of hours be increased from four to six per week. Ms.
169 Robinson recommends that this amendment be approved which has already been acted on by
170 Blackstone.

171
172 **Motion #9:** Motion made by Selectman Fleming to approve the request to amend the inter-
173 municipal agreement increasing the number of hours from four to six per week.

174
175 Second: Selectman Brochu, Unanimous Chairman Picard.

176
177 **Discuss Draft Policy – Class II Licenses**

178 The Police Chief, Executive Assistant and Town Manager have been meeting to draft a policy for
179 the Selectmen's consideration regarding the issuance of Class II licenses to sell used cars in

180 Town. They reviewed a draft administrative policy, a spreadsheet showing the requirements of
181 the current licenses, and a memo about the issues. Chief Bradley was present to participate in the
182 discussion.

183 Mixed use facilities (repair shops) has created some confusion in determining the number of cars
184 allowed under the Class II license on the property when there is both registered and unregistered
185 vehicles on the property. The Selectmen will reach out to the Planning Board and the ZBA to
186 engage them the discussion in hopes of creating policies or conditions for repair facilities as they
187 come up and inquire they would support a bylaw change to that effect.

188
189 The intent of the policy is to clarify the operational restrictions and create similarities among all
190 licenses; set a new requirement where applicants must submit a plot plan showing parking for
191 used cars, customers and other businesses at that location, as well as a traffic pattern; and
192 outlines the administrative procedures.

193
194 The Selectmen asked that Class II license holders be notified of the policy and will seek their
195 comments in writing to be reviewed at their September 22nd meeting. The Selectmen will also
196 reach out to the Planning Board and the ZBA to engage them the discussions.

197
198 Review Board of Selectmen's Action Plan

199 The Selectmen reviewed the spreadsheet for the action plan which was updated since the last
200 meeting. The revisions include the priority order that the Board chose for the items, and it
201 denotes who is taking point on each one. The Selectmen will discuss the progress at their first
202 meeting of the month starting in October and have requested the pamphlet as noted in the plan be
203 printed.

204
205 **Motion #10:** Motion made by Selectman Fleming to allocate \$350.00 from the Knowlton Trust
206 Fund for printing and supplies to distribute the trifold pamphlet.

207
208 Second: Selectman Brochu, Unanimous Chairman Picard.

209
210 Discuss Use of Town Hall Display Cases

211 The Selectmen discussed the possible the uses of the display cases that were installed in the
212 handicap entranceway to the building. They have asked that a policy be developed to outline the
213 uses that may include paraphilia and recognitions from Upton sports teams, contributions from
214 girl and boy scouts, items from the historical society.

215
216 Motion to Open a Warrant for a Special Town Meeting – November 17, 2015

217 The High School auditorium has been reserved for Tuesday, November 17th and the Town
218 Clerk, Town Counsel, Moderator and Town Accountant have been notified. Ms. Robinson
219 recommends that the warrant be opened at this meeting, and close on Friday, September 25th.

220
221 **Motion #10:** Motion made by Selectman Fleming to open the Warrant for a Special Town
222 Meeting to be held on November 17, 2015 and closed on Friday, September 25th.

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224 Second: Selectman Brochu, Unanimous Chairman Picard.

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Discuss Joining the State Community Compact Program

At the request of Representative David Muradian to promote the Community Compact Program to his constituent towns, Lieutenant Governor Karen Polito spoke about the program at Town Hall. The purpose of the program is to improve some of the Town’s best practices as the State will provide those resources. The Selectmen would like department heads to set priorities to be discussed at a future meeting.

Discuss Proposed Solar PILOT Agreement – Route 140 & Chestnut Street

Ms. Robinson met with a representative from Nexamp, a company that installs solar arrays in Massachusetts. They have identified a parcel near the intersection of Route 140 and Chestnut Street in Upton on which they would plan to build and operate a 2.6 megawatt solar array. The Selectmen reviewed a proposal from them for a payment in lieu of taxes (PILOT) agreement to provide a revenue stream to the town in lieu of taxes. If the town is to consider such an arrangement it would need approval both from the Board and Town Meeting. The Selectmen were interested in continuing the discussion at a future meeting.

MEETING LOOK AHEAD TOPICS

Meet with Hopedale Board of Selectmen on September 22nd

NEW BUSINESS

EXECUTIVE SESSION

The Board will enter into Executive Session under MGL c.30A, S. 21 exceptions #2: to conduct contract negotiations with non-union personnel (Town Manager, Blythe Robinson).

ADJOURN MEETING

Motion #10: At 8:15pm motion was made by Selectman Brochu to adjourn the regular meeting.

Second: Selectmen Fleming, Chairman Picard, Unanimous Action of the Board.

Respectfully submitted,

Sandra Hakala
Executive Assistant