

**BOARD OF  
SELECTMEN  
MEETING  
MINUTES**

**September 22, 2014**

Police Station Training Room, School Street

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

1 The Regular session meeting was called to order at 5:00pm.

2

3 **Motion #1:** At 5:00 pm Chairman Fleming opened the Executive session of Board of Selectman  
4 meeting in accordance with M.G.L. Chapter 30A, Section 21, reason #1 to discuss the discipline  
5 or dismissal of an employee.

6

7 Poll taken: James Brochu, aye Kenneth Picard, aye Robert Fleming aye.

8

9 **Motion #2:** Motion made by Chairman Fleming at 5:15pm, to close the Executive Session under  
10 M.G.L. Chapter 30A, Section 21, reason #1 to discuss the physical condition or mental health of  
11 an employee.

12

13 Poll taken: James Brochu, aye Kenneth Picard, aye Robert Fleming aye.

14

15 Chairman Fleming opened the regular meeting at 5:15pm and after the pledge of allegiance  
16 reviewed the agenda.

17

18 **DISCUSSION ITEMS**

19

20 **Town Hall**

21 The Board reviewed the details for the rededication ceremony being held on the 23<sup>rd</sup>. Also  
22 discussed was a draft of the rules and regulations to using the building.

23

24 **Motion #3:** Motion made by Selectman Brochu to approve the Administrative Policy and  
25 Procedure on the Use of Town Hall Rules & Regulations as submitted.

26

27 Second: Selectman Picard, Unanimous Chairman Fleming.

28

29 **Review List of Special Town Meeting Articles**

30 The Board reviewed a draft of the warrant for the Special Town Meeting to be held on  
31 November 18th closes on September 25<sup>th</sup>.

32

33 **Motion to Transfer Historical Commission Donations to a Gift Account**

34 Held until the next meeting.

35

36 **Discuss Meeting Date with Hopedale Board of Selectmen**

37 At the last meeting a joint meeting with the Board of Selectmen from Hopedale was discussed to  
38 talk about similar issues and opportunities. The Selectmen will request a meeting in Hopedale  
39 on October 20<sup>th</sup>.

40

41 **Nuisance/Dangerous Dog Hearing**

42 The Selectmen voted to hold a nuisance/dangerous dog hearing based on a written complaint  
43 filed by Ms. Perkins of 101A Main Street which claimed that on or about August 24th, a dog  
44 entered the property of 101A Main Street and caused injuries to Mr. Jones. The dog is owned  
45 by Ms. Elizabeth Willis of 103A Main Street. The Chair opened the hearing; reviewed the formal  
46 notice of the hearing sent to Ms. Willis, an outline regarding the public hearing process from  
47 Town Counsel, the original complaint, Town Counsel's outline of the State law on this matter, a  
48 rabies certificate for the dog, and the police report regarding this incident.

49  
50 The complainant, Ms. Kathy Perkins also received a copy of the notice letter. Officer Benjamin  
51 and the Dog Officer, Mr. Moran was present.

52  
53 Officer Benjamin testified a call was received shortly after 4 p.m. on August 24, 2014 for a dog  
54 bite at 101A Main Street. Upon arrival the officer noticed Mr. Jones had a puncture wound to his  
55 right forearm. According to Officer Benjamin, Mr. Jones reported the boxer had defecated in his  
56 yard; the dog was on a lead but the lead allowed him wander off his property. Mr. Jones called  
57 out to the neighbor, who was outside, to have her pick up the mess. Mr. Jones told Officer  
58 Benjamin the dog broke free of his collar and charged and bit him.

59  
60 Mr. Moran testified that his testimony was the same as Officer Benjamin's. He noted the dog  
61 was not licensed at the time but had a valid rabies certificate. Upon Mr. Moran's request a dog  
62 license was obtained a few days later.

63  
64 Ms. Kathy Perkins testified she witnessed the dog defecate on her yard. She told her fiancé and  
65 he said he would ask the neighbor to clean it up. She heard him ask the owner several times in a  
66 polite manner. The dog broke free and lunged at him, after which the dog was called back by the  
67 owner. Her fiancé came back into the house and was bleeding. She testified that she believed  
68 the dog was not under control.

69  
70 Mr. Robert Jones testified that he agreed with Officer Benjamin's testimony. He said he went  
71 outside and asked Ms. Willis 3 – 4 times to clean up after the dog. Suddenly the dog was coming  
72 at him and the collar broke. The dog came after me and I tried to stop it with my foot. It lunged  
73 at me and bit me, after which the owner called the dog back.

74  
75 The dog's owner Ms. Willis testified at the hearing that the dog was on her property in the right  
76 of way and she did not see Mr. Jones get bit. According to Willis the dog became agitated when  
77 Mr. Jones began screaming and broke free of his collar. Ms. Willis entered into evidence  
78 pictures depicting the yard and the dog's collar.

79  
80 **Motion #4:** Motion made by Selectman Picard to close the evidentiary portion of the hearing.

81  
82 Poll taken: Kenneth Picard, aye, James Brochu, aye, Robert Fleming aye.

83  
84 **Motion #5:** Motion made by Selectman Picard that there was a violation.

85  
86 Poll taken: Kenneth Picard, aye, James Brochu, aye, Robert Fleming aye.

87

88 **Motion #6:** Motion made by Selectman Brochu to classify the dog as dangerous based on the  
89 credible evidence and sworn testimony insofar as it was found that or about August 24, 2014, the  
90 dog entered the property of another and without justification attacked a person causing physical  
91 injuries.

92

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

94

95 The board deemed the dog dangerous in a 2 to 1 vote. Picard favored classifying the dog as  
96 nuisance.

97

98 **Motion #7:** Motion made by Chairman Brochu to issue the following order to ameliorate said  
99 dangerous condition:

100

101 • That the dog be humanely restrained; provided, however, that it shall not be chained,  
102 tethered or otherwise tied to an inanimate object including, but not limited to, a tree, post  
103 or building; and

104

105 • That the dog be confined to your premises; provided, however, that “confined” shall  
106 mean securely confined indoors or confined outdoors in a securely enclosed and locked  
107 pen or dog run area upon the premises; provided further, that such pen or dog run shall  
108 have a secure roof and, if such enclosure has no floor secured to the sides thereof, the  
109 sides shall be embedded into the ground for not less than 2 feet; and provided further, that  
110 within the confines of such pen or dog run, a dog house or proper shelter from the  
111 elements shall be provided to protect the dog.

112

113 Poll taken: James Brochu, aye Kenneth Picard, aye Robert Fleming aye.

114

115 **Motion #8:** Motion made by Chairman Brochu at 5:20 pm, to close the hearing.

116

117 Poll taken: James Brochu, aye Kenneth Picard, aye Robert Fleming aye.

118

119 Eagle Scout Presentations – Two Eagle Scout candidates were invited to the meeting to discuss  
120 their projects. Zach Crosby will be discussed his work to build a new shed at Leland Field for  
121 use by the Recreation Commission, and Brett Nasuti discussed building a fire pit at Kiwanis  
122 Beach near the pavilion.

123

## 124 **MINUTES**

125

126 **Motion #9:** Motion made by Selectman Brochu to approve the September 8, 2014 Regular  
127 Session Meeting Minutes as submitted.

128

129 Second: Selectman Picard, Unanimous Chairman Fleming.

130

131 **Motion #10:** Motion made by Selectman Brochu to approve the September 8, 2014 Executive  
132 Session Meeting Minutes as submitted.

133

134 Second: Selectman Picard, Unanimous Chairman Fleming.  
135  
136 Joint Election to Fill Position of Cemetery Commissioner  
137 Glenn Fowler and Robert Richards submitted letters of interest to be elected Cemetery  
138 Commissioners over the last few weeks. The Selectmen received a letter of interest from Joe  
139 McKinney at the meeting.  
140  
141 A joint election with the member of the Commission followed.  
142  
143 Selectmen Brochu nominated Robert Richard.  
144 Second: Selectmen Picard  
145  
146 Selectmen Picard nominated Glenn Fowler.  
147 Second: Selectmen Brochu  
148  
149 Commissioner McMahan nominated Joe McKinney.  
150 Second: Chairman Fleming.  
151  
152 Those in favor to elect Robert Richard:  
153 Selectman Picard aye, Selectmen Brochu aye, Selectman Fleming aye, Commissioner McMahan  
154 aye  
155  
156 Unanimous  
157  
158 Those in favor to elect Glen Fowler:  
159 Selectman Picard aye, Selectmen Brochu aye, Selectman Fleming aye,  
160  
161 Majority action  
162  
163 Those in favor to elect Joe McKinney:  
164 Commissioner McMahan aye  
165  
166 Motion to Approve Policy on Snow Removal – Private Ways  
167 The Selectmen reviewed the revised draft policy regarding the plowing of private ways as  
168 discussed by the Board at the last meeting. The revisions concerned two areas, plowing of ways  
169 created by permit of the Planning Board or ZBA, and the language regarding ways that do not  
170 have sufficient access for emergency vehicles. Per the Board’s discussion, the ways created by  
171 special permit have been changed so they are not to be provided with plowing services. The  
172 language regarding ways with insufficient access for emergency vehicles now reads that if some  
173 homeowners are willing to allow access and sign an agreement to this effect, these roadways  
174 would be eligible for plowing.  
175  
176 The board discussed whether the town should salt and sand roads that meet the criteria, in  
177 addition to plowing them. Department of Public Works Director Jeffrey Thompson said he  
178 recommends to do so.  
179

180 **Motion #11:** Motion made by Selectman Picard to approve the Snow & Ice Removal from  
181 Private Ways Policy.

182  
183 Second: Selectman Brochu, Unanimous Chairman Fleming.

184  
185 Selectmen said to meeting attendees that there wasn't yet any list of roads that did or did not  
186 meet the criteria. They said a list would be made available at their next meeting.

187  
188 Selectmen Brochu and Picard said they had met with residents from Breton Road and Bouthiette  
189 Lane, and that both groups had undertaken repairs of their roads. These roads would likely meet  
190 the criteria set forth by the policy.

191  
192 Motion to Approve Fuel Efficient Vehicle Replacement Policy  
193 The Board of Selectmen considered adopting a fuel-efficient vehicle replacement policy in order  
194 to complete its application for Green Community status due in October.

195  
196 According to Mr. Taylor, Chair of the Green Community Designation Committee, a number of  
197 town vehicles - including fire engines, ambulances, police cruisers and certain Department of  
198 Public Works vehicles - would be exempt from the policy and currently, four(town) vehicles  
199 would be subject to the policy, the Board of Health vehicle, the Town Manager's car and the fire  
200 and police department administrative vehicles would be nonexempt.

201  
202 Selectmen said they were concerned about applying the policy to the police and fire  
203 administration SUVs, as they could be pressed into service in the case of emergency. Taylor,  
204 though, said advancements that make such vehicles more fuel-efficient could take place before  
205 the town needs replacements.

206  
207 **Motion #12:** Motion made by Selectman Picard to approve the Fuel Efficient Vehicles Policy

208  
209 Selectman Brochu, Unanimous Chairman Fleming.

210  
211 Authorize Application to the State Sewer Relief Fund  
212 The Treasurer/Collector submitted paperwork so that the Town may apply for funding from the  
213 Commonwealth Sewer Rate Relief Fund for FY 15, specifically for the debt incurred for the  
214 Station Street pump station.

215  
216 **Motion #13:** Motion made by Selectman Picard to sign and endorse the application to the State  
217 Sewer Relief Fund with the use of funds awarded to be deposited as revenue in the enterprise  
218 fund and as an additional revenue source, supplementing revenue received from rates, thereby  
219 offsetting potential rate increase.

220  
221 Selectman Brochu, Unanimous Chairman Fleming.

222  
223 Motion to Approve Disclosure Statement by Chief Michael Bradley  
224 Chief Bradley requested approval of a State Ethics law disclosure form. He has been asked to  
225 take a stipend position with the school district to continue coaching football.

226  
227 **Motion #14:** Motion made by Selectman Brochu to accept the disclosure form from Chief  
228 Bradley.

229  
230 Selectman Picard, Unanimous Chairman Fleming.

231  
232 **OTHER TOPICS NOT REASONABLY ANTICIPATED**

233  
234 **MEETING LOOK AHEAD TOPICS**

235 Street light replacement program

236 Paperless initiatives

237 149 Main Street

238 Warren Street Closing

239  
240 **ADJOURN MEETING**

241  
242 **Motion #15:** At 7:45pm motion was made by Chairman Fleming to adjourn the regular meeting.

243  
244 Second: Selectman Brochu, Unanimous: Selectman Picard.

245  
246 Respectfully submitted,

247  
248  
249 Sandra Hakala  
250 Executive Assistant

251