

Approved

TOWN OF NEW BOSTON

SELECTMEN'S MEETING MINUTES

AUGUST 15, 1994

A regular business meeting of the Board of Selectmen was called to order at 7:00 p.m. by Chairman Pimenta.

PRESENT: Michael S. Pimenta, Chairman
Harold C. Strong, Selectman
Lorraine A. Cleveland, Town Administrator
ABSENT: Darlene M. Goodin, Selectman

REQUESTED APPOINTMENTS

Martin and Kathleen Hoerbinger were in to voice their concerns about a dog nuisance that has been ongoing for several months. Chief McLaughlin was present for the discussion. Mr. Hoerbinger explained that his neighbor's dogs bark continuously for many hours at a time. He has tried to work out the problem with his neighbor with telephone calls and letters. However, the problem continues. He explained that they have spent over \$7,000 in fencing and anti-barking collars for their dogs to show good faith. It has not improved the situation. Mr. Hoerbinger showed photos of the fence and location of the dog pen. He said the neighbors have refused to relocate the dog pen, which is located very close to the Hoerbinger property line.

Chief McLaughlin stated that the Police Department has tried to diffuse the problem with mediation. Both sides have been cooperative. The neighbors did get rid of one dog that was a barker and purchased anti-barking collars for the other dogs. However, they have not been using them claiming that the collars injure the dogs.

Mrs. Hoerbinger said their home has become uninhabitable and unsalable due to this problem. They recently put their home on the market and were told by the realtor that they must disclose the barking problem. They feel it will be very difficult to sell their home.

Chief McLaughlin reviewed the steps that are taken in a noise complaint. The PD solicits the information. Then the officer contacts the owner to make an inquiry about the problem and the complainant to see if they have contacted the owner. The officer observes the dog in order to substantiate the complaint. This is often hard to do. An abatement is issued to the owner of the dog advising steps to correct the problem or face court action.

In the case of the Hoerbinger complaint, every time the animal control officer has reported to the scene, the dogs are not barking. Additional monies have been spent to survey the barking

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on a regular basis, however, there is still a lack of substantial evidence to take this case to court successfully. No other neighbors have complained. The Hoerbingers asked if the Chief could interview other people who have witnessed the barking. He said yes. It was agreed by everyone present that the animal control officer will continue to monitor the situation. As soon as he can substantiate the complaint, he can issue an abatement immediately and summons to court if necessary.

The Board asked Ms. Cleveland to send a letter to the Hoerbinger's attorney notifying him of the outcome of this meeting.

Chief McLaughlin continued his discussion with the Board. He gave an update on pending cases and recent arrests made by the Department.

Lee Murray, Road Agent, was in for his bi-weekly meeting with the Board. The following issues were discussed:

(1). Mr. Murray provided an update on the work being done on McCurdy Road, primarily brush cutting and culvert replacement. The Board and Mr. Murray reviewed a letter from Maggie Flansbury regarding the possible sale of .41 acres of her property to the Town for the relocation of the McCurdy Road/Bedford Road intersection. The Board requested that Ms. Cleveland obtain costs for survey and plan preparation of the parcel.

(2). Mr. Murray asked the Board about the possible purchase of an infrared heater for \$2,000 to do road patching. The Board was in agreement that Mr. Murray should investigate it because of the low price. He will report to the Board at the next meeting.

(3). The Board discussed the State's recent bridge inspection reports. Mr. Murray said all of the bridges in town except for two are in good shape. He said he would like to work on the Colburn Road bridge next year. Ms. Cleveland said she would contact the state for an application for bridge aid.

(4). Chairman Pimenta reported that he had received a letter from Charlie Hoyt in which Mr. Hoyt complained about the road shoulders on the Frankestown Turnpike and the gas station bridge by his house. Mr. Murray said the road work worked on before the end of the season. The gas station bridge replaced, the approach rails have yet to be replaced.

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ADMINISTRATIVE

The Board reviewed and approved the weekly payroll and accounts payable.

Driveway permits for the following parcels were approved by the Board: John Neville, Map 3, Lot 63-25; Black Brook Builders, Map 7, Lot 67-5.

Road Entry permits for Easy Way Homes, Map 9, Lot 79 were approved. The Selectmen and Fire Wards approved the road names as Labree Road and Orchard Road instead of Labree Drive and Orchard Drive as they are through roads and not dead-end cul-de-sacs.

The Board approved and signed the Business Data Solution software license contract for the Property Tax/Assessment software package.

APPROVAL OF MINUTES

Selectman Strong made a motion to accept the August 1 minutes as written. Chairman Pimenta seconded the motion. The vote was unanimous.

UNFINISHED BUSINESS

Chairman Pimenta informed the Board that he and the Building Inspector inspected the Fillmore property on Mt. Vernon Road in reference to the pending zoning cease and desist order. The Fillmores have corrected the zoning violations in both buildings and therefore no further enforcement action is required.

The Board voted unanimously to establish a voluntary Deferred Compensation retirement (Section 457) plan for all regular full- and part-time employees through the US Conference of Mayors program. Employees will now be able to contribute to a retirement plan through pre-tax payroll deductions. Ms. Cleveland said she will be meeting with the state director of the Public Employees Benefit Service Corporation, which will administer the plan for the Town.

NEW BUSINESS

Ms. Cleveland reviewed a conversation she had with Chris Cullen from GZA regarding the status of the landfill groundwater permit and post-closure monitoring. The present permit expired in June and the State will be issuing a new one in the near future. Mr. Cullen said he hopes to petition the State next year to reduce the sampling parameters. In the meantime, GZA has submitted

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Addendum No. 9 to their professional service contract for the Board's approval and signature. The costs for the post-closure inspection and water monitoring is expected to decrease by \$1,000. The Board voted unanimously to approve and sign the contract.

The meeting was adjourned at 10:00 p.m.

Respectfully submitted by Lorraine Cleveland, Town Administrator

Lorraine Cleveland