

Town of Upton



Massachusetts

Meeting Minutes of March 20, 2007

Present: Chairman Joan E. Shanahan, Selectman Marsha A. Paul, Selectman Robert J. Fleming and Karen L. Varney, Administrative Clerk.

Location: Upton Council on Aging, 1 Centennial Ct.

The meeting was audio taped by the Board. Jonathan Miguel, Cable TV Access Provider videotaped the meeting.

The meeting was called to order at 8:00pm. The Pledge of Allegiance was recited.

Appropriation Treasury Warrant No. 38e in the amount of \$60,156.79 was signed. Payroll Treasury Warrant No. 38P in the amount of \$57,271.70 was signed.

The Board of Selectmen just returned from the annual BVFA at the Upton Fire Station having feasted on the traditional beef stew, salad and desert. A special thanks to Sue Poirier and Debbie.

Motion # 1

Selectman Fleming motioned to approve the meeting minutes of March 13, 2007. Seconded by Selectman Paul, unanimous by Chairman Shanahan.

⇒ Confidential:

Letter from Patrick Roche, Inspector of Buildings dated March 8, 2007.

The Board welcomed Building Commissioner Pat Roche. A discussion ensued relative to Commissioner Roche's letter that he sent to the Board informing them that it is his intention to return \$7,050.00 to the Town for a part-time Inspectors position that has not been utilized for three years. Selectman Paul addressed Mr. Roche by reminding him that he met with the Board two weeks ago and agreed with the Board that due to the part time Inspector's lack of experience, that she would benefit by traveling with the Building Inspector to get experience. Both Selectman Paul and Mr. Roche agreed that it made sense. Selectman Paul was under the impression that this would happen and now the Board has received this letter, which was totally the opposite of the discussion. She asked Mr. Roche to help her and the Board understand where he is coming from since the whole idea was to get the Part Time Inspector more experience by working with the present Inspector. Thus, when and if that person

45 retired, our part time person would be able to assume responsibilities. There is a
46 person that is slated to work on a part-time basis however that person is not doing these
47 inspections. In response, Mr. Roche said when he sent the letter, he took into
48 consideration the discussion however, due to the financial issues facing the Town, Mr.
49 Roche felt it was the right decision. No funds have been taken from this non-salaried
50 position for three-years. Commission Roche stated he sent a letter in January to this
51 person with no response. Selectman Paul reminded Mr. Roche that at the conclusion of
52 the meeting two weeks ago, he was to contact this part time Inspector to discuss the
53 plan. Mr. Roche said he did not call this Inspector as he rethought the matter about the
54 lack of experience and on the job training needed. Selectman Paul was disturbed over
55 the fact that Mr. Roche sent this letter without speaking with her (Liaison for the Code
56 Enforcement) or the Board members first.

57 It was Selectman Fleming's understanding that the Board asked Mr. Roche to
58 utilize the Part Time Inspector and yes, the individual needed more training in order to
59 be a backup to the Town. If the individual did not communicate with Mr. Roche, he
60 should have contacted the Board before he made the decision to send the letter.
61 Selectman Paul stated the part-time position is a value to the Town, as building will
62 increase. Mr. Roche noted that he has never had a problem with keeping up with
63 inspections. Chairman Shanahan wants to make sure that this is a correct move. Mr.
64 Roche apologized to the Board if he did anything wrong, it was not his intention.

65 After discussion it was the decision of the Board to keep the current part-time
66 Inspector position open for vacations, sickness etc, as a backup and at Commissioner
67 Roche's discretion. Chairman Shanahan spoke of the financial issues facing the Town
68 however believes that by taking this position off the books is unfair to the Town. The
69 Board asked Mr. Roche to issue another letter reinstating the opportunity. If this person
70 does not want the job, then the Town will hire someone else. Mr. Roche will update the
71 Board on any response.

72

73 *FYI material reviewed:*

- 74 ⇒ RBC Dain Rauscher account statements.
- 75 ⇒ Fire Department recipient of a \$2,500.00 Community Grant from the new Super
76 Wal-Mart.
- 77 ⇒ 3rd interviews for the COA position scheduled for Tuesday.
- 78 ⇒ Discussion: Letter to all Town Departments Re: Town finances.
- 79 ⇒ Letter dated March 15th from Lieutenant Zaloga Re: Article ATM
- 80 ⇒ Memo from Superintendent Fernandes Re: Override Warrant Article.
- 81 ⇒ Zoning Bylaw Review Committee (Draft Sign By-Law)

82

83 Final interviews were held today at the COA for the position of Social Service
84 Coordinator. A candidate has been chosen and Director Heimrath will notify the
85 Personnel Coordinator James R. Bates, within the next few days.

86

87 Selectman Fleming discussed the financial issues that the Town of Upton is
88 facing. A letter was drafted and will be sent out to all Departments asking them to make
89 an assertive effort to create efficiencies and reduce costs. The Board will work with the

90 Finance Committee in reviewing the expense and payroll warrants. A committee will be
91 set up if needed.

92
93 **Motion # 2**

94 Selectman Paul motioned to declare a Snow and Ice Emergency under M.G.L.
95 and to allow the Town Accountant to deficit spend for the remainder of FY07. Seconded
96 by Selectman Fleming, unanimous by Chairman Shanahan.

97
98 In reference to the Management Profile Study of the Fire Department and
99 Department of Emergency Medical Services recently completed, it is the Board's
100 recommendation that excerpts of this study be sent to the Upton Town Crier. This will
101 help to clarify any miscommunications. Selectman Fleming stressed that it is not the
102 Board's intention to eliminated call Firefighters. Echoed by Selectman Paul noting their
103 value to the community. The Board will discuss further at their March 27th meeting and
104 the need to form a committee.

105
106 The Board reviewed the Zoning Sign Bylaw draft.

107
108 In matters relative to expanding the current Town of Upton's Web site, the Board
109 spoke of instituting the calendar, which appears within the Town Clerk's web site by
110 placing a tab for easy access. It was suggested utilizing the Senior Volunteer program
111 by having a person continuously updating this calendar of events.

112
113 In reference to a memorandum dated March 2nd from Planning Board Chairman
114 Paul Carey, in response to a notice seeking an Associate member, a letter of interest
115 was received from William Tessmer of 93 High St.

116
117 The Planning Board is recommending Mr. Tessmer to serve as an Associate
118 Member on this Board.

119 Selectman Fleming nominated William Tessmer as Associate Member of the
120 Planning Board. Selectman Paul and Chairman Shanahan both placed a vote for Mr.
121 Tessmer. A Vote was taken to elect by polling: Marsha Paul "I", Robert Fleming "I", Joan
122 Shanahan "I".

123 Mr. Tessmer is officially voted in as Associate Member.

124
125 **Mail:**

- 126 1. Newsletter: Friends of Upton State Forest Inc.
- 127 2. Request from the United Parish Church for permission to display four sandwich
128 board signs advertising their annual fundraiser for April 28th. (**Approved to post**
129 **signs for 21 days only**).
- 130 3. MMA Action: Governor's Budget.
- 131 4. Mass Dept. of Education: FY07 Chapter 70.
- 132 5. Information from Mass Development Re: Notice of Funding availability. (Full
133 packet in BOS Office). (**Forward to H. Trask**)
- 134 6. Municipal Health Insurance (GIC) information sent by Rep. Peterson's office.
- 135 7. Letter from the Upton Men's Club announcing the annual Town Clean up for
136 Saturday, April 14th from 8:30 – 11:00am.

- 137 8. Memorandum from the Planning Board Re: Appointment of William Tessmer as
138 Associate Member of the Planning Board. (*Elected*)
- 139 9. Confirmation from M-U Regional School District Re: Candidates night May 3rd
140 6:30-9:30pm.
- 141 10. Memorandum from Jim Bates, AA to Katharine Klein, Esq., and other related
142 documents Re: 3 Merriam Way.
- 143 11. Correspondence from MMA Re: Regional update meetings.
- 144 12. Municipal Licensing Corporation Re: Meeting, April 12th.
- 145 13. Copy of a document (Release Notification Form) sent to the BOH Re: Christian
146 Hill Rd.
- 147 14. Invitation from the Upton Cub Scout Pack 132 for March 24th.
- 148 15. Suburban Coalition Annual Legislative Breakfast, Monday April 2nd.
- 149 16. Check in the amount of \$1,094.00 received from Charter Communications.
- 150 17. Senior Volunteer (list) Property Tax Relief program.
- 151 18. Charter Communications Re: Billing practices, Equipment and Privacy notices.
- 152 19. Copy of a letter from Kopelman and Paige, P.C., to the Appeals Court Re:
153 Governors Landing.
- 154 20. Copy of a letter to Antonio Fernandes, Superintendent from Patrick Roche,
155 Inspector of Buildings Re: Memorial School deficiencies and violations. (*Response*
156 *from Superintendent Fernandes is hopefully forthcoming*).
- 157 21. Copy of a violation letter sent to a Crockett Rd resident from Patrick Roche,
158 Inspector of Buildings.
- 159 22. The Beacon
- 160 23. Copy of a letter from State Senator Augustus to Police Chief Stockwell Re:
161 Project Smile.
- 162 24. Letter dated March 8, 2007 from Michael Marchand, Assistant Chief Engineer.
- 163 25. Memorandum to Municipal clients Re: FCC Order – Competitive Cable TV
164 Licenses (Verizon).
- 165 26. Email from Chief Bradford Re: Fox 25 News Firehouse Friday on March 30th.
- 166 27. Notification of the Annual notice filing from Comcast.
- 167 28. Police Report of barking dogs from 57 South St.

168
169 Reviewing mail item # 17, the Board congratulated John Lebrun for his great work
170 overseeing the Senior Volunteers Property Tax Relief program.

171
172 Responding to mail item #28; a copy of a complaint from a resident of 55 South
173 Street, to the Police Department in reference to barking dogs at 57 South Street.
174 Selectman Fleming feels that action should be taken as the residents have tolerated this
175 barking long enough. Reports from the Animal Control Officer are seen as not
176 problematic. The Board feels that an open conversation between the Board of Health
177 and the Animal Control Officer take place. it was recommended that the parties have a
178 discussion at the Selectmen's meeting next Tuesday, March 27th. Selectman Fleming
179 also needs input from Chief Stockwell.

180 181 **Motion # 3**

182 Selectman Paul motioned to approve the request from the United Parish to
183 display four sandwich board signs advertising their annual spaghetti supper fundraiser

184 from April 7th to April 28th (21 days). Seconded by Selectman Fleming, unanimous by
185 Chairman Shanahan.

186
187 Reminder, all Warrant Articles must be submitted by this Friday, March 23rd. The
188 Board asked that an Article be drafted relative to Cell Towers and forward to Legal
189 Counsel for review.

190
191 Chairman Shanahan gave an overview of the one-time payout compensation for
192 non-union employees who will be paying 25% of insurance costs vs. 10% effective July
193 1st. All Town employees will be paying 25% starting the new fiscal year.

194 The Personnel Board needs to submit a Personnel By-Law change noting the 25-
195 75%.

196
197 Selectman Fleming requested inviting the Finance Committee to their meeting
198 the 1st or 2nd week of April.

199
200 **Motion # 4**

201 Selectman Fleming motioned to adjourn the meeting at 9:30pm, seconded by
202 Selectman Paul, unanimous by Chairman Shanahan.

203
204 Respectfully submitted,

205
206 Karen L. Varney, Administrative Clerk
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