

Town of Uptc



Massachusetts

Meeting Minutes of March 27, 2007

Present: Chairman Joan E. Shanahan, Selectman Marsha A. Paul, Selectman Robert J. Fleming and Administrative Assistant James R. Bates. (Administrative Clerk Karen L. Varney was absent).

Location: Fire & EMS Headquarters, 2nd Floor Training Room, 20 Church St.

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

The meeting was called to order at 7:30pm. The Pledge of Allegiance was recited.

Appropriation Treasury Warrant No. 39e in the amount of \$655,617.65 was signed.

Refund Warrant No. 39r in the amount of \$6,257.08 was signed.

Payroll Treasury Warrant No. 39P in the amount of \$73,549.42 was signed.

The Board of Selectmen meeting minutes of March 20th were put on hold until they can be further reviewed by the Board.

The Board approved and signed off on the Graz Engineering invoice for the Orchard St Septic Design.

Motion # 1

Selectman Paul motioned to approve payment of \$3,800 (invoice #2786) to Graz Engineering, LLC from the William Knowlton Trust for the Orchard St. Septic Design plans seconded by Selectman Fleming, unanimous by Chairman Shanahan.

It was noted that Realtor Jeanne Leombruno of West Hill Properties listed the four Orchard St lots for sale. For sale signs will be posted this week. If anyone is interested in purchasing a lot please contact West Hill Properties.

Motion # 2

Selectman Paul motioned to appoint James Gardner to the position of Social Service Coordinator for the Council On Aging based upon the Interviewing Committee's unanimous recommendation. This appointment is until the annual Town appointments in

45 May 2007 and conditional upon Mr. Gardner accepting the position and completing a
46 positive physical exam. Starting annual salary is \$38,000.00 with an increase to
47 \$39,000.00 after a positive performance review and a six- month probationary period.
48 Start date will be April 12, 2007. Seconded by Chairman Shanahan, unanimous by
49 Selectman Fleming.
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51 The Board welcomed Police Chief Thomas Stockwell, Board of Health member
52 Rick Binaco and the Animal Control Officer Kate Hawkins. The reason for the meeting
53 with the Board of Health was to have a discussion relative to the Dog Officer Position
54 vs. the Animal Control Officer. Mr. Binaco has reviewed the job description and the State
55 Laws. The issue is the dog officer position as mandated by the Commonwealth of
56 Massachusetts, reports to the Selectman whereas the Animal Control Officer reports to
57 the BOH. There is a need to insert a paragraph into the present Animal Control Officer
58 job description stating that any aspect of Dog control must be reported to the Board of
59 Selectmen. Mr. Binaco believes the line item can still be budgeted the same way.
60 Selectman Fleming made comment that it could be uncomfortable for Ms. Hawkins, the
61 current Animal Control Officer to report to the Board of Selectmen. Mr. Binaco noted that
62 this is a common occurrence within the laws of the Commonwealth. For the record
63 stated Selectman Fleming, during the Annual Appointments, Ms Hawkins will be
64 appointed as Dog Officer as well as the Animal Control Officer. Ms. Hawkins
65 understands how it will be structured. Selectman Fleming informed her that the Police
66 Department would call Ms. Hawkins on occasion.

67 Chief Stockwell feels this is the time to discuss the situation at 57 South St, the
68 dog barking complaints. A spreadsheet noting a four-year plus span of dog barking
69 complaints from this location was given to the Selectman. Chief Stockwell stressed the
70 need to address the situation sooner than later. Police have responded to forty-five calls
71 with ninety-three total calls received. Chief Stockwell noted an incident on March 13,
72 2007 around 11pm that his department responded to. Ms. Hawkins stated she did not at
73 that time go to the property.

74 Selectman Fleming noted his frustration with the four-years of complaints and the
75 need to take some type of action and added the neighbors deserve a right to the quality
76 of life. Chairman Shanahan agreed, saying it is time to take action. In adding, Chief
77 Stockwell said Mr. Perry has not made a real good effort to rectify the situation and has
78 recommended that either the Board take action or it will be handled though the Police
79 Department. Selectman Paul noted that she heard from a reliable source that Mr. Perry
80 is selling dogs from his property. Mr. Binaco talked about the possibility of pursuing the
81 nuisance laws. After discussion, it was agreed that Mr. Perry be sent a registered letter
82 to appear before the Board of Selectman on April 10th at 7:40pm.
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84 Chairman Shanahan asked Mr. Binaco to address the situation on North Main
85 St., a manure and urine situation. A hearing took place and the Board of health will be
86 forthcoming with their recommendation. Zoning bylaws with their interpretation also
87 needs to be reviewed.
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Motion # 3

Selectman Fleming motioned to appoint Katherine Hawkins as the Upton Dog Officer, until the annual appointments in May 2007. Seconded by Selectman Paul, unanimous by Chairman Shanahan.

In reference to the Fire Department Management Study Profile, Chairman Shanahan stressed that it was not the intention of the Fire Study Committee recommendation to diminish the roll of the Call Firefighters. In an excerpt within the report on page 25 – 26, it's stated, the new Fire Chief must be committed to the objective of maintaining the call force. Selectman Fleming wished to clarify a few matters. There are no Articles on the Warrant for a Strong Chief. In order to enact this, it requires a Home Rule initiative and a Town Meeting vote and a petition of Legislature. It is Selectman Fleming's assumption that there will be some committee organization structured that will review the process however not in time for the ATM. The purpose of the Committee is to review the total Fire and EMS structure as recommended by the Consultants report. The Town of Upton financially could not run a Department without a call Fire Department. The Board will attend the Fire Department's meeting on April 16th. Chairman Shanahan sent out thanks to all the Call Firefighters.

Selectman Paul noted that she received a copy of the Citizen's Petition for the Housing Partnership Committee. The Board supports this petition.

Discussion relating to the Annual Town Meeting financial issues in May and the non-financial in the fall.

In reference to the Zoning Bylaw Review Committee, Selectman Paul will contact Sandy Bravo, Chairperson to discuss some matters of interest regarding their Zoning Articles.

The Board discussed setting up a priority list of short and long term goals: Schools and programs for seniors, Infrastructure / expansions, Water/Wastewater, third water source, Treatment Plant upgrades. Also Municipal space along with ADA Compliance, COA Facility upgrades (and a new location), new location also for the BOH (Selectman Fleming will speak with Mr. Binaco in reference to renting a trailer for the BOH) and setting up an Enterprise Fund for Water/Wastewater and dealing aggressively with Developers. Selectman Fleming would like the opportunity to speak directly with Mr. Fred Ruland. He will be asked to come before the Board. No attorney's involved. New Management structure including Town Manager was also discussed. A letter will be sent to Fred Ruland asking him to attend the Board's April 10th meeting.

Also the need to hire a Grant writer with a commission based structure. An RFP to be placed in the Bacon. Funding for these goals reviewed. Roadwork, Recreational Facilities and Parks will be added to this priority list. The Board will revisit the priority list next week.

137 **FYI:**

- 138 ■ Recreation Commission Public Hearing outcome: Park fees for 2007.
- 139 ■ Commerce Insurance: Property damage.
- 140 ■ Violation Tickets issued by the Building Commissioner Patrick Roche.
- 141 ■ Loss Control Inspection scheduled for March 27th.
- 142 ■ Response memorandum to Ed Peloquin, Business Agent for Local 170.
- 143 ■ Financial Letter to all Departments
- 144 ■ Letter dated March 19th from Chief Bradford Re: Fire & EMS Management Study.
- 145 ■ Email from Chairperson Zoning Bylaw Review Committee Re: Warrant Articles.
- 146 ■ PC setup in the Assessor's office for the general public's use.

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148 It was noted that the parking fee for the beach has been increased for non-resident
149 to \$10 dollars, Upton residents \$5 dollars. Season Permits for Upton residents only will
150 be \$35.00. Town Clerk's Office will be selling the permits.

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152 **Mail:**

- 153 1. Request to display a banner Re: Relay for Life. *(Additional information*
154 *needed. To be reviewed next week).*
- 155 2. Letter from M-U Regional School District Treasurer Joseph Kogut Re:
156 Certification of Assessment. *(Board was not pleased as they reviewed Upton's*
157 *Assessment, a 20% increase from last year's budget. No cost effective measures*
158 *appear to be in place. A call will be placed to the Treasurer Joseph Kogut, Jr.)*
- 159 3. Copy of a letter to the Chairman of the Upton Housing Authority Re:
160 Coach Rd apartments – snow removal.
- 161 4. Memorandum from Kopelman & Page Re: Municipal Real Estate
162 Acquisition Table and Checklists.
- 163 5. Memorandum from CMMPO
- 164 6. Notice from the ZBA of a Public Hearing March 28th.
- 165 7. Correspondence from DEP Re: Glen Echo / Water Main Extension.
- 166 8. Letter from a resident of Plumbley Rd Re: Disappointment with Charter
167 Communications. *(Verizon is attempting to put Upton on the 2008 list for*
168 *services. The Town has a five-year contract with Charter).*
- 169 9. Correspondence from Frank Foss, Senior Manager / Government
170 Relations with Comcast.
- 171 10. Final Documents Re: 18 Elm St on file in the Town Clerk's Office.

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173 **Reminders:** Chairman Shanahan: Monday, April 2nd Fire Department training
174 Schedule, 7PM SCBA.

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176 **Motion # 4**

177 Selectman Fleming motioned to adjourn the meeting at 9:32pm, seconded by
178 Selectman Paul, unanimous by Chairman Shanahan.

179
180 Respectfully submitted,

181 **Karen L. Varney, Administrative Clerk**