

Board of Selectmen

Town of Upton



Massachusetts

Meeting Minutes of January 20, 2011

Location: Fire & EMS Headquarters, 20 Church Street – 2nd floor training room.

Present: Chairman Michael E. Goodwin, Selectman Robert J. Fleming, Selectman Kenneth E. Picard, Town Manager, Blythe C. Robinson, and Department Coordinator Karen L. Varney.

The meeting was called to order at 6:00pm. (Due to a snow & ice storm on Tuesday, the Board rescheduled their meeting to Thursday, January 20th).

Motion # 1: Selectman Picard motioned to approve the meeting minutes of December 14, 2010. Second: Selectman Fleming, unanimous: Chairman Goodwin.

Motion # 2: Selectman Picard motioned to approve the Executive Session meeting minutes of December 14, 2010 (to comply with the provisions of privacy). Second: Selectman Fleming, unanimous: Chairman Goodwin.

Motion # 3: Selectman Picard motioned to approve the Executive Session meeting minutes of December 14, 2010 (to conduct a strategy session for non-union personnel). Second: Selectman Fleming, unanimous: Chairman Goodwin.

Motion # 4: Selectman Picard motioned to approve the Executive Session meeting minutes of November 30, 2010 (Personnel process). Second: Selectman Fleming, unanimous: Chairman Goodwin.

Motion # 5: Selectman Picard motioned to approve the Executive Session meeting minutes of January 4, 2011 (Value of Real Estate). Majority: Selectman Fleming.

Motion # 6: Selectman Picard motioned to approve the meeting minutes of January 4, 2011. Majority: Selectman Fleming.

The Board welcomed Town Moderator David Loeper who came before the Board to review the Town Meeting process. Basically Mr. Loeper was impressed with the number of residents attending the Special Town Meeting on January 11th and the 2 hour debate on the Sweetwilliam Farm Article. This shows the purest form of democracy stated Mr. Loeper and is hopeful to see this turn out at all Town Meetings. Selectman Picard said that Mr. Loeper has a

44 very difficult job as moderator and thanked him for a great job. This was echoed also by
45 Chairman Goodwin.

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47 Town Hall Renovation Committee Chair Kelly McElreath and Steven Rakitin
48 came in front of the Board to discuss the next steps in the process of renovating the Town Hall.
49 With the approval from Massachusetts Historical Commission to the basic tenets of the concept
50 plan the Committee is recommending to move forward with the design. The cost for a schematic
51 design would be about \$70,000 and would likely come from the Community Preservation Act
52 historic resource account, and would be voted on at the Annual Town Meeting. Ms. McElreath
53 said the Committee discussed looking at alternative sites at a cost of \$30,000 for construction of
54 a new Town Hall, however they concluded that they would not change their recommendation to
55 renovate the Town Hall.

56 *Ms. McElreath's full report as submitted to the Board is as follows:*

57 The Town Hall Renovation Committee has met several times since our organizational
58 meeting on December 1, 2009. The mission of the Committee was to evaluate the existing town
59 Hall and define the cost and efficiencies of reconstruction the building to provide optimum use
60 for the general Town government and the citizens at large. Mike Gorman and Anita Sandberg of
61 Gorman Richardson Architects (GRA) were hired with CPA funds to work with the committee to
62 help us with our recommendation.

63
64 When the existence of the deed restriction with Mass Historical Commission was uncovered
65 during the Town Hall Window project, the Committee efforts were divided into two independent
66 activities:

- 67
- 68 • Develop a clear understanding of the space needs and functional program requirements for
69 all of the Town Departments and standing committees
- 70
- 71 • Investigate the deed restriction with Mass Historical Commission and the Town of Upton to
72 understand the options available to renovate Town Hall.
- 73

74 To help the Committee understand the space needs, a Comprehensive Space Needs survey was
75 developed and completed by all Town Departments and standing committees. The space needs
76 information was used by GRA to develop the conceptual design of a renovated Town Hall. GRA
77 has determined a renovated Town Hall would satisfy at least 75% of the space needs of the Town
78 Departments and standing committees not including the Police, Fire, library and COA. In
79 addition, a renovated Town Hall would continue to provide a meeting space for various
80 community events and youth sports activities.

81
82 As a result of the deed restriction, the Committee worked with GRA to prepare a Design Review
83 proposal. The Design Review proposal was submitted to Mass Historical Commission (MHC) to
84 determine if MHC would be willing to work with the Town of Upton if we were to move
85 forward with a renovation of Town Hall. After reviewing the proposal, a representative from
86 MHC came to the Town Hall on November 15, 2010 for an on-site visit. On November 22,
87 2010, we received an encouraging letter from MHC stating they are willing to work with the
88 Town on the renovation of the Town Hall as outlined in our Design Review proposal.

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90 Thus, the Town Hall Renovation Committee is recommending the Town move forward with the
91 proposed renovation for the following reasons (in no particular order):

- 92
- 93 • The Town Hall would finally become ADA compliant in a manner that is compliant with
94 the MHC deed restrictions.
- 95 • A renovated Town Hall would become the centerpiece for a revitalized Town Center
96 which is currently in the concept phase.
- 97 • At least 75% of Town government space needs would be achieved excluding the Police,
98 Fire, Library and COA for the next 15 years.
- 99 • A renovated Town Hall would continue to provide a meeting space for various
100 community events and youth sports activities.
- 101 • Town Hall was built in 1884 and is on the National and State Registers of Historic
102 Buildings.
- 103 • Town Hall is an asset to the Town and must be maintained in some form regardless of
104 whether the renovation proceeds.
- 105 • Selling the Town Hall would be difficult given the Deed Restriction since a potential
106 buyer would have to comply with the deed restriction when planning any renovations.
- 107 • It enables the Town to re-use an existing building which is an environmentally-friendly
108 solution.
- 109 • Renovating Town Hall would have many of the advantages of a new building.

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111 Due to the reasons stated above, the Committee did not fully research the options of constructing
112 a new Town Hall or renovating another building. In order to fully research these options,
113 additional funds would be needed to hire GRA to determine land availability, site work, cost of
114 construction and/or other buildings to renovate. The Committee did not feel it would be
115 appropriate to use CPA Historic funds for this research.

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117 The Committee concluded expending additional funds for this research would not change our
118 recommendation to proceed with the renovation of Town Hall. The Board agreed with the
119 Committee's recommendation and thanked the Board for work.

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121 Motion # 7: Selectman Picard motioned to accept the recommendation of the Town Hall
122 Renovation Committee and move forward with the process of ordering the schematic design and
123 working with the CPC. Second: Selectmen Fleming, unanimous: Chairman Goodwin.

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125 Next on the Agenda, Town Clerk Kelly McElreath would also like to bring the Board up
126 to date on the reprecincting that will need to take place in Upton which is to divide the Town
127 into two precincts based upon the 2010 Federal Census. The final numbers will be coming out
128 in March and will require a vote by the Selectmen later this spring. Possible date for
129 implementing these two precincts would be in 2012.

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131 Town Manager's Weekly Report as submitted to the Board as follows:

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133 Warrants:

- 134 • Payroll: \$ 60,437.43
- 135 • Expense Warrant: \$ 67,639.37

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Information and follow up:

- Earlier this week I had a meeting with Senator Moore. He came out to Upton to introduce me to Shelly MacNeil, his new chief of staff. At that meeting we also talked about the upcoming budget year and what to expect from the State. He did confirm that we can expect cuts in state aid, right now they are projecting a reduction of 5 – 10%. How this will affect Chapter 70 school funds has yet to be determined, but we can expect cuts there as well, hopefully not as deep. It is true that revenues to the State are tracking higher than had been expected, but even with this the State is anticipating a \$2.0 - \$2.5 billion shortfall for next year.
- The snow storm on Wednesday was certainly a significant event this week! I want to commend all of the emergency department staff – Police, Fire/EMS and especially public works for a job well done! The storm was long in duration causing our DPW employees to report for work at 1 AM and not leave until 10:30 PM. This storm costs \$42,000. The roads were in very good shape as Thursday morning arrived and we experienced only minor equipment issues with flat tires, hydraulic lines and loss of heat in two trucks. The sidewalk plow was the only piece of equipment to go down and we are investigating the repair needed.
- As you had requested I asked the Police Chief to look into whether it is appropriate to install no parking signs on Warren Street between School Street and Main Streets to help avoid a pinch point where cars are parked and traffic is trying to pass safely. This can be problematic when there are events at Town Hall which impacts our available parking. The chief agrees that it is appropriate to install signage and I have directed him to work with DPW to make sure that is implemented.
- Enclosed with my report is an email from Attorney Winner at Kopelman & Paige informing us of the DEP Commissioner’s final ruling on the Terrill/Governor’s Landing case. The Administrative Magistrates Recommended Final Decision has been adopted. I have forwarded this to the Conservation Commission and we’ll provide you with Attorney Winner’s analysis when it is complete.
- We have been asked if Verizon is going to be moving forward with installing FIOS in Upton in 2012, we had been told that they were. We have since learned that for business reasons (not related to Upton itself) they are putting this on the back burner for at least the next year, looking to recoup some of their capital investment elsewhere before they continue to make more. Should this change we will let you know.
- Station Street meeting – we have a punch list meeting on the closeout of the contract this afternoon, after this agenda packet is completed. I will give you an update on the status of this at next week’s meeting.
- A letter was received from the Massachusetts Police Accreditation Commission confirming the award the Upton Police Department received for becoming the 46th community in the State to achieve this award. The department received an impressive plaque at a ceremony this morning, which I hope you’ll all stop by the station to take a look at, at your convenience.

182 Discussion Items:

- 183
- 184 A. Water & Sewer Rate Increase – Water/Wastewater Superintendent Ron San Souci joined
- 185 the meeting to make a presentation regarding increasing the rates for both water and
- 186 sewer services. It became apparent to us in setting the tax rate this year that water rates
- 187 are insufficient if we are to cover the cost of the enterprise fund from user fees. The
- 188 sewer fund budget was voted this year from a combination of user fees and tax revenue.
- 189 Ron has prepared various scenarios under which the rates could be increased, and
- 190 discussed these 4 options so as to get direction from the Board prior to their setting a
- 191 public hearing on the matter. Superintendent SanSouci noted rates were raised in last
- 192 September of 2008. Surrounding community averages based on the same consumption
- 193 ranged from \$166.00 to \$362.00. Discussion included notifying residents with the billing
- 194 in March that rates will increase in September. Both the water and sewer rates will be
- 195 discussed further at the next meeting on February 1st.
- 196
- 197 B. Third Water Source Development Timeline – At a meeting in December the Board
- 198 discussed the timeline for the design & construction of the Richard Well field water
- 199 source. Tata & Howard had indicated that in order to have the source on line by
- 200 September, 2012 the Board needs to put this project before the voters for at least design
- 201 by March or April of this year. Selectman Fleming stated this 3rd water source is very
- 202 important and need to continue to move forward with the design work. Selectman Picard
- 203 does agree with moving forward with the design as well. Town Manager Blythe
- 204 Robinson will prepare a Warrant Article for the upcoming Town Meeting.
- 205
- 206 C: LAND Grant Contract – With the outcome of the special town meeting of January 11th
- 207 that was a favorable vote for the purchase of Sweetwilliam Farm, this item has been
- 208 added. The State has indicated to us that in order to effect the grant reimbursement by
- 209 the end of June we need to execute this agreement this month. Town Manager Blythe
- 210 Robinson said she spoke with Town Counsel about the language right of way vs.
- 211 easement and said that basically the terms mean the same. In attendance were Chairman
- 212 of the Open Space Committee Mike Penko and Christa Hawryluk Collins, Director of
- 213 Land Protection Christa from Sudbury Valley Trustees. Mr. Penko stated that there are 5
- 214 items that need to be done: 1: Hire an engineer, 2: Divide the property, 3: Craft
- 215 easements, 4: Do a baseline survey and 5: Come to an agreement on a Purchase and Sale
- 216 document. It is Mr. Penko’s goal to close in April. Ms. Collins stated it takes about 2
- 217 weeks to receive reimbursement from the State after closing. Mr. Penko said there is
- 218 about \$13,500 set aside for legal and surveying fees and does not plan on asking the
- 219 Town for additional monies. The Sudbury Valley Trustees will continue fundraising for
- 220 the Sweetwilliam farm project. Mr. Penko will forward the original Land Grant Contract
- 221 to the Board for their signatures.
- 222
- 223 D: Annual Town Report Cover Selection – As the Board requested we have obtained a
- 224 picture from the 275th Anniversary Committee of the Town Hall decked out for the 275th
- 225 celebration. The Board gave approval to put this picture on the front cover of the annual
- 226 Town Report. Most likely the cover will remain the same as over the past years, however
- 227 the Department Coordinator will research color costs.

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229 E: Senior Work Off Program Guidelines – This item has been discussed at previous
230 meetings. Selectman Picard said the guidelines under the selection process should be
231 based on need if possible. Also it was agreed to eliminate a copy of the applicant’s
232 Federal tax filing in the process. The draft guidelines were reviewed by the Board and
233 approved. An administrator will be appointed annually by the Board who will set the
234 criteria. Selectman Fleming will revise the document and forward the program guidelines
235 to the Department Coordinator.

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237 F: Cable Advisory Committee Vacancy – Currently there is a vacancy on this Committee.
238 Former Chairman Glenn Fowler gave a brief overview of the Committee’s role.
239 Interested residents are urged to send a letter of interest to the Board of Selectmen.

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241 G: CHAPA 40B Unit – Knowlton Circle –At the last meeting the Board decided to refer
242 the notice from CHAPA about a unit for sale on Knowlton Circle to the Housing
243 Partnership Committee. The Committee has met and determined that they do not believe
244 the Town should pursue buying this property at this time. After a discussion with Joan
245 Shanahan, Member of the Local Community Housing Partnership Committee, the Board
246 agreed to refuse the right of first refusal. A confirmation letter will be sent to CHAPA
247 notifying them of this decision not to purchase.

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249 *Motion # 8:* Selectman Picard motioned not to exercise the Town’s right of first refusal. Second:
250 Selectman Fleming, unanimous: Chairman Goodwin.

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252 H: Town Manager Performance Review – At one of the Board’s previous meetings a set of
253 goals were developed for the Town Manager position. Ms. Robinson has been serving as
254 Town Manager for nine months now and with the budget season here, it would be helpful to
255 conduct a performance evaluation. The Board agreed that both Selectman Fleming and
256 Selectman Picard will forward Chairman Goodwin their Performance Evaluation on Ms.
257 Robinson and then follow through with the formal review process.

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259 I: FY 2011/2012 Budget – The budget process for the next fiscal year is in full swing. The
260 departments that report to the Town Manager are turning in their budgets in which she in
261 turn will review. Ms. Robinson requested adding an extra meeting to the schedule on
262 February 8th so that we can take some extra time for the department heads. She will also
263 make presentations and gather the Boards feedback and direction prior to the budgets being
264 submitted to the Finance Committee. Those are due to them by February. Included in the
265 Boards packet is the latest version of the budget calendar.

266
267 Correspondence reviewed:

- 268 1. Meeting notice from Worcester Regional Retirement: Jan 27th.
- 269 2. Correspondence from FEMA re: Flood hazard determination.
- 270 3. Also from FEMA re: Risk Mapping, assessment and planning.
- 271 4. Notification from the DCR re: FMA funded grant application - date extended.
- 272 5. ZBA Public Hearing January 19th.
- 273 6. Letter from the DEP re: Wellhead protection compliance.

- 274 7. Police & Communications December report.
275 8. Correspondence from Tri-Valley re: costs to operate the Crisis Intervention
276 Program. (*Request report from the Treasurer/Collectors office. Further discussion*
277 *to follow at next weeks meeting*).
278 9. Definitive Plan submission: JR Estates.
279 10. Town Accountant monthly report.

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281 Motion # 9: Selectman Picard motioned to adjourn the meeting at 8:04pm. Second: Selectman
282 Fleming, unanimous: Chairman Goodwin.

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284 Respectfully submitted,

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286 Karen L. Varney, Department Coordinator

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