

1 Board of Selectmen

2 **Town of Upton**



3 **Massachusetts**

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7 Meeting Minutes of April 5, 2011

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

10
11 Present: Chairman Michael E. Goodwin, Selectman Robert J. Fleming, Selectman Kenneth
12 E. Picard, Town Manager, Blythe C. Robinson, and Department Coordinator
13 Karen L. Varney.
14

15 The meeting was called to order at 6:00pm.

16 Chairman Goodwin noted that the Board will be going into Executive Session at the
17 completion of this meeting and will reconvene only to adjourn.

18
19 *Motion #1:* Selectman Picard motion to approve the meeting minutes of March 15, 2011 second:
20 Selectman Fleming, unanimous with a change on line 108: *from 5 to 7*, Chairman Goodwin.

21
22 *Motion #2:* Selectman Picard motion to approve the executive session meeting minutes of March
23 15, 2011 second: Selectman Fleming, unanimous: Chairman Goodwin.
24

25 Highway Supervisor John Johnson was asked by the Town Manager to invite the DPW
26 Highway employees to the Board’s meeting to personally thank them for a great job everyone
27 did this winter with the clearing of the roads. The employee’s were given a personal thank you
28 from the Board members. Mr. Johnson said he appreciates the Board recognizing his Department
29 for their work.
30

31 Town Manager’s Weekly Report

32 Warrants:

33 Payroll: \$ 65,816.94

34 Expense Warrant: \$ 58,590.47
35

36 Information/Follow Up:

37 The Fire/EMS Department had a successful training session this past weekend to utilize the 18
38 Elm Street property for controlled burns. They conducted 10 different exercises over two days.

39 Over the weekend they completed the additional training exercises and completely burned the
40 building down. The Town of Hopkinton, and West Barnstable were a few to assist.

41 The town received a notice from the State Division of Fisheries & Wildlife that they have issues
42 a conservation and management permit to the Upton Development Group for the former Town of

43 Upton Landfill Closure & Redevelopment project. The permit is rather lengthy, and if anyone
44 would like a copy the office will have them available.

45 The snow the deficit in the snow/ice account is virtually unchanged this week, the total is
46 \$132,701.52.

47 The Town Manager met with Mary Cortese, the Recreation Director so she could update the
48 plans that are underway to install a dock in Pratt Pond for use near the beach, and the installation
49 of a pavilion near the Ramsay Building and beach for use by various groups. The Recreation
50 Commission has obtained Conservation Commission approval for the dock and is in the process
51 of getting DEP approval. They will be looking for CPA funds to fund the construction, to be
52 completed as part of an Eagle Scout project. The pavilion is being designed by a local engineer
53 at no cost, and they have approached BVT with a plan to have students do the actual
54 construction. They are seeking CPA funds to match dollars pledged by the Men's Club so that
55 construction could begin after all approvals are in place. The reason for bringing this to the
56 Board's attention is that once all other approvals are in place they will want to come before this
57 Board for "final approval" of the concepts. If there are any questions or concerns that should be
58 raised with the Recreation Commission before they attend a meeting, please let the Town
59 Manager know.

60 Interviews have taken place for the two firms that submitted proposals for ambulance billing and
61 their price proposals reviewed. A recommendation of award will be submitted to the Board at
62 their April 19th regular meeting.

63 Now that spring is upon us there are a number of community activities going on in Upton. In
64 April there was the Tri Valley Road race on April 2nd, the Police Department Annual Spaghetti
65 dinner at the COA will be held on April 14th, and the Men's Club Easter Egg hunt on April 23rd.
66 A response from the owner of Sweetwilliam Farm was received regarding the letter seeking
67 information on whether permits and approvals exist for a cabin that was built about 15 years ago
68 and currently is habited. The letter indicates no information is available. The next step is to
69 send the owner another letter requiring that water and septic system tests be done to ensure the
70 systems comply with the code, and an inspection by the Code Enforcement Office of the
71 building's structure, wiring and plumbing.

72 The Town Manager has submitted our costs for the January 11/12, 2011 snowstorm to MEMA in
73 hopes that Worcester County will be reimbursed after all, despite the fact that the snow totals
74 didn't quite reach the level of making an emergency declaration. The total for staff, contractors
75 and materials was \$44,137.

76 On Monday the Town Manager had a meeting that was held with the Executive Director of the
77 495 Partnership, and economic development organization comprised of 32 communities along
78 Route 495 as well as businesses in those communities. It was developed in 2003 to advocate the
79 needs of these two groups as a public private partnership in the areas of water, transportation and
80 economic development. The purpose of the meeting was to find out if the focus of this
81 organization would be a better fit for Upton than the Blackstone Valley EDC that has yet to get
82 off the ground. At the next Board meeting the Town Manager will give the Board a more
83 detailed overview for the purpose of discussing whether the town would like to pursue
84 membership. One advantage of this group is that there are no annual dues to be a member! A
85 copy of their most recent annual report is attached for the Board's information.

86 The server implementation is essentially complete and successful! All town departments
87 with the exception of the police department are on email that is hosted at Town Hall, which
88 meets the town's obligation to retain this information for public record purposes. With the

89 exception of Police & Fire that have their own servers, and the Library served by CWMars all
90 documents of the departments are also now stored at Town Hall, and backed up sufficiently.
91 This eliminates the concern of losing files that do not have sufficient back up systems.
92 The Safety Sub-Committee had its kick off meeting on Thursday to review the Millhaus gas leak
93 incident and the lessons learned from it. It has been determined that some areas need to be
94 explored further and plan a meeting again in a couple of weeks. One item that does require
95 follow up is that all Selectmen should take the basic courses in incident command as part of the
96 National Incident Management System (NIMS). These can be done on line.

97 The Town Manager received an email from Riverdale Water Company. It seems they
98 approach the town in 2009 asking if the town would be interested in purchasing water from a
99 source they will be developing in Northbridge and have come back asking again. They have
100 received approval from the DEP for 330 gallons a minute. They are looking to see if Upton or
101 Northbridge has an interest to purchase water from that source. There is no pump station or water
102 line as yet and they are no further along than the Town is in the development the Town's 3rd
103 water source. They are looking for feedback. Ms. Robinson said she understands the answer 2
104 years ago was no and she wanted to reaffirm that answer. The Board will entertain this at their
105 April 19th meeting.

106

107 **Agenda Background Information**

108

109 Invited Guests:

110 The DPW Highway division staff.

111

112 Mr. Fred Ruland had requested the opportunity to meet with the Board and review the status of
113 the discussions between himself and the Town regarding the Noble Vista development project.
114 A copy of the last proposal on this topic and a letter from Mr. Ruland was copied in the agenda
115 packet. Mr. Ruland would like to further discuss the issues at hand to see if modifications to
116 the agreement are possible to avoid mediation however due to illness of a family member he was
117 unable to attend. This meeting will be rescheduled.

118

119 MURSD members are scheduled to meet with the Board at 6:30pm.

120

121 **FY 2011/12 Budget Discussion**

122 As a result of the Board's meeting with the Finance Committee this week the Town Manager
123 followed up with Mendon and confirmed their plans for funding the MURSD School certified
124 budget for next year. They plan to fully fund the \$7,133,588 by committing funds within their
125 budget and new growth to the school number, as well as an operational override of
126 approximately \$966,000. As Upton did last year, that override is made up monies for both
127 school and town. \$538,000 will be for schools, and the balance for the town operating budget.
128 Separate from that Mendon will also be sponsoring the debt exclusion for the Green repair
129 program for Miscoe School, and three other override questions for a total of five ballot questions.
130 Their ballot vote will be on May 17th. A copy of the school's certified budget along with the
131 "what if" scenario updated to show the reduced amount of capital projects and the elimination of
132 a snow and ice deficit to be raised on the recap sheet was reviewed by the Board. Ms. Robinson
133 asked if there are any other analysis or background information that the Board needs that will be

134 helpful in their coming to a decision on what level of budget they decide to recommend to the
135 voters at Town Meeting.

136

137 Special Town Meeting Warrant Review :

138 Updated drafts of the annual and special town meeting warrants were copied to the Board along
139 with the background materials on each of the articles (this information is available at the
140 Selectmen's office). Each Article was reviewed for clarity as our Town Council has pointed out a
141 number of changes and to insure the Board is comfortable with them prior to signing the Warrant
142 at their April 19th meeting. A discussion took place regarding Article 7, (3rd water source) to
143 complete the design of the pump station, water line and access to the well field and other related
144 costs for construction bid. It appears to be the consensus of the Board to split the cost 50 / 50.
145 Town Manager Blythe Robinson will review Article 12 with the Town Accountant. These
146 thirteen Articles were approved by the Board. After discussion about the time of the STM, it was
147 agreed to schedule it for 6:45pm, just before the 7pm ATM. The plan is to open the STM, recess,
148 open the ATM at 7:00pm, recess that meeting and return to the STM. The Town Manger will
149 notify the Moderator.

150

151 The Board welcomed Heather Applegate, Camille Harvey, and Donna Coakley-
152 McGowan of the MURSD School Committee. The purpose is to discuss the FY 11/12 budget
153 and what level of budget to propose to the voters for next year. The MURSD is asking Upton for
154 an additional \$1.25 m for the FY 12 budget. An extensive presentation was given by Ms.
155 Applegate who expressed State funding trend, loss of grants, funding sources, budget increases
156 and staffing reductions.

157 Selectman Fleming said he respects what the MURS is doing however he is concerned with
158 the bottom line. Selectman Picard said he is not in favor of an override and asked the Committee
159 for more consideration and communication. He noted the Town is at a critical point and spoke of
160 the need to form a partnership between the Board and the MURS. Selectman Fleming agreed
161 saying next year the town will not be able to fund the schools operating budget request.

162 Concerned with depleting the stabilization account the Board is considering keeping
163 \$250,000 in this account and asking the School Committee to trim \$250,000 from their budget. It
164 is the consensus of the Board to pool the funds from the town's general fund and the portion the
165 \$519,000 from the school's stabilization account, to meet the \$1 million increase. It was decided
166 to meet this Friday at 4:30pm at the Town Hall to further debate this budget and to meet again
167 next Tuesday, April 12th at 7:00pm.

168

169 It was noted that the MURSD is having a public hearing Monday, April 11th at 7:00pm at
170 the Miscoe Hill School regarding the MSBA Green repair program. According to Ms. Applegate,
171 the state funding formula is 60% from the Towns and 40% from the State. Selectman Picard
172 stressed to Ms. Applegate the need to inform the residents of the cost savings of this program.

173

174 Annual Town Meeting Warrant Review

175 The draft articles were reviewed and some minor language changes made. It was
176 agreed to remove article 12, revolving fund for the Historical Commission, hold on article 15 to
177 be discussed at the Board's meetings on Friday or Tuesday. Also to combine Article 20 and 21
178 which refers to charging interest on water and sewer bills if payment is not made within the
179 required 30 days. Articles 31 and 32 were also removed and it was recommended that they be

180 placed on a future town meeting. Article 33, to delete Section II-H of the Personnel by-Law
181 regarding seniority will be further discussed at the Board's meeting on Tuesday, April 19th as
182 well as article 34. The Town Manager Blythe Robinson said she spoke with the Moderator about
183 taking out some of the extended text and put them in a separate document, i.e., booklet type and
184 make it available to the public. He agreed with that suggestion. A new draft of the warrant will
185 be completed tomorrow and forwarded to the Finance Committee. Ms. Robinson said she will be
186 attending the Finance Committee meeting on April 13th.

187
188 The Board agreed on a 10 minute recess.

189
190 At 8:45pm the Board reconvened.

191
192 Request for funds from the EW Risteen Trust for Nipmuc & Miscoe School Media Library:

193
194 A letter was received from Superintendent Fernandes requesting \$72,259.05 from the
195 Ella Risteen C Trust Fund for the School District's media centers. The bulk of the funds are for
196 payments for two lease contracts for teacher and student computers and the balance is for library
197 software and books. This request is approximately \$20,000 more than last year and accordingly
198 to Superintendent Fernandes, it is due to the addition of a new lease agreement for student
199 computers. The balance in this trust fund is \$73,507.24. Superintendent Fernandes sent an email
200 explaining the differences between last year's request and this year. After review the Board
201 approved the funds.

202
203 Motion # 3: As requested from Superintendent of Schools Antonio Fernandes, Jr. Selectman
204 Fleming motioned to approve the disbursement of \$72,259.05 under cy pres from the Ella
205 Whitney Risteen C Trust Fund for the Mendon-Upton Regional School District for the Nipmuc
206 Library Media Center, Miscoe Middle School Library Media Center and for District Technology.
207 Second: Selectman Picard, unanimous: Chairman Goodwin.

208
209 SweetWilliam Farm Update

210 The Town Manager says she continues to work towards the purchase of a portion of the
211 farm on North Street and permanent conservation restriction on the majority of the rest of the
212 property owned by Ms. Harrington. A draft of the purchase and sale agreement has been
213 provided to Ms. Harrington for her review and comment, and looking to have this P&S ready for
214 execution by the Conservation Commission and the Town Manager fairly soon. Enclosed with
215 the agenda packet was a draft of the conservation restriction that is to be held by the Town (and
216 signed by the Board of Selectmen) for the 27 acres of land that will continue to be owned by Ms.
217 Harrington. The Open Space Committee and Sudbury Valley Trustees have been working on
218 crafting this document that will be acceptable to the State as well as to the owner. Concurrently
219 with all of this the Town will soon start a survey of the property so that plans for the recordings
220 of the restrictions and sale can be filed with the registry of deeds. An environmental survey of
221 the property to be purchased by the Town is also underway. The town is continuing to work
222 with the Board of Health and Code Enforcement department to resolve the issue of the cabin on
223 the property for which there does not appear to be appropriate septic, water and building permits.
224 As the Board is aware, of these matters must be resolved prior to June 30th so that the closing
225 can occur and the \$500,000 reimbursement grant be obtained from the State. Selectman Picard

226 added that there are many items that need to be done and the owner has a time line obligation.
227 The CPC is meeting tomorrow night and will review this Conservation Restriction.

228

229 Town Hall Renovation Committee Mission Statement (revised)

230 A revised copy of the mission statement was reviewed and reflected the changes that the Board
231 requested at their last meeting.

232

233 Motion # 4:Seletman Picard motioned to approve the Town Hall Renovation Committee Mission
234 Statement as amended. Second: Selectman Fleming, unanimous: Chairman Goodwin.

235

236 Approve Modification to the Water & Sewer Rates

237 At the Board's meeting on February 8, 2011 they acted to increase the existing water and sewer
238 rates that will go into effect as soon as the next billing cycle starts, and users receive bills for this
239 in fall, 2011. Part of the process is to reaffirm with the Board the charge applied to any user that
240 has a 2nd water meter. Included in the packet was a rate sheet that plans to include as a stuffer to
241 the water/sewer bills that are soon to go out. The sheet reflects the rates set on February 8th as
242 well as a new line showing the pricing for a 2nd meter. In the past it has been the Board's
243 practice to charge the highest water rate for a 2nd meter, as the water run for this meter is used
244 for residents that have irrigation systems. By having a 2nd meter the water used for irrigation is
245 not counted in determining the amount of a sewer bill, because the water does not enter the sewer
246 system. There are fourteen (14) second meters installed at residences currently, out of a total of
247 1,800 customers. Thus in the case of our new rates, the proposed rate for 2nd meters is
248 \$7.15/1,000 gallons.

249

250 Motion #5: Selectman Fleming motion to modify the approved increase in the water rates by
251 adding a second meter charge of \$7.15 per 1,000 gallons used. Second: Selectman Picard,
252 unanimous: Chairman Goodwin.

253

254 Purchase of Additional Town Common Banners

255 At the request of Selectmen Picard this item was put on the agenda to discuss the
256 procurement of larger banners for the Town Common prior to the Memorial Day holiday. Price
257 quote for 30x60 banners were \$89 each plus additional cost for hardware. Selectman Picard will
258 try and obtain samples for the Board's April 19th meeting.

259

260 Correspondence reviewed by the Board:

261

- 262 1. Correspondence from the MASSPIRG Re: update of the Bottle Bill. **(no action)**
- 263 2. Copy of 2 letters from the Town Manager to Governor Patrick, Senator Moore
264 and Representative Peterson Re: *Chapter 90* Bond bill and letter of support for
265 *House Bill 2964*.
- 266 3. Response letter received from G. Harrington Re: cabin on Sweetwilliam Farm.
- 267 4. Correspondence from CMRPC Re: 2011 Traffic Count Program. (see input from
268 the DPW and Chief Bradley.
- 269 5. Letter from a resident of School Street Re: Limitations of use by trucks. (see
270 response letters from former Police Chief and the Town Manager.
- 271 6. Newsletter: Friends of Upton State Forest, Inc.

- 272 7. Resignation letter from Personnel Board member Jean Jette'.
273 8. Mass Wildlife news re: Bears and birdfeeders.
274 9. Changes effective June 1st Re: Section 12: Pourer's License.
275 10. Memorandum to Municipal clients from Kopelman and Paige Re: New
276 Regulations from the State Ethics Commission.
277 11. Notice from the Suburban Coalition Re: Annual Legislative Breakfast April 26th.
278 12. Copy of a letter from the Town Manager to the Federal Communications
279 Commission Re: Updates - Cell tower process.
280 13. Correspondence from MEMA Re: Floodplain Management.
281 14. Notification from the Office of the Governor Re: Chapter 90 apportionment for
282 FY 2012: \$320,049.
283

284 *Motion # 6:* Selectman Fleming motioned to accept, with regret, the resignation of Jean Jette as a
285 member of the Personnel Board. Second: Selectman Picard. Unanimous: Chairman Goodwin.
286

287 Before adjourning, the Board asked if anyone had any questions. In response, a resident
288 of East Street stood up and asked the Board if they were aware of the matter with the Mendon -
289 Upton's school accreditation? Selectman Fleming said the regional school district is not part of
290 Town Government and he has not heard anything regarding the matter. The resident said the
291 Board should be informed by the MURSD. Selectman Fleming agreed.

292 The second question posed was regarding the overall budget and the alignment of the key
293 budget areas, i.e., fire, police, DPW. This gentleman asked if there are percentage that perhaps
294 the Selectmen feel is appropriate in terms of the amount that the town should be allocated for
295 town operations. Selectman Fleming responded by saying it is difficult as no two towns are alike.
296 They have different infrastructures needs and different facilities. Some towns do not have call
297 fire fighters so percentages will shift. The town runs on a need basis as there are many
298 peculiarities.

299 At 9:23pm the Board motioned to entered into an Executive Session under MGL c. 30A,
300 sec. 21 exception #7, to comply with any general or special laws in aid requirement. The Board
301 will reconvene their regular meeting upon completion of this executive session for adjournment
302 only. Michael Goodwin aye, Robert Fleming aye, Ken Picard aye.
303

304 The Board reconvened at 9:36pm and motioned to adjourn.

305 Michael Goodwin aye, Robert Fleming aye, Ken Picard aye.
306

307
308 Respectfully submitted,

309
310 Karen L. Varney, Department Coordinator
311
312