

Board of Selectmen

Town of Upton



Massachusetts

Meeting Minutes of April 19, 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.

Motion # 1: Selectman Picard motioned to approve the meeting minutes of April 5, 2011.
Second: Selectman Fleming, unanimous: Chairman Goodwin.

Motion # 2: Selectman Picard motioned to approve the meeting minutes of April 8, 2011.
Second: Selectman Fleming, unanimous: Chairman Goodwin.

Motion # 3: Selectman Picard motioned to approve the meeting minutes of March 16, 2011.
Second: Selectman Fleming, unanimous: Chairman Goodwin.

Motion # 4: Selectman Picard motioned to approve the Executive Session meeting minutes of April 5, 2011. Second: Selectman Fleming, unanimous: Chairman Goodwin.

The Board welcomed Representative George N. Peterson, Jr. Representative Peterson updated the Board on the status of the current legislative session in Boston. Representative Peterson said he has good news on the local aid numbers as the HWM followed through with the numbers that the Governor proposed. Including the Special Ed numbers which went from \$133mi to \$213mi. The M-U Regional Chapter 70 number is the same as the Governors number of \$11,857,016. On April 14th the Senate adopted an early resolution for local aid which mirrors the House Ways and Means Committee's numbers. Representative Peterson expects to take up these numbers for review during the budget hearings next Monday. These numbers will be locked in for budgeting purposes and therefore the town will receive no less that what is noted on the Cherry Sheet. Representative Peterson stated that his only concern is that the Governor may come back in back in 6 months and ask for authority to reduce Chapter 70 and Local aid accounts due to the revenue numbers not meeting expectations. He noted, above average revenue numbers are coming in for April, May and June and is hopeful the amounts will hold.

The CPA bill is moving along to set a cap on the rate. Also Representative Peterson spoke of redistricting which will take about 2 months before all the precincts are adopted and

44 then the redistricting committee will start the maps for the State Reps, Senate and the
45 Congressional Districts.

46 Regarding Health Care reform, Representative Peterson said they will be debating
47 this next Monday with push from municipal and State wide Unions. He has received 150 - 200
48 emails against the proposal that the Speaker has submitted in his HWM budget.
49

50 Sweetwilliam Farm update. In attendance was Mike Penko, Open Space Chairman and
51 Rena Richard, CPC Chair. Town Manager Blythe Robinson gave a brief overview of the recent
52 developments over the past few days saying she has received the signed purchase and sale
53 agreement from the North Street owner Gail Harrington. Town Council has advised that the
54 Town Manager not sign this P&S until the language relative to the CR is changed. It appears that
55 the Conservation Commission restrictions are different that what was previously submitted.
56 Open Space Chairman Mike Penko told selectmen a recent change to the restriction would allow
57 the owner to put temporary greenhouses on the west side of the property. Ms. Richard stated that
58 the map that was originally submitted to the CPC had no structures on the west side and has
59 expressed concerns citing the visual impact these greenhouses would have. Selectman Picard has
60 no problem with greenhouses on the East side, however Selectman Fleming has expressed
61 concern over losing control to the Conservation Commission and that the greenhouses were not
62 part of the original agreement. Development of these structures on the property would have to be
63 approved by the Conservation Commission, something Selectman Fleming is not comfortable
64 with. Chairman Goodwin concurred that the town meeting vote was to leave the view from North
65 St unchanged from it's present state.

66 There is a need to balance the AR zone and maintain the view. The CPC is meeting on May 4th
67 for further review. Ms. Robinson said the survey work could be started once a revised P&S is
68 executed. The surveyor says the work can be done by mid May. The owner is unwilling to pay
69 the full amount agreed upon and the Town only has a certain amount of funds earmarked for this
70 project, thus Ms. Robinson told the Board that the Open Space Committee would need to acquire
71 additional funds.
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73

74 Town Manager's Weekly Report

75 Warrants:

- 76 • Payroll: \$ 77,047.23
- 77 • Expense Warrant: \$ 118,949.98

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79 Information/Follow Up:

- 80 • On Wednesday Larry Bombara, John Johnson and the Town Manager attended a meeting
81 at the Mass. DOT District 3 office with our consultant from BETA Engineering to
82 discuss the TIP Grant Program which the town is seeking funding from to renovate and
83 upgrade Hartford Avenue North, High Street & Hopkinton Road. We shared with the
84 State the town's progress in gaining consensus in town for the project as well as a plan to
85 fully fund the design work required at the Annual Town Meeting. The DOT seemed
86 impressed with this and the priority the town has given this project. We received good
87 feedback on the concept design and suggested areas the town might look at as this project
88 moves forward. They expressed caution though, regarding the availability of funding
89 given the many communities that want to do similar projects. At this point in time the

90 earliest the town might be able to obtain funding for a portion of our project is FY 14/15
91 and the years that follow. We will be filing the next required round of paperwork (The
92 PIF Form) at their suggestion.

- 93 • This week the annual spring process of flushing the water mains have begun. As the
94 Board is aware, we are utilizing a different method this year called “unidirectional
95 flushing” that is a more effective method of removing rust and debris from the pipes.
96 The downside of that is residents may experience a higher concentration of discolored
97 water, and more water being flushed into the street and adjacent properties. Despite these
98 down sides it is believed this will lead to better water quality overall and these issues will
99 lessen each time lines are flushed in the future. A section of eight inch pipe burst on
100 Route 140 on Tuesday which required replacement.
- 101 • The snow deficit in the snow/ice account has increased to \$134,964.83.
- 102 • During the winter the Fire Department assisted in removing several ice dams from the
103 roof of Town Hall, including the overhang on the south entrance to the building on
104 Warren Street. In that process we had to shore up the overhang with an additional post,
105 and this week had a roofer look at it to determine its structural integrity. His analysis is
106 that the support beams at the lowest portion of the overhang on all three sides are rotted
107 and need to be replaced. We are awaiting an estimate and will look to take care of that
108 through the operating budget this spring.
- 109 • The town provides a dental plan to the employees which is 100% employee paid. Our
110 provider since July, 2009 has been Delta Dental, and they have provided us with renewal
111 rates that will be unchanged for an additional two years on July 1st. We have been
112 approached by another provider who can offer more competitive pricing for the same
113 coverage, and a plan with an enhanced level of benefit. The Town Manager will be
114 discussing this option with employees to see if there is an interest in switching providers.
- 115 • The Town Manager has checked with the Assessor’s regarding whether or not the
116 Grafton/Upton railroad facility on Maple Avenue has been added to the tax rolls. The
117 Assessor’s have not done so as of yet because no building permit was ever filed that
118 would cause them to add the property for inspection. As you know this is the first step
119 that gives the Assessor’s notice of a new structure, but in the case of the railroad, they are
120 exempt from the requirement to file for permits. The Assessor’s do plan to have their
121 outside firm conduct an inspection of the work completed to date, and add this to the tax
122 rolls in FY 2012.

123
124 *Agenda Background Information*

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126 Lauren Goldberg, Esq. of Kopelman and Paige attended the meeting to assist the Board with any
127 questions they may have relative to any last minute language changes within the Special or the
128 Annual Town Meeting Warrants prior to the Board’s executing them. Also the Town Manager
129 has asked the Town Moderator David Loeper to attend this meeting to discuss the process of the
130 meeting for this year however he had a prior commitment and was not able to make the meeting
131 time frame.

132
133 *Discussion Items:*

134 The Board reviewed the Special and Annual Town Meeting Warrants with a few minor changes
135 in the Annual Warrant language. One of the articles that was discussed, was Article 7 of the

136 STM which is asking for \$300,000 for the completion of the design work for the West River St
137 pump station, water line and access to the water site. It was a unanimous decision to modify the
138 language to read that the principal and interest on the bonds will be repaid 100% from the Water
139 Enterprise fund and not the taxpayers. The language for Article 17 of the Annual Town Meeting
140 will also be revised in this manner. A separate document was drafted that contained all of the text
141 for the longer articles. These will be available in the Town Clerk's Office for review by voters as
142 well as the two Warrants. These Warrants were approved and signed off by the Board and will be
143 posted tomorrow. They will be available on the Town's website, Election Day May 2nd as well as
144 the Town Meeting.

145

146 *FY 11/12 Budget Discussion*

147 As a result of the various discussions that have ensued about the budget and the fact that the
148 State budget is unresolved with regard to local aid the Board talked about continuing some of the
149 annual town meeting articles, including the budget until a date in June when better information
150 may be available. Thursday, June 16th is a viable date with the School, Moderator, Town Clerk,
151 Town Attorney, Accountant, Finance Committee and the Town Manager are all available.

152

153 At their meeting on Wednesday the Finance Committee decided to complete their report to
154 the Town by including the full amount of the MURSD operating budget, despite the vote by the
155 Selectmen the week prior to reduce the school budget. They did agree, however, that they would
156 make a motion to hold out the line item in the budget for the school so that when the meeting
157 takes place on June 16th the school budget will be handled at that time. The Personnel Board has
158 voted to decrease their article for the classification & compensation update by \$2,000 to \$3,500.

159

160 *Charter Cable License Agreement*

161 Town Manager Blythe Robinson gave a summary of this renewal process. The 10-year
162 license signed with Charter Communications officially expired on December 30, 2010. Ahead of
163 that point the Cable Advisory Committee held a public hearing on this matter, and in late fall we
164 began negotiations with Charter for a renewal license. Given that the town was not able to
165 complete those negotiations prior to December 31st the town entered into an agreement with
166 Charter to extend the license while we were in active negotiations. Those negotiations were
167 completed with the assistance of Glenn Fowler, former Chair of the Cable Advisory Committee.
168 The Town Manager noted that under the old contract the town received a franchise fee of 1.0%
169 of the gross annual revenue (GAR) and that percentage has been increased to 2.25% of the GAR.
170 The original contract had an equipment grant of \$30,000 and in this successor agreement the
171 town will received \$20,000. The impact of these fee increases will be approximately \$2.00 a
172 month on each subscriber and this is considered to be fairly low in the area of fees paid to
173 municipalities. The increase in the franchise fee will enable the town to continue to have a PEG
174 Access provider at 20 hours a week and will also provide funding for 1-2 other part-time
175 employees and expand programming. After review, the Board approved the license renewal as
176 recommended by the Town Manager. Ms. Robinson will prepare the original document for
177 signatures.

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179 Motion # 5: Selectman Fleming motioned to approve the Charter Communications cable license
180 as recommended by the Town Manager for a period of ten years. Second: Selectman Picard,
181 unanimous: Chairman Goodwin.

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Award ambulance Billing Contract

On March 16th the Town opened proposals from two vendors for the provision of ambulance billing services for the Fire/EMS Department. As a result of these proposals it was recommend by the Town Manager that a one year contract with an option for two one-year renewal contracts be awarded to Coastal Billing of Sutton, MA. There are several reasons that the Town Manager and Fire Chief Ron Goodale recommended Coastal Billing over the other vendor. One is that Coastal focuses primarily on smaller clients that are similar in size to Upton and staff their client accounts by assigning 3 – 6 accounts to each manager, whereas the other billing services estimates each of their managers handles twice that amount. Ms. Robinson believes that Coastal’s approach will be better managed and will provide the services necessary to reach the Town’s goal of over 90% collections.

Motion #6: Selectman Picard motioned to approve the Town Managers recommendation and authorize her to execute an Ambulance Billing Service contract to Coastal Medical Billing of Sutton, MA. This contract is for a one year term effective July 1, 2011, with two possible one year renewal periods. Second: Selectman Fleming, unanimous: Chairman Goodwin. The Board noted that individual hardship cases will be taken into consideration. The Town Manager and the Fire Chief will revisit the ambulance rates and will inform the Board of their intent at a later date.

Riverdale Water Company Proposal

In the meeting agenda packet was an email from a representative of the Riverdale Water Company in Northbridge asking if the Town would be interested in purchasing water from this company. They have recently obtained DEP approval to develop a well in Northbridge that may provide up to 528 gpm of water. Similar to the town’s 3rd water source the DEP has approved the site for development at this rate, but the infrastructure (pump station) has not been built, and the location of the well field would mean construction of a water line to interconnect with Upton of a similar distance to what we will need to build on West River Street. This company is also pursuing the Town of Northbridge as this might be a more afford able option for the Town then their current arrangement. The Town Manager understands that the Board turned down this same offer in December, 2009 in favor of developing our own source. As the Board is aware, there is an article on the STM warrant for design of our 3rd water source. Selectman Fleming commented saying that seeing Riverdale has no pumping station or water lines there is no gain for Upton. Chairman Goodwin agreed and would rather see Upton own their water source. This was echoed by Selectman Picard as well, saying there is no benefit.

Review Mileage Reimbursement Rates

With the escalating price of gasoline the Town Manager asked the Board to revisit the reimbursement rate made to employees that drive their own vehicles on Town business. Currently the rate paid to employees is .45¢. The “official” government rates are: Mass DOR rate = .40¢ and the IRS Rate = .51¢. Given that gasoline prices have risen over a dollar in the past year and it appears that they will continue to do so, Ms. Robinson wanted to bring this matter forward for discussion. Mileage reimbursements are primarily filed by the employees of the Code Enforcement and Council on Aging departments, with occasional requests from other

227 employees when they attend a meeting out of town or a similar use. The Town Manager has
228 recommended offering the IRS rate. The Board agrees that a new rate should be put in place.
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230 Motion # 7: Selectman Fleming motioned to approve the Town Manager's recommendation and
231 implement a new mileage reimbursement rate of .51¢ (IRS rate) effective April 19, 2011 subject
232 to a 6 month review. Second: Selectman Picard, unanimous: Chairman Goodwin.
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234 In reference to a memorandum dated April 14, 2011 from the Planning Board to re-elect
235 William Tessmer as an Associate Member of the Planning Board and advising the Board of their
236 5-0 vote. Chairman Goodwin nominated William Tessmer as an Associate Member of the
237 Planning Board. Selectman Fleming and Picard both placed a vote for Mr. Tessmer. Poll taken:
238 Ken Picard aye, Robert Fleming aye, Michael Goodwin aye.
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240 At a previous meeting, Selectman Picard had brought up the idea of placing banners to
241 enhance the town common area. He informed the members that the one he is leaning towards is a
242 30 X 60 two sided Statue of Liberty banner at a cost of \$102.00 each with brackets at \$47.50
243 each totaling about \$750.00. Selectman Picard stated that he would make arrangements for the
244 installation of these 5 banners. After discussion, the Board approved the expenditure.
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246 Motion # 8: Selectman Fleming motioned to approve funding from the E.W. Risteen D
247 Beautification fund for 5, 30 X 60 two sided Statue of Liberty banners and required brackets.
248 Second: Selectman Picard, unanimous: Chairman Goodwin.
249

250 Monthly reports were submitted to the Board for review. They include: Code
251 Enforcement, Police Department, Town Accountant, UCTV, Library, Council on Aging and the
252 Fire Department.
253

254 Cultural Council Chair Bonnie Adams sent a letter of resignation noting a busy work and
255 home schedule.
256

257 Motion # 9: Chairman Goodwin motioned to accept with regret, the resignation of Bonnie
258 Adams, Chairman of the Cultural Council. Second: Selectman Fleming, unanimous: Selectman
259 Picard. The Board thanked Bonnie for her service!
260

261 Before concluding the meeting, Selectman Fleming addressed Chairman Mike Goodwin
262 informing the audience that this is Mike's last Board of Selectmen meeting. Mr. Goodwin has
263 been on the Board for 1 term (3 years) and has chosen not to run for re-election. Selectman
264 Fleming gave accolades saying Mike who served his country in the Air Force is a man of
265 integrity, character and it has been a pleasure working with him on the Board of Selectmen.
266

267 Resident Marsha Paul was recognized by the Board. Ms. Paul voiced her concerns about
268 the storage of tankers near the town's water supply on the Maple Ave railroad. She informed the
269 Board that she has contacted the DEP who will be conducting a review of the property. Town
270 Manager Blythe Robinson stated that the Board was informed about the matter and thanked her
271 for her concern.
272

273 At 7:56pm the Board took a recess.

274

275 The Board reconvened their meeting at 8:09pm.

276

277 Chairman Goodwin reminded the residents of the following:

278 Candidates Night: Tuesday, April 26th Nipmuc Auditorium

279 Town Election: May 2nd 7:00am - 8:00pm - Nipmuc Regional Middle High School

280 Next Board meeting: May 3, 2011 6:00pm

281 Special / Annual Town Meeting: May 5, 2011 6:45pm / 7:00pm

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283 At 8:11pm The Board motioned to enter into an Executive Session under MGL c. 30A,
284 sec. 21 exception #7, to comply with any general or special laws in aid requirement. The Board
285 will reconvene their regular meeting upon completion of this executive session for adjournment
286 only. Michael Goodwin aye, Robert Fleming aye, Ken Picard aye.

287

288 The Board reconvened at 8:32pm and motioned to adjourn.

289 Michael Goodwin aye, Ken Picard aye, Robert Fleming aye.

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291

292 Respectfully submitted,

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294 Karen L. Varney, Department Coordinator

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