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Board of Selectmen

Town of Upton



Massachusetts

Meeting Minutes of May 17, 2011

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

Present: Chairman Robert J. Fleming, Selectman Kenneth E. Picard, Selectmen James A. Brochu, Town Manager, Blythe C. Robinson, and Department Coordinator Karen L. Varney.

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

After the pledge of allegiance, Selectman Fleming called for the reorganization of the Board.

Motion # 1: Member Robert Fleming motioned to appoint former Selectmen Michael Goodwin as temporary Chairman for the purpose of reorganizing the Board of Selectmen. Second: Selectman Picard, unanimous Selectman Brochu

Temporary Chairman Goodwin opened the nominations for Chairman of the Board of Selectmen and asked if there are any nominations?

Motion # 2: Selectman Picard made a motion to nominate Robert J. Fleming as Chairman of the Board of Selectmen. Second: Selectman Brochu

Temporary Chairman Goodwin asked if there are any other nominations. Hearing none the temporary Chairman then closed nominations and asked for a motion to appoint Robert J. Fleming as Chairman of the Board of Selectmen.

Motion # 3: Selectman Picard motioned to appoint Robert J. Fleming as Chairman of the Board of Selectmen. Second: Selectman Brochu.

Motion # 4: Chairman Fleming motioned to rescind the former motion appointing Michael Goodwin as Temporary Chairman for the purpose of reorganizing the Board. Second: Selectman Picard, unanimous Selectman Brochu

The Board congratulated Chairman Fleming and wishes him well.

44 Former Selectman Michael Goodwin welcomed Selectman Brochu as a new member and
45 addressed both Chairman Fleming and Selectmen Picard by saying he enjoyed the time he spent
46 on the Board. He acknowledged that after working with Chairman Fleming he thanked him for
47 his honesty and candidacy. Mr. Goodwin thanked Selectman Picard for the way he handled
48 issues and followed the process. Chairman Fleming stated that it has been a pleasure working
49 with such an honest and credible person and he would like to see Mike return to serve on some
50 form of Town Government in the future.

51
52 The Board welcomed Eagle Scout Cullen Farragher and Scout leader Brian Ober. Cullen
53 described the scope of the COA project that he outlined for the Board and has been diligently
54 seeking funding and or donations from businesses over the last 2 months. Creation of a memorial
55 garden, sitting area, planting of flowers and painting the existing light fixture are a few of the
56 items on Cullen's project list. The original projected cost of this undertaking was just over
57 \$2,000. After receiving some donations totaling about \$700, Cullen is asking for \$1,289.12 so he
58 can move forward with this project. Cullen has met with the COA Director Jamie Gardner who
59 has given direction to Cullen. After review of his plan, the Board approved the additional
60 funding required. Chairman Fleming thanked Cullen for his work and enthusiasm on this project.

61
62 Motion # 5: Selectman Brochu motioned to approve the amount of \$1,289.00 from the E.W.
63 Risteen D Beautification Fund for the COA Eagle Scout project. Second: Selectman Picard,
64 unanimous: Chairman Fleming.

65
66 Next on the agenda is the approval of meeting minutes.

67
68 Motion # 6: Selectman Picard motioned to approve the meeting minutes of April 19, 2011.
69 Majority: Chairman Fleming.

70
71 Motion # 7: Selectman Picard motioned to approve the Executive Session meeting minutes of
72 April 19, 2011. Majority: Chairman Fleming.

73
74 Motion # 8: Selectman Brochu motioned to approve the meeting minutes of May 3, 2011.
75 Majority: Chairman Fleming.

76
77 Motion # 9: Selectman Brochu motioned to approve the Executive Session meeting minutes of
78 May 3, 2011. Majority: Chairman Fleming.

79
80 Mary Cortese, Recreation Director along with Eagle Scout Michael Andrews were
81 welcomed by the Board. Michael presented an Eagle Scout project proposal to build a dock and
82 kayak tree at Kiwanis beach with the direction of the Recreation Commission. Michael presented
83 a story board and a material cost list for the Board's consideration. He stated the dock will be
84 constructed of pressure treated wood and will be completed in time for the summer programs.
85 The DPW will take on the seasonable responsibility for the removal of this dock for winter and
86 the Recreation Commission will be responsible for maintaining it. Chairman Fleming
87 commended Michael for taking on this project and the benefit to the townspeople.

89 Motion # 10: Selectman Brochu motioned to approve the Kiwanis Beach Dock proposal as
90 presented by Eagle Scout Michael Andrews. Second: Selectman Picard, unanimous: Chairman
91 Fleming.

92
93 Town Manager's weekly report:

94 Warrants:

- 95 • Payroll: \$ 69,604.52
- 96 • Expense Warrant: \$ 75,322.72

97
98 Information / Follow Up:

- 99 • The annual Street sweeping has begun this week in an effort to clean up after the winter
100 months and ready the streets for line painting which will take place after July 1st.
 - 101 ▪ Work continues on the Sweetwilliam Farm project. The plan is to circulate a new version
102 of the conservation restriction for review by and the CPC will conduct a final review at their
103 June 1st meeting and forward comments to the Selectmen so they may act at their June 7th
104 meeting. The Board of Health has a meeting this week and will discuss the cabin. They may
105 vote to set a condemnation hearing on the structure if they can not obtain an agreement from the
106 owner to bring the building into compliance with the codes. Selectmen Picard stated that there is
107 a lot to be accomplished before the end of the month. The Planning Board needs to approve and
108 depict the different boundaries and he wants a clear definition of the deed before his signs off.
109 Also a public hearing is scheduled for Tuesday, May 24th on the application of owner Gail
110 Harrington for a special permit as provided by the Town of Upton Zoning Bylaws for a large lot
111 frontage reduction.
 - 112 • Three employees of the State Department of Environmental Protection made a visit to the
113 Grafton Upton Railroad facility on Wednesday to review the facility as it gets underway in light
114 of a call to their offices by a resident. Representatives of the Board of Health, Fire Chief and the
115 Town Manager accompanied these individuals on this visit along with the railroad owner and
116 several of his staff. The meeting was a positive one at which the DEP outlined the reason for
117 their visit and then took a tour of the facility to better understand how the operation is being
118 constructed and will be managed. They were happy to gain a better understanding of the
119 operation so they can respond to citizens who contact them. They were also pleased by the high
120 level of cooperation between town and railroad officials, and we reiterated our commitment to
121 working with them on any questions that may arise in the future.
 - 122 • It has been another active week for procurement. On Wednesday the office received
123 three proposals from firms interested in providing our IT Services beginning July 1st. We also
124 been fielding questions from bidders regarding the bid for various road materials. The bid
125 opening for this is May 19th.
 - 126 • The Town Clerk will be holding Town Government day over the next two Wednesdays –
127 May 25th and June 1st. This is an annual event will bring the Memorial School third grade class
128 to Town Hall in which they participate in a mock town meeting and after will visit each town
129 departments learning about the business of town government. Selectman Brochu will
130 participate.
 - 131 • With the retirement of Rudy Susienka (Assistant Building Official), Building Inspector
132 Pat Roche and the Town Manager will undertake the task of analyzing the staffing structure of
133 Code Enforcement to determine whether any changes should be made prior to seeking to fill

134 this position. A recommendation for the Board's consideration will be presented to them at the
135 June 7th Board meeting.

136 • On Monday morning May 16th the DPW Consultant, Water/Sewer Supervisor and the
137 Town Manager will be meeting with Tata & Howard to review the various water projects that
138 are underway. One of the topics of discussion will be the draft of the water master plan that the
139 Board has already received. If the Board has any questions about the plan or concerns about the
140 conclusions that were drawn Ms. Robinson asked if they bring this to her attention. After
141 providing feedback, Tata & Howard will complete the final document and suggested they attend
142 a Selectmen's meeting to present their findings.

143 • The longstanding project at 56 – 60 Pleasant Street was completed this week with the
144 paving of the driveways. Quotes were received from three contractors who perform this type of
145 work and selected Precision Paving. The work was completed in accordance with the plan
146 approved by the Conservation Commission.

147
148 Appointments of Town Officials Continued from May 3, 2011.

149
150 Motion # 10: Selectman Picard motioned to appoint in block the list of appointments
151 submitted and dated May 17, 2011 with the exception of a hold on the Code Enforcement
152 Department, Zoning Board of Appeals, Associate Member ZBA and the CPC 3 yr term
153 appointment. Second: Selectman Brochu, unanimous: Chairman Fleming.

154
155 The reason for the holds on the specific departments is for the Board to have the
156 opportunity to talk with these individuals and the Town Manager will analyze the staffing
157 structure of Code Enforcement to determine whether any changes should be made prior to
158 filling the Assistant Building official position.

159
160 Annually the Board of Selectmen awards scholarships to Upton graduating seniors for
161 three different scholarship funds: Gary P. Bates Memorial Scholarship, Ella Whitney Risteen
162 Scholarship and the Ernest W. Ramsay Memorial Scholarship. A total of 23 students have
163 applied this year. Copies of the completed applications were made available to the Selectmen for
164 their consideration.

165
166 Motion # 11: Based on the number of scholarship applications received, Selectman Picard
167 motioned to award each applicant (1 to 14) a \$200 scholarship from the Risteen, Ramsey and
168 Bates scholarship and students 15 – 23, a \$200 scholarship from the E.W. Risteen Trust fund.
169 Second: Selectman Brochu, unanimous: Chairman Fleming.

170
171 Historically on an annual basis, the Board of Selectmen determines which member will
172 be designated as the liaison to the various boards and/or departments. Chairman Fleming stated
173 that now with the hiring of a Town Manager, there is no need for some of these departments to
174 be listed as they fall within the Managers purview. After discussion, it was agreed by motion.

175
176 Motion # 12: Chairman Fleming motioned to reorganize the Board of Selectmen's Liaison
177 Assignments as follows: The liaison to the Treasurer/Collector, Assessor's, Finance Committee
178 and Capital Budge Committee will be Chairman Fleming. Selectmen Picard will be the liaison to
179 the Planning Board, Zoning Board of Appeals and Board of Health. Selectman Brochu will be

180 the liaison to the school districts, Library Trustees and Recreation Commission. Second:
181 Selectman Picard, unanimous: Selectman Brochu.

182 The Town Manager will notify these departments.

183

184 After receiving two bids, a recommendation was submitted from the Town Manager to award
185 a contract for the renovation of the Leland Field to Bowditch Contractors of Accord,
186 Massachusetts in the amount of \$114,500.

187

188 Motion # 13: Selectman Picard motioned to authorize the Town Manager to execute a
189 contract on the Town's behalf to Bowditch Contractors, Accord, Mass in the amount of
190 \$114,400.00 and execute any change orders up to 10% above the contract price. Second:
191 Selectman Brochu, unanimous: Chairman Fleming.

192

193 The Town will be receiving \$320,049.00 in State Chapter 90 funds to pay for various
194 road projects. One of these projects is to re-pave Fisk Mill Rd and a portion of East St using a
195 method called "hot in place recycling". The Town's DPW Consultant prepared a bid package
196 which was publicly advertised for this service. The Town received one bid from Highway
197 Rehabilitation Corporation of Brewster, NY in the amount of \$61,710. The town Manager has
198 recommended this contractor be awarded this project.

199

200 Motion # 14: Selectman Picard motioned to authorize the Town Manager to execute a contract
201 on the Town's behalf to Highway Rehabilitation Corp., Brewster, NY for hot in place recycling.
202 Second: Selectman Brochu, unanimous: Chairman Fleming.

203

204 Included in the Board's agenda is a request from the Men's Club through member Ken
205 Glowacki for funding to support the 4th of July fireworks put on by the Men's club annually.
206 They have asked for a \$500 donation from the Town. While it was agreed that this is certainly a
207 wonderful annual event, the Town supports this event in other ways financially. Last year the
208 Fire Department provided Fire & EMS staff for a total cost of \$1,563 and the Police Department
209 spends an average of \$1,500 - \$2,000 in overtime staffing costs. After discussion, Chairman
210 Fleming asked the Board to consider a \$500 donation. Hearing no response, the request failed
211 and is therefore the request for a donation is denied.

212

213 The Board reviewed a Memorandum of Understanding with D & F Afonso Builders that
214 will provide for the future execution of a deeded right of way across specific property on West
215 River St for the installation of a water line and related utilities to access the Town's 3rd well
216 source. The Town Manager has recommended authorizing her to sign this MOU. This easement
217 would provide the Town with options for the route that the water line will take that needs to be
218 constructed down West River Street to the well field.

219

220 Motion # 15: Selectman Picard motioned to authorize the Town Manager to execute the
221 Memorandum of Understanding for a right of way to the West River St well field as proposed.
222 Second: Selectman Brochu, unanimous: Chairman Fleming.

223

224 Chairman Fleming stated that at the Board's meeting on June 7th, he would like to discuss
225 and clarify the naming of the 3rd water site.

226
227 Regarding year End Budget Transfers, State law allows that between May 1st and July 15th of
228 each year transfers may be made between budget line items so that no line item is in deficit.
229 Transfers can be made with approval by the Board of Selectmen and concurrence by the Finance
230 Committee. A request was submitted by Chief Bradley which the Board approved.
231

232 Motion # 16: Selectman Brochu motioned to approve the request dated May 11, 2011 from
233 Police Chief Michael Bradley pursuant to MGL c. 44, s. 33b to transfer \$1,500 from Police
234 wages account #01-210-5100-5100 to cruiser maintenance account #01-210-540-5482. Second:
235 Selectman Picard, unanimous: Chairman Fleming.
236

237 Correspondence:
238

239 Motion # 17: Selectman Picard motioned to accept with regret, the resignation of Thomas Dodd
240 from the Conservation Commission and Land Stewardship Committee. Second: Selectman
241 Brochu, unanimous: Chairman Fleming.
242

243 Motion # 18: Selectman Picard motioned to accept the resignation of James Brochu from the
244 Fire and EMS Advisory Committee. Majority: Chairman Fleming.
245

246 The Board reviewed a letter from the CBC regarding forming a second Town Hall
247 Renovation Committee. After discussion, the Board feels the current committee members
248 followed their mission statement and have put a plan in place in which they submitted to the
249 Selectmen and are moving forward. This request from the Chair, Ken Glowacki to form a sub-
250 Committee was denied.
251

252 The Board of Selectmen will take part in the Memorial Day festivities on Monday, May
253 30th beginning at 8:00am at Lakeview Cemetery.
254

255 Before the Board recessed for an Executive Session, resident Jeff Ward of North Street
256 addressed the Board about concerns he has with the Sweetwilliam Farm purchase. He wanted to
257 confirm what the town is actually purchasing. Mr. Ward is concerned as he feels the owner is
258 asking for things that were not in the original proposal. In response Chairman Fleming gave him
259 a brief overview beginning with the town meeting vote to purchase the North Street land. He said
260 the town is currently in negotiations with the owner in an effort to rectify some violations. Sixty
261 acres will be owned by the town, 27 acres will have a conservation restriction put on. A
262 restriction the Board has been in the process of trying to put to fruition as this requires the
263 Board's approval before closing on this property. Town Manager Blythe Robinson added that
264 there will be changes to the East side of the farm for new greenhouses however they will not
265 impede the view. She confirmed that the Board must approve this CR and close on the purchase
266 by June 30, 2011.

267 At 7:20pm Chairman Fleming motioned to enter into an Executive Session under MGL c.
268 30A, sec. 21 exception #6, to consider the purchase, exchange, lease or value of real estate.
269 There will be 2 Executive Sessions dealing with the same exception #6, land values. The Board
270 will reconvene their regular meeting upon completion of these's executive sessions for
271 adjournment only. Robert Fleming aye, Ken Picard aye. James Brochu aye.

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The Board reconvened at 8:05pm and motioned to adjourn.

Robert Fleming aye, Ken Picard aye, James Brochu aye.

Respectfully submitted,

Karen L. Varney, Department Coordinator