

Board of Selectmen

Town of Upton



Massachusetts

Meeting Minutes of June 7, 2011

*Location:* Fire & EMS Headquarters, 20 Church Street – 2<sup>nd</sup> floor training room.

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

The meeting was called to order at 6:00pm. Chairman Fleming announced the Board will meet in Executive Session at the end of their regular meeting under MGL c. 30A, sec. 21 exception #6, to consider the purchase, exchange, lease or value of real estate.

*Motion #1:* Selectman Picard motioned to approve the meeting minutes of May 17, 2011 as submitted. Second: Selectman Brochu, unanimous: Chairman Fleming.

*Motion #2:* Selectman Picard motioned to approve the executive session meeting minutes of May 17, 2011 (South St) as submitted. Second: Selectman Brochu, unanimous: Chairman Fleming.

*Motion #3:* Selectman Picard motioned to approve the meeting minutes of May 17, 2011 (North St) as submitted. Second: Selectman Brochu, unanimous: Chairman Fleming.

The Board welcomed Fred Ruland, Noble Vista LLC. Mr. Ruland requested a meeting with the Selectmen in an effort to resolve some outstanding issues so that the Noble Vista 40 B LIP project will be able to move forward. A brief summary of the past few years was given by Mr. Ruland saying this project was approved in 2002 but met with some obstacles along the way including the sluggish real estate market. Originally this project was for 160 units that was reduced to 120. He summarized his letter to the Board clarifying a few matters. The catch basins on the upper section of Hartford Ave south will need to be repaired. Water connection to Northbridge is complete to the Upton town line. A pump house that supplies household and fire use that supplies the Shining Rock Golf Community has been built and in addition has two outlet stubs that have been built to the Upton town line in order to provide water to Noble Vista. By agreement with both towns, the water hookups to Noble Vista units will be made by Northbridge with both the connection and usage fees paid to them.

The raising of the lower section of Hartford Ave has been researched with the Army Corp of Engineers and is difficult to do because of the flooding that occurs. Mr. Ruland has suggested that instead of paying the town a fee if they were unable to repair the lower section, is to pay a per unit sold basis throughout the project. In regards to the Hartford Ave south bump, he is

45 proposing to remove approximately 18” to 2’ from the top. A suggestion the Board welcomed.  
46 Another agreement was reached in 2008 and submitted to the Zoning Board which they  
47 subsequently approved. From the beginning of this project only a few items have changed and he  
48 has come before the Board for direction. Selectman Picard said he wanted to insure that part of  
49 the negotiations and condition was the drainage issues. Mr. Ruland agreed that was still on the  
50 table. Selectman Brochu wanted to clarify that the Noble Vista project was in Upton and the  
51 Shinning Rock golf was in Northbridge. Mr. Ruland confirmed. Selectman Brochu said he  
52 concurs with Chairman Fleming’s comment during the discussion of splitting the water and  
53 wastewater bill may complicate things in proving an accurate assessment of future user charges.  
54 Chairman Fleming said he feels that an agreement is very close. Chairman Fleming asked the  
55 Town Manager Blythe Robinson to work with Town Counsel and Mr. Ruland to bring this to  
56 final resolution.

57

58 Town Manager’s Weekly Report

59

- 60 • The State Senate has passed a version of health insurance reform for municipalities with  
61 its version of the budget. There are some significant differences to the House version that  
62 will have to be worked out in conference. This is a big step forward for giving  
63 communities the chance to manage health care costs, especially if these differences can  
64 be worked out in our favor.
- 65 • Our second installment of Town Government Day went very well – lots of great  
66 questions about the activities of Town Government. Again this week the kids decided  
67 not to extend the school day, and in a standing vote decided to ban electronic devices at  
68 school. The second half of the group will be joining us on June 1<sup>st</sup>.
- 69 • Now that warmer weather has finally arrived it is time to impose a restriction on outside  
70 watering of lawns to ensure sufficient water supply for resident use and fire protection. A  
71 restriction that residents may only water lawns on a schedule of odd/even days, from 7 –  
72 9 PM was put in place by the Town Manager. The Water/Sewer Supervisor has informed  
73 Ms. Robinson that we have had to increase daily pumping to as much as 450,000 gallons  
74 per day. Hopefully taking this step and regular rainfall will prevent the need to have a  
75 complete outside watering ban as we did last year.
- 76 • The renovations to the entrance of the Senior Center are nearly complete. The front  
77 lobby is looking great, and the handicapped accessibility has been improved. This is  
78 funded through our annual State grant.
- 79 • We continue to move closer to closing on the purchase of Sweetwilliam Farm (153 North  
80 Street) prior to June 30<sup>th</sup>. The office will have the “Form A” from the surveyor by June  
81 6<sup>th</sup> so that the Planning Board can review it prior to taking action on it on June 14<sup>th</sup>. At  
82 that meeting they also intend to approve their decision regarding the 3<sup>rd</sup> lot. The CPC  
83 reviews the conservation restriction on June 1<sup>st</sup>, the Conservation Commission plans to  
84 approve it on June 8<sup>th</sup> and the Selectmen will approve this document on June 16<sup>th</sup>. If all  
85 goes according to plan the closing could take place the week of June 20<sup>th</sup>. The legal work  
86 has been extensive to keep the project on track. Through the end of April we have been  
87 billed over \$7,000 for work related to the farm purchase, conservation restriction and  
88 code issues related to the Cabin. The legal bills and survey work will far exceed the  
89 \$13,500 included in the Town Meeting vote, and the petitioners have agreed to cover  
90 those expenses.

- 91 • The Town Manager was pleased to inform the Board that both Jennifer DeLuca and  
92 Holly Whalen have both successfully completed their probationary period of employment  
93 and have been recommended by their supervisor, Jamie Gardner to be made permanent  
94 employees. I am happy to accept his recommendation and will be notifying Holly &  
95 Jennifer of this officially.
- 96 • A busy weekend is coming up with town events as on Saturday the Police Department is  
97 sponsoring the annual fishing derby, and the Library will be hosting Garden Day.
- 98 • The Town Manager will be away from Upton on Thursday and Friday of this week (June  
99 2<sup>nd</sup> & 3<sup>rd</sup>) to attend the Annual Massachusetts Manager's Association Spring conference.  
100 She will be available by email and cell phone.

101  
102 Chairman Fleming thanked Ms. Robinson for all her work as it was not an easy task  
103 preparing for the closing of Sweetwilliam Farm.

104  
105 In reference to the annual appointments, Ms. Robinson said that there are appointments  
106 made by the Board that are not necessary now that the town has a Town Manager only specific  
107 appointments will be made in May 2012. The Board took no action on the remaining 2012  
108 appointments that were put on hold at their previous meeting. They will revisit these at a future  
109 meeting. They did however discuss the Municipal Hearing Officer position and appointed  
110 former Selectman Michael Goodwin.

111  
112 Motion # 3: Selectman Brochu motioned to appoint Michael E. Goodwin as the town's  
113 Municipal Hearing Officer for a 1 year term. Second: Selectmen Picard, unanimous: Chairman  
114 Fleming.

115  
116 The Town Manager said she will have some recommendations on the Personnel Board  
117 appointments at the next meeting.

118  
119 Ms. Robinson was pleased to submit to the Board a five-year agreement with Ashland for  
120 a Conservation Agent. This Upton resident will be sharing his expertise with Upton for 10 hours  
121 a week (Wednesday and Friday's). His salary of \$40 per hour will come equally from the general  
122 fund and the wetlands filing fees account. He will be managed by both Ashland and Upton's  
123 Town Manager's. Selectman Picard reviewed the agreement and welcomed the idea of sharing  
124 resources with other towns and the need to explore other services with contiguous town.  
125 Selectman Brochu agrees this is a great approach to sharing services.

126  
127 Motion # 4: Selectman Picard motioned to ratify the Inter-Municipal Agreement with the Town  
128 of Ashland as presented to share a Conservation Agent. Second: Selectman Brochu, second:  
129 Chairman Fleming.

130  
131 Motion # 5: Selectman Picard motioned to confirm the Town Manager's recommendation to  
132 appoint Matthew Selby as Upton's Conservation Agent effective July 1<sup>st</sup>. Second: Selectman  
133 Brochu, unanimous, Chairman Fleming.

134  
135 Discussion regarding the 3<sup>rd</sup> well field contract with Tata & Howard and also to designate  
136 a formal name for the Richard Wellfield.

137  
138 Motion # 6: Selectman Picard motioned to authorize the Town Manager to execute a contract  
139 with Tata & Howard, Marlboro Mass for the design of the West River St pump station in the  
140 amount of \$158,000 plus 10% for cost overrun. Second: Selectman Brochu, unanimous:  
141 Chairman Fleming.

142  
143 Motion # 7: Selectman Picard motioned to authorize the Town manager to execute a contract  
144 with Tata & Howard, Marlboro Mass for design work of the West River St water main in the  
145 amount of \$123,000 plus 10% for cost overrun. Second: Selectman Brochu, unanimous:  
146 Chairman Fleming.

147  
148 Continued Annual Town Meeting – Discussion of Warrant Articles.  
149 With the recertification of the MURSD budget, the continued Annual Town Meeting on June  
150 16<sup>th</sup> needs to act on this budget as well as the articles that delayed until this date. The Town  
151 Manager has prepared a recommendation on which of the remaining articles should to be voted  
152 on June 16<sup>th</sup> and which ones may wait until a special town meeting in the fall. Depending on the  
153 MURSD recertified budget, the actions taken by Mendon on their budget, and the certification of  
154 Free Cash, it is quite possible that some of these items could be delayed until the fall when the  
155 town’s financial position is more certain. The Board reviewed this spread sheet which also  
156 included the Finance Committee recommendations and came to a final agreement on which  
157 articles to move forward and which ones to pass over.

158  
159 The Board welcomed Town Clerk Kelly McElreath in regards to the re-precincting plan.  
160 Due to the results of the 2010 census, Upton’s population has grown to a size that requires that  
161 the Town have two voting precincts instead of one. A copy of the map showing the two  
162 precincts as proposed by the Town Clerk and the State we reviewed. By law the Board needs to  
163 approve this re-precincting plan prior to June 15, 2011.

164  
165 Motion # 8: Selectman Picard motioned to approve the Re-Precincting plan for the Town of  
166 Upton as submitted by the Town Clerk. Second: Selectman Brochu, unanimous: Chairman  
167 Fleming.

168 Ms. McElreath said even though there will be Precinct 1 and 2, there will still be only 1  
169 poll location. She also sent kudos to Denise Smith who spent a lot of time working on this  
170 project.

171  
172 Building Inspector Patrick Roche came before the Board to discuss the Code  
173 Enforcement Department staffing and the recommendations drafted by the Town Manager. Ms.  
174 Robinson stated that with the retirement of the Assistant Building Inspector, she and Mr. Roche  
175 have undertaken a process to review the staffing structure of this department and the way in  
176 which the Code Enforcement staff our compensated.

177  
178 The following table shows the current stipend for each type of inspector. It shows no change for  
179 the Building Official, a reduced stipend for the Assistant based upon an average of 6 hours/week  
180 in the office and 5 inspections per week, and the compensation for the wiring and plumbing  
181 inspectors and their assistants if they were to be paid on the basis of \$25/inspection, which is  
182 similar to several other communities. Ms. Robinson said that in speaking with several other

183 communities they have had no trouble attracting qualified inspectors at these rates. In some  
 184 cases other communities have less work than can keep their inspectors busy, and may be willing  
 185 to sell those services to the Town of Upton.  
 186

Position	Current Stipend	# Of Insp. Per Year	Rate per Inspection	Est. Compensation
Building Official	\$27,236	520	N/A	\$27,236
Asst Building Official	\$17,591	676*	\$25/Hr or Insp	\$16,900
Wiring Inspector	\$16,029	260	\$25/Inspection	\$6,500
Ass't Wiring Inspector	\$9,350	208	\$25/Inspection	\$5,200
Plumbing Inspector	\$19,382	208	\$25/Inspection	\$5,200
Ass't Plumbing Inspector	\$9,350	104	\$25/Inspection	\$2,600

187  
 188 \* This number represents the Assistant Building Official performing 6 hours/week of time in the  
 189 office and 5 inspections per week.  
 190

191 If the Board chooses to accept the Town Manager's recommendation; further work will  
 192 be required to determine if she will be able to attract certified inspectors for this rate. The  
 193 Personnel Board will need to be involved in this process. Selectman Brochu has some concerns  
 194 with the current stipends vs. the permit fees received YTD, as there is a substantial difference in  
 195 the negative. He would like to see the town take a different approach with respect to the officials  
 196 and how they are compensated and to come up with the best possible solution. Ms. Robinson  
 197 added that the permit fees are down currently, but that can change overtime. Chairman Fleming  
 198 noted his pride in the department providing assistance to Upton's residents and advocated for the  
 199 Assistant Inspectors. The economy is down therefore new construction is down. Over the years  
 200 he has heard compliments as how well the CODE Enforcement Department works serving the  
 201 public. His concerns as an example if the Assistant Wiring Inspector makes \$5,200 a year and is  
 202 required to attend training and class hours per year to hold that license, does not feel the \$5,200 a  
 203 year is worth it. Chairman Fleming is reluctant to move forward with the Town Manager's  
 204 recommendation.

205 Ms. Robinson's recommendation was not supported by Mr. Roche and he commented on  
 206 the spread sheet prepared by Ms. Robinson noting Grafton who receives \$30 an hour for  
 207 inspections, believes they are paid for telephone time and feels the smaller towns are poorly run  
 208 departments. He also said that his inspections are done within 24 hours and the inspectors go  
 209 above and beyond providing good customer service. He feels the proposed \$25 per inspection is  
 210 an insult.

211 Selectman Picard clarified that the \$25 fee is per inspection not hourly therefore if an  
 212 inspector performs 2 inspections an hour, his compensation is \$50. He does not have an issue  
 213 with the Assistant Inspectors working when there is a conflict with the lead Inspector or for  
 214 vacation purposes. Selectman Picard is comfortable with the Town Manager's proposal. He  
 215 would like to conduct his own survey however. Chairman Fleming would like to have additional  
 216 dialog. Selectman Brochu said that Mr. Roche has brought up some valid points and will need to

217 think further on this proposal. The Board did agree on posting the Assistant Building Official's  
218 position.

219

220 Included in the Selectmen's packet was a spreadsheet of transfers requested by various  
221 departments as well as Selectmen's expense. The Town Manager recommended approval of  
222 these so that they may be forwarded to the Finance Committee for concurrence.

223

224 Motion # 8: Selectman Brochu motioned to approve the FY11 year-end transfer's dated June 6,  
225 2011 and as submitted by the Town Manager. Second: Selectman Picard. Unanimous: Chairman  
226 Fleming.

227

228 Regarding the naming of the 3<sup>rd</sup> Well Field, it was suggested by our water consultants,  
229 prior to starting the design process for the pump station and water main, that this would be a  
230 good time to determine a permanent name to the well field we have up to now called "The  
231 Richard Well Field". Selectman Brochu suggested contacting the Historical Commission for  
232 input. This official name is to be filed with the DEP.

233

234 Rose Garden – Liquor License Pledge Agreement:

235 This Pledge Agreement is requested by Milford National Bank and Trust for a loan guarantee.  
236 Under Massachusetts Law any license granted under the provision of Chapter 138 may be  
237 pledged for a loan provided approval of such a loan and pledge is given by the local licensing  
238 authority and the ABCC. As a requirement by the ABCC, the Board members signed off on form  
239 43.

240

241 Correspondence:

242 A. Resignation of Greg Trussell from the Personnel Board.

243

244 Motion # 9: Selectman Picard motioned to accept with regret, the resignation of Personnel Board  
245 member Greg Trussell. Second: Selectman Brochu, unanimous: Chairman Fleming.

246

247 B. Appointments to the Personnel Board were put on hold. .

248 C. *Revised mission statement* from the Open Space and Land Stewardship Committee  
249 were received by the Board. Also a request for 2 appointments to the Land  
250 Stewardship Committee:

251 a. Matthew Bachtold

252 b. William Taylor

253

254 Motion # 10: Selectman Brochu motioned to appoint Bill Taylor to the Land Stewardship  
255 Committee for a one year term. Second: Selectman Picard. Unanimous: Chairman Fleming.

256

257 Motion # 11: Selectman Brochu motioned to appoint Matthew Bachtold to the Land Stewardship  
258 Committee for a one year term. Second: Selectman Picard. Unanimous: Chairman Fleming.

259

260 A summer meeting schedule for the Board was approved. Meeting dates beginning in  
261 July are: July 12<sup>th</sup>, August 2<sup>nd</sup> & 23<sup>rd</sup>, September 13<sup>th</sup> & 27<sup>th</sup>. These meeting dates may change  
262 depending on need.

263 At 7:35pm Chairman Fleming motioned to enter into an Executive Session under MGL c.  
264 30A, sec. 21 exception #6, to consider the purchase, exchange, lease or value of real estate. The  
265 Board will reconvene to their regular meeting for adjournment only. Robert Fleming aye, Ken  
266 Picard aye, James Brochu aye.

267  
268 The Board reconvened at approximately 8:16pm and motioned to adjourn.

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270  
271 Respectfully submitted,  
272  
273 Karen L. Varney, Department Coordinator

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