

Board of Selectmen

Town of Upton



Massachusetts

Meeting Minutes of October 11, 2011

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

Present: Chairman Robert J. Fleming, Selectman Kenneth E. Picard, Selectman James A. Brochu, Town Manager, Blythe C. Robinson, and Department Coordinator Terry Palmer.

Approved: October 25, 2011

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

The Board recited the Pledge of Allegiance

Chairman Fleming reviewed the agenda for the benefit of the television audience.

A. Approve of Minutes

Motion #1 Selectman Picard motioned to approve the September 13, 2011 meeting minutes. Second: Selectman Brochu, unanimous: Chairman Fleming.

Motion #2 Selectman Picard motioned to approve the September 20, 2011 meeting minutes. Second: Selectman Brochu, unanimous: Chairman Fleming.

Motion #3 Selectman Picard motioned to approve the September 20, 2011 meeting minutes of the Mendon Upton Joint Meeting. Second: Selectman Brochu, unanimous: Chairman Fleming.

Motion #4 Selectman Picard motioned to approve the September 27, 2011 meeting minutes. Second: Selectman Brochu, unanimous: Chairman Fleming.

Chairman Fleming commented on why they are efficient in the approval of the minutes, the Board receive the minutes up to four days in advance for them to review.

B. Town Hall Renovation Committee

Kelly McElreath Chairman and Steven Rakitin discussed with the Board the process to move forward on the Town Hall Renovation. Ms. McElreath stated to comply with M.G.L. c.7, subsection 38A1/2-O, the designer selection, the THRC developed a comprehensive Request for Proposal for architect services. Over the summer with the help of the Town Manager the committee came up with an RFP. The THRC mandated a walk thru of the Town Hall if the

45 vendors wanted to bid on the project. After interviewing four firms out of nine it is the
46 recommendation of the THRC to use McGinley Kalsow & Associates, (MKA), for the project.
47 Ms. McElreath told the Board the committee called four different references, and received
48 glowing reviews for MKA. After working with the Town Manager the committee negotiated a
49 price at \$74,850.00 for the schematic design for the Town Hall Renovation, which is slightly
50 below the \$75,000.00 that was appropriated at Town Meeting. Selectmen Brochu read their
51 recommendation and agreed with the committee's choice of MKA, he also thanked the
52 committee on their work. Selectmen Picard thanked the committee also for all their hard work
53 and doing a great job. Chairman Fleming asked Ms. McElreath if they have a time line, she
54 replied to hopefully have a schematic design completed by December/January, to be able to
55 present it to the voters at the Town Meeting in May, 2012 followed with a bid amount to present
56 to the voters at Town Meeting in May 2013 it was important to negotiate a percentage of fees to
57 be charged for future phases of design. She stated the Town should not to be doing this once
58 they have already signed with them; MKA is willing to commit to a cap of ten percent of
59 construction cost. Ms. Robinson noted that in this market this is reasonable. Mr. Rakitin told the
60 Board they also requested a cost to build a new building for comparison. Ms. McElreath stated
61 they are also giving a proposal to make the building accessible and that this should be helpful to
62 make the decision of what the town would like to do.

63
64 Motion #5 Selectmen Picard motioned to authorize the Town Manager to execute a contract for
65 this schematic design renovation with McGinley Kalsow and Associates of Somerville MA in the
66 amount not to exceed \$75,000.00 for the Renovation of the Town Hall. Second, Selectmen
67 Brochu, unanimous: Chairman Fleming.

68
69 C. Town Manager's report

- 70 • Chairman Fleming asked Ms. Robinson to present her weekly report. Ms. Robinson told
71 the Board on Monday she had her monthly meeting with Tata & Howard on the progress
72 on various water projects. She summarized them as:
 - 73 ○ The Glen Ave replacement wells are being installed this month now that the NOI
74 has been approved by the Conservation Commission. The pump test will be done
75 in November, and then the water main, pumps and associated equipment will be
76 designed and bid for construction between February – May, 2012.
 - 77 ○ The design on municipal well field #3 is approximately 50% complete. They are
78 currently reviewing the plans for that with comments due back next week.
79 Permitting will start next to be completed in December so that they may start the
80 DEP permit approval in January, and bid out the entire project prior to Town
81 Meeting.
 - 82 ○ Chemical Safety – Tata is working with our contractor and Charter
83 Communications to get VPN access in place at both pump stations so the contract
84 work can be completed.
 - 85 ○ Stormwater Management – the staff will be present at the October 24th sub
86 committee meeting to assist with the development of the by-law.
- 87 • The Town has received notification this week that the State Housing Appeals Court has
88 approved the request to in essence “dismiss” the case regarding the Noble Vista
89 Development Project. This was expected because the Town and the developer have
90 reached mutually agreeable terms as to the resolution of this project. She told the Board

91 the last step in the process will be for the Zoning Board of Appeals to take up a final
92 “Notice of Project Change” to accept the agreement as written. Ms. Robinson will be in
93 contact with the chairperson of that committee to bring it before the Board to resolve it.

- 94 • This week the DPW Consultant and Ms. Robinson held interviews with two of the five
95 firms that submitted proposals to conduct the water rate study. Both firms are very well
96 qualified and come highly recommended by towns for which they have done work and
97 are current water consultants. As a result they plan to award the contract to Russell
98 Consulting in the amount of \$14,700, which is within the budget by \$300. This work will
99 start in the coming weeks and be completed prior to February, 2012 at that time the
100 Board will again consider the rates for the following year. Ms. Robinson provided a copy
101 of her recommendation regarding this project for the Board.
- 102 • Ms. Robinson told the Board that the Board of Health has scheduled a household
103 hazardous waste day for Saturday, October 22nd at the DPW.
- 104 • On Thursday the Treasurer/Collector, Town Accountant, Financial Advisor and Ms.
105 Robinson had a conference call with Standard and Poor to review our current bond rating
106 and financial status. She told the Board this is an important step in the bond sale that will
107 take place on October 17th. She told the Board the Town’s current rating is AA.

108
109 D. Discussion items

- 110 1. Town Hall Renovation Committee appointments – Chairman Fleming stated the first
111 appointment was Michelle Goodwin who due to previous commitment, had to step down,
112 but now she is requesting to be reappointed. Selectmen Picard thinks Ms. Goodwin
113 would be an asset again to the committee. Selectmen Brochu also would like to see her
114 again on the committee.

115
116 Motion #6 Selectmen Brochu motioned to appoint Michelle Goodwin as a member of the Town
117 Hall Renovation Committee. Second, Selectmen Picard, unanimous: Chairman Fleming.

118
119 Chairman Fleming announced Mr. Howell has submitted a letter of interest to be
120 appointed to the Town Hall Renovation Committee stating he has an extensive background as
121 this is his field of expertise, he also believes he would be a good fit for the committee.

122
123 Motion #7 Selectmen Brochu motioned to appoint Michael Howell as a member of the Town
124 Hall Renovation Committee. Second, Selectmen Picard, unanimous: Chairman Fleming.

- 125
126 2. Award the contract for Drainage Repairs – Westborough/Southborough Rds., School
127 Street. - Ms. Robinson stated on Thursday, Mr. Bombara and Mr. Johnson, of the DPW
128 opened bids from six vendors for drainage repairs at Westborough/Southborough Roads
129 and School Street. The apparent low bidder is CJP of Millis, MA in the amount of
130 \$107,735.00. She told the Board this is within the amount of funding the Town approved
131 for the projects. Also due to the fact the Town has not worked with this firm we
132 investigated their bid and references and she recommends that they be awarded the
133 contract.

134
135 Motion #8 Selectmen Picard motioned to authorize the Town Manager to execute a contract with
136 CJP Construction of Millis Mass for drainage repairs at various locations to the town for the

137 amount of \$107,735 plus ten percent for any unforeseen conditions. Second, Selectmen Brochu:
138 unanimous: Chairman Fleming.

139 Chairman Fleming stated there are a number of contracts going on at this time and that is
140 a sign that the town is moving in the right direction. He also thanked Ms. Robinson for her hard
141 work at this time.

142

143 Special Town Meeting – Chairman Fleming asked Ms. Robinson to highlight the
144 items for the Special Town Meeting warrant; Ms. Robinson stated the following:

- 145 • Accept Glen Echo Roads – the Planning Board is meeting at this time to discuss
146 the acceptance of Glen Echo Road and that she believes they will recommend a
147 favorable action
- 148 • Revise Zoning By-Law – section 3.2.4 – this is to clarify accessory structures and
149 how far back they need to be from the lot line.
- 150 • Police Station Architectural Work – this may need to be delayed because the town
151 is working with the architect for the Town Hall
- 152 • Personnel Class/Comp Study Funding – this was taken off the Annual Town
153 Meeting warrant and needs to be done every 5 years
- 154 • Fire Truck repairs – there has been some emergency repairs needed; the radiator
155 on engine number two needs to be replaced and the transmission in the brush
156 truck number 2 has ceased to work
- 157 • Municipal Hearing Officer – there was a funding error at the Annual Town
158 Meeting – after looking at the budget closely due to personnel changes there may
159 be funding for this and it could be taken off
- 160 • Conservation Commission transfer of money to the Conservation Fund – despite
161 all efforts the money requested at the Annual Town Meeting ended in the General
162 Fund
- 163 • DPW Office Addition Architecture – this was removed from the Annual Town
164 Meeting warrant, it is possible the Town could use free cash for this item if not it
165 will be removed
- 166 • DPW Tractor – another item scheduled for the Annual Town Meeting that was
167 removed; this is another item the town can use free cash for and again if not it will
168 be removed
- 169 • Assessors have presented an article for personal property valued under \$1,000.00,
170 section 59 of the M.G.L. – this is a housekeeping issue
- 171 • CPA articles – more housekeeping issues – there were some projects complete
172 and came in under contract; this money needs to go back into the CPA funds
- 173 • Senior work off program – this was not on the Annual Town Meeting warrant; the
174 Assessors are requesting a threshold of \$15,000.00 for the abatement program,
175 Ms. Robinson will check with Town Counsel on this article

176 Ms. Robinson stated this is all the requests she has at this time. Selectmen Picard would
177 like to discuss funding for the Rail Road Committee, he would like to have the town approve to
178 fund this committee for clerical support. Chairman Fleming stated the committee hasn't met yet
179 and this may be premature. The Board requested this subject be put on the agenda for October
180 25, 2011.

181

182 E. COA request for funding for the Upton Fuel Fund – Ms. Robinson discussed with the
183 Board the memo from Holly Whalen, Social Services Coordinator asking for \$7,000 for
184 the Upton Fuel Fund. Ms. Whalen explained in the memo that these funds are used to
185 assist residents in need who may not qualify for State fuel assistance. Ms. Robinson
186 stated the COA staff uses these funds judiciously, and the last time a request was made it
187 was for \$10,000 in September, 2008. She recommends that this request be approved and
188 the funds come from the Ella Risteen “B” Welfare Fund; the current balance in that fund
189 is: \$652,013.00.

190
191 Motion #9 Selectmen Brochu motioned to allocate \$7,000.00 from the Ella Risteen “B”
192 Welfare Fund to the Upton Fuel Fund. Second, Selectmen Picard, unanimous: Chairman
193 Fleming.

194
195 F. Code Enforcement – Revise compensation for inspectors – Ms. Robinson explained to
196 the Board the results that she provided to them in June indicated to her that our inspectors
197 and their assistants are well compensated for their work and it is higher than some of our
198 neighboring communities. After looking into this further and discussing it with Mr.
199 Roche (Building Official) she is recommending a method of compensation that is a
200 combination of a smaller stipend (\$6,000 for inspectors, \$3,000 for assistants), a per
201 inspection fee (\$30/each), and an hourly rate of compensation if the inspectors are called
202 out on holidays or weekends for emergencies (\$45/hour). She believe the stipend would
203 fairly compensate our existing staff for their time spent on training and other duties not
204 directly related to an on-site inspection, and that the on-site inspection fee and hourly rate
205 of pay for holiday/weekend emergencies is in line with what other communities are
206 doing. Based upon the proposed compensation the savings to the Town this year would
207 be about \$15,146. It is important to point out that this savings is based upon the current
208 work load of the department. Building activity has been slow in the last two years, but
209 should it increase the compensation to inspectors would go up in conjunction with the
210 number of required inspections.

211
212 Selectmen Brochu thanked Ms. Robinson for a great job on the Code Enforcement
213 compensation. Selectmen Picard said he is concerned that because stipends will no longer be a
214 flat amount that we accurately estimate the number of inspections in the future so we can budget
215 a sufficient amount.

216 Chairman Fleming said the Board only needs to approve the Town Manager’s recommendation
217 of the Code Enforcement compensation; all the Board members agreed to approve the Town
218 Manager’s recommendations.

219
220 G. Glenview Street Sign approval – Chairman Fleming noted they are all familiar with the
221 location and the request is a legitimate one, also that the request has been signed off by
222 Chief of Police and Mr. Johnson of the DPW.

223
224 Motion #10 Selectmen Brochu motioned to approve the request to install a street sign on
225 Glenview at the corner of Tyler and Glenview. Second, Selectmen Picard, unanimous: Chairman
226 Fleming.

228 H. State Department of Conservation & Recreation notice to acquire land – Chairman
229 Fleming commentated that the state requires the Board announce their acquiring land
230 publicly in a local forum. Having said that he also gave the description/location of the
231 land;

- 232 • #S-000413 Harvey M. Lewis Trust off E/S Southboro Road, map 006, Lot 005
233 consisting of 11.76 +/- acres
- 234 • #S000426, Davidson, Thomas, Patrick & Michael E/S Fowler Avenue. Map 011,
235 Lot 007 0.500 +/- acres and map 011, Lot 008, 12,6897 +/- acres

236
237 I. Resignation from MURSD – Chairman Fleming announced Michelle Goodwin has
238 submitted a letter of resignation from the MURSD. He thanked Ms. Goodwin for her
239 service on the committee and also announced there now is an opening on that committee.

240 J. Special Town Meeting and the Multi Board Committee Meeting time – The Board
241 discussed with Ms. Robinson the fact that the Multi Board Committee meeting is on the
242 same date as the Special Town Meeting. Chairman Fleming suggested having the
243 Selectmen meet at 6pm. Ms. Robinson will check with the other members of the
244 committee to confirm the time.

245
246 Selectmen Picard asked Chairman Fleming if they could discuss the removal of the Patriotic
247 Banners around town prior to winter; also the care of the Monument on the Town Common.
248 Selectmen Picard would like to use the Beautification fund to help defer the cost for these
249 items. Chairman Fleming would like to discuss this at the next meeting.

250
251 Chairman Fleming motioned to go into Executive Session under MGL c30A section 21
252 exception #6 to consider the purchase, exchange, lease or value of real estate. The Board will
253 reconvene their regular meeting upon completion of this executive session only to adjourn:
254 Robert Fleming aye, Ken Picard aye, James Brochu aye.

255
256 Meeting adjourned @ 6:52 pm

257
258
259 Respectfully submitted
260 Terry Palmer
261 Department Coordinator