

Board of Selectmen

Town of Upton



Massachusetts

Meeting Minutes of December 5, 2011

Location: Upton Police Headquarters, 30 School Street – lower level 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.

At the completion of this meeting, the Board will enter into 2 executive sessions, one under MGL c. 30A, sec. 21 exception #1, to discuss the discipline or dismissal of, or complaints or charges against a public officer, employee, staff member or individual. The second Executive Session under MGL c. 30A, sec. 21 exception #6, to consider the purchase, exchange, lease or value of real estate. After completion, the Board will reconvene their regular session for adjournment only.

Motion #1: Motion made by Selectman Picard to approve the September 27, 2011 executive session (land values) meeting minutes. Second: Selectman Brochu, unanimous: Chairman Fleming.

Motion #2: Motion made by Selectman Picard to approve the November 15, 2011 regular session meeting minutes. Second: Selectman Brochu, unanimous: Chairman Fleming.

Motion #3: Motion made by Selectman Picard to approve the November 22, 2011 regular session meeting minutes. Second: Selectman Brochu, unanimous: Chairman Fleming.

Motion #4: Motion made by Selectman Picard to approve the November 22, 2011 executive session (land values) meeting minutes. Second: Selectman Brochu, unanimous: Chairman Fleming.

Chairman Fleming welcomed the MURSD School Committee Chair Heather Applegate and member Donna Coakley-McGowan who will participate in a joint election to fill a vacancy on this Board until the May 2012 town election. Three letters of interest along with their biographies and resumes were received. Candidates Mr. Philip de Zutter, Ms. Grace Maneri and Ms. Joyce Chui were present. Chairman Fleming gave a brief synopsis of the election process.

44 The first opening statement was given by Ms. Chui who outlined her professional
45 accomplishments and goals for the MURSD were some of the topics she summarized. Mr.
46 DeZutter stated that he has attended the MURSD meetings for the past four / five years and has a
47 good understanding of the challenges faced by the school system. Ms. Maneri stated she
48 understands policy and how it is implemented.

49 Questions were directed to the candidates by Ms. Applegate, Ms. McGowan and the
50 Board of Selectmen.

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52 At 6:30pm the Board recessed the School Committee Election to address a Pole Location
53 Hearing scheduled for 6:30pm.

54 Chairman Fleming opened the Pole Location Petition Hearing for Lot 4 Glen View (Plan
55 #11726660) as requested by National Grid and Verizon New England Inc. Christa Tognacci a
56 representative from National Grid was in attendance to answer any questions. All abutters were
57 notified. The description was read aloud by Chairman Fleming and approval from Highway
58 Supervisor John Johnson was received. Chairman Fleming asked if there were any questions
59 from the Board members. Hearing none, he then asked any abutters were present. Scott Heim of
60 79 Glenview stated he did not receive a notification of this hearing and had some concerns about
61 this new jo pole installation. The Department Coordinator will check into why Mr. Heim was not
62 properly notified. Mr. Heim asked that the DPW Highway Supervisor John Johnson and a
63 representative from National Grid, meet at his property as he has some concerns. Chairman
64 Fleming approved this request. This pole location hearing was tabled with a date to be
65 determined in which Mr. Heim will be notified. Ms. Tognacci will follow up with National Grid.

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67 MURSD School Committee election resumed. After hearing the candidate's answers and
68 their desire to be elected as a member, Chairman Fleming asked for a closing statement in which
69 each candidate participated.

70 Chairman Fleming opened the nominations for School Committee member.

71 Selectman Brochu nominated Philip DeZutter with a second from Heather Applegate.
72 Donna Coakley-McGowan nominated Grace Maneri with a second from Selectman Picard. Two
73 candidates were nominated. Roll call vote was called: In favor of Philip DeZutter: 3 votes, Grace
74 Maneri: 2 votes. Majority vote for Philip DeZutter as a member of the MURSD School
75 Committee. Mr. DeZutter was congratulated by the panel and sworn in by Town Clerk Kelly
76 McElreath .

77

78 Next on the Agenda was the Upton Housing Authority joint election to fill a vacancy. In
79 attendance were Housing Authority members Richard Kennedy, Millie Morin, Chair, Rena
80 Richard and Judy McGee. Letters of interest with biographies/resumes were received from two
81 candidates Judith Blanchard and Linda Jones who are interested in filling the vacant position
82 until the May 2012 town election. This is a joint election between the Housing Authority and the
83 Selectmen to fill this vacant seat.

84 Opening statements were made by both Ms. Blanchard and Ms. Jones who both
85 expressed a strong desire to serve on the Housing Authority. Questions were then directed to
86 each candidate and with a closing statement. Chairman Fleming opened the nominations.

87 Selectman Picard nominated Linda Jones that was seconded by Selectman Brochu.
88 Chairman Fleming asked if there were any other nominations – hearing none he closed the
89 election.

90 Chairman Fleming stated: all in favor of Linda Jones to fill the Housing Authority
91 vacancy until May 2012 signify by saying aye.
92 Unanimous vote. Ms. Jones was congratulated by the panel.

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94 At 7:10pm Chairman Fleming asked for a 5 minute recess.

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96 At 7:15pm the meeting resumed.

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98 The Glen Echo Estates quitclaim deed and grant of easements has been finalized and
99 requires the Board's signature so this project can come to completion.
100 At the November 15th Special Town Meeting the residents voted favorably to accept as public
101 ways the two streets in the Glen Echo subdivision, namely Howarth Drive and Francis Drive.
102 Also copies of the plans for the roads will also need to be signed off so the developer can record
103 this along with the other related documents.

104
105 *Motion #5:* Motion made by Selectman Picard to approve the Glen Echo Estates (Pulte Home of
106 New England LLC) Quitclaim Deed and plans as submitted by the developer. Second: Selectman
107 Brochu, unanimous: Chairman Fleming.

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109 The Board reviewed and approved the 2012 liquor license renewals received by the
110 ABCC. These renewals were signed by the Licensee during the month of November. The
111 original 2012 licenses will now be drafted and ready for the Selectmen's signatures.

112
113 A recommendation was received by Fire Chief Ron Goodale for modifications to the list
114 of permit fees charged by the Fire Department for various services. The Chief is recommending
115 that we institute a small fee for open burning permits which will help offset the expense the town
116 incurs when they bring in a call firefighter during the burning season to manage the work
117 involved with permits and responding to fires. He also notes that the detail rates for both full-
118 time and call personnel need to be updated in light of current hourly rates of pay. Town
119 Manager Blythe Robinson has recommended that the Board accept the Chief's recommendation.
120 After a brief discussion the Board approved the request.

121
122 *Motion # 6:* Selectman Brochu motioned to accept the request receive from Chief Goodale to
123 implement a \$10 fee for a seasonal open air burning permit. Second: Selectman Picard,
124 unanimous: Chairman Fleming.

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126 Also discussed was the blasting detail and requested this line item be amended.

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128 *Motion # 7:* Selectman Brochu motioned to amend the fee schedule for a blasting detail rate of
129 \$41.38 / \$16.50 respectively as received from Chief Goodale. Second: Selectman Picard,
130 unanimous: Chairman Fleming.

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132 The Board reviewed and accepted gifts made to the Town by the Fire & EMS
133 Association. These various items have been donated by the Association for the Town in the
134 recent past. It is appropriate that the Board of Selectmen vote to accept these gifts on behalf of
135 the Town.

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Motion # 8: Selectman Picard motioned to accept the donations made by the Upton Fire & EMS Association as submitted dated 11-11-11 listing items 1-17. Second: Selectman Brochu, unanimous: Chairman Fleming.

Chairman Fleming asked that this list be made public by posting this on the Town's web site. The Board complimented the Fire & EMS Association.

The Red Rock Bar & Grill sent a request to the Selectmen asking for permission to stay open until 2am on December 31st in observance of New Year's Eve celebrations. This was approved by the Selectmen.

Motion # 9: Selectman Picard motioned to approve the request of the Red Rock Bar & Grill to extend the hours of operation until 2am on December 31st. Second: Selectman Brochu, unanimous: Chairman Fleming.

The Board reviewed a Review Survey that was received from the Massachusetts Film Bureau that they have sent out to all communities in the Commonwealth. They are trying to ascertain each community's interest in filming movies and related activities. No action was taken by the Board.

Town Manager report:

- The tax rate has been approved. After a smooth process, the 2012 tax rate has been approved at \$15.03/\$1,000. The tax classification hearing took place November 22nd and the notice of approval on the 28th.
- The Board received a letter from Superintendent Fitzpatrick notifying us that Upton's student population at BVT has increased by 50% this year. They are giving the Board an early heads up that the town's assessment from the district will be going up for the next fiscal year. The budget number will be forthcoming later in the process.
- The annual performance reviews are to be completed by supervisors of their employees. All department heads have been reminded of this and are to be completed by the end of the year.
- Earlier this year the town applied for a risk control grant through MIIA, the Town's property & Casualty insurer for a grant to obtain a fleet management software program and a laptop computer for use by the Public Works Department. MIIA has awarded us this grant in the amount of \$6,835.50. This will enable the town to better track our equipment and its maintenance schedules, provide better data on the costs to maintain our equipment, assist us in planning for replacements, etc. The program will be rolled out for all vehicles and equipment across all departments. This is the 2nd grant the town has received from MIIA in support of our operations.
- The latest schematic design drawings for the Town Hall Renovation project were presented to the Board. Based on feedback from Mass. Historical and the committee the architects have further developed the plans. The board will review and offer feedback at a future meeting.
- Grafton Road paving was completed on Thursday.

- 181 • The Crosswinds subdivision is underway in construction. This development requires
182 access from Station Street and thus a new railroad crossing to be installed. When the
183 project was approved by the Planning Board in 2005 the railroad was not active. A
184 number of issues have arisen both from the railroad and from DPW that need to be
185 resolved. These include the height of the crossing versus the road leading up to it, the
186 design of the water and sewer utilities below grade, etc. The Planning Board will be
187 taking this up at their December 13th meeting.
- 188 • Given that the weather continues to be warmer than usual, the drainage contractor is
189 going to install the drainage on School Street next week.
- 190 • The interviews for the DPW Director were conducted on Tuesday. Of the six candidates
191 two of them will be called back for an assessment center type of interview with the panel.
192 This process will simulate some real world issues and activities that a Director might
193 face, and will give us good insight into how these candidates would fare in such
194 situations.
- 195 • The School Secession Committee met for the first time on November 30th. The three
196 members discussed their concern over how to do a thorough investigation with only three
197 members, and thus are going to seek out two more. Should they get to the point of
198 having five members who can dedicate the time to the project they believe they can get
199 the job done. They will also be looking for a clerk and if one can't be found through the
200 Senior Work Off program then we'll have to discuss funding for that effort.
- 201 • Roadway/Beaver Dam Issues – below is an update on the several locations in town which
202 we are trying to address as a result of beavers:
 - 203 ○ The culverts have been replaced on Southborough Road by the drainage contractor.
204 The Conservation Commission is seeking a reserve fund transfer from the Finance
205 Committee at their next meeting to retain a beaver expert to install a pond leveler on
206 the south side near the dam and to breach the north side dam to lower the water level
207 by a foot over two weeks, rather than have the DPW do that work. Should this go
208 forward it will be monitored to ensure that the water level goes down enough to
209 ensure it is not affecting the road bed.
 - 210 ○ The Hartford Avenue South dam has been breached and the water level has dropped.
211 Since the road is drier, DPW has been able to dig out and then hot top a section of
212 road that will hopefully hold up well over the winter. The trapper has started work
213 near Pleasant Street which should help as well.
 - 214 ○ Old Grafton Road –DPW has breached the dam and the water level is down
215 significantly. The trapper has also placed traps here so the animals can be removed
216 and DPW will breach the dam.

217
218 While reviewing the Town Hall renovations design, Selectman Picard voiced concerns
219 with the size of the elevator noting that it appeared small. He questioned wheter we plan to
220 install a standby generator. Selectman Brochu feels there should be a sub closet located on the
221 2nd floor for electrical service.

222
223 Michael Goodwin, assisting the UCTV personnel with videotaping the meeting, reminded
224 the Selectmen that the Personnel Board is meeting tomorrow, Tuesday, December 6th at 7pm.
225 Mr. Goodwin is Chairman of the Personnel Board.

226 At 7:45pm Chairman Fleming motioned to enter into an executive session under MGL c.
227 30A, sec. 21 exception #1, to discuss the discipline or dismissal of, or complaints or charges
228 against a public officer, employee, staff member or individual. The Board will reconvene their
229 regular meeting upon completion of this Executive Session and motion to enter into a second
230 Executive Session. Robert Fleming aye, Ken Picard aye, James Brochu, aye.

231 The Board reconvened at 8:02 and motioned to enter into a second executive session
232 under MGL c. 30A, sec. 21 exception #6, to consider the purchase, exchange, lease or value of
233 real estate. After completion, the Board will reconvene for adjournment only. Robert Fleming
234 aye, Ken Picard aye, James Brochu, aye.

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236 8:25pm the Board reconvened. Before adjourning, Town Manager Blythe Robinson
237 reminded the Board will be meeting on December 20th with the possibility of 2 executive
238 sessions. 1: to review the parameters for negotiations of the four Union contracts, 2: Land values.
239 At the January meeting, Ms. Robinson will have information of the forthcoming TIP project.

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241 *Note:* It was noted that during the first executive session, the Board thought they noticed
242 the individual involved in this executive session was recording the meeting. Prior consent to tape
243 this meeting was not offered.

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245 Selectman Picard motioned to adjourn the meeting at 8:26pm. Second: Selectmen Brochu
246 second. Unanimous: Chairman Fleming.

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248
249 Respectfully submitted

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251 Karen L. Varney
252 Department Coordinator