

Board of Selectmen

Town of Upton



Massachusetts

Meeting Minutes of December 20, 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 and Town Manager, Blythe C. Robinson.

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

Chairman Fleming noted that at the completion of this meeting the Board will enter into two executive sessions under MGL c. 30A, sec. 21 exception #3, collective bargaining and exception #6, value of real estate. The Board will reconvene only to adjourn.

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

Motion # 2: Selectman Brochu motioned to approve the December 5, 2011 executive session (Department Coordinator) meeting minutes. Second: Selectman Picard, unanimous Chairman Fleming.

Motion # 3: Selectman Brochu motioned to approve the December 5, 2011 executive session meeting minutes (Land value-South St). Second: Selectman Picard, unanimous Chairman Fleming.

Town Manager’s Weekly Report

Warrants:

- Payroll: \$ 66,717.76
- Expense Warrant: \$ 53,071.32
- Several times over the past couple of weeks residents who needed assistance have been calling the Fire Department’s non-emergency number rather than using 911. This is to remind everyone that if you are either having a medical emergency or are sufficiently concerned about a situation with your home that requires a call to the Fire Department to please do not hesitate to dial 911. This is not a burden on the Town; rather it assists us with deployment of resources to the call, and helps us with our record keeping requirements.
- Enclosed in the Board’s packet is an update about the stone chamber at Heritage Park from Historical Commission Chair Barbara Burke. She is asking for permission to hold a formal dedication of the park on April 15, 2012 (Sunday).

- 45 • The Zoning Board of Appeals met on December 14th to take up the 5th Notice of Project
46 Change for the Noble Vista Project, both the Town Manager and Attorney Talerman
47 attended. The result of the meeting was that the Board determined that the changes to the
48 project between the previous version and this are unsubstantial and thus a public hearing
49 does not need to be held. Attorney Talerman will draft the final order, thus the permitting
50 phase of this project is complete.
- 51 • A notice was received from Charter Communications that they have filed a petition with
52 the FCC for relief from cable rate regulations. The law provides that if a cable operator
53 can demonstrate that effective competition exists in the area that they serve then they may
54 petition to no longer be regulated by the FCC regarding their rates. Charter has provided
55 the town with a copy of their brief indicating that they believe effective competition
56 exists in Upton and 29 other Massachusetts communities. In Upton the competition
57 comes primarily from DISH network and to a much lesser extent from Comcast. The
58 petition is available in the Selectmen's office for review.
- 59 • On Wednesday the DPW Consultant, Fire Chief and the Town Manager met with a
60 representative from Industrial Development, the firm building the cell Tower on Pratt
61 Hill. The purpose of the meeting was to discuss the installation of electrical service
62 which is needed by both parties, and the possible opportunity to change the path into the
63 site that it takes. The meeting was positive and we will be pursuing this further to see if a
64 resolution can be reached.
- 65 • The Town Hall Renovation Committee met on Wednesday and as a result further refined
66 a plan for the layout of the floors in the building. The Committee seems pleased with this
67 latest version and has begun to investigate the structural and MEP issues of the building
68 as well as parking alternatives that will address the shortage of parking that exists today.
- 69 • On a sad note we learned this week that Rudy Susienka passed away last week. He was a
70 valued member of the Code Enforcement Department and our thoughts are with his
71 family.
- 72 • Enclosed in the Board's packet, a memo from Bill McGrath of BETA Engineering giving
73 an overview of their work to date on the TIP project, and the upcoming tasks that need to
74 be completed to get to the milestone of 25% design, which if everything stays on track
75 would be in March/April of 2012.
- 76 • The Assessment Center was held on Thursday with the two top candidates for the DPW
77 Director position. This was a series of exercises designed to put the candidates in real
78 world situations that they might face as a Director to see how they handled those
79 problems. The process went well and is continuing.

80

81 *Discussion Items:*

82 At a meeting of the MURSD Secession Committee on December 14th a discussion took
83 place as to changing the name of the Committee and its function. In an email sent to the Town
84 Manager, Member Scott Oglesby has asked the Selectmen for consideration in changing the
85 Committee's name and its function. Selectman Picard is not in favor of any change and stated the
86 mission statement outlines the demands. Selectman Brochu concurs with Selectman Picard
87 however he feels that after the Committee is at full membership, he does not have an issue with
88 some minor changes. Chairman Fleming agrees to table the request until there is full membership
89 on the Committee.

90

91 *MURSD School Secession Committee Appointments:*
92 Letters of interest were received from two candidates interested in serving on this committee. As
93 the Board is aware, the Committee was formed for five members and presently is short by two.
94 Ms. Joyce Chui and Andrew Burke are interested in serving on this Committee. After review, the
95 Board motioned to appoint.

96
97 Motion #4: Selectman Brochu motioned to appoint Andrew Burke as a member of the MURSD
98 Secession Committee. Second: Selectman Picard, unanimous: Chairman Fleming.

99
100 Motion #5: Selectman Brochu motioned to appoint Joyce Chiu as a member of the MURSD
101 Secession Committee. Second: Selectman Picard, unanimous: Chairman Fleming.

102
103 *2011 Annual Town Report Cover:*

104 A picture of the SweetWilliam Farm property on North Street has been submitted by the Open
105 Space Committee for consideration to be placed on the 2011 Annual Report cover. It was asked
106 if the Selectmen would like to use a “traditional” cover which shows the Town Seal and the year,
107 or using a picture such as SweetWilliam Farm. It was the Board’s decision to stay with the
108 traditional cover.

109
110 *ALS Agreement with Hopkinton:*

111 An inter-municipal agreement with the Town of Hopkinton has been drafted for the provision of
112 paramedic services on an as needed basis. The town has agreements with both private
113 ambulance services and other communities that are qualified to provide paramedic level care to
114 Upton patients when such services are needed, as we do not provide them ourselves. The
115 agreement is written in accordance with MGL Chapter 40, Section 4A and thus requires approval
116 by the Boards of Selectmen in each Town for the Town Manager to execute the document. By
117 this agreement the town will reimburse Hopkinton for any calls that they respond to in which a
118 patient is transported.

119
120 Motion #6: Selectman Brochu motioned to approve Town Manager Blythe Robinson the
121 authority on behalf of the Board of Selectmen to sign the Inter-Municipal Agreement between
122 the Town of Upton and the town of Hopkinton. Second: Selectman Picard, unanimous:
123 Chairman Fleming.

124
125 *Personnel Appointments:*

126 In regards to the vacant position within the DPW, the Town Manger has recommended the hiring
127 of Scott Hennessey to fill the position in the DPW Water/Wastewater Division of Operator in
128 Training. Ms. Robinson gave an overview of the process to fill this position.

129
130 Motion #7: Selectman Brochu motioned to accept the recommendation of the Town Manager
131 Blythe Robinson to hire Scott Hennessey to fill the position in the DPW Water/Wastewater
132 Division of Operator in Training and to waive the 15 day waiting period. Second: Selectman
133 Picard, unanimous: Chairman Fleming.

134
135
136

137 *Town Manager's Performance Evaluation:*

138 As called for in the Personnel By-Law, performance evaluations for all employees are to be
139 completed in December. The Board read the Manager's review that took place in April which
140 was used as a basis for discussion. Chairman Fleming asked each Selectmen to make changes to
141 the evaluation for discussion at their next meeting January 3rd. Chairman Fleming will set aside
142 time to meet with the Town Manager for her input.

143

144 *Correspondence:*

145 A: A letter from Tri-Valley in regards to seeking financial support from the Town was tabled
146 until the January 3rd meeting.

147 B: In reference to a letter from the Town of Erving, the Board took no action.

148

149 In reference to the annual town licenses, the Board was copied on a memo from the
150 Department Coordinator Karen Varney addressed to the Town Manager in reference to Personal
151 Property taxes owed by some of the town's license holders. This conversation was put on hold
152 due to a Pole Location hearing that was scheduled for 6:30pm.

153

154 At 6:30pm Chairman Fleming opened the Pole Location hearing that was reconvened
155 from December 5th in regards to Lot 4 Glenview. John Johnson, DPW Supervisor, Abutter Scott
156 Heim and National Grid met last week and answered the areas of concern for Mr. Heim.
157 Chairman Fleming asked if there were any other abutters that had questions, hearing none, he
158 asked the Board members if they had any questions. Hearing none, the Pole Location hearing
159 was closed.

160

161 Motion # 8: Chairman Fleming motioned to approve the Pole Location plan # 11726660 for lot 4
162 Glen View (P35-50). Second: Selectman Picard, unanimous: Selectman Brochu.

163

164 The Board reconvened their conversation relative to outstanding personal property taxes
165 owed by licensees. After consideration, and a difference of opinion of payment plans, it was
166 agreed by a majority vote that these taxes need to be taken care of before licenses are issued.

167

168 Motion # 9: Chairman Fleming motioned to implement a plan in which any licensee in the Town
169 of Upton owing under \$1,000 in personal property taxes, to pay the balance in full by December
170 30th before 2012 licenses can be issued. With respect to overdue payments over \$1,000, a
171 payment of 20% of the balance to be paid by December 30th along with a signed payment plan
172 with the Collector / Treasurer and a 3-month review by the Board. Majority: Selectman Brochu.

173 Poll taken: Bob Fleming aye, Jim Brochu aye.

174

175 The Selectmen will meet 3 times in January, the 3rd, 17th and 31st.

176

177 Due to the recent death of Richard Randall the Director of Veterans Graves, Chairman
178 Fleming has asked if there are any interested candidates to fill this position to send a letter of
179 interest attention to the Town manager.

180

181 The Board welcomed Jon Delli Priscoli of the Grafton and Upton Railroad, Maple Ave.
182 Mr. Priscoli came before the Board to inform them that he has sent a certified letter to the

183 Railroad Fact Finding Committee outlining his guidelines and putting the Committee on notice
184 with respect to his (private) property, employees and interruption of his daily business that will
185 not be welcomed without written consent. Mr. Priscoli has also sent a letter to Ms. Sarkisian in
186 reference to the Cross Winds subdivision confirming that he must comply with the G&U
187 Railroad handbook as well as the AREMA Manual for Railway Engineering and AASHTO
188 guidelines. The Board appreciated Mr. Priscoli's communication.
189

190 At 6:58pm Chairman Fleming motioned to enter into an executive session under MGL
191 c. 30A, sec. 21 exception #3, to discuss strategy with respect to collective bargaining.

192 Robert Fleming aye, Ken Picard aye, James Brochu, aye
193

194 At 7:34pm the Board reconvened their regular meeting and motioned to enter into
195 another Executive Session under MGL c. 30A, sec. 21 exception #6, value of real estate. The
196 Board will reconvene only to adjourn.

197 Robert Fleming aye, Ken Picard aye, James Brochu, aye.
198

199 At 7:46 pm the Board reconvened.
200

201 Motion was made by Selectman Brochu to adjourn the meeting. Second: Selectman Picard,
202 unanimous: Chairman Fleming.
203

204 Respectfully submitted,
205 Karen L. Varney
206 Department Coordinator
207
208
209
210