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Board of Selectmen

Town of Upton



Massachusetts

Meeting Minutes of October 5, 2010

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

Present: Selectman Robert J. Fleming, Selectman Kenneth E. Picard, Town Manager, Blythe C. Robinson, and Department Coordinator Karen L. Varney. (Chairman Michael E. Goodwin was not present).

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

The Board welcomed Treasurer/Collector Ken Glowacki and Vice President / Financial Advisor of Unibank, Clark Rowell. Mr. Glowacki was pleased to inform the Board that the Town's financial rating has been raised to AA. This improvement in the Town's rating will provide significant savings in borrowing costs for the recent \$4.4 million dollar bond issue. In consolidating the Town's debt, the Town through Mr. Glowacki was able to negotiate a lower percentage rate. The Board motioned and signed off on the Bond, the Bond Purchase Agreement, the litigation statement, Official Statement Certificate and the Continuance Disclosure Certificate.

Motion #1: Selectman Fleming motioned to approve the signing of these documents as submitted by Treasurer/Collector Glowacki. Majority: Selectman Picard.

Acting Chairman Bob Fleming reminded the public that the State Primary election will be held on November 2<sup>nd</sup>. Polls will open at 6:30am.

Motion #2: Selectman Picard motioned to approve the Executive Session meeting minutes of September 21, 2010. Majority: Selectman Fleming.

Motion #3: Selectman Picard motioned to approve the Meeting minute of September 21, 2010 with amendments noted on line item # 157 and 160. Majority: Selectman Fleming.

Discussion items:

1. Award Crack Sealing Contract
  2. Update: CHAPA Re: 40B, 10 Knowlton Circle.
  3. Bond sale (Treasurer / Collector)
  4. Registration of voters appointment
  5. Recommendation to eliminate street lights.
  6. Electricity supply contract
-

- 45 7. Regional School Planning Board Membership (Blythe)
- 46 8. November 16<sup>th</sup> STM Warrant Articles.
- 47 9. Station Street upgrade status
- 48 10. Fire & EMS Advisory Committee (prior) Appointments
- 49 11. Town Manager goals

50

51 Motion #4: Selectman Picard motioned to approve the Crack Sealing contract award to  
52 Sealcoating, Inc of Hingham not to exceed \$55,000.00 and to authorize the Town Manager  
53 Blythe Robinson to execute said contract. Majority: Selectman Fleming.

54

55 In discussion relative to a letter from CHAPA informing the Town that under affordable  
56 housing, Chapter 40B the owner of 10 Knowlton Circle has expressed an interest in selling her  
57 property. The Town under Chapter 40B has the right of first refusal. The Board has not received a  
58 response back from the Housing Authority and motioned to take no action, thus allowing the  
59 owner to move forward with the marketing of said property.

60

61 Motion #5: Selectman Picard motioned to take no action under Chapter 40B for the property at  
62 10 Knowlton Circle. Majority: Selectman Fleming.

63 A letter will be sent to CHAPA noting the Boards intention not to move forward.

64

65 Discussion relative to the open position of Registrar of Voters, left vacant by Sue Bonina.  
66 The Board received one letter of interest from Eva Fowler.

67

68 Motion #6: Selectman Picard motioned to appoint Eva Fowler to Registrar of Voters until May  
69 2011. Majority: Selectman Fleming.

70

71 Regarding the Regional School Planning Board membership, Town Manger Blythe  
72 Robinson stated the intent on forming this Board was so there would be four members  
73 representing each Town, Mendon, Upton and Hopedale. Only three members each have been  
74 appointed to this Board and therefore she has questioned the need for her to remain on this  
75 Board. Both Selectman Picard and Fleming agree it is not necessary for her to remain on this  
76 Regional Board. Selectman Picard will remain as the Town's Liaison.

77

78 Motion #7: Selectman Picard motioned to rescind the motion appointing Blythe Robinson to the  
79 Regional School Planning Board. Majority: Selectman Fleming.

80

81 After a brief discussion about reappointing the Fire & EMS Advisory Committee, the  
82 Board made the following motion.

83

84 Motion #8: Selectman Picard motioned to appoint the following individual's to the Fire and EMS  
85 Advisory Committee: Jim Brochu, two-year appointment, Nader Hamed, one-year appointment,  
86 Daniel J. Lazarz, two-year appointment and Shaun Marchand, one-year appointment. The one-  
87 year appointments expire in May 2011, the two-year in May 2012. Majority: Selectman Fleming.

88

89 Next on the agenda, Town Manager Blythe Robinson gave her manager's report. See  
90 page 3 for specifics.

91

92 A request from the Open Space Committee to use the Town Hall for a fundraiser for the  
93 preservation of Sweetwilliam Farm was tabled until later on in the meeting.

94

95 Town Manager Blythe Robinson had a conversation with the Board about eliminating a  
96 number of Street lights, a budget measure that may be of benefit. She met with Police Chief  
97 Michael Bradley who recommended turning off 93 street lights, an overall savings of \$6,000.  
98 The first year saving would be \$2,745.00 as a one time fee to permanently turn off these lights  
99 would be paid to national Grid. After a conversation, the Board decided to table any action until  
100 the next meeting on October 19<sup>th</sup> giving Chairman Goodwin the opportunity for input.

101

102 In looking for ways to manage or reduce the operating budget, Town Manger Blythe  
103 Robinson has identified electricity costs as an item she addressed to the Board. She noted that the  
104 energy market in Massachusetts is deregulated and as a result the Town has the opportunity to  
105 choose a supplier of generated power. After a delivering a comprehensive summary, Ms.  
106 Robinson has recommended the Town change energy suppliers to Constellation New Energy.  
107 Both Selectmen Fleming and Selectman Picard welcomed the idea and gave approval for the  
108 Town Manager to proceed with a contract. This nine page report can be reviewed at the  
109 Selectmen's Office.

110

111 Motion #9: Selectman Picard motioned to authorize the Town Manager to execute a contract  
112 with Constellation New Energy. Majority: Selectman Fleming.

113

114 A report on the construction schedule regarding the Station Street upgrade was received  
115 from R.H. White. This schedule contemplates a late November completion of this project.

116

117 Proposed Articles for the November 16<sup>th</sup> Special Town Meeting was reviewed by the  
118 Board. Of the fourteen-Articles submitted for consideration, four will be tabled until the Annual  
119 Town Meeting. In regards to the Water Master Plan, the Board had a conversation about  
120 transferring free cash to the water enterprise account. Selectman Fleming asked the Town  
121 Manager to contact the DPW Consultant and ask him if he could attend the Special Town  
122 Meeting. The need for Storm water Management by-law and the creation of a line item for the  
123 annual budget was also discussed

124

125 In regards to an initial request from the Men's Club to purchase defibrulators for the  
126 schools, the Town Manager noted that she has not heard from the Men's Club as to funding.

127

128 A letter of interest was received from Tom Jango who is interested in being appointed to  
129 the Conservation Commission. The Board was pleased to receive this letter and motioned to  
130 appoint.

131

132 Motion #10: Selectman Picard motioned to appoint Tom Jango to fill the vacancy on the  
133 Conservation Commission until May 2011. Majority: Selectman Fleming.

134

135 Goals for the Town Manager were outlined by the Board. Ms. Robinson is basically  
136 performing priority areas expressed by the Board, i.e. Town's financial situation, Department

137 meetings and Town Management. Selectman Picard would like to see her work on earmarking  
138 policies, budget process, and storm water management. Selectman Picard commented that he is  
139 very pleased with Ms. Robinson's performance. Regarding the regionalization opportunities, the  
140 Town Manager will draft some ideas.

141  
142 The request from the Open Space Committee to utilize the Town Hall for a fundraiser for  
143 Sweetwilliam farm was denied by the Board.

144  
145 At 7:22pm Acting Chairman Robert Fleming motioned to enter into Executive Session  
146 under M.G.L. Chapter 30A, s21, exception #6, to consider the purchase, exchange, lease or value  
147 of real estate. The Board will reconvene their regular meeting at the completion of this Executive  
148 Session and motion to enter a 2<sup>nd</sup> Executive Session.

149 Poll taken: Ken Picard aye, Robert Fleming aye

150

151 The Board reconvened their regular meeting at 7:55pm and motioned to enter into a 2<sup>nd</sup>  
152 Executive Session under M.G.L. Chapter 30A, s21, exception #1, to discuss the physical  
153 condition of an individual. The Board will reconvene their regular meeting at the completion of  
154 this Executive Session to adjourn.

155 Poll taken: Ken Picard aye, Robert Fleming aye

156

157 Motion # 11: At 8:13pm Selectmen Fleming motioned to adjourn the meeting. Majority:  
158 Selectman Picard.

159

160 Respectfully submitted,

161

162 Karen L. Varney, Department Coordinator

163

164

165 **Town Manager's Weekly Report**

166

167 Warrants:

- 168 • Payroll: \$ 66,862.33
- 169 • Expense Warrant: \$ 815,873.80

170

171 Meetings:

- 172 • COA Department Specialist interviews, Chambers Advisory Group, manager's staff  
173 meeting, World band – server replacement, CMRPC – Route 495 corridor study, MIIA –  
174 insurance contract renewal, Recreation Committee – Memorial Field.

175

176 Agenda – Background on Discussion Items:

177

- 178 12. Award Crack Sealing Contract – please find attached a memo from me recommending  
179 award of this contract to Sealcoating, Inc.
- 180 13. Update: CHAPA Re: 40B, 10 Knowlton Circle – a letter was sent to the Housing  
181 Authority asking for their input on this property. As of the date of this report we have not  
182 heard back from them, and will update you on Tuesday.

- 183 14. Bond sale (Treasurer / Collector) – The bond sale will take place prior to our Tuesday  
184 meeting. The Treasurer/Collector will have a motion prepared for you to execute and all  
185 related paperwork at the meeting.
- 186 15. Registration of voters appointment – we have enclosed the background of the one person  
187 we know of who wishes to be appointed to this position. We have reached out to the  
188 party again to see if they have any other recommendations for this position.
- 189 16. Recommendation to eliminate street lights – enclosed please find a memo from Chief  
190 Bradley recommending that up to 93 lights be turned off, as well as a full listing of the  
191 lights we pay for at present. Given the cost of turning the lights off the savings are not  
192 high, but we would like to discuss what course of action you prefer.
- 193 17. Electricity supply contract – enclosed please find a memo from me recommending that  
194 we change electricity suppliers from National Grid.
- 195 18. Regional School Planning Board Membership – The intent in forming this board was that  
196 there would be four members from each town (Mendon, Upton, and Hopedale). The  
197 other two towns have only appointed three members each, so we need to determine  
198 whether I will remain appointed to this board or not.
- 199 19. November 16<sup>th</sup> STM Warrant Articles – a list of the articles that we anticipate or have  
200 received to date is attached for your review. We welcome your direction on which ones  
201 you would like to proceed with and the order of the articles.
- 202 20. Station Street upgrade status – a copy of an email from Pare Engineering and a  
203 construction schedule from RW White regarding the status of the project is attached. The  
204 schedule contemplates a late November completion of this project.
- 205 21. Fire & EMS Advisory Committee (prior) Appointments – enclosed is a list of the  
206 appointments made in 2008. The appointments have either expired or are about to, and  
207 will need to be acted upon again.
- 208 22. Town Manager goals – at the request of Selectman Picard this item is on the agenda to  
209 begin the discussion about the Board’s goals for the manager ahead of a performance  
210 review in the future.

211  
212 For Your Information/Follow Up:

- 213 • This week I met with Chambers Advisory Group, the company that we signed a contract  
214 with to analyze our telephone bills and determine if we could save money while  
215 maintaining our current services. Our monthly invoices from Verizon are approximately  
216 \$2,500/month for all lines throughout town. The result of this effort is that we expect to  
217 begin saving about \$800 - \$950/month starting in November and a further \$440/month in  
218 July 2011 when our current Verizon contract ends. Under the terms of the contract with  
219 Chambers we will owe them ½ the monthly savings for a one year period, after that the  
220 savings accrue to the Town. Additionally, they will be able to retroactively seek rebates  
221 for up to 36 months for some items that we should not have been charged for (state taxes,  
222 3<sup>rd</sup> party billers) and we will also receive a refund for ½ of those fees. A copy of the  
223 detailed analysis of our account is attached for your information.
- 224 • Enclosed is a memorandum from our Town Counsel advising us on a recent Supreme  
225 Court decision regarding snow and ice removal on municipal properties. The court has  
226 abolished the distinction between “natural” and “unnatural” accumulations of snow and a  
227 town can now be liable for snow and ice injuries, whether such injuries come from  
228 natural accumulation or ineffective removal. This does not affect snow & ice removal on
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229 public ways or sidewalks within public ways. I will be discussing this with our  
230 department heads to ensure our town buildings are properly maintained and will advise  
231 you on any changes will be making. You also may note in reading the handout that state  
232 law also allows us to adopt a bylaw regarding snow/ice on sidewalks and impose fines on  
233 property owners that fail to comply. Should you wish to pursue this as a town meeting  
234 warrant article please let me know.

- 235 • Standard & Poors bond rating: We are very pleased to report that the Town has been  
236 awarded a rating of AA, which is an increase to the rating we had previously from  
237 Moody's. We will forward a copy of the full report when it is received.
- 238 • The balance sheet will be submitted to the Department of Revenue this week by the  
239 Town Accountant. As you know, this is a required step in getting our free cash certified  
240 for use at the Special Town Meeting later this fall. As soon as we are advised what level  
241 of Free Cash has been certified we will let you know.
- 242 • I am very pleased to report that the Police Department passed performed exceptionally  
243 well during the review conducted by the State certification team. The department met  
244 over 150 standards for policies and procedures, and will be recommended for  
245 certification in January. This is the first step of a two step process towards state  
246 accreditation. Less than 50 Massachusetts have attained this threshold so I think we  
247 should be very pleased with the work the department has done. A copy of a memo that  
248 went to all Police Department employees from the Chief is attached.
- 249 • Bids are due in our office on October 6<sup>th</sup> for the Pump Station Control Upgrades that  
250 need to be made for Glen Avenue and the West River Station. You may recall that this is  
251 required by DEP and funding was approved at the June special town meeting.
- 252 • The road work being funded by our chapter 90 allocation is still underway and was  
253 unfortunately delayed now due to rain. Paving of East Street and Warren Street was  
254 completed today, and the contractor is now working on repaving the driveway cuts that  
255 need to be done. Cider Mill Lane Monday along with the patching of Mendon Street due  
256 to the extension of the water line for St. Gabriel's Church need to be rescheduled.
- 257 • This week we are conducting two rounds of interviews for the COA Department  
258 Specialist position. Depending on the timing of the 2<sup>nd</sup> interviews and reference checks I  
259 may try to bring to you a recommendation for a hire at Tuesday night's meeting.
- 260 • The application to the Massachusetts Historical Commission has been submitted, and we  
261 anticipate their response in about a month's time.
- 262 • Heritage weekend takes place this weekend and the Town Common area will be busy.  
263 Besides the activities planned there will also be the Library book sale, VFW road ace and  
264 the Unitarian church will be holding a yard sale.
- 265 • The Town's website has been modified with regard to the posting of meeting notices for  
266 boards and commissions in compliance with the changes to the State Open Meeting law.  
267 From the home page you may click on "Official Posted Meeting Notices" and you will be  
268 directed to a page listing the meetings scheduled each day. By clicking on the name of  
269 the board you will then go to a page with the detailed agenda. The calendar feature has  
270 been taken down now that this page is available. Our next step is to install a computer at  
271 the Police Station with this page available for any resident who wishes to obtain  
272 information about a meeting on a 24/7 basis.

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