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Board of Selectmen

**Town of Upton**



**Massachusetts**

Meeting Minutes of November 9, 2010

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

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

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

*Motion #1:* Selectman Picard motioned to approve the October 19, 2010 executive session meeting minutes regarding real estate (Main St and South St) Second: Selectman Fleming, unanimous, Chairman Goodwin.

*Motion #2:* Selectman Picard motioned to approve the October 19, 2010 2<sup>nd</sup> executive session meeting minutes. Second: Selectman Fleming, unanimous, Chairman Goodwin.

*Motion #3:* Selectman Picard motioned to approve the October 19, 2010 meeting minutes second: Selectman Fleming, with revisions on line 49, 75, 136. Unanimous Chairman Goodwin.

*Motion #4:* Selectman Picard motioned to approve the October 26, 2010 executive session meeting minutes, litigation. Second: Selectman Fleming, unanimous, Chairman Goodwin.

*Motion #5:* Selectman Picard motioned to approve the October 26, 2010 meeting minutes. Second: Selectman Fleming with the revision on line 34, 69 and 86. Unanimous: Chairman Goodwin.

The Board welcomed Linda Bournival, of Ricci Consultants. Ms. Bournival presented the Board with an extensive report summarizing the results of the actuarial valuation of the Town's postemployment health insurance benefit program as of July 1, 2009. The valuation was performed in accordance with the provisions contained in the GASB 45, Accounting and Financial reporting by employers for postemployment benefits other than pensions. Board members welcomed the recommendation of Ms. Ricci to create a trust and draft a warrant Article for the ATM asking voters to fund an amount appropriate for this inception. Further discussion to create this trust will be discussed at a future meeting.

Town Manager Blythe Robinson presented her weekly Managers report to the Board.

45 Warrants:

- 46 • Payroll: \$ 63,631.05
- 47 • Expense Warrant: \$415,288.53

48  
49 Meetings:

- 50 • MIIA – Health Insurance Renewal, GASB 45 Consultant, Community Preservation  
51 Committee, staff meeting, Coastal Ambulance billing.

52  
53 For Your Information/Follow Up:

- 54 • Enclosed in the Board’s packet is a sign permit form that has been submitted by the Fire  
55 & EMS Association to obtain ZBA approval for the message board sign at the Fire  
56 Station. The ZBA is set to take this up at their November 17<sup>th</sup> meeting.
- 57 • At last week’s Capital Budget Meeting on Thursday night the Committee asked to  
58 discuss with me the process for acquiring Sweetwilliam Farm. In particular they asked if  
59 the Board of Selectmen would be having a 3<sup>rd</sup> appraisal done of the property. I told them  
60 that I was not aware that the Board intended to do so, but I would bring it up at your next  
61 meeting. Also, there was some concern shared about how the negotiation process has  
62 gone and how it was structured. I can provide you with more details about this at your  
63 next meeting.
- 64 • We had good turnout for the November 2<sup>nd</sup> election with 3,266 residents voting that  
65 accounted for 66% of all registered voters. A copy of the results is on the Town’s  
66 webpage.
- 67 • Work continues on the Station Street pump station. The 1<sup>st</sup> and 2<sup>nd</sup> pumps are up and  
68 running and the 3<sup>rd</sup> and final pump should also be installed this week. In this process a  
69 piece of pipe was found to be much corroded and will need to be replaced. Our project  
70 contingency should take care of this. After much delay we now seem to be making good  
71 progress. The grinder pump will be installed next week, and the generator is on track for  
72 November 18<sup>th</sup>.
- 73 • On Wednesday I met with our account representative from MIIA health regarding our  
74 renewal of our plans for the coming calendar year. Unfortunately they have informed us  
75 that both our HMO and Medex 3 Plans will be going up by 13%. This is based upon a  
76 combination of our loss ratio, national trend in medical costs, and to some extent the  
77 health care reform act. I have pushed them to review their formula again, because while  
78 our loss ration is high at 106.90% (for every dollar we pay in premium they pay \$1.0690  
79 in claims) it has been going down in recent years. I have asked them to justify why with  
80 that downward trend our increase is 13% for next year when the current year was a 4.9%  
81 increase. MIIA caps its increases at 13%, regardless of the claims paid on the account,  
82 and I’m told that if they didn’t have that limit that our increase could have been as high as  
83 22.5%. They have also proposed a plan to change to the Medex 3 plan for retirees that  
84 would save some cost for both the Town and the retirees. I will review it and get back to  
85 you on a recommendation. A copy of the renewal proposal is included in your packet.
- 86 • On Thursday the Fire Chief, the Deputy, Assistant and I all met with board members  
87 from Fire District 7 to discuss the opportunity to bring a 2007 International Air & Light  
88 truck to Upton. As I mentioned in an earlier report, use of this truck would enable us to  
89 delay replacement of some of our SCBA bottles while we have use of these. Subject to  
90 satisfactory review of an MOU by the Town Attorney we plan to move forward with this,

91 and thus pass over the article at Town meeting to replace the bottles. I would be happy to  
92 go over the details of this with you at the next Selectmen's meeting.

- 93 • Please join me in welcoming Jennifer DeLuca to the Town of Upton! As you know,  
94 Jennifer began her duties as the COA Department Specialist this past Monday, November  
95 1<sup>st</sup>. We know that she is going to be a wonderful addition to the team, and in her first few  
96 days she is helping seniors and fitting in well!
- 97 • On November 15<sup>th</sup> at 6:30 PM the Fire Department will be participating in training  
98 provided by the Grafton/Upton Railroad on railroad safety, dealing with hazardous  
99 material situations, etc. The training will take place at the fire station. Board members  
100 who are interested in attending are welcomed to do so. At a later date the railroad will  
101 provide a complete tour of the facility to all Town board members and staff that would  
102 like to participate.
- 103 • This week we received a credit on our property and casualty insurance of \$4,200 for the  
104 current year. This is due to an extensive review we conducted this summer of all of our  
105 schedules to determine if they are accurate. We found a number of items that needed to  
106 be deleted because we no longer owned them and some that had never been added.  
107 Thanks to all of the staff that participated in this painstaking exercise!

108  
109 Discussion items:

110  
111 Investment Policy Review & Approve. A draft investment policy was proposed by the  
112 Treasurer/Collector Kenneth Glowacki. This outlines the guidelines he intends to use to invest  
113 various operating funds. Investments of municipal funds in Massachusetts are regulated by  
114 M.G.L. Chapter 44, section 55B, however the purpose of this policy is to secure the highest rate  
115 of return that is consistent with the law and meets the daily cash requirements of the Town. If  
116 this policy is adopted, in the future any time the Treasurer/Collector wishes to deviate from the  
117 policy the Board's approval would be required.

118  
119 Motion # 6: Selectman Fleming motioned to approve the Investment Policy as submitted by  
120 Treasurer/Collector Kenneth Glowacki. Second: Selectman Picard, unanimous, Chairman  
121 Goodwin.

122  
123 Holiday Decorations (exterior) – In a memo from Town Manager Blythe Robinson regarding  
124 holiday lighting at the Town Common and the Risteen Building she has asked the Board to  
125 approve \$1,000 from the Town of Upton's Beautification fund to purchase lights and wreaths  
126 along with minor electrical repairs. The Board gave their approval.

127  
128 Motion # 7: Selectman Picard motioned to approve the amount of \$1,000 for holiday decorations  
129 and electrical repairs from the E.W. Risteen D (Beautification) fund. Second: Selectman  
130 Fleming, unanimous, Chairman Goodwin.

131  
132 Red Rock Bar & Grill – Earth Removal – The Board received a letter from the owners of 64A  
133 West Main Street notifying them they need to remove excess gravel from the property. The  
134 owners outlined the section of the general by-laws that applies here, but several sections appear  
135 to be in conflict as to whether a permit is required or not. Town Manager Blythe Robinson has  
136 contacted Town Counsel Pat Cantor and requested an opinion concerning the interpretation of

137 the Upton Earth Removal bylaw Title 3, Chapter 1. Owners Russ and Sherry Berger were  
138 welcome by the Board. After review of Town Counsel's opinion and a brief discussion, it was a  
139 unanimous decision to allow the property owners to remove approximately 2,000 yards of gravel  
140 as a result replacement of the property's septic system. The Board agreed any excess gravel  
141 removal less than 2,000 yards will be at the discretion of the Board. Anything greater than that  
142 will be considered at a future time.

143  
144 Motion # 8 Selectman Fleming motioned to allow the Red Rock Grill & Bar property owners at  
145 64A West Main St permission to remove approximately (within a factor of 5%) 2,000 yards of  
146 gravel after replacement of a new septic system in consideration of the Town's Bylaw. Second:  
147 Selectman Picard, unanimous: Chairman Goodwin.

148  
149 Designation of Special Employees – As a result of a recent appointment the Town Manager and  
150 Town Clerk decided to revisit the list of Special Municipal Employees to determine whether or  
151 not they were up to date with designating those under the new State Ethics requirements. The  
152 determination was as long as an employee receives one paycheck weekly from the Town, they do  
153 not need their 2<sup>nd</sup> or greater positions designated this way. Thus the purpose of this item on the  
154 agenda is to rescind some of the designations the Board has made previously.

155  
156 Motion # 9 Selectman Picard motioned to rescind the March 28, 2000 vote of the Board to  
157 designate the Town Accountant's Clerk's position as a Special Municipal Employee. Second:  
158 Selectman Fleming, unanimous: Chairman Goodwin.

159  
160 Motion #10 Selectman Picard motioned to rescind the July 8, 2003 vote of the Board to  
161 designate the Clerk to the Town Clerk, as a Special Municipal Employee. Second: Selectman  
162 Fleming, unanimous: Chairman Goodwin.

163  
164 Update - Capital Improvement Program FY 2011/2012 – The Board was provided with  
165 spreadsheets from both the Fire Department and Public Works regarding capital projects and/or  
166 equipment that was presented to the Capital Budget Committee last week. This spreadsheet was  
167 reviewed and priorities discussed. A copy of this report is available to the public for view. Also  
168 the Board received a "draft" snow and ice control report that details the way the Town handles  
169 its winter operation. The DPW Consultant, Highway Supervisor and the Town Manager  
170 compiled this information for various reasons, one of which was in response to the CBC's  
171 questioning as to why they need a 2<sup>nd</sup> salt shed.

172  
173 Selectman Picard after reading an article in the newspaper, wanted to emphasize by  
174 saying the TIP (Transportation Improvement Plan) Program will cost between \$5 and \$6 million  
175 dollars. The Town will pay only for the design work which may be around \$600,000.00 and the  
176 State paying construction costs. Noting the considerable undertaking with this project, the Town  
177 would benefit greatly from a \$600,000 investment that would bring a return of about \$5 million.

178  
179 Town Manger Blythe Robinson spoke of the Special Town Meeting Article #5, which is  
180 to appropriate thirty-thousand dollars for testing the Glen Ave Well field for repair. Depending  
181 on what if found during the testing process, the cost to replace the wells could increase or  
182 decrease. Ms. Robinson noted that the large number is the Richard Well field. The DEP has

183 approved moving forward with the pump station without treatment which will cut the \$6.5 mil  
184 cost down to \$3 mil. Selectman Fleming sent kudos to the Town Manager and the DPW  
185 Consultant Larry Bombara on the work done to get this to this point. The next step is when will  
186 the design work begin and when to take this to Town meeting. Once the letter is received by the  
187 DEP, the Town can move ahead quickly.

188 Ms. Robinson also gave a brief summary relative to the windows and the lack of energy  
189 efficiency at the COA facility and the need perhaps to research other alternatives.

190

191 DCS Open Space Plan – The Board reviewed a copy of a letter from the Commonwealth of  
192 Mass, Office of Energy and Environmental Affairs addressed to Mike Penko regarding the Open  
193 Space and Recreation plan. The State is looking for the Board’s comments on the Open Space  
194 plan so it can be approved. Town Manager Blythe Robinson will check to see if the 7 items on  
195 this list has been addressed. The Board will take this under advisement.

196

197 Special Town Meeting Motions – The Board reviewed a draft of the motions for the Special  
198 Town Meeting on November 16<sup>th</sup> and finalized the language. Discussion regarding a possible  
199 language change on future motion cards to say “free cash” vs. the traditional language. No action  
200 was taken.

201 It was confirmed that Lauren Goldberg, Esq. from the Law Firm of Kopelman and Paige will  
202 attend the Special Town Meeting.

203

204 LAND Grant Award – Authorization to Execute – A copy of the award notice from the State  
205 regarding the grant for the acquisition of Sweetwilliam Farm was reviewed by the Board. The  
206 project agreement needs to be executed by the Chief Executive Officer of the Town by  
207 December 31, 2010. This Land Grant for Sweetwilliam Farm is being considered by the Board  
208 and tabled until the next meeting.

209

210 A letter of interest to serve on the ZBA was received from Jean-Robert Jette. The Board  
211 thanked Mr. Jette for his interest. His letter will be kept on file for future vacancies.

212

213 A resident of Josiah Dr, Marsha Paul sent a letter of concern to the Board after they  
214 recently voted to disband the Grafton-Upton Railroad Advisory Committee. Only one member  
215 had been appointed to this Committee since it’s inception 2 years ago. Ms. Paul requested re-  
216 consideration of their decision saying residents have approached her in serving on this  
217 Committee. Chairman Goodwin affirmed that the Town Manager and the Public Safety  
218 Departments are monitoring activities at the Maple Ave location and the Committee is not longer  
219 needed. Ms. Paul came into the meeting before adjournment to ask for reconsideration saying the  
220 residents need to be better informed. Chairman Goodwin stated that now there is a Town  
221 Manager, Ms. Robinson is the single contact. Board members stayed firm on their decision.

222

223 In an email Selectman Picard received from MURSD Chairman Donald Morin, stating  
224 that according to Mass Education law, a member of the Selectmen is required to serve on the  
225 negotiating team for the upcoming contract talks with the teacher’s union. Selectman Picard  
226 volunteered to serve on this Committee.

227

228 Chairman Goodwin informed the Board that he received an email from MURSD  
229 Chairman Donald Morin about the recently formed Superintendent Search Committee. The Chair  
230 would like the Selectmen to appoint an Upton resident to serve.

231 The Board will also place an ad on cable and the Town Crier to solicit residents.

232  
233 Selectman Picard spoke of obtaining service flags (or banners) for display the Town Hall,  
234 Police Department and possibly the Fire Station. He is recommending ordering three banners to  
235 support and honor active servicemen. Selectman Fleming wished to extend on this purchase by  
236 working in partnership with the Veterans Agent (Margaret Laneri). The Board agreed.

237  
238 Motion # 11: Selectman Fleming motioned to approve the amount up to \$150.00 (one-hundred  
239 and fifty dollars) from the William Knowlton fund for the purchase of service banners for both  
240 the Veterans Agent and the Selectmen. Second: Selectman Picard, unanimous, Chairman  
241 Goodwin.

242  
243 Selectman Picard informed the Board that he was asked to sponsor a community program  
244 on the Town's cable access network.

245  
246 Town Manager Blythe Robinson asked the Board for consideration in consolidating the  
247 Town Department mail boxes at the post office by placing a mail box area adjacent to the Town  
248 Hall building. At the average annual rate of \$44 for mail boxes at the Post Office, this would be a  
249 cost saving measure overtime. This idea was welcomed by the Board. Ms. Robinson will  
250 research further.

251  
252 In closing, Selectman Picard said he has had a conversation with Town Clerk, Kelly  
253 McElreath about looking into a facebook account for the Town. This may be a great tool for  
254 communication.

255  
256 At 7:55pm Chairman Goodwin motioned to enter into executive session under M.G.L.  
257 Chapter 30A, s21, exception #6, to consider the purchase, exchange, lease or value of real estate.  
258 The Board will reconvene their regular meeting at the completion of this Executive Session for  
259 adjournment.

260 Poll taken: Robert Fleming aye, Ken Picard aye, Michael Goodwin aye.

261  
262 At 8:41pm the Board reconvened their regular meeting.

263  
264 *Motion # 12:* Selectman Fleming motioned to adjourn the meeting at 8:42pm. Second: Selectman  
265 Picard, unanimous: Chairman Goodwin.

266 Respectfully submitted,

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268  
269 Karen L. Varney, Department Coordinator  
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271  
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