

Board of Selectmen

Town of Upton



Massachusetts

Meeting Minutes of December 14, 2010

Location: Fire & EMS Headquarters, 20 Church Street – 2nd 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 meeting minutes of December 7, 2010. Second: Selectman Fleming, unanimous: Chairman Goodwin.

Motion # 2: Selectman Picard motioned to approve the meeting minutes of November 30, 2010. Second: Selectman Fleming, unanimous: Chairman Goodwin.

The Board welcomed students of the Evergreen Center, a residential school serving children and adolescents with severe developmental disabilities. Every year the residents work on decorating a large wreath for the Town Hall and it was presented at the Board’s meeting. This beautiful wreath will hang on the outside of the Town Hall. The Board thanked them for their gift.

Chairman Goodwin noted that at the conclusion of the meeting, the Board will motion to enter into two executive sessions under MGL c. 30A, sec.21 exception #2 and exception #7.

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

Warrants:

- Payroll: \$ 74,466.09
- Expense Warrant: \$ 35,020.00

Information/Follow Up:

- A letter was received from MIIA informing the Board of Directors has voted to award participating communities with credits for being long term members of the consortium. Upton’s credits for FY 2011 total \$6,464. In addition to this our audit was recently completed on last year’s workers compensation program and we will be receiving a \$2,905 credit adjustment for this as well. This credit is due to us for several factors

44 which include the actual payrolls paid out last year versus what was projected, and the
45 fact that we had no claims so our experience was excellent.

- 46 • Work continues on the Station Street pump station and Ms. Robinson is pleased that the
47 engineer and the contractor have assigned additional resources to the situation and they
48 seem to be taking seriously the difficulties we have had to date. The pumps are working
49 better and we've had no alarms go off this week. The installation of the gas line has been
50 done, and more steps taken to bring the generator on line. They are due to test the
51 generator next week. They are also sending out a team to take apart the 3rd pump this
52 week and try to ascertain why it has been leaking. It will probably still be a couple of
53 weeks before this project is buttoned up, but at long last we seem to be making good
54 progress.
- 55 • Ms. Robinson spoke with the owner of Dance Works Academy regarding the holiday
56 show they have been putting on for a number of years. She expressed the Town's
57 position that while the Board very much appreciated the show, they do not expect the
58 academy to put this on for the Town's benefit. The owner informed Ms. Robinson that in
59 fact it was difficult for them to host the show here, as the number of participants has
60 outgrown the size of the stage and she would like to consider either no longer doing the
61 show, or moving it to another location. It's in doubt that they will hold one next year
62 however if they go ahead at a new location they will inform the office and let us know if
63 we would like to participate in some way.

64
65 *Discussion Items – Background Information*

- 66
67 **1. Execute Special Town Meeting Warrant for January 11, 2011** – The final version of the
68 warrant for the special town meeting includes five articles because one was added so that
69 the Board could seek guidance from the Town Meeting on whether or not to accept the
70 LAND grant, and the CPC articles were condensed into one article from three.
71 Comments from the Town Attorney on how to draft article #4 regarding guidance on
72 accepting the LAND Grant was received.

73
74 This Special Town Meeting Warrant was reviewed and finalized by the Board. Articles # 1 –
75 3 were approved as submitted. After a discussion regarding Article #4, to accept a Land Grant
76 for the acquisition of Sweetwilliam Farm it was voted to remove this from the Warrant.

77
78 Motion # 3: Selectman Picard motioned to delete the January 11, 2011 Special Town
79 Meeting Article #4: to accept a LAND Grant for the purchase of Sweetwilliam Farm. Second:
80 Selectman Fleming, unanimous: Chairman Goodwin.

81
82 A discussion continued relative to the acquisition of the Sweetwilliam Farm Article
83 language. It appears as the language is written, if Town Meeting approves, funds cannot be
84 expended from a reserve account without an additional Town Meeting approval. Selectman
85 Fleming requested Town Counsel take a second look at this language and work with the
86 petitioners to modify it for Town meeting. The cost of this review by council will be borne by
87 the proponents of the Petition.

90 2. *Senior Work Off Program (BOS policy)* – Background from the November 30th meeting
91 regarding changes to the policy for this program. At that meeting the Board voted to
92 table this until December 14th for further discussion. Selectman Fleming gave a summary
93 of his policy draft which included specific requirements of the individual and the
94 selection process. Questions arose about FICA, and taxes imposed by the federal
95 government as it is the Board’s opinion that this is not considered income. The Town
96 Manager will speak with the Collector / Treasurer Ken Glowacki. Also it was determined
97 that the manager of this program be appointed on an annual basis and will serve at the
98 Board’s pleasure.

99
100 3. *Superintendent’s Search Committee* - This committee appointment was advertised in the
101 December 3rd edition of the Town Crier. As of Dec. 9th we have not received any
102 responses other than the 3 emails received last month. After consideration the Board
103 chose a candidate that meets their criteria.

104
105 Motion # 4: Selectman Picard motioned to appoint Grace Maneri to serve on the
106 Superintendents Search Committee until May 2011. Second: Selectman Fleming, unanimous:
107 Chairman Goodwin.

108
109 4. *2010 Town Report Cover* – The Open Space Committee has recommended that the Board
110 consider including a map of the Peppercorn Hill Conservation Area on the cover of the
111 2010 report. This year is the 25th anniversary of the acquisition of this parcel, which is
112 the first significant one, purchased by the Town. This information was included in the
113 weekly packet. Selectman Fleming suggested that perhaps the Historical Commission
114 Chairman be contacted for her input as the Town celebrated its 275th anniversary this
115 year and she may have input for the cover as well. In addition, Ms. Robinson will send an
116 email to the other Departments for their suggestions.

117
118 5. *Contract for the Water System Master Plan & Capital Efficiency Plan* – Enclosed in the
119 packet is a copy of a contract between the Town and Tata & Howard to develop the
120 master plan and capital efficiency plan. This project was approved at the November 16th
121 STM, and requires approval for the Town Manager’s execution of this contract due to the
122 fact that it exceeds \$25,000.

123
124 Motion # 5: Selectman Picard motioned to authorize the Town Manager to execute the Water
125 System Master Plan and Capital Efficiency Plan Agreement between the Town of Upton and
126 Tata and Howard, Inc. Second: Selectman Fleming, unanimous: Chairman Goodwin.

127
128 6. *Contract for Glen Avenue Well field Replacement Wells* - Enclosed in the packet was a
129 copy of a contract between the Town and Tata & Howard to perform the testing work to
130 determine what type of wells should be drilled to replace the back portion of the Glen
131 Avenue Well field. This project was approved at the November 16th STM, and requires
132 the Board’s approval for the Town Manager’s execution of this contract due to the fact
133 that it exceeds \$25,000.

135 Motion # 6: Selectman Picard motioned to authorize the Town Manager to execute the
136 Preliminary Permitting for Replacement Wells at the Glen Avenue Wellfield Agreement
137 between the Town of Upton and Tata and Howard, Inc. Second: Selectman Fleming,
138 unanimous: Chairman Goodwin.

139
140 **7. *Richard Well field Development*** – A draft proposal from Tata & Howard regarding the
141 development of the 3rd well field was included in the Board’s packet. The proposal
142 includes the steps necessary to complete construction of a new pump station and water
143 line, and the timeline to do so. It also includes an estimate of the design and construction
144 costs. The Town Manager stated that she would like to discuss the project and to
145 determine when to request from Town Meeting the funding to move forward on the first
146 phase of the Well design. Selectman Picard opted to push more on the TIP project (for
147 funding) than the Well design. Further discussion will take place at their January 4th
148 meeting.

149
150 **8. *PEG Access Provider*** – A recommendation to appoint Mr. Glenn Fowler to this position
151 was drafted by the Town Manager. Mr. Fowler has received a green light from the State
152 on being able to accept this position while retaining his position as an elected Assessor.
153 A copy of that email was copied for the packet, as well as the background on the two
154 candidates who were interviewed. In a memo to the Board Town Manager Blythe Robinson
155 gave an update on the vacant position and the process followed to ensure that there was a
156 sufficient pool of candidates. In this letter she has recommended Glenn Fowler to this
157 position. Please note: Chairman Goodwin disclosed that Glenn is his father-in-law and
158 therefore he recused himself from this process.

159
160 Motion #7: Selectman Picard motioned to appoint Glenn Fowler to the position of PEG
161 Access Provider, no debate, Majority: Selectman Fleming.

162
163 Motion # 8: Selectman Picard motioned to appoint Assessor Glenn Fowler as a Special
164 Municipal Employee and waving the fifteen-day waiting period. Majority: Selectman
165 Fleming.

166
167 Monthly reports were received by the Town Accountant, Library Director and Police
168 Chief.

169
170 Correspondence reviewed:

- 171 A: Copy of a notice from MEMA Re: Emergency Management Performance Grant.
- 172 B: Memorandum from Kopelman & Paige Re: New Developments / Open Meeting Law.
- 173 C: Upton Chronicle (December)
- 174 D: The Beacon

175
176 At 7:00pm the Board took a fifteen-minute recess.

177
178 7:15pm the meeting reconvened and Chairman Goodwin read aloud the legal notice and
179 opened the Tax Classification hearing. Selectmen welcomed Chairman of the Board of
180 Assessors, Charlie Marsden and members Teresa Ambrosino and Glenn Fowler. The purpose of

181 this hearing is to determine a tax rate. Upton has three classes of property, residential,
182 commercial and industrial and one tax rate. Chairman Marsden gave a summary of the
183 Department of Revenue tax rate recapitulation for fiscal 2011, total amount to be raised, total
184 estimated receipts and other revenue sources, tax levy and distribution of tax rates and levies.
185 The Assessors have recommended a single tax rate. After review of the information presented to
186 the Board, they approved the Assessors recommendation.

187
188 Motion # 9: Selectman Fleming motioned to set a single tax rate as recommended by the Board
189 of Assessors. Second: Selectman Picard, unanimous: Chairman Goodwin.

190
191 Ms. Robinson will be attending the annual MMA Meeting and has extended an invitation to
192 the Board.

193
194 At the Board's December 7th meeting, as a way to give back to the employees, they approved
195 the offering of a BJ's Wholesale Club membership at no cost to eligible employees working at
196 least 20 hours per week. A letter was drafted and will be attached to the employees weekly
197 paychecks informing them of this action.

198
199 In other business regarding the TIP project, a public hearing will be scheduled in January
200 with possible dates of the 13th, 20th or 27th.

201 Also a public hearing for a possible water rate increase would need to be scheduled by March
202 2011.

203 After reviewing the balance in the insurance account, Town Manager Blythe Robinson, said
204 a Special Town meeting will need to be scheduled to address the issue of the short fall this fiscal
205 year.

206
207 Chairman Goodwin motioned to enter into an Executive Session under M.G.L. c. 30A,
208 section 21 option # 7 to comply with the provisions of privacy. The Board will reconvene their
209 regular meeting at the completion of this Executive Session and enter into another Executive
210 Session under M.G.L. c. 30A, section 21 option #2. The Board will reconvene after completion
211 of the 2nd Executive Session only to adjourn.

212 Poll taken: Michael Goodwin aye, Kenneth Picard aye, Robert Fleming aye.

213
214 At 7:43pm the Board reconvened their meeting and motioned to enter into another
215 Executive Session under M.G.L. c. 30A, section 21 option #2, to conduct strategy session with
216 non-union personnel. The Board will reconvene after completion of the 2nd Executive Session
217 only to adjourn.

218 Poll taken: Michael Goodwin aye, Kenneth Picard aye, Robert Fleming aye.

219
220 At 7:55pm the Board reconvened.

221
222 Motion #10: Selectman Picard motioned to adjourn the meeting at 7:55pm. Second: Selectman
223 Fleming, unanimous: Chairman Goodwin.

224
225 Respectfully submitted,

226

227 Karen L. Varney, Department Coordinator
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