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Board of Selectmen

Town of Upton



Massachusetts

Meeting Minutes of April 7, 2009

Location: Fire & EMS Headquarters, 20 Church Street

Present: Chairman Robert J. Fleming, Selectman Kenneth E. Picard, Selectman Michael E. Goodwin and Administrative Clerk Karen L. Varney.

The meeting was called to order at 7:00pm.

Appropriation Treasury Warrant No. 41e in the amount of \$15,101.84 was approved.
Payroll Treasury Warrant No. 41P in the amount of \$67,605.56 was approved.

On behalf of Silver Star Families of America, Chairman Fleming read aloud a Proclamation to recognize our war heroes and to declare May 1st Silver Star Banner Day. This Proclamation was forwarded on to the organization's founder Steve Newton, Clever, MO.

Motion #1: Chairman Fleming motioned to declare May 1st Silver Star Banner Day the permanent and official day to honor the wounded and ill Soldiers of the Town of Upton Massachusetts. Seconded: Selectman Goodwin, unanimous: Selectmen Picard.

The Board reviewed a request from Sean Terrell, (Terez Inc) Fresco's to modify the hours of operation for the purpose of serving lunch and allowing alcoholic beverages to be served.

Motion #2: Selectman Picard motioned to approve the request of Sean Terrell, proprietor of Fresco's to modify the hours of operation to read: Friday, Saturday and Sunday, 11:30am to 1:00am. The hours on Tuesday – Thursday will remain the same. Second: Selectman Goodwin, unanimous: Chairman Fleming.

Next Tuesday; the Board will not be conducting their evening meeting, instead they will be having a brief meeting in the afternoon to further discuss a matter with Collective Bargaining. Also, the Board will be meeting on April 28th. It was noted that the meeting location will be moving back to the Town Hall effective May 1st. Although Selectman Picard would like to continue meeting at the Fire Station.

In review of a letter sent to the Selectmen from the Board of Health noting the possible modifications to Upton's Water Treatment System by changing chemicals, Chairman Fleming confirmed that the Town has not yet substituted the treatment system chemicals with NaOH at

44 this time. This first needs approval from the DEP. It was stated that the Town's water quality is
45 constantly monitored.

46
47 FYI's reviewed:

- 48 • Email from Dog Officer Kate Hawkins Re: barking dog complaint at 57 South
49 St. (***The Town has an Agreement for Judgment that was signed by all***
50 ***parties in October 2007 that needs to be followed. This agreement will be***
51 ***copied to Selectman Goodwin. Point of contact for the Dog Officer would be***
52 ***to notify the Police Department and follow up with the BoS the next day.***
53 ***Further discussion April 21st.***
- 54 • Crier budget letter *DRAFT*.
- 55 • Copy of a Correspondence from the H.L. Turner Group Re: BVRVHS.
- 56 • The Board of Selectmen's 2009 Scholarship applications are now available at
57 Nipmuc, Blackstone Valley and the Upton Town Library.
- 58 • Notification from BVRSD Re: FY10 school assessment budget.
- 59 • FEMA Project Worksheet submittal (***The Board complimented Richard***
60 ***Henderson for his assistance).***
- 61 • Copy of letter of acknowledgement from Chief Bradford Re: Resignation of
62 Ed Lavin from the Upton Fire Department. (***Many thanks for the years of***
63 ***service to the Town and best wishes with future endeavors).***
- 64 • RBC Account Statement
- 65 • Memorandum from Kelly McElreath, Town Clerk Re: Upton Wetland Bylaw
66 Rules and Regulations approved by the ConCom.
- 67 • Memorandum from Conservation Commission Chairman Chris Scott Re:
68 Hartford Ave Drainage Plan.
- 69 • Notice to Abutters: Grafton Wetlands Protection by-law: Hilltop Properties.
- 70 • Copy of a letter from Town Counsel Re: Personal property taxes.
- 71 • Letter of support from Senator Moore Re: Upgrades to the Station St Pump
72 Station. (***AA to send a follow up letter requesting Senator Moore in support***
73 ***the Water Main project).*** Also letter Re: disbursement of Federal Stimulus
74 money to schools districts.
- 75 • Annual Litigation Statement.
- 76 • Upton hosting the BVNHC Commission meeting May 21st
- 77 • Copy: DEP Order of Conditions.
- 78 • Notice of Chapter 11: Charter Communications.
- 79 • Chapter 90 local transportation aid for fy10: \$150 million.
- 80 • DPW Advisory Board Correspondence.
- 81 • Personnel Board MM of March 11, 2009

82
83 In response to an email sent to Chairman Fleming, from Finance Committee member Jon
84 Calianos regarding a joint letter to be published in the Town Crier sharing concerns from both for
85 specific Articles being presented at the ATM on May 4th. Chairman Fleming will follow the
86 Board's comments onto Mr. Calianos. It is the intention of both parties to place this letter Crier's
87 May 1st publication.

89 In response to a letter from Harold Turner, President/CEO of HL Turner Group to the
90 Building commissioner, Chairman Fleming noted that as far as the Board is concerned, the
91 Town's obligation has been met.

92
93 Motion #3: At 7:30pm Chairman Fleming motioned to enter into Executive Session under
94 M.G.L. Chapter 39, section 23B, exception 3, for purposes of Collective Bargaining with Local
95 170. Seconded: Selectman Picard, unanimous: Selectman Goodwin.

96 The Board will reconvene their regular meeting upon completion of this Executive session.

97 Robert Fleming "I", Ken Picard "I", Michael Goodwin "I".

98
99 At 7:55pm, the Board reconvened their regular meeting and motioned to enter into
100 another Executive Session.

101
102 Motion #4: At 7:56pm Chairman Fleming motioned to enter into another Executive Session
103 under M.G.L. Chapter 39, section 23B, exception 3, for purposes of Collective Bargaining with
104 Local 3338A. Seconded: Selectman Picard, unanimous: Selectman Goodwin.

105 The Board will reconvene their regular meeting upon completion of this Executive session.

106 Robert Fleming "I", Ken Picard "I", Michael Goodwin "I".

107
108 The Board reconvened at 8:28pm.

109
110 Chairman Fleming noted that the Personnel Board is working tirelessly to complete the
111 Classification and Compensation study, working to review and modify the employee's titles and
112 job descriptions.

113
114 This is the Town's 1st year working with an Enterprise fund which incorporates not only
115 water and wastewater but capital cost, utility costs, accounting cost, billing costs etc. There is a
116 shortage of the water enterprise account of approximately \$29,000 and the Wastewater which is
117 off approximately \$70,000.00. (These figures will be verified by the Town Accountant Fred
118 Aponte). To offset these shortfalls, there will be an Article on the ATM Warrant to raise and
119 appropriate these funds as supplemental funds for the Enterprise account. The Enterprise fund is
120 not far from being self sustained.

121 The Board sent kudos to Fred Aponte, Town Accountant.

122
123 In review of the DPW Advisory report, Selectman Picard said he did not see (under the
124 Road material bids) the contingency escalating clause. It was noted that the Advisory Board did a
125 survey of contiguous Towns which assisted them preparing this report. Chairman Fleming will
126 forward a copy to Highway Supervisor John Johnson for his input as there are other items that
127 need to be corrected. Selectman Picard thanked the Advisory Board them for their work on this
128 project.

129
130 Selectman Picard participated in National Grid's Municipal Initiative webinar,
131 a Cost-Effective Path to Energy Efficient Buildings on April 2nd. He noted that
132 National Grid's Municipal Initiative helps cities and towns achieve energy efficiency in their
133 schools, offices, and other municipal buildings. The program targets energy efficient solutions,
134 electric and gas based on improved mechanical, electrical, and architectural practices. The

135 initiative provides Incentives that pay up to 70% of the installed cost of efficient materials and
136 technologies, Interest-free, on-bill repayment of the community's share of installed cost, spread
137 over 24 months, Technical assistance to identify applicable efficiency measures and determine
138 expected savings and tuition subsidies for Building Operator Certification training. Possible
139 Article for the ATM or STM for funding. Chairman Fleming complimented Selectman Picard for
140 taking the time and energy researching cost effective plans for the Town's facilities.

141
142 The Board spoke of their priorities for the Annual Town Meeting and the funding for the
143 new Fire Chief that was approved by the Legislator and the need to go forward. The citizens
144 need to be well informed. The Fire Department will continue to function as a Department until a
145 new Fire Chief is hired.

146
147 Increase in the Water and Wastewater fees were reviewed and approved by Motion.

148
149 *Motion # 5:* Selectman Picard motioned to amend the current water rates. 0 – 5999 gals from
150 \$15.00 to \$25, 6000 – 14,999 gals, from \$2.60 per 1,000, to \$3.00 per 1,000, 15,000 – 40,000,
151 from \$3.50 per 1,000 to \$3.90 per 1,000, 40,001 and up from \$5.00 per 1,000 to \$5.50 per
152 1,000. Second: Selectman Goodwin, unanimous: Chairman Fleming.

153
154 *Motion # 6:* Selectman Picard motioned to amend the current wastewater rates from the
155 minimum charge base rate of \$68.40 to a minimum rate of \$75.00. Usage per 1000 gallons over
156 10,000 gallons, from \$3.28 to \$4.00. Second: Selectman Goodwin, unanimous: Chairman
157 Fleming.

158 Chairman Fleming spoke of an insert to be placed in these bills.

159
160 The 1st draft of the Annual Time meeting Warrant Articles were reviewed by the
161 Selectmen. A member of the Board will be meeting with the Finance Committee tomorrow
162 evening for additional information.

163
164 There will be a change in the Board's meeting for Tuesday, April 14th, for 3:00pm vs.
165 7:00pm. At this time, the only business that will take place is discussion of the Collective
166 Bargaining agreement for Local Union 3338A.

167
168 In closing Selectman Picard noted that he will be meeting on Thursday with the Board of
169 Health and the Conservation Commission relative to the beaver issues. This has been a ongoing
170 issue for awhile said Selectman Picard. He has been meeting with the Conservation Commission
171 repeatedly, and has sent a clear message that the Board has supported the ConCom with coming
172 up with a proactive plan in a process to manage the beavers. He believes they have not moved
173 forward with a plan. He feels they need to come up with a definitive plan to make sure the
174 drainage system is operating and less concern about the beavers and such and putting the
175 emphasis for the safety and welfare of the Community. Chairman Fleming agreed, saying he
176 spoke with a member of the Board Health who confirms the present system is not working.
177 Selectman Picard commented that if the Conservation Commission is unable to move forward
178 with a plan, then the Board of Selectmen will research outside consultants.

180 In closing, Chairman Fleming said he has a lot of respect for the financial team as it has
181 been a very rough road and everyone is working well together in the right direction.

182
183 Motion # 7: Selectman Goodwin motioned to adjourn the meeting at 9:33pm. Second: Selectman
184 Picard, unanimous by Chairman Fleming.

185
186 Respectfully submitted,

187
188 *Karen L. Varney, Administrative Clerk*

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