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Board of Selectmen

Town of Upton



Massachusetts

Meeting Minutes: June 30, 2009

Location: Fire & EMS Headquarters, 20 Church Street

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

The meeting was called to order at 6:30pm.

Open Space Committee members Thomas Dodd and Marcella Stasa were welcomed by the Board. The purpose of the meeting was to update the Board relative to the Sweetwilliam Farm property on North St. In a letter dated June 21, 2009 to Gail Harrington of Sweetwilliam Farm, from Mike Penko, Co-Chairman of the Open Space Committee outlined the options for the proposed open space development plan for the North Street property. The appraised value of a conservation restriction on eighty-two (82) acres of the farm is \$950,000.00. This CR excludes approximately ten-acres including the house, farm stand and the cabin. The residual value of the ten-acre parcel, existing structures and the CR protected land is in excess of \$1.5 million. Estimated fee value of the eighty-two acres is \$1,380,000.00.

The Open Space Committee is recommending a CR purchase and applying for a land grant in which they have an excellent chance of receiving \$500,000.00 for this project. This application needs to be submitted to the State by July 15th. Additional funding sources are also being explored. In closing, the Open Space Committee hopes to work together with Ms. Harrington to minimize the adverse impacts of any development scheme at Sweetwilliam Farm.

Chairman Picard asked Mr. Dodd what the status was relative to the Open space and recreation plan. Mr. Dodd said the Committee is very close to completing a plan by the end of July.

The Board thanked Ms. Stasa and Mr. Dodd for the update.

Regarding the Municipal relief program passed by the Senate during the FY2010 budget debate, which allows municipalities to adopt a local option meals tax of 2%. This will be remitted entirely to the municipality quarterly by the Department of Revenue. The Board did not look favorably on this action as it would be a major impact on the small businesses in Town.

Motion # 1: Selectman Goodwin motioned, not to impose the 2% meals tax for the Town of Upton. Majority: Chairman Picard.

43 The Board discussed the Federal guidelines for mileage reimbursement and based on the
44 Massachusetts and Federal reimbursement rate, the Board Motioned the following. The
45 reimbursement rates for the Town will be reviewed annually.

46
47 Motion # 2: Selectman Goodwin motioned to increase the mileage reimbursement for the Town
48 of Upton to \$0.45 effective July 1, 2009. Majority: Chairman Picard.

49 A Memo will be sent notifying all Departments of this change.
50

51 As per requested from Police Union Local 162, the Board reviewed a Dental Plan and the
52 Flexible Spending Account as submitted by the Insurance Coordinator Jim Bates. A Motion was
53 made to initiate this recommendation.

54
55 Motion # 3: Selectman Goodwin Motion to approve a voluntary dental plan offered through
56 "Delta Dental" (for Local 162) known as Delta Dental PPO Plus Premier voluntary Enhanced
57 Plan. Individual cost: \$48.00 (month) and Family: \$123.00 (month). Also a voluntary Flexible
58 Spending Account through "Wage Works" (for Local 162) known as: Wage Works Pay Me Back
59 (PMB) Health Care Account. Cost will to be determined based upon the individual and family
60 choice selection. Effective July 1, 2009. Majority: Chairman Picard.

61
62 After review of a memorandum from DPW Supervisor John J. Johnson, the Board
63 approved his request for a transfer of funds
64

65 Motion # 4: As allowed under MGL c. 44, Selectman Goodwin motioned to approve a request as
66 recommended by DPW Supervisor John J. Johnson, to transfer the sum of twenty-five hundred
67 dollars (\$2,500) from the Highway material Account (01-422-5400-5530) to the Vehicle
68 Maintenance Account (01-422-5400-5482). Also to transfer the sum of twelve hundred dollars
69 (\$1,200) from the General Account (01-422-5400-5421) to the Parks Playground Account (01-
70 650-5200-5242). Majority: Chairman Picard.

71
72 To clarify a communication received from Fire Chief Michael Bradford with reference to
73 a Holiday falling on Saturday, policy is the employee gets one regular work day off for the
74 Holiday.
75

76 The Board recognized Al Holman, Chairman of the Board of Health and a member of the
77 Local Housing Partnership Committee. Chairman Picard informed the Board that he and Mr.
78 Holman attended a CPC meeting and spoke about using CPC funding to hire a consultant to draft
79 an affordable housing plan for the Community. Also a public hearing took place last month about
80 purchasing windows for the Town Hall.

81 Mr. Holman informed the Board that the last time the Committee met they discussed
82 hiring a consultant and starting with an inventory of Affordable housing. The LHPC has not been
83 active. Mr. Holman will email member Joan Shanahan and have a discussion with her about
84 setting up a Committee meeting. The Committee members remain in question stated Mr. Holman
85 as he is aware that some members have resigned yet no official notification was sent to the Town
86 Clerk. He will follow up and report back to the Selectmen.

87 On another issue, Mr. Holman stated that a letter was sent today from the G&U Railroad
88 to the DEP noting that the remainder of the utility poles will be moved to another site by

89 Thursday of this week. Mr. Holman said he understands the odor still remains. Chairman Picard
90 noted the June 24th letter from G&U Railroad to Cox Industries, Inc., directing them that if a
91 solution cannot be implemented within twenty-one days, the agreement will be terminated and
92 they will be ordered to remove all the utility poles on or before July 30, 2009.

93
94 At 6:30pm Chairman Picard opened the Public Hearing for a Class II License. The
95 applicant, David D. Kessler of 160 South St, Upton, came before the Board.
96 Chairman Picard read aloud the Legal Notice that was published in the Town Crier on June 19,
97 2009. All abutters have been notified of this Hearing. Mr. Kessler is requesting a Class II License
98 for the purpose of purchasing up to two vehicles and reselling them. These vehicles are to be
99 stored in Mr. Kessler's three-car garage at all times. After comments from the Board, abutter
100 Keith Penniford of 158 South St voiced some concerns he had and once those concerns were
101 addressed, he appeared to be satisfied. The Board stressed that anytime Mr. Kessler does not
102 abide by the License and the restrictions put on that License, it will be revoked.

103 6:45pm the hearing was closed.

104
105 Motion # 5: Selectman Goodwin Motioned to approve the application of David D. Kessler, 160
106 South Street, for a Class II License with restrictions. Majority: Chairman Picard.

107
108 Hold on the CODE Enforcement Assistant Inspectors appointment until Selectman
109 Fleming returns from vacation.

110
111 The Board discussed the possible appointment of James Gardner, to the position of
112 Director, Council on Aging. After a review of his qualifications and appropriate salary, the Board
113 agreed to make an offer to Mr. Gardner.

114
115 Motion # 6: Chairman Picard motioned to offer James Gardner, Temporary Interim Director of
116 the COA, an annual salary of \$52,000 commencing July 1, 2009 with a (performance) review in
117 six-months for a potential (annual) increase of an additional \$870. This will equal out the balance
118 of the (Department's) salary budget funds. Majority: Selectman Goodwin.

119
120 Police Chief Michael Bradley has updated the Department's Policy & Procedures Manual
121 and has placed a copy in the Board of Selectmen's office for reference.

122
123 Motion # 7: Chairman Picard Motioned to accept (with regret) the resignation of Caroline
124 Nicholson as a member of the 275th Anniversary Committee. Majority: Selectman Goodwin.

125
126 Motion # 8: Chairman Picard motioned to recommend the reinstatement of Troy K. McElreath to
127 the position of Volunteer Firefighter with the Upton Fire Department and further based upon
128 approval of the Board of Fire Engineers. All qualifications of the position be met and are subject
129 to any Department Protocol for reinstatement. Second: Selectmen Goodwin with an amendment
130 of, "Call Firefighter". Selectman Picard voted the motion a Majority as amended.

131
132 In regards to the beautification of Lakeview Cemetery, Selectman Goodwin noted that he
133 spoke with Mark Allen of Allen Engineering and the Conservation Commission has approved the

134 Order of Conditions for the road paving. He will contact DPW Supervisor John Johnson to
135 move forward.

136

137

138 Appropriation Treasury Warrant No.53e in the amount of \$62,353.10 was approved.

139 Payroll Treasury Warrant No. 53P in the amount of \$81,187.80 was approved.

140

141 Motion # 9: At 7:05pm Selectman Goodwin Motioned to adjourn the meeting. Majority:

142 Chairman Picard.

143

144 Respectfully submitted,

145 *Karen L. Varney, Department Coordinator*

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