

Board of Selectmen

Town of Upton



Massachusetts

Meeting Minutes November 10, 2009

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

Present: Chairman Kenneth E. Picard, Selectman Michael E. Goodwin, Selectman Robert J. Fleming and Administrative Assistant James R. Bates.

The meeting was called to order at 6:03pm.

At 6:04pm the Board motioned to enter into Executive Session under M.G.L. Chapter 39, s. 23B, Collective Bargaining with Local 3338A. The Board will reconvene their regular meeting at the conclusion of this Executive Session.

Poll taken: Ken Picard “I”, Michael Goodwin “I”, Robert Fleming “I”.

At 7:03pm the Board reconvened their regular meeting with the Pledge of Allegiance.

With the commemoration of Veterans Day tomorrow, the Board sent a special thank you to all the Veterans for their service to our Country. Also the Marine Corps are celebrating their 234th birthday today.

In a somber note, Chairman Picard asked for a moment of silence in remembrance of the men and woman who died during the unfortunate incident at Fort Hood Texas last week.

Appropriation Treasury Warrant in the amount of \$34,560.16 and Payroll Treasury Warrant in the amount of \$61,794.37 approved as submitted.

Motion # 1: Selectman Goodwin motioned to approve the meeting minutes of October 27, 2009. Majority: Chairman Picard.

Motion # 2: Selectman Goodwin motioned to approve the Executive Session meeting minutes of October 27, 2009. Majority: Chairman Picard.

A correspondence was received from Uxbridge Board of Selectmen Chairman Mike Potaski, inviting the Board to a meeting November 18th with ten other Town representatives. This meeting is to help come up with a strategy to deal with the continuing shortfall in lottery money and cuts in local aid are some of the topics for discussion. Selectman Fleming will attend.

Correspondence reviewed:

- 1. Request received from the United Parish to display signs for an upcoming event.

- 45 2. Letter received from Seema Kenney Re: Data Base Design work.
- 46 3. Complaint letter Re: Water Main Project.
- 47 4. Interim Water Management Act Permit for West River St Property
- 48 received from Mass DEP
- 49 5. Copy of a Correspondence Re: Charter Compliance Issues to
- 50 the Cable Advisory Committee from Town Counsel.
- 51 6. Charter annual rate justification filing for 2010.
- 52 7. Letter from Comcast Re: FCC Forms
- 53 8. Email from Dog Offer Kate Hawkins Re: South St dog complaint.
- 54 9. Invitation to the BOS from the VFW for a Luncheon & Handicap ramp dedication.
- 55 10. Notification sent to all Mangers from the BOS Re: Non-essential spending freeze.
- 56 11. Comparative stats received from the Code Enforcement.

57

58 Motion # 3: Selectman Goodwin motioned to approve the request from the United Parish to
59 display signs as stipulated in their November 2nd email for their annual Holiday Bazaar on
60 December 5th. Second: Selectman Fleming, unanimous: Chairman Picard.

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62 In a correspondence reviewed from Seema Kenney, President of Technical Tutoring,
63 stating she has been approached by the EMS Department about doing some database design
64 work. In her letter, Ms. Kenney ask the Board if they feel there is any conflict of interest between
65 her volunteer position (on the Personnel Board) and the work Director Kemp is asking her to
66 perform. The AA Jim Bates will contact Town Counsel and a disclosure statement will be filed
67 with the Town Clerk.

68

69 A request from Police Chief Michael Bradley requesting approval to attend two evening
70 courses at Framingham State College (January through April semester) at a cost of \$895.00 per
71 course. These courses will be paid from the Police Department training budget. The Board
72 unanimously approved his request.

73

74 In a correspondence regarding the relocation of the Board of Health to the Fire Station
75 facility. Chairman Picard understands the dilemma however there are other Town Departments
76 that share the same problem. The facilities are antiquated and in need of updating. He feels that
77 perhaps an agreement can be made with the Fire Chief to set aside an area for inoculations.
78 Selectman Goodwin will follow up with Chief Bradford and the Board of Health.

79

80 As Liaison to the School District, Chairman Fleming said members of the School District
81 have communicated with the Treasurer / Collector inquiring about some of the Trust Funds.
82 About three-years ago the Board contacted Town Counsel to seek application through the Courts,
83 of the doctrine of cy pres, which enables the Town to convey annually accrued interest (Risteen
84 Trust fund) held in trust for educational purposes in the public schools of the Town to the
85 Mendon-Upton Regional School District. The School district is looking at another Trust fund, the
86 Charlotte A. Batchelor Trust. Selectman Flemings has some concerns, as this Trust, specifically
87 states that it is to be used for the improvement and upgrades for support and maintenance of
88 Upton Town School and grounds. It is clear that these funds cannot go into the general school
89 District budge and then be appropriated by the District. These funds would need to be monies
90 specifically appropriated to Upton schools. And also cannot be used to offset the cost of Upton

91 Schools to reduce the Districts operating cost as that action does not represent the intent of the
92 Trust. Selectman Fleming will communicate this information to the School District.

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94 The Board agreed to take a ten-minute recess.

95
96 At 7:30pm the Board reconvened.

97
98 Chairman Picard gavelled the Tax Classification Hearing open by reading the legal notice
99 published in the Milford Daily news. In attendance: Board of Assessor Chairman Charles T.
100 Marsden, Assessors Anthony W. Bonina and Glenn H. Fowler. Chairman Marsden stated that the
101 tax rate recapitulation has not been approved by the State as yet. He gave an overview of the
102 figures on the recap sheet for fiscal year 2010. Chairman Marsden recommended a single tax
103 classification and a tax rate of \$12.77 per \$1,000 evaluation, an increase of .34¢. The average tax
104 bill will increase by approximately \$122.00.

105 The hearing closed at 8:00pm.

106 Motion # 4: Selectman Fleming motioned to set a single tax classification as recommended by
107 the Board of Assessors. Second: Selectman Goodwin, unanimous: Chairman Picard.

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109 Motion # 5: Selectman Fleming motioned to reject the provisions of General Laws Chapter 59
110 §2D of the Acts of 1989 (Supplemental Assessment of New Construction). This rejection applies
111 in fiscal year 2010. Notification will be sent to the Department of Revenue by the Town Clerk.
112 Second: Selectman Goodwin, unanimous: Chairman Picard.

113
114 Warrant Articles for the Special Town Meeting on Tuesday, November 17th were
115 summarized by the Board.

116
117 At 8:50pm the Board motioned to go back into Executive Session after recessing earlier,
118 and resume Collective Bargaining negotiations. The Board will reconvene their regular meeting
119 for adjournment purposes only.

120 Pool taken: Ken Picard "I", Michael Goodwin "I", Robert Fleming "I".

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122 Motion # 6: Selectman Fleming motioned to adjourn the meeting at 9:29pm. Seconded:
123 Selectman Goodwin, unanimous: Chairman Picard.

124
125 Respectfully submitted,

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127 Karen L. Varney, Department Coordinator
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