

Town of Upton



Massachusetts

Meeting Minutes of January 15, 2008

Location: Upton Fire and EMS Headquarters, 2nd Floor Training room.

Present: Chairman Marsha A. Paul, Selectman Robert J. Fleming, Selectman Kenneth E. Picard and Administrative Clerk Karen L. Varney,

The meeting was called to order at 7:34pm with the Pledge of Allegiance. Videotaping provided by Jonathan Miguel, Cable TV Access Provider.

Chairman Paul asked for a moment of silence to pay respect to Harold F. Francis a longtime Upton resident passed away on Sunday. Mr. Francis was a past member of the Board of Selectmen, the Upton Fire Department and was a prisoner of war in Germany during World War II. Chairman Paul thanked his family for his service.

Appropriation Treasury Warrant No. 29e in the amount of \$114,215.80 was signed.

Payroll Treasury Warrant No. 29P in the amount of \$58,498.10 was signed.

The Board of Selectmen welcomed Attorney Jason R. Talerma of Blatman, Bobrowski & Mead, LLC, Millis; Mass. Attorney Talerma is assisting the Board with the negotiations for Settlement regarding the Noble Vista, LLC project. The purpose of this meeting was to review a letter dated December 28, 2007 that Attorney Talerma received from Attorney Henry J. Lane, representing Noble Vista. After reviewing the proposed 17 revisions, there were 3 that needed clarification. Item # 1, is a ZBA process and whether it is substantial or insubstantial, the Selectmen should insist on a mandatory public hearing.

Item # 16 is a Conservation issue that has 2 matters to deal with; the ongoing wetland issues and the drainage on Hartford Ave South. Attorney Talerma stated he has no information if the Conservation Commission has ok'd the plan and continued by saying if they have already approved the plan, that's fine with him but added that a contract should be drawn up. Chairman Paul stated that she would like to have Conservation Commission's Chair Chris Scott's input. Selectman Picard noted the ultimate authority lies with the Conservation Commission and he will have a conversation with Ms. Scott.

Lastly, # 6, Chairman Paul would like it stipulated, that the developer should pay \$5,000.00 per each dwelling unit for sewer connection fees. Currently with 160 units, the fee would be \$800,000.00. Attorney Talerma will send a letter to Attorney Lane with

45 the revisions. Chairman Paul thanked Attorney Talerman for making himself available to
46 attend this meeting.

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48 *Motion # 1*

49 Selectman Picard motioned to approve the meeting minutes of January 8, 2008,
50 seconded by Selectman Fleming, unanimous by Chairman Paul.

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52 *Motion # 2*

53 Selectman Picard motioned to approve the Executive Session meeting minutes
54 of January 8, 2008, (UDG) seconded by Selectman Fleming, unanimous by Chairman
55 Paul.

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57 *Motion # 3*

58 Selectman Picard motioned to approve the Executive Session meeting minutes
59 of January 8, 2008, (Pleasant St drainage) seconded by Selectman Fleming, unanimous
60 by Chairman Paul.

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62 *Motion # 4*

63 Selectman Picard motioned to approve the Executive Session meeting minutes
64 of December 20, 2007, (Police Chief Stockwell), Majority: Chairman Paul.

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66 *Motion # 5*

67 Chairman Paul motioned to accept the December 21, 2007 letter from Police
68 Chief Thomas B. Stockwell rescinding his letter dated October 22, 2007 informing the
69 Board of his intention to retire effective January 25, 2008. Per an agreement with the
70 Board, the new retirement date is April 25, 2008. Majority: Selectman Picard.

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72 Discussion relative to a email from David Stanley forward by Diane Judd,
73 Administrative Clerk of Code Enforcement for Pat Roche and John Poirier, requesting
74 an appointment as the Assistant Wiring Inspector. The Board had some dialog about the
75 reappointment however Chairman Paul was in agreement with the appointment based
76 on Patrick Roche's recommendation.

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78 *Motion # 6*

79 Selectman Fleming motioned to appoint, David Stanley, as the Assistant Wiring
80 Inspector as recommended by Building Inspector Patrick Roche and Wiring Inspector
81 Director John Poirier, Jr., effective immediately to May 2008. Majority: Chairman Paul.

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83 *Motion # 7*

84 Selectman Fleming motioned to declare a snow and ice emergency thus
85 approving deficit spending within the Snow and Ice account. Seconded by Selectman
86 Picard, unanimous by Chairman Paul.

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88 It was noted by Selectman Fleming that there is road salt shortage due to the
89 weather conditions and therefore the Town is paying a premium for salt this year.

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91 Next on the agenda was a review and update of the Board's project list. Some of
92 the projects noted were the Maple Ave (UDG) matter. The Selectmen are waiting for the
93 2nd appraisal and the revisions on the Purchase and Sale agreement before a Special
94 Town Meeting can be scheduled.

95 The Board reviewed a report by the DPW Director Steve Soma on water rates
96 showing the Town of Upton is about 38% lower in water rates vs. contiguous towns. The
97 Board will meet next week with Director Soma for his recommendation for a rate
98 increase before the next billing cycle.

99 The Board of Selectmen signed the Agreement of Engagement for the Town's
100 Grant writer, John Zakian.

101 The Police Chief Search Committee has been set up and the first scheduled
102 meeting will be taking place shortly.

103 Selectman Picard is researching potential use of CPA funds for ADA compliance
104 of the Town Hall.

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106 Regarding an article that recently ran in the Worcester Telegram, noting
107 surrounding Towns receiving Formula Grant funds and did not include Upton. Chairman
108 Paul wanted it known that Upton should have been included on this list with receiving
109 over \$4,000 for this grant. She also wanted the community to know that the COA
110 Director Natasha Heimrath is working very diligently to secure transportation for the
111 Upton Seniors.

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113 Relative to the request dated January 10, 2008 from Mark C. Mastroianni, of
114 Pulte Homes requesting the release of Bond #6364646 and after a brief discussion
115 about a possible counter offer to the letter, the Board decided to defer any motion and
116 ask for the DPW Director's recommendation and make a final motion at the January
117 22nd meeting.

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119 Chairman Paul spoke of her concerns with the invoices from Kopelman and
120 Paige regarding the legal matter of Terrill Trustee V. the Planning Board. It was agreed
121 after the suggestion of Selectman Picard that the Board request Town Counsel come in
122 for an Executive Session for an overview of this case, so a resolution can be
123 forthcoming. The Board approved payment of the Kopelman & Paige statement.

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125 *FYI's reviewed:*

- 126 Letter from Chief Stockwell Re: Dog Complaints 57 South St. (All dog
127 complaints will be addressed by the Animal Control Officer).
- 128 Notification of appointments sent to Committee members.
- 129 RFP's Re: Annual Town Report sent out.
- 130 Memorandum from President Local 3338A Bonnie Lopez Re: Scheduling
131 for Contract negotiations. (The Administrative Clerk will follow up and set up an
132 Executive Session meeting for negotiations).
- 133 RBC Dain Rauscher Account Statements
- 134 Copy of a Petition from School Street residents Re: The elimination of
135 tractor-trailers using School St. as a cut through. (DPW to forward on to Mass
136 Highway to start the process and follow-up).

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The Board spoke of setting up an Executive Session to discuss a matter relative to a meeting the Selectman had last week with Communications Officer Shanna Glassman. The Board agreed to schedule the Executive Session next Tuesday, January 22nd at 7:00pm to discuss the matter between the Board members.

Motion # 8

Selectman Picard motioned to release the meeting minutes of the Executive Sessions the Board conducted with Police Chief Thomas B. Stockwell relative to his retirement. Seconded by Selectman Fleming, unanimous by Chairman Paul.

A Street Sign request received from a resident of 133 North St, asking for permission to post a “Warning of Farm Operations” was approved by Police Chief Thomas Stockwell and DPW Director Steve Soma, was also approved by the Board and signed off by Chairman Paul.

Chairman Paul announced that the Selectmen would be meeting with Department Managers on Saturday at 9:00am, January 19th for the annual budget hearing.

Motion # 9

Selectman Fleming motioned to adjourn the meeting at 8:47pm, Seconded by Selectman Picard, unanimous by Chairman Paul.

Respectfully submitted,

Karen L. Varney, Administrative Clerk