

Town of Upton



Massachusetts

Meeting Minutes of July 28, 2008

*Location:* Upton Town Hall, Main Hall.

*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 4:00pm.

The Board of Selectmen, as requested by Collector/Treasurer Kenneth Glowacki, signed the Bond Anticipation note for the Main Street Water Main project that was approved at the Special Town Meeting in December. This is a 2.49% on a one-year note.

Also Mr. Glowacki stated that he would like to start the process for the change over of weekly paychecks to bi-weekly pay. His intent is to send letters to the Union representatives first followed by a ninety-day notification to employees. This change over will take place some time in late October. A savings of \$5,000.00 will be a benefit to the Town.

The Board of Health sent a letter noting the resignation of Board of Health Member Matt Selby and the request for a joint meeting to review the candidates who have submitted letters of interest. The election date is August 25<sup>th</sup>. The Selectmen urge interested residents to send a letter of interest.

FYI: Reviewed by the Selectmen:

- ⇒ Code Enforcement Assistant Inspector re-appointments (Appointed)
- ⇒ Fee increase request from Building Commissioner Patrick Roche. (Approved)
- ⇒ Correspondence from MORE (Approved)
- ⇒ Email from R. VanBossuyt Re: Access to land in Upton / Northbridge
- ⇒ Memorandum to Legal Assistance Corp. from AA James Bates RE: Freedom of Information Act request.
- ⇒ Quarterly Payment Schedule from BVRSD Treasurer.
- ⇒ RBC Monthly Account Statement
- ⇒ Tata & Howard has relocated to Marlborough.
- ⇒ Copy of Expense voucher
- ⇒ Copy of an email Re: George Hill Rd to self help #3 access.
- ⇒ Email from R. Sims (Pare Corp) Re: Dam update.
- ⇒ Letter of interest to serve on the DPW Advisory Board from resident Allen Fales. (Mission Statement to be drafted) (Appointment on hold)
- ⇒ Letter from the DEP Re: Upton Water Loss Prevention Grant Project.

- 45 ⇒ Memorandum from Fire Chief Bradford Re: Accident involving a department
- 46 vehicle.
- 47 ⇒ Code Enforcement mileage log.
- 48 ⇒ Copy of two letters from the Code Enforcement Department Re: Wood St and 9
- 49 Walker Dr.
- 50 ⇒ Alert EMS ALS Agreement sent to Town Counsel for review. (Waiting for a reply from
- 51 Town Counsel).

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53 Confidential:

- 54 ▪ Correspondence from Town Counsel dated July 18, 2008.

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56 Next on the Agenda, the Board reviewed a recommendation from Building  
57 Commissioner Patrick Roche, to appoint three Assistant Inspector positions. After a brief  
58 discussion relative to a stipend vs. hourly wage, the Board approved the appointments.

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60 Motion # 1

61 Selectman Goodwin Motioned to appoint Rudolph Susienka, Local Inspector, and  
62 Thomas French, Assistant Plumbing Inspector. Amended to include David Stanley as  
63 Assistant Wiring Inspector. Seconded by Chairman Fleming, unanimous by Selectman  
64 Picard.

65 Poll taken: all in favor: Ken Picard "I", Michael Goodwin "I", Robert Fleming "I",

66

67 Motion # 2

68 Selectman Picard motioned to approve the fee structure (excluding the electrical)  
69 increases as submitted in a Memorandum from Building Commissioner Patrick Roche  
70 effective August 15, 2008. Seconded by Selectman Goodwin, unanimous by Chairman  
71 Fleming.

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73 Motion # 3

74 Selectman Goodwin motioned to approve the electrical permit fee schedule as  
75 recommended in a Memorandum dated July 24, 2008 by Building Commissioner Patrick  
76 Roche effective August 15, 2008. Majority vote: Chairman Fleming.

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78 Motion # 4

79 Selectman Picard motioned to approve participating in the Municipalities  
80 Organized for Regional Effectiveness (MORE) Corporation. The assessment of  
81 \$1,879.00 will come from the Knowlton fund. Seconded by Selectman Goodwin,  
82 unanimous by Chairman Fleming.

83 MORE is a voluntary, member driven, non-profit corporation established in 1998  
84 via the Worcester Area Regionalism Education Project, now affiliated with the CMRPC.  
85 Comprised of communities who share geographic proximity and have an interest in  
86 addressing common issues with collective action, MORE is dedicated to bridging  
87 municipal interdependence and regional cooperation.

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89 The Board of Selectmen agreed to recess their meeting for fifteen-minutes.

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91 At 4:30pm, the Board reconvened their meeting.

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Chairman Fleming opened the Fire and EMS Advisory Committee Rules and Regulations Public Hearing. Each member participated in the reading of the VIII Articles and description. Chairman Fleming sent a thank you to the Committee members for a great job done. Both Selectman Picard and Goodwin echoed the same. Committee members Dan Lazarz and Robert Henderson came to the table to address the Board with any questions that came up. A public discussion took place. Selectman Picard said now that this has been completed, it's time to move forward with the process.

Resident Paul Flaherty noted that Article V.1A should have language relative to the posting of meetings forty-eight hours in advance.

After the Board of Selectman made a motion to approve the Rules and Regulations, they immediately withdrew the motion. Due to prior commitments, some members of the Fire and EMS were not able to attend the hearing and the Board wishes for them to present questions they have. The Board asked to submit in writing any questions relative to these Rules and Regulations for the August 11<sup>th</sup> meeting. Chairman Fleming asked for members to serve on the Advisory Committee to submit letters of interest. The Board of Selectmen's office will send a notice to both Chief Bradford and EMS Director Kemp noting the extension to the August 11<sup>th</sup> date.

At 4:55pm Chairman Fleming closed the hearing.

*Review of the FYI's continued:*

A letter of request to serve on the DPW Advisory Board was put on hold until Selectman Picard completes the Mission Statement.

Due to the impending reorganization of the Fire and EMS Departments, the proposed Agreement between the Town of Upton (EMS Department) and Alert Ambulance, Chairman Fleming noted that he would like to see the time frame shortened to one-year. Selectman Picard suggested adding a clause.

*Project List Reviewed:*

In review of the project list Selectman Goodwin stated that the Town wide clean up is scheduled for Saturday, October 4<sup>th</sup> in conjunction with hazardous waste disposal day.

Cemetery land: Mr. Rufin VanBossuyt has been researching a parcel of land for cemetery purposes and has requested a formal letter from the Selectmen to the DCR. He will work with the AA Jim Bates in drafting this letter.

In reference to the impending employee benefit forum, Chairman Fleming, who has volunteered to work with Personnel Board Chair Seema Kenney until additional members are appointed is not sure when this forum will take place. Personnel Board member Pam Duggan-Schueler has moved to Texas. He gave an overview of the responsibilities of the Personnel Board and stressed the need for additional members.

At 5:15pm the Board agreed to recess.

At 5:35pm the Board reconvened their regular meeting.

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139 Motion # 5  
140 Selectman Picard motioned to approve the meeting minutes of the July 14, 2008  
141 Executive Session Local 3338A negotiations. Seconded by Selectman Goodwin,  
142 unanimous by Chairman Fleming.

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144 Motion # 6  
145 Selectman Goodwin motioned to approve the meeting minutes of July 14, 2008.  
146 Seconded by Selectman Picard, unanimous by Chairman Fleming.

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148 The Executive Session meeting minutes of July 14, 2008, Local # 170 DPW  
149 Supervisors is on hold until the Board can review them.

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151 Motion # 7  
152 Selectman Goodwin motioned to approve the meeting minutes of July 16, 2008,  
153 Fire Department Ladder Truck. Seconded by Selectman Picard, unanimous by  
154 Chairman Fleming.

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156 The Board welcomed residents, Jim Bates, Jr., Assistant Cub Scout Master,  
157 Gregg Preston, Cub Scout Master, Jim Floyd, Youth Club BB, and Julie Davey,  
158 Women's Basket Ball director. The purpose of this meeting was to have an open  
159 discussion with the Board after hearing that the Main Hall of the Town Hall may be  
160 closed down during the winter months to conserve energy costs. They are concerned  
161 about the possibility to secure an alternative facility and came before the Board to  
162 inquire as to what they can do as groups to help keep it open.

163 Chairman Fleming said he recognizes the hardship for these groups however the  
164 Board is trying to find ways to conserve. He noted that in the winter months, they have  
165 their weekly meeting at the Fire and EMS Headquarters due to the uncomfortable cold  
166 conditions even when the heat is turned up. The Selectmen recently motioned to close  
167 Town Government operations at the Town Hall on Friday's, therefore cutting utility costs.  
168 In the winter months the heat will be turned down for three full days. Selectman Picard  
169 will be meeting with a consultant within the next few weeks about ways to conserve  
170 energy costs. If the Board votes to keep the main hall open, a use fee may be imposed  
171 to all groups. The Board will respond back to the groups after their August 11th meeting.

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173 At 5:47pm a Motion was made by Chairman Fleming to enter into Executive  
174 Session under M.G.L. Chapter 39, s.23B, Exception #3, Collective Bargaining with  
175 Police Union Local 162.

176 The Board will reconvene their regular meeting at the completion of this Executive  
177 Session.

178 Poll taken: Robert Fleming "I" Ken Picard "I" Michael Goodwin "I"

179  
180 At 6:58pm, the Board reconvened their regular meeting.

181 Poll taken: Robert Fleming "I" Ken Picard "I" Michael Goodwin "I"

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183 The Board welcomed Conservation Commission Chair Christine Scott and  
184 members Michael Penko and Marsella Stasa. Also in attendance, Cutter Wyman,  
185 nephew of Thomas Chace, owner of an 8.5 acre parcel of land on George Hill Road.  
186 The purpose of the meeting was to give the Board an update on the request from Mr.  
187 Wyman for access from George Hill Road to Warren Brook Watershed Conservation  
188 area and offer alternatives to Mr. Wyman. (This offer to improve the access way leading  
189 from George Hill Road in Grafton to the Upton self help #3 property in Upton was  
190 withdrawn in an email dated July 14, 2008 from Mr. Wyman on the direction of Mr.  
191 Chace).

192 Marsella Stasa gave a summary regarding a request by Thomas Chace that the  
193 Town of Upton allow him to create a road on conservation land owned by Upton in the  
194 Town of Grafton. His nephew Cutter Wyman has been representing Mr. Chace. Even  
195 though Mr. Wyman rescinded his offer to build a road, he still feels that this would still  
196 be in the best interest of the public. Ms. Stasa presented additional background  
197 information and eighteen points to consider.

198 Prior to the July 14<sup>th</sup> withdrawal of the offer to build a road, the Conservation  
199 Commission developed a list of alternatives:

- 200 1. Accept the offer / allow Construction of public road to provide frontage to Mr. Chase  
201 property.
- 202 2. Allow Mr. Chase to build a trail (not a road) to improve access to his property.
- 203 3. No recommendation pending Town Counsel legal review.
- 204 4. Decline offer and retain option to build an access road or trail should a future need arise.

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206 It was the Conservation Commissions recommendation to Selectmen that  
207 pending Town Counsel review, to decline the offer (now rescinded) but retain the option  
208 to create access should a future need arise.

209 After hearing some rebuttal from Mr. Wyman, Chairman Fleming requested that  
210 he review the report complied by the Conservation Commission and respond back in  
211 writing to the Commission with a copy to the Selectmen. Mr. Wyman noted his  
212 appreciation to the Board for their time.

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214 At 7:20pm a Motion was made by Chairman Fleming to enter into Executive  
215 Session under M.G.L. Chapter 39, s.23B, Exception #6, to consider the value of real  
216 property.

217 The Board will reconvene their regular meeting at the completion of this Executive  
218 Session to enter into another Executive Session.

219 Poll taken: Robert Fleming "I" Ken Picard "I" Michael Goodwin "I"

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221 At 7:51pm the Board reconvened their regular meeting.

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223 Chairman Fleming motioned to enter into another Executive Session under  
224 M.G.L. Chapter 39, s.23B, Exception #1. The Board will adjourn their regular meeting  
225 upon completion of this Executive Session.

226 Poll taken: Robert Fleming "I" Ken Picard "I" Michael Goodwin "I"

227 Respectfully submitted,

228 Karen L. Varney, Administrative Clerk

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