

Board of Selectmen

Town of Upton



Massachusetts

Meeting Minutes of September 30, 2008

*Location:* Upton Town Hall, Main Hall.

*Present:* Chairman Robert J. Fleming, Selectman Kenneth E. Picard, Selectman Michael E. Goodwin and Administrative Assistant James R. Bates. (Administrative Clerk Karen L. Varney did not attend).

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

Appropriation Treasury Warrant No. 14e in the amount of \$42,562.04 was approved.  
Payroll Treasury Warrant No. 14P in the amount of \$56,663.40 was approved.

Motion #1: Selectman Goodwin motioned to approve the meeting minutes of September 23, 2008, seconded by Selectman Picard, unanimous by Chairman Fleming.

FYI:

- Correspondence from Pare Re: Station Street: Pump Station Upgrades. (Selectman Picard noted that six bids were received on September 19<sup>th</sup> from different contractors which ranged from \$241,460.00 to \$316,000.00. The Town's engineering firm estimated the cost to be about \$280,000.00. This will be put on the Special Town Meeting Warrant. Not being posted on the Warrant as yet, Selectman Picard noted his support for this project noting that this is a critical need for the Town. He commented that there is one pump out of three in working order).
- Thank you letter from Harvey Trask, Esq.
- Copy of a letter from Charter to Cable Advisory Committee Glenn Fowler Re: Cable license renewal.
- Correspondence from the Humane Society Re: Site inspection: control device \$557.19. (Chairman Fleming spoke of a previous meeting with the Conservation Commission to discuss the problematic issue with the Beavers. Funding is an issue. Further evaluation is required. This correspondence was copied to the ConCom and the DPW. The Board will wait for a response from the ConCom).
- Memorandum from Park Employee Gary Harper Re: Update of Soccer fields. (Thanks to Gary)
- Notice from Town Accountant Bob Perkins Re: Request for certification of free cash was sent to the DOR. (Budgetary review is underway. The Financial Team will meet with the BOS once free cash has been certified by the DOR).
- Appropriation Summary (Reviewed by the BOS).

- 44       ▪ STM Article (Repeater quote)

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46       The Board discussed the need to schedule a Special Town meeting once free cash has been  
47 certified. There are non-monetary and minor financial issues that should be addressed. Date  
48 discussed.

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50 Motion # 2: Selectman Picard motioned to open the Warrant for a Special Town Meeting to be  
51 held on November 18, 2008. Warrant will close on October 24, 2008. Seconded by Selectman  
52 Goodwin, unanimous by Chairman Fleming.

53  
54       At 7:15pm Chairman Fleming open the Liquor License transfer hearing of Sean Terrell,  
55 of 98 Mendon St Upton for the all alcohol beverage license currently held by Robert C. Stockton,  
56 DBA Madame's to Sean Terrell, DBA Fresco's. Chairman Fleming reviewed Mr. Terrell's  
57 application and asked the Board if they had any questions for the applicant. Hours of operation:  
58 *Dinner only*, beginning at 4:00pm until 9:00PM on Tuesday, Wednesday, Thursday. Friday's and  
59 Saturday's closing at 10:00pm, Sunday closing at 9:00PM. Closed on Monday's. The bar area  
60 will be open for a few additional hours after the closing of the kitchen. Specifically, bar hours  
61 will not exceed 12mn Tuesday, Wednesday and Thursday, and not to exceed 1:00AM on Friday,  
62 Saturday and Sunday.

63       Chairman Fleming asked if there was anyone in the audience that had a question or  
64 comment. Hearing none, the transfer was approved.

65  
66 Motion # 3: Chairman Fleming motioned to approve the request of Sean Terrell for an all  
67 Alcoholic Liquor License transfer from Robert C. Stockton to Sean Terrell at the 250 Milford St,  
68 Upton location. Alcoholic beverages may be sold during the hours of 4:00pm to 12MN Tuesday  
69 – Thursday and 1:00am Friday, Saturday and Sunday. Seconded by Selectman Picard, unanimous  
70 by Selectman Goodwin.

71  
72       The Board wished Mr. Terrell the best of luck with this new location for his restaurant  
73 Fresco's. The application will be mailed to the ABCC for their approval.

74  
75       The Board discussed a request from Police Chief Bradley for a repeater system quote for  
76 both the Police and Fire Station. Selectman Picard feels it is appropriate to wait until the Special  
77 Town Meeting and submit an Article for the Warrant. Selectman Goodwin voiced his concern  
78 with waiting until the Special Town Meeting but at this point there is no other alternative.

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80       Chairman Fleming spoke of a meeting he had with Don Tata and Ron Pong of Tata &  
81 Howard relative to the Town's present water system. The Town is in need of expanding the  
82 current system and researching water sources. One of the possible sites is the shallow well field  
83 on Glen Ave. Based on the information received from Tata and Howard they believe based on  
84 sufficient data, the feasibility to maximizing the potential of the well field. Total cost to pursue  
85 the possibility is \$7,600.00, and if the outcome is feasible, the Town will move forward.  
86 Selectman Picard applauded the effort. In a previous phone conference with the Army Corps of  
87 Engineers, it was their recommendation to look at existing sites and to make them more efficient.  
88 The Board voiced their support and need to look at where the funding will come from.

90 In a letter from Realtor J. Lembruno, she requesting an extension of the listing agreement  
91 on the two Town owned lots on Mechanic St. The Board agreed to extend the contract.  
92

93 In reviewing the letter of interest from residents to serve on the DPW Advisory Board  
94 and noting that this committee would not be involved in the day to day operations of the  
95 Department, but rather than forecasting the needs, i.e., Chapter 90 road plan, future goals etc.,  
96 basically offering their expertise for the Towns needs.  
97

98 Motion # 4: Selectman Picard motioned to appoint Durwood Tetreault, Andrew Leonard and  
99 Allen Fales to serve on the DPW Advisory Board until May 2009. Seconded by Selectman  
100 Goodwin, unanimous by Chairman Fleming.

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102 The Board discussed the Fire & EMS Advisory Committee noting that the dilemma  
103 facing the Board is by the structure of the Advisory committee, it requires a member of the paid  
104 on call firefighter and emergency medical services representative, career firefighter/EMT, a  
105 citizen representative and Chief of the Department. In reviewing the letters of interest, there  
106 appears to be an overlap within the names submitted. Not able to meet the requirements of the  
107 adopted regulations, the Board has put these appointments on hold until additional letters come  
108 in from citizens not involved in the Department.  
109

110 Relative to the Noble Vista project which has been going on for the past three years, the  
111 Board is hopeful that a resolution is forthcoming with Mr. Fred Ruland. The number of units will  
112 be reduced from 160 to 120, 30 will qualify as affordable units. These units will not be age  
113 restrictive and in addition to paying a \$5,000 sewer connection fee per unit, inflow and  
114 infiltration improvement to the existing municipal sewer system will be made as required by  
115 DEP sewer extension permit. Improvements will be made to Hartford Ave. Selectman Picard has  
116 contacted an individual with Mass Central Planning who is reviewing the pending Road  
117 improvement plan. This agreement was forward to the ZBA for a possible public hearing and the  
118 permitting process.  
119

120 Chairman Fleming noted that the Selectmen will be meeting with the Financial Team next  
121 Tuesday, October 7th. He noted budget cuts that will need to be done for FY2010.  
122

123 In a discussion regarding the Town's Grant writer who has not been available for some  
124 time, Chairman Fleming noted that he would like to make a change to another individual who  
125 previously applied for the position, John LaPoint from Grafton. As a courtesy the Administrative  
126 Assistant will send a letter to John Zakian asking him for more devotion of time and if that is not  
127 possible, the Town needs to move forward with a change.  
128

129 Holiday lighting costs will be discussed at the October 7<sup>th</sup> meeting.  
130

131 Selectman Picard noted that tomorrow evening a CPA Public Hearing will be held on an  
132 application he drafted for Town Hall renovations at a cost of \$583,000.00 for design and  
133 engineering plans. Selectman Picard will present a full in-depth report at this hearing.

134 Also the CPA will consider an application for fishing jetties at the Pratt Pond area that  
135 was also spearhead by Selectman Picard. Cemetery Road improvement cost was also discussed

136 with possible funding from the Beautification “D” fund. The Board should receive the costs  
137 involved by next week and will take it under consideration.  
138

139         Regarding Chapter 90 funds, Chairman Fleming noted that resident Richard Henderson is  
140 assisting the Town with this project. Mr. Henderson’s expertise from working with the Mass  
141 Turnpike authority and Mass Highway is a benefit to the Town.  
142

143         The DPW rented trailer may be removed with the office being relocated within the DPW  
144 building. This will require some renovation with costs involved. Research is currently in process.  
145

146         An energy audit from Gorman Richardson is forthcoming and should be completed by  
147 next week. Relative to use of the Town Hall, Chairman Fleming noted a decision should be  
148 made. It was a unanimous decision with keeping the Town Hall temperature at 50 degrees. Any  
149 groups wishing to use the Town hall may as long as the thermostat remains at 50.  
150

151         In a request from COA Director Natasha Heimrath to purchase a new commercial  
152 dishwasher and hot water heater for the Council on Aging using funds from the Welfare fund, it  
153 was the feeling of the Board that this is not an appropriate funding for this purchase. Selectman  
154 Picard, as the Liaison will contact Ms. Heimrath and ask her to look at alternative funding  
155 sources.  
156

157         The Board of Health hazardous waste day is Saturday, October 4<sup>th</sup>.  
158

159         Selectman Picard asked the AA Jim Bates, to contact the State Parks and Recreation, Mr.  
160 Jeff Cate as a follow up to the Board’s letter of August 28<sup>th</sup> also a follow up call to Douglas  
161 Cameron, of the Mass. Department of Fish and Game relative to the fishing jetties.  
162

163         Property on Elm Street was discussed. A report from the Building Inspector Patrick  
164 Roche stated the building is structurally sound. At this time the Board will make no decision on  
165 the structure as yet.  
166

167         Applications for the Town Accountant position will be reviewed next week.  
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170 Motion # 5: Selectman Goodwin motioned to adjourn the meeting at 8:14pm, Seconded by  
171 Selectman Picard, unanimous by Chairman Fleming.  
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173 Respectfully submitted,  
174 *Karen L. Varney,*  
175 Administrative Clerk  
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