

Town of Upton



Massachusetts

Meeting Minutes of May 8, 2007

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

Location: Upton Town Hall, main floor, 1 Main Street

The meeting was audio taped by the Board and videotaped by Jonathan Miguel, Cable TV Access Provider.

The meeting was called to order at 7:30pm. The Pledge of Allegiance was recited.

Motion # 1

Selectman Fleming motioned to appoint the Administrative Clerk, Karen L. Varney as temporary Chairman for the purpose of reorganization of the Board of Selectmen. Majority vote by Selectman Picard.

The temporary Chairman, Karen L. Varney opened the nominations for Chairman of the Board of Selectman and asked if there are any nominations?

Motion # 2

Selectman Fleming motioned to nominate Marsha A. Paul as Chairman of the Board of Selectmen. Seconded by Selectman Picard.

The Temporary Chairman asked if there are any other nominations? Hearing none, the Temporary Chairman then closed nominations and asked for a Motion to appoint Marsha A. Paul as Chairman of the Board of Selectman.

Motion # 3

Selectman Fleming motioned to appoint Marsha A. Paul as Chairman of the Board of Selectmen, seconded by Selectman Picard.

Chairman Paul welcomed newly elected Selectman Ken E. Picard.

Motion # 4

Selectman Fleming Motioned to rescind the former Motion appointing the Administrative Clerk, Karen L. Varney as Temporary Chairman and return to the regular

45 business of the Board of Selectmen, seconded by Chairman Paul, unanimous vote by
46 Selectman Picard.

47
48 Chairman Paul thanked outgoing Chairman Joan E. Shanahan for her hard work.
49 The Board congratulated Chairman Paul and wishes her well.

50
51 Appropriation Treasury Warrant No. 45e in the amount of \$21,428.83 was signed.
52 Payroll Treasury Warrant No. 45P in the amount of \$60,951.77 was signed.

53
54 **Motion # 5**

55 Selectman Fleming motioned to approve the meeting minutes of May 1, 2007,
56 seconded by Selectman Picard, unanimous by Chairman Paul.

57
58 In reviewing the Selectmen's regular session meeting minutes of May 1, 2007,
59 Selectman Picard questioned Motion # 2, which is to finalize the process of the
60 Purchase and Sale of the West River Street property and in saying, it was his
61 understanding that all the permitting would need to be completed first. The Board did
62 confirm that and noted the Motion was made in error.

63 Selectman Fleming stated he spoke with Jane Richards about an extension of
64 the Purchase and Sale agreement and she has been advised that the matter of the
65 permitting process would need further discussion within the Board. Selectman Fleming
66 noted he also spoke with DPW Director Steve Soma who stated the time line would be a
67 minimum of 18 months, which now is a decision which, rests with the Richard's. The
68 P&S agreement expires May 15, 2007. Selectman Fleming noted that the major permit
69 issue is the conditional permit (Mepa) under the DEP and the Town cannot move
70 forward until this permit is issued. The Board Therefore made the following motion.

71
72 **Motion # 6**

73 Selectman Fleming motioned to rescind (line 48-51) Motion # 2 of the Board of
74 Selectmen meeting minutes of May 1, 2007. Seconded by Chairman Paul, unanimous
75 by Selectman Picard.

76
77 Reminder: Memorial Day festivities will be held on Monday, May 28th.

78
79 **Motion # 7**

80 Chairman Paul motioned to award the contract for the Preservation of Books and
81 Documents in the Town Vault to Brown's River Bindery, Inc. of Vermont for the total
82 project bid of \$68,453.00. This is conditional upon a favorable vote from CPA funds at
83 the Annual Town Meeting on May 10, 2007 (Article #27). Seconded by Selectman
84 Fleming, unanimous by Selectman Picard.

85
86 **Motion # 8**

87 Selectman Fleming motioned to approve the Executive Session meeting minutes
88 of May 1, 2007 (as modified on line 44, spelling error "field"). Seconded by Selectman
89 Picard, unanimous by Chairman Paul.

90

91 Selectmen Fleming stated the Board will be entering into two separate Executive
92 Sessions this evening for the purpose of bringing new member, Selectman Picard up to
93 date on two matters currently facing the Board.
94

95 **Confidential:**

- 96 ⇒ Memorandum to DPW Director Soma Re: Invoices / Tata & Howard, Inc.
 - 97 ⇒ Settlement Correspondence received May 2nd Re: Noble Vista, LLC.
 - 98 ⇒ Memorandum from Chief Stockwell dated 5-9-07
- 99

100 **FYI:**

- 101 ⇒ Correspondence from the DCR Re: Dam Safety Order (*Per Director Soma, he is*
102 *working on completing these orders*).
 - 103 ⇒ Internal Job Posting: PFC Laborer/Heavy Equipment Operator.
 - 104 ⇒ Email from Chris Scott Re: 19 Plumbley Rd.
- 105

106 **Reminders:**

- 107
 - 108 ⇒ Special Town Meeting at 6:30pm followed by the Annual Town Meeting
109 Thursday, May 10th at Nipmuc Regional Middle/High School.
- 110

111 Chairman Paul noted the question of the Schools override, and basically there are
112 three options, 1. Leave as is. 2, appropriate against it and 3, to under ride it. She
113 stressed the importance of attending the Town Meeting. Selectman Fleming noted his
114 support for the Finance Committee recommendations. Selectman Paul made a
115 statement saying it is up to the citizens.
116

117 Late this afternoon, COA Director Natasha Heimrath dropped off quotes she
118 obtained in reference to a security system for the COA facility. Due to the recent assault
119 and vandalism that occurred at the Center, it was suggested by the Upton Police
120 Department that a security system be installed. Director Heimrath has recommended AJ
121 Security systems, Inc. of Upton with the low bid of \$2,770.00.
122

123 **Motion # 9**

124 Selectman Fleming motioned to award, (with approval from Harbor Management)
125 as recommended by the COA Director, AJ Security Systems, Inc., of Upton, the low
126 bidder for a door access security system in the amount of \$2,770.00. Request funding
127 from the Finance Committee's Reserve fund. Seconded by Chairman Paul, unanimous
128 by Selectman Picard.
129

130 The Administrative Assistant will draft a letter from the Board to Harbor
131 Management requesting permission for this security system to be installed.
132

133 **Motion # 10**

134 Selectman Fleming motioned to approve payment (of invoice 1037) in the
135 amount of \$188.50 to Blateman, Bobrowski & Mead, LLC, for Noble Vista Chapter 40B
136 project. Seconded by Chairman Paul, unanimous by Selectmen Picard.

137 Chairman Paul was happy to announce that the Noble Vista project is real close
138 to coming to a resolution.

139
140 Mail:

- 141 1. Letter from the Board of Health Re: Animal Control Officer / Dog Officer.
142 *(Confirming the Dog Officer position reports directly to the BOS).*
- 143 2. Correspondence from Chief Stockwell Re: Relocation of a 30mph speed sign /
144 reduce current 45 mph speed limit. Also a copy of a letter to Mass Highway from
145 Tom Davidson Re: same. *(Selectman Fleming requested that the Administrative*
146 *Assistant in conjunction with the Director of Public Works (pull all the information with the*
147 *letter of support) and file with the Mass Highway).*
- 148 3. Notice of certification from Blackstone Valley Vocational Regional School District
149 Treasurer Re: Approval of the school budget and related regional assessments
150 for fy08.
- 151 4. MMA Action
- 152 5. Copy of a letter from ConCom Chairperson Chris Scott Re: 19 Plumbley Rd
153 drainage concerns *also* 2nd letter Re: 12 Grafton Road drainage concerns.
- 154 6. Copy of an Enforcement Order issued by the Conservation Commission to the
155 property owner of 30 Fiske Mill Rd.
- 156 7. Mass Turnpike Authority Yearly Operational (spraying) Plan. (full packet in BOS
157 office) *(Selectman Fleming noted to the Citizens this is an annual process).*

158
159 Before entering into Executive Session, Selectman Picard had questions regarding
160 the Town Manager Article (#12) and the supporting backup documents. Selectman
161 Fleming gave Selectman Picard an overview as to why the Town should employ a Town
162 Manager, noting the structure and growth of the Town. Selectman Fleming also
163 reviewed this process. Chairman Paul added that a five member Search Committee
164 would be formed.

165
166 In other matters referring to the April 11th order for banishment of dogs from the
167 Town of Upton, sent to the owner of 57 South, Selectman Fleming asked that the Dog
168 Officer do the final inspection to insure compliance of the Board's order.

169
170 **Motion # 11** Selectman Fleming motioned to enter into Executive Session under M.G.L.
171 Chapter 39, section 23B, exception # 3 (to discuss litigation). Seconded by Chairman
172 Paul, unanimous by Selectman Picard.

173 Poll taken: Marsha A. Paul "I", Robert J. Fleming "I", Ken E. Picard "I".

174
175 The Board will reconvene their regular session and motion to Enter into another
176 Executive Session under M.G.L. Chapter 39 Section 23B, exception #5.

177
178 At 8:47pm the Board came back into regular session.

179 Poll taken: Marsha A. Paul "I", Robert J. Fleming "I", Kenneth E. Picard "I".

184 **Motion # 12**

185 Selectman Fleming motioned to enter into Executive Session under M.G.L.
186 Chapter 23B, Exception # 5, (charges of criminal misconduct) Seconded by Chairman
187 Paul, unanimous by Selectman Picard. Poll taken: Marsha A. Paul "I", Robert J. Fleming
188 "I", Kenneth E. Picard "I".

189
190 The Board will reconvene regular session to adjourn the meeting.

191
192 At 9:01pm the Board reconvened their regular meeting.
193 Marsha A. Paul "I", Robert J. Fleming "I", Ken E. Picard "I".

194
195 **Motion # 13**

196 Selectman Fleming motioned to turn over executive session documentation
197 (under M.G.L. Chapter 39, s23B exception # 5) to be turned over to Chief Stockwell for
198 an investigation and to report back to the Board with his findings. Seconded by
199 Selectman Picard, unanimous vote by Chairman Paul.

200
201 **Motion # 14**

202 Selectman Fleming motioned to adjourn the meeting at 9:04pm. Seconded by
203 Chairman Paul, unanimous by Selectman Picard.

204
205
206 Respectfully submitted,

207
208 Karen L. Varney, Administrative Clerk

209
210
211
212