

Town of Upton



Massachusetts

Meeting Minutes of May 22, 2007

Present: Chairman Marsha A. Paul, Selectman Robert J. Fleming, 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. Videotaping was not available.

The meeting was called to order at 6:30pm.

Motion # 1 Selectman Fleming motioned to enter into Executive Session under M.G.L. Chapter 39, Section 23B, exception # 2. Seconded by Selectman Picard, unanimous by Chairman Paul,

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

The Board will reconvene their regular session at the conclusion of the Executive Session and Motion to enter into another Executive Session under M.G.L. Chapter 39 Section 23B, exception #2.

The Board reconvened their regular session.

Marsha Paul "I", Robert Fleming "I", Ken Picard "I"

Motion # 2

Selectman Fleming motioned to enter into another Executive Session under M.G.L. Chapter 39, Section 23B, exception # 2. Seconded by Selectman Picard, unanimous by Chairman Paul,

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

The Board will reconvene their regular session at the conclusion of the Executive Session.

At 7:58pm the Board reconvened their regular session.

Marsha Paul "I", Robert Fleming "I", Ken Picard "I"

45 The Pledge of Allegiance was recited.

46

47 Discussion took place regarding the scheduling of a Special Town Election, which
48 voters will have the opportunity to vote on three Debt Exclusion Ballot questions,
49 Articles which were approved at the Adjourned Annual Town Meeting on May 10, 2007.
50 After considering having the election in June or September, the Board unanimously
51 agreed on September 11, 2007. This will give the Selectmen more time to inform the
52 public concerning the Ballot questions.

53

54 **Motion # 3**

55 Selectman Fleming motioned to hold a Special Town Election on the second
56 Tuesday in September (9/11/07). Seconded by Selectman Picard, unanimous by
57 Chairman Paul.

58 Chairman Paul stressed the critical water and sewer issues and the need for the
59 citizens of Upton to take part in the Election. DPW Director Steve Soma noted he is
60 meeting with Finance Committee member Jonathon Calianos to discuss the financial
61 situation of the DPW Department.

62

63 **Motion # 4**

64 At 8:15pm Selectman Fleming motioned to enter into another Executive Session
65 under M.G.L. Chapter 39, Section 23B, exception # 3. Seconded by Selectman Picard,
66 unanimous by Chairman Paul,

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

68

69 The Board will reconvene their regular session at the conclusion of the Executive
70 Session.

71

72 8:40pm, the Board reconvened their regular session.

73

74 Appropriation Treasury Warrant No. 47e in the amount of \$443,288.06 was
75 signed.

76 Payroll Treasury Warrant No. 47P in the amount of \$63,586.42 was signed.

77

78 **Motion # 5**

79 Selectman Fleming motioned to approve the meeting minutes of the Executive
80 Session (Glen Echo Litigation) of May 8, 2007, seconded by Selectman Picard,
81 unanimous by Chairman Paul.

82

83 **Motion # 6**

84 Selectman Fleming motioned to approve the meeting minutes of the Executive
85 Session (Memorial School) of May 8, 2007. Seconded by Selectman Picard, unanimous
86 by Chairman Paul.

87

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89

90

91 **Motion # 7**

92 Selectman Fleming motioned to approve the Adjourned Annual Town Meeting
93 Minutes of May 10, 2007. Seconded by Selectman Picard, unanimous by Chairman
94 Paul.

95
96 **Motion # 8**

97 Selectman Fleming motioned to approve the meeting minutes of May 15, 2007,
98 (with a correction on line #49) seconded by Selectman Picard, unanimous by Chairman
99 Paul.

100 Confidential material reviewed:

- 102 ⇒ Letter dated *May 17, 2007* from Perry & Associates.
- 103 ⇒ Letter to Attorney Kathleen Connolly dated *May 19, 2007* Re: Dog complaints.
104 *(Town Counsel is handling the matter).*
- 105 ⇒ Memorandum dated May 14, 2007 from Director Soma:

106
107 **Motion # 9**

108 Selectman Fleming Motioned to approve, as recommended by Director Soma,
109 lifting the probationary period of a DPW employee to a full-time regular employee and
110 increasing his salary to \$17.78 per hour per Union Contract retroactive from May 14,
111 2007. Seconded by Selectman Picard, unanimous by Chairman Paul.

112
113 **Motion # 10**

114 Selectman Fleming Motioned to approve, as recommended by Director Soma,
115 extending the probationary period of a DPW employee for 90 days, to August 12, 2007.
116 Seconded by Selectman Picard, unanimous by Chairman Paul.

117
118 A request from a citizen that was sent to the Board of Selectmen last week was
119 tabled until this evening in order for Selectmen Picard to further investigate. Selectman
120 Picard stated he spoke with two local contractors who would be willing to help out with
121 this needy project and asked the Board if they would approve some financial funding for
122 this job. The Board has the authority to utilize funds from two-trust funds. Selectman
123 Fleming does not have a problem utilizing funds from the trust funds however he
124 stressed it needs to be a real need. The Board agreed that Selectman Picard contact
125 the family to obtain further information. He will report back to the Board.

- 126
127 ⇒ Executive Session notices (2) dated May 16, 2007
- 128 ⇒ Notice from Town Counsel Re: Governor's Landing
- 129 ⇒ Discussion relative to a requested dated 5/2/07.
- 130 ⇒ Draft Memorandum from Attorney Talerma Re: Noble Vista. *(The Board reviewed*
131 *the draft and no changes were noted).*

132
133 FYI:

- 134 ❖ Sign for Memorial School signed off by Selectman Picard. *(More information to be*
135 *supplied to Chairman Paul and Selectmen Fleming).*

- 136 ❖ Letter to Attorney Williams Re: Attending the BOS Meeting May 29, 2007. *(In*
137 *response to a letter received regarding Pleasant Street matter, the Board has invited*
138 *Attorney Williams to attend their meeting of May 29th).*

139
140 Mail items reviewed:

- 141 1. Copy of a letter from the Executive Office of Public Safety awarding the Upton
142 fire Department the 2007 Student Awareness of Fire Education grant of
143 \$2,438.91.
144 2. Memorandum from Chief Bradford dated 5/17/07 for request for transfer of funds.
145 *(To be submitted for the STM June 19th).*
146 3. Copy of a letter to Town Clerk McElreath from Town Moderator David C. Loeper
147 appointing Joan Shanahan for a three-year appointment to the Finance
148 Committee commencing May 2007.
149 4. Memorandum to all Boards, Committees, Commissions, and Departments from
150 Jim Bates, AA Re: STM notice.
151 5. Grant Writer Ad for the MMA Web site.
152 6. Email from Mike Kiley, Director of Property Management of Harbor Management
153 Re: Approval to install a security system at the COA.
154 7. CMMPO Public Meeting May 23rd.
155 8. MMA's new Selectmen Training Seminar June 9th.
156 9. The Beacon
157 10. Letter of interest from Dan Lazarz to serve on the Fire Dept. Study Committee.
158 11. Survey request from University of Mass Amherst. (Complete packet in BOS
159 office).
160 12. Unibank's 1st Annual Community Appreciation Day June 2nd.
161 13. Correspondence from Rep. George N. Peterson Jr. Re: Grant programs.
162 14. Copy of a letter to Mass Highway from Planning Board Vice-Chair Tom Davidson
163 Re: speed limit signs.
164 15. Request from the MMA. *(Per BOS, letter of support will be forthcoming from the AA).*

165
166 Selectman Fleming announced that the Town is actively seeking a Grant Writer.
167 There will be an ad in the June issue of the Beacon publication. Selectman Fleming
168 added that the Central Mass Regional Planning, Steve Wallace could assist the Town in
169 grants if needed.

170
171 In reference to the recent request from the Director of Council on Aging for a
172 Security System, Mike Kiley, of Harbor Management approved this request. The
173 Finance Committee will be asked to approve funding.

174
175 In addressing mail item #10, the Board was pleased to say they have received a
176 letter of interest from Dan Lazarz, who is volunteering to serve on the Fire & EMS
177 Management Review and Implementation Committee. This Committee will consist of
178 five-members.

179
180 Reminders:

- 181 ⇒ Memorial Day festivities will be held on Monday, May 28th.
182 ⇒ CCC Day: Upton State Forest on Saturday, May 26th.

183 ⇒ Mock Town Meeting for the Memorial School 3rd graders will take place
184 tomorrow, May 23rd here at the Town Hall. (*Selectman Fleming has offered his*
185 *assistance and looks forward to participating in this event*).
186

187 In reviewing the Annual Appointments, the Board held on the appointments until
188 next Tuesday, May 29th.
189

190 Dedication of the Upton Veterans Memorial Playground in honor of Moe
191 Capistran will be held on Sunday, June 24, 2007 at 2:00pm. It's the Boards pleasure to
192 serve soft drinks and snacks at the VWF facility after the ceremony.
193

194 The Board discussed forming a Town Manager Study Committee. To date, nine
195 letters of interest has been received. More letters of interest will be forthcoming. The
196 Board agreed to wait a week or two to officially form and appointment members to this 5
197 member Committee. Selectman Paul commented that she would like citizens to contact
198 her through her email address (marshapaul@charter.net) regarding questions, concerns
199 or to volunteer to serve on one of the Committees.
200

201 Last on the evening's agenda, the Board signed off on the Common Vic License
202 for J&J Ice Cream Shoppe on Milford Street.
203

204 **Motion # 11**

205 Selectman Picard Motioned to adjourn the meeting at 9:30pm. Seconded by
206 Selectman Fleming, unanimous by Chairman Paul.
207

208 Respectfully submitted,
209

210 Karen L. Varney, Administrative Clerk
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212
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