

Town of Uptc



Massachusetts

Meeting Minutes of May 29, 2007

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

Location: Upton Town Hall, 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.

Chairman Paul began the meeting by acknowledging Memorial Day and honoring all Veterans with a special thank you and to those who have given their lives for our freedom.

Appropriation Treasury Warrant No. 48e in the amount of \$632,773.68 was signed.

Refund Warrant No. 48r in the amount of \$18,863.68 was signed.

Payroll Treasury Warrant No. 48P in the amount of \$71,439.64 was signed.

Motion # 1

Selectman Fleming motioned to approve the meeting minutes of 5/22/07, seconded by Selectman Picard, unanimous by Chairman Paul.

The Board reviewed the appropriation summary report and discussed funds that will be transferred.

Chairman Paul will attend the ZBA meeting tomorrow evening and will request that a joint meeting be set up with the Selectmen.

Motion # 2

Selectman Fleming motioned to approve the placement of signs as requested by the Blackstone Valley Gardeners, for June 2nd to June 10th, seconded by Selectman Picard, unanimous by Chairman Paul.

44 In reviewing the Warrant Articles for the June 19, 2007 Special Town Meeting,
45 (clean up meeting) the Board reduced the Articles from 12 to 7. A discussion took place
46 relative to deferring all By-Laws until the fall and then perhaps conducting quarterly
47 meetings.

48
49 **Motion # 3**

50 Selectman Fleming motioned to support Articles 2,3,4,5,6, and 7 of the (Warrant
51 for the Special Town Meeting June 19, 2007). All other Articles are to be held for further
52 consideration. Seconded by Selectman Picard, unanimous by Chairman Paul.

53
54 **Motion # 4**

55 Selectman Fleming motioned to support Articles 2,3,4,5,6, 7 and 10 (Amendment
56 made of Motion 3) of the (Warrant for the Special Town Meeting June 19, 2007). All
57 other Articles are to be held for further consideration. Seconded by Selectman Picard,
58 unanimous by Chairman Paul.

59
60 The Board of Selectmen welcomed Attorney Jeffrey D. Williams who is
61 representing the residents of 52 – 60 Pleasant Street in connection with flooding and
62 drainage issues at their properties. Attorney Williams stated that the problem has been
63 ongoing for some time and the owners are looking for an amicable resolution and the
64 need to avoid further legal steps.

65 His proposal is to clean out of the silt area of the stream, repair / re-grade of the
66 driveways. Selectman Fleming asked if that is conclusive or are there other issues.
67 Attorney Williams states yes, there are some other issues. Selectman Fleming pointed
68 out a statement in Attorney Williams letter that reads, it is the desire of his clients to
69 accomplish two objectives, first to permanently remedy the conditions still existing and
70 second that the damages to their properties be full and completely remedied.

71 Selectman Picard wanted it on record that he has a professional relationship with
72 Peter Lavoie of Guerriere & Halnon, Engineering & Land Surveying Company in Milford.
73 They are currently working on a project together at Milford Hospital. Guerriere & Halnon
74 was retained in November 2006 to review and comment on the ongoing drainage and
75 flooding issues of Pleasant Street.

76 Mr. Lavoie stated that he has a client that is developing 5 ANR lots in an open
77 field that run along Mendon Rd adding 5 new homes. He continued by saying the
78 stream on his parcel is clear with no vegetation however once you get into the abutters
79 area, thick vegetation is apparent. He noted that the Town had cleaned out the area but
80 it's his belief that the damage has already been done by the build up of silt. After
81 discussion it was agreed by all parties that further discussion is needed for a resolution.

82 Selectman Fleming recommended to the Board that Town Counsel start a
83 process of communication with Attorney Williams.

84
85 **Motion # 5**

86 Selectman Fleming motioned to direct Town Counsel; Kopelman & Paige to
87 establish dialogue with Attorney Jeffrey D. Williams regarding the Pleasant Street matter
88 as soon as possible. Seconded by Selectman Picard, unanimous by Chairman Paul.

90 Selectman Fleming stated to Attorney Williams that if he had any questions or
91 needed any assistance to contact the Administrative Assistant Jim Bates.

92
93 It was brought to the attention of the Board that one of the Town owned lots on
94 Orchard Street that is under agreement, needed further drilling in another area on this
95 lot to locate water. However there are more cost involved and therefore the buyer has
96 come back to the Town asking for monetary consideration. After discussion the Board
97 agreed to make a concession to the buyer.

98
99 **Motion # 6**

100 Selectman Fleming motioned to offer up to \$5,000 (from William Knowlton Trust
101 fund if necessary) to help offset the cost of extended drilling for water purposes.
102 Seconded by Selectman Picard, unanimous by unanimous Paul.

103
104 The Selectmen thanks the By-law Committee for a terrific job.

105
106 **FYI:**

- 107 ❖ *Annual Appointments (see email from Sandy Bravo)*
- 108 ❖ *Correspondence from Labor Relations Commission Re: Petition: Local Union*
109 *170. (An Executive Session meeting with to be set up with Mr. Peloquin of Local 170).*
- 110 ❖ *Email from John Robertson of the MMA Re Town Manager Position.*
- 111 ❖ Confirmation notices received from RBC Dain Rauscher
- 112 ❖ Memorandum from the Water/Wastewater Advisory Committee Re: Transfer of
113 funds Recommended.
- 114 ❖ Letter of resignation.

115
116 **Motion # 7**

117 Selectman Fleming motioned to accept, with regret, the resignation of David
118 Arsenault from the Upton Fire Department. Seconded by Selectman Picard, unanimous
119 by Chairman Paul.

120 Selectman Fleming commented that Chief Bradford had high praise for this
121 gentleman. The Board wishes Mr. Arsenault well with future endeavors. The Board
122 request that the Personnel Coordinator Jim Bates speak with Chief Bradford to move
123 forward with filling this position.

124
125 **Mail:**

- 126 1. Letter from a Hartford Ave South resident. *(Selectman Picard stated he spoke*
127 *with Chief Stockwell and he is doing what he can to help).*
- 128 2. Fax from CMRPC Re: State Grants. *(For consideration. The Board will work on a*
129 *list of 5 critical needs for Selectman Picard to forward to Steve Wallace).*
- 130 3. Letters of interest to serve on the Fire & EMS Review Committee from
131 Henry Poirier and Bob Henderson. *(The Board will form the Committee next*
132 *week).*
- 133 4. CMRPC Annual Dinner Invitation, June 14th.
- 134 5. Memorandum to Municipal Clients Re: Mass Independent Contractor Law.
- 135 6. ZBA Notice Re: Public Hearing, May 30th.
- 136 7. Invitation to the Class of 2007 Graduation. *(Chairman Paul will attend).*

- 137 8. Letter from a resident of Goss Pond Rd Re: Permission to plant on the
138 median of Goss Pond Rd. (*At the Board's direction, the DPW Director to contact this*
139 *person for further information*).
140 9. Notice Re: grant applications availability.
141 10. Municipal Leadership Academy: Northeastern University: June 13th.
142 11. MMA Action
143 12. Memorandum from Town Clerk Kelly McElreath Re: 2007 Town Census.
144 13. Memorandum from Planning Board Clerk Denise Smith Re:
145 Reorganization of the Board Members.
146

147 *Annual Appointments:*
148

149 **Motion # 8**

150 Selectman Fleming Motion to appoint (until May 2008 unless otherwise
151 stipulated) the following individuals subject to any holds for further debate by the
152 Board: **Board of Fire Engineers:** Michael J. Bradford, Sr., Richard J. Henderson, Sr.,
153 Michael J. Marchand.
154 **Director, Emergency Medical Services:** Brian F. Kemp, Assistant Director,
155 Emergency Medial Service, Barbara Harris,
156 **Director of Emergency Management:** Brian F. Kemp.
157 **Parking Clerk Warrant Officer:** Carol A. Owczarzak,
158 **Director of Veterans' Graves:** Richard L. Randall,
159 **Director of Veterans' Services:** Robert J. Miller,
160 **Forest Fire Warden:** Michael J. Bradford Sr.,
161 **Inspector of Buildings:** Patrick H. Roche,
162 **Assistant Inspector of Buildings:** Rudolph J. Susienka,
163 **Secretary to Code Enforcement Department:** Diane Judd,
164 **Gas Inspector:** Walter A. Hopkins
165 **Assistant Gas Inspector:** Thomas E. French,
166 **Oil Burner Inspector:** Michael J. Bradford Sr.,
167 **Director (Inspector) of Wiring:** John Poirier,
168 (*Hold: Assistant Director of Wiring, David A. Stanley*).
169 **Disability Affairs Grievance Coordinator:** Natasha Heimrath,
170 **Custodian of Tax Title Properties:** Kenneth W. Glowacki,
171 **Delegate, Central Mass. Regional Planning:** Thomas Davidson,
172 **Alternate Delegate:** James R. Bates Jr.,
173 **Superintendent of Pest Control:** Donald R. Keniston,
174 **County Advisory Board Member:** Marsha A. Paul,
175 **Public Weighers:** Jane A. Richard & Robert R. Richard.
176 **Conservation Commission:** Sandra Lajoie, Christine Scott, Thomas Dodd (until 2009)
177 & Scott Heim (until 2009).
178 **Conservation Commission Clerk:** Deborah Sexton.
179 **Upton Land Stewardship Committee:** Thomas Dodd, Scott Heim, Cathy Taylor,
180 Michael Penko.
181 **Conservation Administrator:** John Savello.
182 (*Hold: Registrars of Voters*).
183 **Historical Commission:** Jonathan Meagher and Cathy Taylor (3 yr term).

184 **Zoning Appeal Board:** John Lebrun (3 year term).
185 **Associate Member, Zoning Appeal Board:** Richard Desjardins, Roger Barlett. (Hold:
186 James R. Bates, Jr.).
187 **Director, Council for the Aging:** Natasha Heimrath,
188 **Assistant the Director of Council for the Aging:** Holly Whalen.
189 **Council for the Aging members:** Lydia Fitton, Karen Intinarelli, Susan Kenney, Edna
190 Lariviere, Robert Ethier, Ann Walent, Julius Walent, Brett Garceau, Natasha Heimrath,
191 and Diane Powell.
192 **Facilities Maintenance/Transportation Coordinator (COA:)** Steven D. MacDonald.
193 **Cable Television Advisory Committee:** Glenn Fowler, Tina Cote, Barbara A. Morgan.
194 **Access Provider/UCTV Producer:** Jonathan Miguel.
195 **Aquatic Weed Control Committee:** Charles E. Pedersen, James R. Bates, Jr., Nancy
196 Thompson.
197 **Personnel Board:** Seema-Jayne Kenney, Alfred C. Holman, Pamela Duggan-Schueler.
198 **Clerk to the Personnel Board:** Diane Judd,
199 **Development & Industrial Commission:** Harvey J. Trask, Henry Poirier, III, David
200 Sarkisian.
201 **Department of Public Works Director:** Stephen Soma.
202 **Parks Supervisor/Assistant Supervisor of Highways:** John Johnson.
203 **Hold:** Water/Wastewater Advisory Committee)
204 **Water/Wastewater Superintendent:** Ron SanSouci,
205 **Clerk, Department of Public Works:** Carol A. Peterson.
206 **Tree Warden:** Donald R. Keniston,
207 **Upton Commission on Disability:** Natasha Heimrath, Karen Intinarelli, Joan E.
208 Shanahan.
209 **Community Preservation Act Committee:** Margaret Carroll.
210 **(HOLD)** Lake Maspenock Dam Study.
211 Also to un-appoint Margaret Carroll from the Conservation Commission. Seconded by
212 Selectman Picard, unanimous by Chairman Paul.

213
214 The Board had dialogue on the appointments that were put on hold. Chairman
215 Paul wanted a chance to speak with members of the Water/Wastewater Advisory
216 Committee be the appointments were made. Selectmen Picard would like the
217 opportunity to speak with David Stanley, Roger Barlett and Jim Bates, Jr. before
218 appointing them.

219
220 **Motion # 9**

221 Selectman Fleming motioned to lift the hold and make the appointment to the
222 Lake Maspenock Dam Study: David Gibbs, Don Kerr and Walter Esker. Seconded by
223 Selectman Picard, unanimous by Chairman Paul.

224
225 Discussion: Town Manager Committee name. It was suggested by Selectman
226 Fleming to consider: The Home Rule Initiative Committee /Town Manager
227 (recommending Committee) and would like to keep it at five-members with a time frame.
228 The Board will determine what the responsibilities of the position entail and work with

229 Town Counsel. The Committee will draft the Mission Statement. Further discussion
230 relative to the Fire/EMS and Enterprise Committee that also needs to be formed.

231
232 In regards to a letter the Board received back on May 2nd seeking help from a
233 local resident, Selectman Picard was pleased to announce that he has spoke to a local
234 Architect who will participate in the project, drafting the plans with a time line about two-
235 weeks. Once that is complete the construction manager will review and prepare a list of
236 materials that will be needed. This list will be forwarded to the Selectmen for
237 consideration of financial help. Selectman Fleming thanked the participants for stepping
238 forward to help.

239
240 Selectman Picard noted that in reference to the Plumbley Road drainage issues,
241 he has received a complete set of plans from G&H also the original design plans from
242 Schofield Brothers. He reviewed these plans with DPW Director Soma. Once Director
243 Soma has had a chance to assess the information, the Board will work on a solution.

244
245 Before adjourning the meeting, Selectman Fleming spoke of the probability of
246 installing time clocks. We as a Town and the employees need to verify the accuracy of
247 hours worked. Chairman Paul and Selectman Picard agreed saying this will protect both
248 the Town and the employee. Badges with ID strips will also be a consideration. The
249 Administrative Clerk will research.

250
251 **Motion # 10**

252 Selectman Picard motioned to adjourn the meeting at 9:22pm. Seconded by
253 Selectman Fleming, unanimous by Chairman Paul.

254
255 Respectfully submitted,

256
257 Karen L. Varney, Administrative Clerk

258
259