

Town of Upton



Massachusetts

Meeting Minutes of June 5, 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 (main floor)

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

The meeting was called to order at 7:04pm.

At 7:05pm Chairman Paul gavelled to enter into Executive Session under M.G.L. Chapter 39, S.23B exception #3, to discuss strategy with respect to collective bargaining. Poll taken:

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

The Board will reconvene their regular meeting after the Executive Session.

At 7:44PM the Board reconvened their regular meeting.

The Pledge of Allegiance was recited.

Appropriation Treasury Warrant No. 49e in the amount of \$17,392.80 was signed. Payroll Treasury Warrant No. 49P in the amount of \$88,608.06 was signed.

Motion # 1

Selectman Fleming Motioned to open a Warrant for the Special Town Election for September 10, 2007 and the Special Town Meeting September 18, 2007 at Nipmuc Regional High School. Seconded by Selectman Picard, unanimous by Chairman Paul.

The Board welcomed Treasurer/Collector Kenneth Glowacki. The Board reviewed, approved and signed a Bond Certificate for the Town as recommended by Mr. Glowacki.

The Board also welcomed State Representative George N. Peterson. Representative Peterson stopped by to present the Commonwealth's Flag to the Selectmen and handed out a copy of the Local aid estimated numbers based on the

45 Local Aid resolution that was adopted. This information is available on the web through
46 the Division of Local Services. He noted an \$850,000 increase in Chapter 70 for
47 Mendon/Upton Regional High School over last year. It was noted that the GIC Universal
48 Health Insurance program is moving forward however he have not seen the final
49 package as yet. They thanked Representative Peterson for coming and presenting them
50 with the Commonwealth's flag.

51
52 The Board of Selectmen welcomed Fred Ruland, Noble Vista, LLC, Richard
53 Desjardins, John Lebrun, Chairman ZBA, Chris Scott, Chairperson Conservation
54 Commission and member Mike Penko. The meeting was scheduled for the purpose of
55 having dialogue concerning the Noble Vista project and reviewing the settlement
56 correspondence dated May 31, 2007 from Mr. Ruland.

57 After a lengthy but productive discussion with all parties expressing their
58 concerns on the wetland issues, drainage issues, inflow and infiltration and Mass
59 Highway improvements, a settlement was made that was amenable by the majority of
60 both parties.

- 61 ⇒ Road improvement: Completion of all phases.
- 62 ⇒ Sprinklers as requested by Fire Chief Michael Bradford.
- 63 ⇒ \$75K for I/I funding.

64 All other conditions in the settlement column stay as written.

65 **Motion # 2**

66 Selectman Fleming motioned that the Board has agreed to the following
67 settlement agreement in discussion with Mr. Ruland: 160 units, no age restriction, Noble
68 Vista LLC or unknown third party (subject to approval from BOS), DHCD or HAC, 5K
69 per unit for sewer connection, no sidewalk from Glen Ave to Rt 140, ambulance fund
70 eliminated, no walking trail, completion of all phases (Hartford Ave/140) improvements,
71 sprinklers per Fire Chief request, no golf course use, \$75K in I/I funding and no
72 construction of gate. Seconded by Selectman Picard, unanimous vote by Chairman
73 Paul.

74
75 Roll Call vote: Robert Fleming "I", Marsha Paul "I", Ken Picard "No"

76
77 In reference to the Housing Appeals Committee, Selectman Picard stated that he
78 does not have a problem with the concession being made, however he wanted it known
79 that the jurisdiction falls on the ZBA and not the Board of Selectmen. Chairman Paul will
80 contact Attorney Jay Talerma to inform him that the Board will draft a letter indicating
81 the points of the settlement for his review and then sent to Mr. Ruland.

82
83 Chairman Paul asked for a five-minute recess.

84
85 Back in session the Board read aloud the 7 Article Warrant for the Special Town
86 Meeting on June 19, 2007.

87
88 The Board reviewed their summer meeting schedule and agreed to meet on the
89 following dates: July 10th and 17th, August 7th and 21st, and on September 11th the
90 regular meeting times will resume. Note: this is subject to change.

91
92 Chairman Paul attended the Nipmuc High School graduation ceremonies on
93 Saturday and was pleased to announce that 44 students of the graduating class scored
94 high on their MCAST exams and over \$80,000 in scholarships was awarded.

95 Continuing on with completing the annual appointments, Chairman Paul noted
96 that she has a meeting with the Water / Wastewater Advisory Board on June 18th and at
97 this time will hold on their appointments until she can speak with the members.

98 In reference to the appointment of Assistant Wiring Inspector David Stanley,
99 Selectman Picard stated he spoke with Wiring Inspector John Poirier who noted due to
100 medical matters Mr. Stanley will be unable to fulfill his duties for quite some time and
101 suggested to pass over his reappointment. Selectman Picard noted he called Mr.
102 Stanley on two different occasions and has not received a call back. It was suggested
103 Selectman Fleming try again to reach Mr. Stanley and speak with him directly about his
104 appointment. Selectman Picard will do his best to reach him.

105 **Motion # 3**

106 Selectman Fleming motioned to appoint Richard J. Belhumeur to the
107 Conservation Commission until May 2008, seconded by Selectman Picard, unanimous
108 by Chairman Paul.

109
110 An error was made last week appointing Alfred Holman to the Personnel Board.
111 As an Elected Official as a Constable, Mr. Holman is unable to serve on the Personnel
112 Board therefore the following motion was made.

113
114 **Motion # 4**

115 Selectman Fleming motioned to rescind the appointment of Alfred Holman to the
116 Personnel Board seconded by Selectman Picard, unanimous by Chairman Paul.

117
118 **Motion # 5**

119 Selectman Picard motioned to appoint James R. Bates, Jr. as an Associate
120 Member of the Zoning Appeal Board, seconded by Selectman Fleming, unanimous by
121 Chairman Paul.

122
123 **Motion # 6**

124 Selectman Picard motioned not to appoint Roger I. Barlett as an Associate
125 Member, Zoning Appeal Board based on medical information received from his family.
126 Seconded by Selectman Fleming, unanimous by Chairman Paul.

127
128 The Board is still waiting for a list of appointments to the Registrars of Voters.

129
130 In reference to the Fire and EMS Management Study Committee, the Board
131 discussed expanding the Committee members from 5 to 7. There is also a need for an
132 additional person to serve on this Committee that is a non-Fire personnel.

133
134
135

136 **Motion # 7**

137 Selectman Fleming motioned to appoint to the seven-member Fire and EMS
138 Management Study & Implementation Committee the following members, Al Holman,
139 Robert Henderson, Alan Leslie Rosenfield, Esq., Dan Lazarz, Henry Poirier, 3rd, and
140 Assistant Chief Michael J. Marchand. Leaving one vacancy requested by the Board to
141 be a citizen of the Community outside of the Fire Department: Amended by adding, the
142 Committee is in effect until May 2008. Seconded by Selectman Picard, unanimous by
143 Chairman Paul.

144
145 As the Fire Department Liaison, Selectman Fleming will draft a Mission
146 Statement for the Fire and EMS Management Study & Implementation Committee. He
147 will have this Draft statement for the Board to review at their next meeting on June 12th.

148
149 **Motion # 8**

150 Selectman Fleming motioned to appoint the following to the Town Manager
151 Assessment Committee, Robert Miller, Richard Desjardins, Joan Scribner, John
152 Robertson Jr. and Michael Bravo and to adopt a Mission Statement. Seconded by
153 Selectman Picard, unanimous by Chairman Paul.

154
155 The Town Manager Assessment Committee Mission Statement will be revised
156 noting the shortening of the time line from six-months to ninety-days for this five
157 member Committee and to submit a detailed report summarizing the research,
158 evaluation and recommendations of the Committee.

159
160 Chairman Paul, ask for volunteers to serve on the Enterprise System Committee.
161 Letters of interest can be mailed or dropped off at the Selectmen's Office.

162 Chairman Paul will work with the DPW Director to refine the Enterprise System
163 Account.

164
165 It was noted that Selectman Picard said he spoke with Ron Roux one of the
166 Principals in connection with the Maple Ave Planned Village Development and there is
167 legislation before the Senate called the 40P Bill regarding a municipal bonding so funds
168 may be available for infrastructure. Mr. Roux has asked Selectman Picard to go before
169 the Senate and speak at the Public Hearing. He would need to review the information
170 before he can say he is in full support.

171
172 The MMA Municipal Partnership Act will be addressed at a future meeting once
173 all Board members have had a chance to review the material. The Weston & Sampson
174 Expansion Study Report will also be reviewed for clarity.

175
176 Chairman Paul noted she is in receipt of an email from a concerned citizen in
177 reference to the 4th of July fireworks. She will forward this email on to the Men's Club for
178 a response.

180 Regarding the Animal Control Officer / Dog Officer, Kate Hawkins, Selectman
181 Picard received her monthly report and complimented her for doing an excellent job.
182 The report is sent on time every month and the Board appreciates her commitment.

183
184 Discussion relative to a grant writer. The Board members will draft a list of
185 proposed projects and contact Steve Wallace of the CMP.

186
187 **Motion # 9**

188 Selectman Fleming motioned to adjourn the meeting at 10:10pm. Seconded by
189 Selectman Picard, unanimous by Chairman Paul.

190 Respectfully submitted,

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192
193 Karen L. Varney, Administrative Clerk

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