

Town of Upton



Massachusetts

**Meeting Minutes of August 21, 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 called to order at 6:03pm.

At 6:04pm Chairman Paul gavelled to enter into Executive Session under M.G.L. Chapter 39, section 23B, exception # 3. (To discuss strategy with respect to possible litigation).

Poll taken: Marsha A. Paul "1", Robert J. Fleming "1", Ken E. Picard "1".

The Board will reconvene their regular meeting upon completion of Executive Session.

The Board reconvened their regular meeting at 7:05pm.

Poll taken: Marsha A. Paul "1", Robert J. Fleming "1", Ken E. Picard "1".

The Pledge of Allegiance was recited.

Videotaping provided by Jonathan Miguel, Cable TV Access Provider.

Appropriation Treasury Warrant No. 8e in the amount of \$183,564.82 was signed.  
Payroll Treasury Warrant No. 8P in the amount of \$76,773.05 was signed.

**Motion # 1**

Selectman Picard motioned to approve the meeting minutes of July 10, 2007 as transcribed, majority vote by Chairman Paul.

**Motion # 2**

Selectman Picard motioned to approve the meeting minutes of July 17, 2007 as transcribed, seconded by Selectman Fleming, unanimous by Chairman Paul.

**Motion # 3**

Selectman Picard motioned to approve the meeting minutes of August 7, 2007 as transcribed, majority vote by Selectman Fleming.

45 Chairman Paul noted that Don Tata of Tata & Howard would be unable to attend  
46 the meeting this evening. The meeting is reschedule to September 11<sup>th</sup>.  
47

48 **Confidential:**

- 49 □ Letter dated August 8, 2007 from the Mass Coalition of Police. *(The Board will speak*  
50 *with Chief Stockwell before addressing this communication).*
- 51 □ Informational Email Re: funds for the Pearl St tank invoice.
- 52 □ Letter to Mr. Ruland Re: Noble Vista for BOS review and approval. *(Approved by the*  
53 *Board with a Motion).*
- 54 □ Memorandum from Chief Stockwell dated August 3, 2007. *(This memorandum has*  
55 *been made public).*

56  
57 **Motion # 4**

58 Selectman Fleming Motioned to approve the letter addressed to Mr. Fred Ruland,  
59 drafted by Town Counsel Jay Talerman. Seconded by Selectman Picard, unanimous  
60 by Chairman Paul.  
61

62 In addressing a confidential Memorandum from Chief Stockwell dated August 3,  
63 2007, it was the decision of the Board to make this communication public information.  
64 The Selectmen had requested an investigation into the alleged illegal loam removal  
65 during the construction of the Memorial School Athletic fields. Chief Stockwell reported  
66 that no evidence was found to support any allegations of criminal activity. He stated he  
67 would inform the Board of any new information he receives.

68 Selectman Picard added that any reports relative to this investigation is available  
69 to the public, in the Selectmen's office.  
70

71 **FYI:**

- 72 □ Email from the AA Jim Bates, Re: Warrant Articles
- 73 □ Motion to close the September 18, 2007 Warrant on Friday, August 24, 2007.  
74 *(Approved - see Motion)*
- 75 □ *Motion* to appoint members to the Enterprise Fund Committee. *(Appointed - see*  
76 *Motion).*
- 77 □ RBC Account Statement July 1 – July 2007.

78  
79 Discussion regarding the appointment to the Water/Wastewater Advisory  
80 Committee and the expansion to form a sub-committee.  
81

82 **Motion # 5**

83 Chairman Paul motioned to appoint Walter A. Hopkins, Robert H. Snow, Jeffrey  
84 G. Hershberger, Rick Binaco and Richard E. Dupre to the Water/Wastewater Advisory  
85 Committee and to continue to discuss a three-member sub-committee. Seconded by  
86 Selectman Fleming, unanimous by Selectman Picard.  
87

88 The Board would like to review the DPW Home Rule Petition that was voted on  
89 at the Special Town Meeting in 1989.  
90

91 **Motion # 6**

92 Chairman Paul Motioned to appoint the following individuals to the Enterprise  
93 Fund Committee: Suzanne Skinner, Jeff Hershberger, Joan Shanahan and Robert  
94 Cotton, Esq. DPW Director Stephen Soma, will serve only as an advisor. Chairman Paul  
95 will also serve on this five-member Committee. Seconded by Selectman Picard,  
96 unanimous by Selectman Fleming.

97  
98 Chairman Paul will draft a Mission Statement. The first meeting will take place in  
99 September. The Administrative Clerk will notify the individuals by mail of their  
100 appointment.

101  
102 Chairman Paul gaveled to enter into an Executive Session under M.G.L. Chapter  
103 39 section # 6, to consider the purchase, exchange, taking, lease, or value of real  
104 property. The Board will reconvene their regular meeting upon completion of Executive  
105 Session.

106 Poll taken: Marsha Paul "I", Robert Fleming "I", Ken Picard "I".

107  
108 At 8:35pm, the Board reconvened their regular meeting.

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

110  
111 Conservation Commission Chair Christine Scott and Member Mike Penko, along with  
112 Planning Board Member Margaret Carroll came before the Board to address the action  
113 of the Selectmen's Motion of July 17, 2007 of the un-appointment of Ms. Carroll's  
114 Conservation Commission position. Ms. Scott and Mr. Penko are requesting re-  
115 instatement. Due to Ms. Carroll election to the Planning Board the majority of the  
116 Selectmen felt she should no longer serve on the Conservation Commission.

117 Ms. Scott summarized the importance of Ms. Carroll's participation within  
118 Commission sighting concerns over having a quorum. Ms. Carroll did state when she  
119 was elected to the Planning Board that she will step down from her seat on the  
120 Conservation Commission once someone steps forward. After discussion the Board  
121 agreed to have her stay on the Commission until October 1<sup>st</sup> when hopefully a  
122 permanent member will come forth. After discussion, the Board voted to re-instate Ms.  
123 Carroll.

124  
125 **Motion # 7**

126 Chairman Paul Motioned to rescind the Motion of May 29, 2007, Motion # 8 line  
127 211 *only*, to un-appoint Margaret Carroll from the Conservation Commission. Ms.  
128 Carroll's appointment will terminate on October 1, 2007 when a new member is  
129 appointed. Seconded by Selectmen Fleming, unanimous by Selectman Picard.

130  
131 Ms. Scott also addressed the matter involving a member of the Commission who  
132 has not shown up for the last 14 Commission Meetings. This person was asked to  
133 submit a letter of resignation but so far no letter has been received. Once the letter is  
134 submitted and the Commission recommends acceptance of the resignation, this will  
135 reduce the Commission to a five-member Commission, having three-members present

136 for a quorum. Chairman Paul was disappointed this person has not shown up for these  
137 meetings. Selectman Picard will contact this person and follow up with Ms. Scott.

138  
139 In respect to the Special Town Meeting scheduled for September 18, 2007,  
140 Chairman Paul asked that any Department wishing to submit Warrant Articles, need to  
141 do this by Friday, August 24<sup>th</sup>.

142  
143 **Motion # 8**

144 Selectman Fleming Motioned to close the September 18, 2007 Warrant for the  
145 Special Town Meeting, on Friday, August 24, 2007. Seconded by Selectman Picard,  
146 unanimous by Chairman Paul.

147  
148 The Board has requested a copy of the draft Warrant by next week (Thursday).

149  
150 Mail items reviewed:

- 151 1. Correspondence from Dept. of Public Utilities Re: Notice of Filing and  
152 Public hearing.
- 153 2. Training Announcement from Office of Public Safety. (Cc: Fire, EMS, BOH &  
154 DPW).
- 155 3. Request from the Upton Woman's Club to erect signs for the fall fair Oct  
156 20<sup>th</sup>. (The Board feels the request to place 13 signs is excessive. The Administrative  
157 Clerk will Contact Phyllis Conlin to reconsider the sign locations and resubmit the  
158 request).
- 159 4. Notice from CEI Re: 2008 SRF Funding Project Assistance.
- 160 5. CMMPO correspondence.
- 161 6. Correspondence from Certified Public Accountant Re: Report on  
162 Compliance applicable to Mass. School Districts. (Full report in BOS office).
- 163 7. Code Enforcement July Mileage Log.
- 164 8. Resignation letter from P/T Communications Officer Christina Rybicki.  
165 Also see a copy of the attached requisition to the Personnel Board.
- 166 9. Email from Conservation Commission Chairman Chris Scott Re:  
167 Enforcement Orders for 30 Fiske Mill and 19 Plumbley Rd.
- 168 10. Friends of Upton State Forest newsletter.
- 169 11. Letter from MMA Re: GIC. (Per Board – move forward with information for review.  
170 First step: Union).
- 171 12. Thank you letter from Student Cody Mathieu.
- 172 13. Letter from Permanent Firefighters Association Local 3338A Re: Boot  
173 drive on August 25<sup>th</sup>.
- 174 14. Email Re: ATV's & Dirt Bikes creating a problem.
- 175 15. Memorandum from Jim Bates, AA Re: 9/10/07 STE Warrant and WWAC  
176 appointments.
- 177 16. As requested from the BOS, response from Building Commissioner Pat  
178 Roche Re:
  - 179 A. 25 Crockett Rd
  - 180 B. 6 Wood St
- 181 17. Memorandum from Pat Roche, Inspector of Buildings Re: Chace Proposal

183 **Motion # 9**

184 Selectman Fleming Motioned to accept, with regret, the resignation of Christina  
185 Rybicki from the position of part-time Communications Officer. Seconded by Selectman  
186 Picard, unanimous by Chairman Paul.

187  
188 In regards to the Special Town Election scheduled for September 10<sup>th</sup>, it is the  
189 unanimous feeling of the Board that DPW Director Steve Soma prepares an Executive  
190 Summary, containing back up material supporting these Ballot questions. This Summary  
191 will be published in the Town Crier. It was noted that no amounts were indicated on the  
192 ballot questions as they are not allowed under M.G.L. c59, section 21c(k) (Debt  
193 Exclusions).

194  
195 The Special Town Election for September 10<sup>th</sup> Warrant was read aloud by the  
196 Board.

197  
198 A discussion regarding Department vacation logs took place. It is the  
199 understanding of the Board that the Department Manager is responsible for keeping  
200 track of employees' vacation and sick time. Relative to the Managers vacation time, they  
201 submit their request to the Board and then filed in their respective personnel folder.  
202 Selectman Picard recommending that perhaps a log or spreadsheet be worked up by  
203 the Treasurer/Collector. The Board asked the Administrative Clerk to contact  
204 Treasurer/Collector Ken Glowacki regarding this spreadsheet. Discussion also  
205 regarding time clocks. The Administrative Clerk is in the process of obtaining  
206 information.

207  
208 A few weeks ago, Selectman Fleming and Selectman Picard interviewed  
209 candidates for the Position of Grant Writer for the Town and Selectman Fleming noted  
210 that he has chosen a candidate he feels comfortable with. Chairman Paul was unable  
211 to attend the interviews but will review the videotape in the next few days and make her  
212 selection. The Selectmen requested the Administrative Clerk send a letter to the  
213 candidates, along with CMRP, apologizing for the delay in getting back to them, and  
214 letting them know that a decision will be made in the next week or two.

215  
216 A cardboard boat race took place this past weekend and was enjoyed by all.  
217 Kudos to Recreation Commission Director Chris Horn for a great job.

218  
219 **Motion # 10**

220 Selectman Fleming motioned to adjourn the meeting at 9:35pm. Seconded by  
221 Selectman Picard, unanimous by Chairman Paul.

222  
223 Respectfully submitted,

224  
225 Karen L. Varney, Administrative Clerk  
226  
227  
228  
229