

Town of Upton



Massachusetts

Meeting Minutes of Thursday, August 30, 2007

Present: Chairman Marsha A. Paul, Selectman Robert J. Fleming and Selectman Kenneth E. Picard. (Administrative Clerk Karen L. Varney was not in attendance).

Location: Upton Fire & EMS Headquarters, 20 Church Street, 2nd floor training room.

The meeting was called to order at 6:00pm.

Motion # 1

At 6:01pm Chairman Paul motioned to enter into Executive Session under M.G.L. Chapter 39, section 23B, exception # 6. Seconded by Selectman Fleming, unanimous by Selectman Picard.

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

At the completion of the Executive Session, the Board reconvened their regular meeting.

Poll taken: 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 #3 to discuss a personnel matter. Seconded by Chairman Paul, unanimous by Selectman Picard. The Board will reconvene their regular meeting upon completion of Executive Session.

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

At approximately 7:10pm, the Board reconvened their regular meeting.

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

Before continuing with their regular meeting, Chairman Paul gavelled to recess the meeting for five-minutes.

Videotaping provided by Jonathan Miguel, Cable TV Access Provider.

At approximately 7:15pm the Board welcomed Town Accountant Bob Perkins and Treasurer-Collector Kenneth Glowacki. Discussion took place relative to the Town's debt specifically the \$12,000.00 Pearl Street tank project bill. Chairman Paul states when she spoke with the FinCom (in May) she did not talk about the Pearl Street tank project, as

45 they were aware, the tank needed another inspection. Selectman Fleming said there
46 was conversation with the Finance Committee and the Selectmen at the Annual Town
47 Meeting and articulated which funds they were in favor of rolling into the General fund to
48 reduce the debt. The Board was aware of the outstanding bill. Now the Board is faced
49 with this bill and no way to raise the revenue, other than go back and put it on a Warrant
50 Article. Honestly, stated Selectmen Fleming, he does not want to go back to the
51 Citizens.

52 It is up to the Selectmen to vote for acceptance of the Warrant Articles and they
53 have the authority to add or remove any Article they desire. Chairman Paul is against
54 going back to the Community. A discussion took place regarding the \$12,000 coming
55 from the FinCom reserve. The FinCom would have to post a meeting and vote on this
56 transfer. Selectman Fleming reminded everyone that when the Town appropriates
57 money for a specific Article, the funds must be used for that purpose or they must be
58 voted out of the Article or transferred.

59 Town Accountant Perkins noted that the Town could raise and appropriate into
60 Water Maintenance and pay the bill from Water Maintenance and then do a
61 supplemental appropriation to Water Maintenance. Chairman Paul said the expectation
62 from the community is that all the bills were paid, and she wants options so she does
63 not have to go back to the Community.

64 Chairman Paul commented that the FinCom took it upon them selves, before
65 Town Meeting, and slashed everything they could from the budget; this was shameful,
66 as everything was moved off to the next fiscal year. Now the Town will have more of a
67 deficit. This is one of the reasons for the Enterprise System, so there's no battle every
68 time the Town needs funds to maintain the water and wastewater systems.

69 Town Accountant Perkins, said, that the law states, if the Town goes into
70 appropriation deficit, the only legitimate reasons allowed would be public safety, public
71 health or snow and ice emergencies declared by the Board of Selectmen.

72 Selectman Picard made a statement saying the Board of Selectmen is ultimately
73 responsible and played a part in this error and therefore the Board should take
74 responsibility. Strongly disagreeing with this statement, Selectman Fleming stressed,
75 they did not miss it, and the Board never approved taking an appropriated fund out of
76 the Town Treasury to pay off a debt, that is an illegal process that he never approved.
77 When the citizens say they voted a specific amount for a water tank project, the only
78 way those funds move, if they goes back by the voters wishes, the Selectmen don't
79 make that decision. The Board was not in error the Board is trying to clean up the error.
80 There's only two options, leave the Article on the Warrant or transfer from the Knowlton
81 Trust fund.

82 After a long debate, the Majority of the Board agreed to pay the Pearl Street
83 project invoice in the amount of \$12,000.00 from one of the Town's Trust Funds.

84
85 **Motion # 3**

86 Selectman Fleming motioned to pay, from the William Knowlton Trust fund, the
87 amount of \$14,442.00, as a maximum amount to pay for the outstanding invoice for the
88 final inspection of the Pearl Street water tank-painting project. Majority vote: Chairman
89 Paul.

90

91 The Board of Selectmen agreed to recess their meeting, as DPW Director
92 Stephen Soma will conduct an informational hearing on the three Ballot questions for
93 the Special Town Election on Monday, September 10, 2007.

94
95 At 8:32pm, the Board reconvened their meeting.

96
97 The Board reviewed the Warrant Articles for the September 18, 2007 Special
98 Town Meeting.

99 Beginning with Article 1, regarding the sum of \$50,000.00 for an access ramp at
100 the Knowlton/Risteen building facility, Selectman Picard directed a question to the
101 Commission on Disability member Joan Shanahan with respect to the plan. It was
102 Selectman Picard's feeling is that funds should be appropriated for an Architect to
103 design this ramp and to come up with a true cost. Ms. Shanahan has not seen the plan
104 but is aware that the person who drafted this is not an Architect. She is aware that it will
105 be built by the Prison inmate program as this will save money on the labor. The DPW
106 Department will dig the footings.

107 Selectman Fleming complemented the Committee for all the research they have
108 done. He continued by saying use of the Sheriffs Department is a valuable asset,
109 however, there is no hard commitment. The Town would appropriate the funds on the
110 assumption that we will get that service. If that falls through, it becomes problematic.
111 Selectman Fleming is also concerned about these plans meeting all the ADA
112 specifications and compliance. Chairman Paul suggested leaving the Article on the
113 Warrant but would need to see the actual plan. It was suggested by Selectman Fleming
114 to revisit this at a later time so the Board can have dialog with the Committee members
115 and perhaps schedule this Article for the December 4th Special Town Meeting.

116
117 **Motion # 4**

118 Selectman Fleming motioned to remove Article 1 (from the September 18, 2007
119 draft Warrant) as stated and defer to the December 4, 2007 Special Town Meeting.
120 Seconded by Selectman Picard, unanimous by Chairman Paul.

121
122 A meeting date will be set up with the ADA Committee and the Selectmen to
123 explore further.

124
125 The Board continued review of the Warrant Articles. Regarding Articles 2 thru 5,
126 Chairman Paul asked that the Administrative Assistant James R. Bates, set up a
127 meeting to update the Board, relative to the balances in each account of the Community
128 Preservation Fund. Also chairman Paul would like to have more dialog in addressing the
129 DPW Water Departments long-term issues before the next Town Meeting with
130 supporting documents. A plan needs to be implemented. A meeting will be scheduled for
131 the fall.

132 During the review of the Warrant Articles the Board received input from DPW
133 Director Stephen Soma. In regards to the \$4,300 Article for the purpose of installing a
134 catch basin cleaner, Board members asked Mr. Soma to look into what the cost was
135 over the last few years and bring that information to Town Meeting.

136 Selectman Fleming requested that Mr. Soma prepare a Capital Assessment Plan
137 listing equipment, date of purchase, working condition (mileage) and usage and present
138 this plan to the Board.

139 Regarding Article 20, replacing the DPW office trailer, it is Selectman Fleming
140 feeling that if Director Soma submits the bids to the Board, he feels confident they can
141 fund the cost without a Warrant Article.

142 To summarize, the Board agreed with keeping, Article 2 though 7, Article 8 and 9
143 revised, Article 10 though 17, deleting Article 18 to 21 and keeping Article 22. This totals
144 to 17 Articles. The Administrative Assistant will post this Warrant on Friday, August 31,
145 2007.

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147 **Motion # 5**

148 Selectman Fleming Motioned to close Town Government Operations at noontime
149 on Friday August 31, 2007 and to reopen for regular business on Tuesday, September
150 4th. The Public Safety Departments are to see their Department manager for equal time
151 off at a future time. Seconded by Chairman Paul, unanimous by Selectman Picard.

152
153 The Board is in agreement that they will hold off another week before making
154 their final decision on the position of Grant Writer for the Town.

155
156 Selectman Picard noted that he attended the Town Manager Assessment
157 Committee meeting last Tuesday at the High School in which the Town Manager for the
158 Town of Ashland spoke in length about the advantages and disadvantages of a Town
159 Manager. Selectman Picard said the committee is doing a great job, asking a number of
160 questions and moving along diligently to meet the time frame. Selectman Fleming
161 added that he has heard good feedback of the Fire & EMS Management Review and
162 Implementation Committee.

163
164 In closing, Chairman Paul reminded the Citizen to vote on Monday, September
165 10th at Nipmuc Middle/High School starting at 7:00am. Also to attend the Special Town
166 Meeting on September 18, 2007 at 7:30pm.

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168 **Motion # 6**

169 Selectman Fleming motioned to adjourn the meeting at 9:25pm. Seconded by
170 Chairman Paul, unanimous Selectman Picard,

171
172 Respectfully submitted,

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174 Karen L. Varney, Administrative Clerk
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