

Town of Upton



Massachusetts

Meeting Minutes of September 11, 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

Chairman Paul called the meeting to order at 7:03pm.
Videotaping provided by Jonathan Miguel, Cable TV Access Provider.

Chairman Paul asked for a moment of silence to remember the loss of lives on September 11, 2001, to show respect for the victims and our nations solidarity and support for our men and women who are still fighting in the arm forces. Thank you all for giving your lives for our freedom.

The Pledge of Allegiance was recited.

State Representative George N. Peterson, Jr. stopped by for an informal visit and was welcomed by the Board. He noted that the first formal session of the State Legislator would be held on Tuesday, September 18th. He anticipates they will be discussion of the Governors vetoes as well as other pending legislation, which includes the supplemental budget. They will also review the forthcoming infrastructure reports on the Roads and bridge construction. Also he is waiting to see if the Governor will be backing expanding gaming in Massachusetts. Selectman Picard asked Representative Peterson his thoughts on amending the CPC requirements to include ADA Compliance. Representative Peterson stated that it would be possible to draft a bill to amend. Further discussion on the possibility will be forthcoming at a later date.

After responding to a few questions from the Board, Representative Peterson thanked the Board for their time.

Barbara Burke and Rick Binaco, Co-Chairman of the Heritage Celebration for the Town, "Celebrate Upton" came before the Board to update them on the festivities. The schedule of events on September 22nd will include: Breakfast at the United Parish Church 7:00am-9:30am, craft and flea market at the Town Common starts at 8:00am, and a book sale at the Town Library from 8:00am-1:00pm. At the Town Beach, there will be a pie eating contest and other enjoyable activities including a chicken BBQ for \$6.00, children's hot dog and drink for \$2.00. The Bloomer girls will have a sock-hop at the VFW starting at 7:30pm. Thank you to the Upton Men's Club, and the Police Union for

45 their generous cash donation. Thank you also to Lisa Brochu. Rain date will be Sunday,
46 September 23rd.

47 On behalf of the Historical Society, Barbara Burke presented the Board with the
48 new 2008 Upton Calendar that is on sale at the Town Clerk's office. All proceeds go to
49 the Historical Society Building fund.

50

51 Appropriation Treasury Warrant No. 11e in the amount of \$88,136.44 was signed.
52 Payroll Treasury Warrant No. 11P in the amount of \$62,038.30 was signed.

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54 **Motion # 1**

55 Selectman Fleming motioned to approve the meeting minutes of August 21,
56 2007, seconded by Selectman Picard, unanimous by Chairman Paul.

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58 **Motion # 2**

59 Selectman Fleming motioned to approve the meeting minutes of (Thursday)
60 August 30, 2007 with a minor correction on lines # 82 and 57. Seconded by Chairman
61 Paul, unanimous by Selectman Picard.

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63 **Motion # 3**

64 Selectman Fleming motioned to approve the Executive meeting minutes of
65 (Thursday) August 30, 2007 (UDG) Seconded by Selectman Picard, unanimous by
66 Chairman Paul.

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68 The Board reviewed the appropriation summary report and noted additional
69 monies on the balance of certain line items. They will ask Director Soma to research
70 some of these balances.

71

72 At 7:45pm the Board welcomed DPW Director Stephen Soma and Tata & Howard
73 representative Ron Pong. Director Soma began the discussion by handing the
74 Selectmen a memo noting the dry weather conditions and the state of the Glen Ave
75 Wells. He suggested a Town wide water ban, and non-compliance citizens will be
76 subjected to fines as outlined in the Town of Upton General By-Laws. The Board
77 agreed.

78 Chairman Paul spoke of people using their private wells for watering and the
79 need to identify those wells. Director Soma also noted he will be talking with
80 Northbridge about testing and the chlorination of the emergency water hookup.

81

82 **Motion # 4**

83 Selectman Fleming motioned to approve a Town Wide Water Ban as
84 recommended by DPW Director Soma effective immediately. Seconded by Selectman
85 Picard, unanimous by Chairman Paul.

86

87 In another matter, Director Soma stated that Grove Street resident Tom
88 Thompson has extended the municipal sewer system in order to allow a tie in for his
89 failed system, at a cost to him of around \$40,000. Mr. Thompson has asked the Town to
90 waive the tie in fee in exchange for his community contribution. Director Soma is

91 amenable to this offer and asks for the Boards' consideration. The Board is in
92 agreement as long as Mr. Thompson has met all the requirements. Director Soma noted
93 that it is possible for additional homes to tie in with this extension.
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95 **Motion # 5**

96 Selectman Picard motioned to approve waiving the \$5,000 sewer connection fee
97 to Grove Street resident Tom Thompson, as outlined in a Memorandum dated
98 September 11, 2007. Seconded by Selectman Fleming, unanimous by Chairman Paul.
99

100 Tata and Howard Engineering representative, Ron Pong gave the Board an
101 update on the approximate timeline approval process for the new third water source on
102 West River Street. In a hand out to the Board, Mr. Pong listed the specifics from the
103 request for a site exam to the construction of the treatment facility (if one is required).
104 He noted that it is a long process adding the total estimated optimal schedule for
105 process, is approximately 120 weeks to reach the date of the new source approval from
106 the DEP. Mr. Pong also spoke of the additional permits required by the Army Corps of
107 Engineers and the DEP. He concluded his in dept report by saying the typical process
108 from start to finish is a minimum of three to five years.

109 The Board thanked Mr. Pong and Director Soma for the update.
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111 **Motion # 6**

112 At 8:15pm, Chairman Paul motioned to enter into Executive Session under
113 M.G.L. Chapter 39, section 23B, exception # 2. Seconded by Selectman Fleming,
114 unanimous by Selectman Picard.

115 Poll taken: Ken Picard "I", Robert Fleming "I", Marsha Paul "I".
116

117 After completion of the Executive Session, the Board will reconvene their regular
118 meeting.
119

120 At 9:42pm, the Board of Selectmen reconvened their regular meeting.

121 Poll taken: Marsha Paul "I", Robert Fleming "I", Ken Picard "I".
122

123 **Confidential:**

- 124 ⇒ Correspondence to Mass Coalition of Police dated August 23, 2007 from the Town
125 Clerk.
- 126 ⇒ Letter dated August 23, 2007 sent to MIIA.
- 127 ⇒ Vacation request dated 8/27/07. (Approved)
- 128 ⇒ Correspondence dated September 4, 2007 Re: Pleasant St. (Walk thru scheduled for
129 Thursday, September 13th).

130 **FYI:**

- 131 ⇒ DPW Home Rule Petition Act: voted on March 20, 1989
- 132 ⇒ Thank you note from applicant John Zakian.
- 133 ⇒ Email Re: Local #162 meeting date.
- 134 ⇒ Email from CMRPC, Tim Hansen Re: FY08 CDBG application.
- 135 ⇒ Code Enforcement travel log
- 136 ⇒ Memorandum from Director Soma Re: Vacation Policy.
- 137 ⇒ Letter to Conservation Commission member Re: resignation. (See Motion # 8).

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Motion # 7

Selectman Fleming motioned to approve the vacation request for the Administrative Assistant. Seconded by Ken Picard, unanimous by Chairman Paul.

The Board reviewed the DPW Home Rule Petition Act that was voted on at the Annual Town Meeting, March 20, 1989. Due to time constraints, this will be tabled until the DPW Director prepares his project summary report for the Board.

The Board of Selectmen reviewed and ranked the candidates for the position of Grant Writer for the Town. The majority opinion was for John Zakian. It was agreed to contact the top ranked applicant John Zakian to come before the Board to discuss the position of Grant Writer for the Town.

It was also discussed and agreed that CMRPC could also aid and assist with the new Grant Writer once that person is appointed.

Motion # 8

Selectman Fleming motioned to accept with regret, the resignation of Conservation Commission Member Richard Belhumeur. Seconded by Chairman Paul, unanimous by Selectman Picard.

Mail:

1. Letter from Dr. Fitzpatrick Re: Rebate check sent to the Town Treasurer in the amount of \$4,584.58 and a thank you note from Chairman Paul.
2. Request for reimbursement sent to EOEA.
3. Request from the Wildwood Lounge Re: Annual Pig Roast outside the premises on September 29th from 1:00-6:00pm. (*Approved*).
4. Notice from the Mass Turnpike Authority Vegetative Management Plan.
5. Correspondence from MEMA Re: Grant Program. (Cc: Brian Kemp).
6. Email from the ConCom Re: Treestand Policy (for BOS review and comment).
7. Memorandum from DPW Director Soma Re: 9/18/07 STM Articles.
8. Memorandum to the Department Managers Re: Vacation and sick time benefits.
9. Letter sent to Mr. Fred Ruland dated August 22, 2007. (Cc: ZBA Chairman, Attorney Talerman).
10. Grant Writing Workshop.
11. Sample of a letter sent to the Grant Writer applicants.
12. Thank you letter addressed to John Johnson, Supervisor of Parks for the great job done by his staff on Elm St from Historical Commission Chairman Barbara Burke.
13. Memorandum from DPW Director Soma, Re: response to the letter from Mr. Wilga / 44 Grafton Rd property.
14. Memorandum from DPW Director Soma Re: Peal St Tank Funds.
15. Correspondence from Municipal Coalition for Affordable Housing.
16. MMA Statewide essay contest for 6th Graders.
17. Memorandum from Kelly McElreath Re: local update of census address (LUCA) program. (*Chairman Paul signed the document for processing*).
18. Copies of letters (2) from Kopelman & Paige Re: B. Perry.
19. Charter Communications Re: Order of Notice from Commonwealth of Mass. (full packet in the BOS office).

- 186 20. Copies of violation letters from Patrick Roche, Inspector of Buildings/Zoning Officer. *(In*
187 *reference to one of the violation letters, the Board is waiting to hear back from Town Counsel*
188 *regarding the "right to farm" proposed by-law).*
- 189 21. White paper from Kopelman & Page Re: GIC.
- 190 22. Sample of a letter sent to the Appointee's of the Enterprise Fund Committee notifying
191 them of the first meeting on September 17th. *(Chairman Paul is looking to complete this*
192 *process in time for the December Special Town Meeting).*
- 193 23. Correspondence from Town of Hopkinton Re: Decision: Special Permit for Rockwood
194 Meadows.
- 195 24. Notice of Foundation Reserve award of \$11,000.00.
- 196 25. Request from the Upton Woman's Club to place signs for their annual fall fair on October
197 20th. (Approved)
- 198 26. Members of the Fire Department took part in a chili cook off last Saturday. Proceeds
199 benefit the Bernat Mill owners and workers.
- 200 27. Violation *notices* sent from the Code Enforcement Department to a N. Main Street and
201 Church Street resident.
- 202 28. Memorandum from Chief Stockwell Re: Patrol Officer Position.
- 203 29. Resignation letter from Community Preservation Committee member Don Arthur.

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205 **Motion # 9**

206 Selectman Fleming motioned to approve the request from the Wildwood Lounge,
207 Inc., to have their annual pig roast on Saturday, September 29th from 1:00 to 6:00pm.
208 Beverages can be served in plastic cups or cans outside in the roped off area.
209 Seconded by Selectmen Picard, unanimous by Chairman Paul.

210
211 In reviewing mail item 6, a memorandum from the Conservation Commission
212 asking the Board to review a new Treestand policy they would like to put in effect. It was
213 the Selectmen's suggestion that the ConCom hold a public hearing on the matter and
214 report back to the Selectmen before instituting this policy.

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216 **Motion # 10**

217 Selectman Picard Motioned to approve the request from the Upton Woman's
218 Club to place eight-signs in specific areas around Town for the upcoming Fall Fair on
219 October 20, 2007. Signs can be displayed from October 1st to 20th. Signs must be
220 removed by the end of the day on October 20th. Seconded by Selectman Fleming,
221 unanimous by Chairman Paul.

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223 **Motion # 11**

224 Selectman Fleming Motioned to accept, with regret, the resignation of Don Arthur
225 from the Community Preservation Committee. Seconded by Selectman Picard,
226 unanimous by Chairman Paul.

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228 Chairman Paul commented on last evenings vote of the three ballot questions
229 brought before the citizens. She expressed her disappointment and concern that these
230 important Articles did not pass. She assured the community that she would make a
231 better effort to communicate to the community in the future.

233 Selectman Picard presented the Board with final cost information relative to a
234 project the Selectmen had previously agreed to assist with financially. Board members
235 will review this information for approval at a forthcoming meeting. Chairman Paul
236 thanked Selectman Picard for volunteering to take on this project.

237
238 The seventeen-Article Warrant was read aloud by the Selectmen.

239 Chairman Paul reminded the Community to come out and vote at the Special
240 Town Meeting, September 18th at 7:30pm, at Nipmuc Regional Middle / High School.

241
242 The Selectmen approved and signed statement no. 71082 in the amount of
243 \$12,391.62 for legal services from Kopelman and Paige, P.C. also the Addendum for
244 additional services regarding the Station Street Pumping Station Evaluation from Pare
245 Corporation dated September 5, 2007. The Board also approved, as recommended by
246 Director Soma, Amendment No 3, added to the original contract for the Mechanic and
247 North Street Water Main and Booster Pump Station from Tata & Howard.

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249 Lastly, Selectmen Fleming, as the Liaison for the COA Department, was invited
250 by the COA Director to attend a 10:00am meeting with her and Mr. Kiley on Friday,
251 September 28th. Selectmen Fleming stated he would be unable to attend. Selectmen
252 Picard offered to attend the meeting.

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254 **Motion # 12**

255 Selectman Picard motioned to adjourn the meeting at 10:35pm. Seconded by
256 Chairman Paul, unanimous, Selectman Fleming

257 Respectfully submitted,

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260 Karen L. Varney, Administrative Clerk
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