

Town of Upton



Massachusetts

Meeting Minutes of October 9, 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 Pledge of Allegiance was recited. Videotaping provided by Jonathan Miguel, Cable TV Access Provider.

Selectman Fleming called the meeting to order at 7:30.

While waiting for Chairman Paul to arrive, the Board began the meeting by signing the weekly Warrants. Selectman Fleming noted that the Board will be entering into two Executive Sessions, one being a meeting with the Upton Development Group.

Appropriation Treasury Warrant No. 15e in the amount of \$122,450.80 was signed.  
Payroll Treasury Warrant No. 15P in the amount of \$79,061.55 was signed.

Meeting minutes are on hold until the Board can review them.

Selectman Fleming announced the Board would be meeting with Fred Ruland, Noble Vista Estates, on October 23, 2007 for the continued discussion for a possible resolution.

**FYI :**

- ⇒ Email from Conservation Commission Chair Chris Scott Re: Site visit – Shining Rock
- ⇒ Memorandum from Wiring Inspector John Poirier, Jr. Re: Increase of inspections and the need for additional assistance on a temporary as needed basis.
- ⇒ Correspondence from COA Director Re: Rockwood Meadows
- ⇒ Memorandum from Chief Stockwell recommending the appointment of Carl E. Hartwick as Part-Time Communication Officer at a pay rate of \$16.15 per hour. (*appointed*)
- ⇒ Classified Ad: Communication Officer
- ⇒ Memorandum from Treasurer/Collector Glowacki Re: Vacation/Sick account control from 7/1/07.

45 In a memorandum received by the Board from Wiring Inspector John G. Poirier,  
46 Jr., Kevin Fleming, Wiring Inspector for the Town of Mendon, will be assisting Mr.  
47 Poirier on a temporary, as needed basis until such time as the Assistant Wiring  
48 Inspector position has been filed.

49  
50 At approximately 7:35pm, Chairman Paul joined the meeting.

51  
52 **Motion # 1**

53 Selectman Picard motioned to appoint, as recommended by Chief Stockwell,  
54 Carl E. Hartwick as a Part-Time Communication Officer at a pay rate of \$16.15 per  
55 hour. Seconded by Selectman Fleming, unanimous by Chairman Paul.

56  
57 In reviewing the vacation and sick time spreadsheet submitted by  
58 Treasurer/Collector Kenneth Glowacki, the Board was in agreement to ask Mr. Glowacki  
59 to investigate with the payroll service, the option of having this information on the  
60 employees pay check stub.

61  
62 **Confidential:**

- 63 1. Copy of a Correspondence sent to MIIA Dated October 3, 2007.
- 64 2. Copy of a letter to Christopher Perry, Esq. from Town Counsel dated October 3,  
65 2007.
- 66 3. Copy of a letter from Town Counsel Re: Terrill dated October 3, 2007.

67  
68 **Mail:**

- 69 1. Copy of a letter addressed to Chief Stockwell Re: Award of \$11,299.00 through  
70 FY2008 State-funded Community Policing Grant Program. *(Congratulations to the*  
71 *Chief).*
- 72 2. Memorandum from the Planning Board Re: Chace Proposal. *(Per Chairman Paul, the*  
73 *Board is in agreement with the recommendation of the Departments, this being the Planning*  
74 *Board. At this time it is not in the best interest of the Town to recommend this proposal).*
- 75 3. Note to the Board Re: Tree Stands: Hunting regulations of Mass Fish & Game. *(A*  
76 *Public Hearing has been scheduled).*
- 77 4. National Bridge Inspection Standards (Cc: S. Soma) *(The Administrative Clerk will*  
78 *send memo asking Mr. Soma to respond with a plan for repairs).*
- 79 5. Notice of ZBA Variance / Special Permit Decision.
- 80 6. The Beacon
- 81 7. Memorandum from the Planning Board Re: Personal Wireless Service. *(Per*  
82 *Chairman Paul, this should be open to all individuals who are interested. Selectman Picard to talk*  
83 *wit the Planning Board relative to the BY-law restrictions).*

84  
85 **Motion # 2**

86 At approximately 7:46pm, Selectman Fleming motioned to enter into Executive  
87 Session under M.G.L. Chapter 39, s.23B exception #6. Seconded by Chairman Paul,  
88 unanimous by Selectman Picard.

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

90  
91 After completion of the Executive Session, the Board will reconvene their regular  
92 meeting.

93  
94 At 8:40pm the Board reconvened their regular meeting.

95  
96 The Board of Selectmen welcomed Board of Health Member and Trust Fund  
97 Committee Member Rick Binaco, Treasurer / Collector and Trust Fund Committee  
98 Member Kenneth Glowacki along with Trust Fund Committee Member, William  
99 McCormick. The purpose of the meeting was to discuss the necessary repairs needed  
100 to the Risteen Building in order to comply with ADA. In the previous review of plans for a  
101 handicapped ramp that was submitted by COA Director and Disability Affairs  
102 Coordinator Natasha Heimrath, the Board feels that perhaps monies in the Trust funds  
103 could be used for this purpose. Mr. Bianco wanted to make it clear that the Trust Fund  
104 Committee does not make any recommendations as to how the monies are to be  
105 applied and confirmed the funds are under the control of the Board of Selectmen.

106 Chairman Paul asked Mr. McCormick the balances in each of the three accounts  
107 that are available. Mr. McCormick noted the William Knowlton trust fund, has about  
108 \$53,000.00, the distress fund, \$55,600.00 and the Welfare fund is over \$500,000.00.

109 The Board noted that the language in some of these Trust funds is vague.  
110 Selectman Fleming stated that it is frustrating to see funds sitting in an account when it  
111 could be used for ADA purposes. He continued by saying these funds could be used for  
112 an elevator and a handicapped accessible restroom and suggested contacting Town  
113 Counsel for clarification of the verbiage within the Welfare fund. It is Mr. Binaco's feeling  
114 that an elevator and restroom for the Board of Health would qualify under the Welfare  
115 fund.

116 It was agreed by the Board to have Town Counsel investigate and clarify the  
117 language used in the Welfare Trust Fund for ADA compliance. The Board thanked the  
118 members for their input.

119  
120 Before Mr. Glowacki left the meeting the Board asked him to contact the Town's  
121 payroll service about adding the vacation and sick time hours to the paycheck stubs. Mr.  
122 Glowacki noted that it would be a complex matter but he will look into it and report back  
123 to the Board.

124  
125 At 9:02pm Chairman Paul gaveled to enter into another Executive Session under  
126 M.G.L. Chapter 39, s. 23B, exception #7.

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

128  
129 The Board will reconvene their regular Meeting after conclusion of Executive Session.

130  
131 At 9:25pm, the Board reconvened their regular meeting.

132  
133 The three bids submitted for the security and fire alarm system for the Ramsey  
134 building was reviewed by the Board. Selectman Picard excused himself in taking any  
135 action relative to these bids as he has a working relationship with one of the individuals.  
136 It was his recommendation to have the Administrative Assistant, James R. Bates, work  
137 with these vendors and handle the whole process. Chairman Paul indicated the cost

138 deviation and asked that Mr. Bates look into that cost difference and if the conditions are  
139 the same, go with the lowest bid.

140

141 *Motion # 3*

142 Selectman Picard motioned to open a Warrant for a Special Town Meeting  
143 (December 4<sup>th</sup>), seconded by Selectman Fleming, unanimous by Chairman Paul.

144

145 *Motion # 4*

146 Selectman Picard motioned to close the Warrant for the Special Town Meeting on  
147 November 2, 2007. Seconded by Selectman Fleming, unanimous by Chairman Paul.

148

149 The Board of Selectmen will review, adjust, approve and sign the Warrant on  
150 Tuesday, November 13, 2007 and said Warrant will be posted on November 16, 2007.

151

152 Selectman Fleming spoke of holding a general forum for Department Managers  
153 that report to the Board of Selectmen and ask them to submit any Warrant Article at that  
154 time. Selectman Picard agreed it would be a good idea. He has a form he will give to  
155 the Administrative Assistant Jim Bates to pass on to the Managers. Chairman Paul  
156 reminded the Board of the round table discussions she talked about a few weeks ago,  
157 and agreed it would be a good start. It was agreed to schedule the forum for Thursday,  
158 November 8, 2007.

159

160 The Board of Selectmen will not be meeting next Tuesday, they do however have  
161 an Executive Session posted for Monday, October 15<sup>th</sup>.

162

163 In further discussion relative to the barking dog matter at 57 South St, the Board  
164 reviewed an offer of settlement (agreement) they received on October 4, 2007 from Mr.  
165 Perry's Attorney. Selectman Fleming has a problem with the language of the settlement  
166 and is not in favor of the agreement and wishes to move forward with the court date.  
167 There was however another barking dog complaint logged at the Police Department  
168 yesterday, October 8, 2007 at 8:32pm and according to the narrative, Mr. Perry  
169 displayed rudeness. Agreeing with his colleagues, Selectman Picard stated that there  
170 has been enough dialog and it's time for action. Chairman Paul wished that Mr. Perry  
171 had accepted the 1<sup>st</sup> draft of the agreement then all parties could have moved on. She  
172 was not in full agreement with her colleagues with continuing on with the court date,  
173 however after reading a copy of the October 8<sup>th</sup> complaint, and considerable thought,  
174 changed her mind and agreed to also move forward.

175

176 *Motion # 5*

177 Selectman Fleming motioned to not accept the (draft revision) Agreement for  
178 Judgment, received today, October 9, 2007 from Attorney Christopher M. Perry and to  
179 continue to pursue the court date of October 19, 2007. Seconded by Selectman Picard,  
180 unanimous by Chairman Paul.

181

182 In the matter of a Grant Writer for the Town, Selectman Fleming received a letter  
183 of Engagement for Consulting Services from Mr. John R. Zakian. The Board appreciates

184 his promptness. The agreement will be reviewed and eventually forwarded on to Town  
185 Counsel.

186  
187           Regarding the Hopkinton Road and School Street intersection safety matter,  
188 Selectman Picard said he had asked Chairman Paul to have either the Administrative  
189 Assistant or the DPW Director contacted Mass Highway to begin dialog and believes it's  
190 moving along.

191  
192           Chairman Paul spoke of the recent CMRP meeting she attended. One of the  
193 sessions spoke of the Economic Development for the Blackstone Valley and regionally  
194 bringing jobs to Blackstone Valley. They are looking for one-member of each Boards of  
195 Selectmen to participate in a Committee to help identify the Commercial and Industrial  
196 areas of the different Towns. The CMRP would be happy to come out and give further  
197 details. The second session spoke of the rail service for Blackstone Valley and  
198 reopening the rail line from Worcester to Providence. They are asking the thirteen-  
199 Towns to commit to supporting a feasibility study. Chairman Paul noting the fact that  
200 Upton has no public transportation at all would like to see a buss service before a rail  
201 service. It was suggested to invite CMRP to a future Selectmen's meeting to further  
202 investigate Economic Development. Selectman Picard commented on the work involved  
203 in the Master Plan and he would like to see the Town involved more with CMRP.

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205           With no further business, the Board Motioned to adjourn the meeting.

206  
207 *Motion # 6*

208           Selectman Picard motioned to adjourn the meeting at 9:55pm, seconded by  
209 Selectman Fleming, unanimous by Chairman Paul.

210  
211 Respectfully submitted,

212  
213 Karen L. Varney, Administrative Clerk  
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