

Town of Upton



Massachusetts

Meeting Minutes of October 30, 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 7:00pm.

At 7:01pm Chairman Paul gavelled to enter into Executive Session under M.G.L. Chapter 39 §23B, exception #3.

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

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

At 7:35pm the Board reconvened their regular meeting.

The Pledge of Allegiance was recited. Videotaping provided by Jonathan Miguel, Cable TV Access Provider.

Appropriation Treasury Warrant No. 18e in the amount of \$748,685.95 was signed.

Payroll Treasury Warrant No. 18P in the amount of \$60,596.65 was signed.

Motion # 1

Selectman Fleming motioned to approve the *Executive Session* meeting minutes of October 23, 2007 (Noble Vista) with an insertion of the month "June" on line 38. Seconded by Selectman Picard, unanimous by Chairman Paul.

Motion # 2

Selectman Fleming motioned to approve the *Executive Session* meeting minutes of October 23, 2007 (149 Main St). Seconded by Selectman Picard, unanimous by Chairman Paul.

Motion #3

Selectman Fleming motioned to approve the *Emergency* meeting minutes of October 18, 2007 with a change on line 50, taking out "just under" to "just over". Seconded by Selectman Picard, unanimous by Chairman Paul.

Motion # 4

45 Selectman Fleming motioned to approve the meeting minutes of October 23,
46 2007 (after review of the audiotape to confirm line 136: *150 to 200 gallons a minute*).
47 Seconded by Selectman Picard, unanimous by Chairman Paul.

48 (Note: tape reviewed by the Administrative Clerk: no correction needed).
49

50 COA Director Natasha Heimrath and Developer Kevin Lobisser came before the
51 Board to discuss the Rockwood Meadows Senior housing project's Community Center
52 and to clarify the agreement with the COA. A copy of this agreement was sent to
53 Kopelman and Paige for review. One of the concerns noted by Attorney Klein's
54 response in the letter, was the Lease, primarily surrounding the rent. Mr. Lobisser
55 responded by saying his attorney is working on the Lease verbiage and indicated they
56 added "proportionate use". It was noted that the six numbered items in this letter is part
57 of the Special Permit and that number 4 (Lease) is a "boiler plate" lease. When asked
58 by the Board when the Community Center project will start, Kevin said he is looking a
59 late 2008 or early 2009. He said he would sit down with the Planning Board and the
60 Board of Selectmen when the time comes and added that eventually the Rockwood
61 Meadows Homeowners Association would be the overseer of the Community Center.

62 Director Heimrath spoke of a grant application that was accepted through the
63 State in which they will pay 80% for a new 14-passenger lift van for the Community
64 Center and Kevin has agreed to pay the additional 20%. He was quoted as saying he
65 will act on it quickly after the grant is officially approved, as he does not want the Town
66 to lose out on the (grant) money. Natasha said it is possible for the COA to apply for this
67 grant every year.

68 The Board thanked Director Heimrath and Developer Lobisser for their time and
69 look forward to receiving updates.
70

71 At 8:05pm Chairman Paul motioned to enter into another Executive Session
72 under M.G.L. Chapter 39, section 23B, exception #6.

73 Poll taken: Robert Fleming "I", Ken Picard "I", Marsha Paul "I". The Board will
74 reconvene their meeting at the conclusion of the Executive Session.
75

76 At 9:16pm the Board reconvened their regular meeting.
77

78 Confidential material reviewed:

- 79 • Correspondence faxed to Attorney Jenkins requesting review of a document dated
80 October 19, 2007.

81 FYI:
82

- 83 • Letter from the ADA Committee Re: Town Hall back entrance way. (The back door of
84 the main hall was repaired and a new ADA compliance door was ordered and scheduled to be
85 delivered and installed within the month).
- 86 • Request for an appointment to the ADA Committee from resident P. Kelly. (appointed)
- 87 • Email from Director Soma Re: Water Main Replacement costs *also* update on
88 West River Pumping station.
- 89 • Statement from K&P (Rockwood Meadows) to the Planning Board (*FYI only*).
90

91 **Motion # 5**

92 Selectman Fleming motioned to appoint, as recommended by the ADA
93 Committee, Penny P. Kelley as a member of the ADA Committee until May 2008.
94 Seconded by Selectman Picard, unanimous by Chairman Paul.

95
96 Chairman Paul again sent a heartfelt thank you out to everyone for working
97 together in the recent problem associated with the West River Street pumping station
98 malfunction. Selectman Picard submitted an Estimated Budgetary proposal for the
99 water main replacement cost. Two separate Articles will be placed on the December 4,
100 2007 S/T/M Warrant, options one and two.

101
102 **Mail:**

- 103 1. Notice of Public Meeting from the Northbridge Planning Board Re: Moon Hill
104 Heights Subdivision on November 27, 2007.
- 105 2. Grant Alert FY08 Downtown Initiative.
- 106 3. Copy of a letter of thank you to Chief Stockwell for providing Rad Classes.
- 107 4. River Visions 2007 – November 10th forum.
- 108 5. Copy of a correspondence from Pulte Homes to DPW Re: Final Payment Design
109 Phase –Booster Station.
- 110 6. Agreement for Judgment Re: B. Perry: Dog complaints.
- 111 7. Meeting minutes from DPW Director Re: Glen Echo Booster Station.
- 112 8. Note to all Town officials from a resident Re: Russell Court dispute.
- 113 9. Meeting minutes: Fire/EMS Management Study & Implementation Committee.
- 114 10. 2007 Mass Smart Growth/Smart Energy Conference: 12/7/07.
- 115 11. Correspondence from Wheelabrator Millbury Re: Waste Disposal agreement.
- 116 12. Copy of a letter to the EPA Re: Hydraulic Hybrid.
- 117 13. CMMPO meeting notice for November 7th.
- 118 14. Fax sent to MURSD Re: Flashing Light – School Zone.

119
120 In reference to the letter of Engagement for services, received from Grant Writer
121 applicant John Zakian, it was requested by the Board to forward this to Town Counsel
122 for review.

123
124 **Motion # 6**

125 Selectman Picard motioned to release the Executive Session Meeting minutes
126 with regard to Brendon Perry, (57 South Street, barking dog complaints). Seconded by
127 Selectman Fleming, unanimous by Chairman Paul.

128
129 Chairman Paul stated she received a statement of certification of \$160,192.00 in
130 free cash that will be put into the general fund.

131
132 In regards to the Executive Session discussions the Board has had recently with
133 the Upton Development Group partners, Robert Henderson and Ron Roux, Chairman
134 Paul announced that they are looking to the purchase of the Maple Ave property.

135
136 **Motion # 7**

137 Selectman Fleming motioned to enter into an agreement with the Upton
138 Development Group, for the Maple Ave property, subject to review of the Purchase and
139 Sale agreement along with Town Meeting approval. Seconded by Selectman Picard,
140 unanimous by Chairman Paul.

141
142 Chairman Paul announced (with regret) the retirement of Police Chief Thomas B.
143 Stockwell the end of January. Chief Stockwell will work with the Selectmen with the
144 search process.

145
146 **Motion # 8**

147 Selectman Fleming motioned to accept the retirement from Police Chief Thomas
148 Stockwell effective January 25, 2008. Majority vote: Selectman Picard.

149
150 Selectman Fleming stated that the Board has ninety-days to work on a search
151 plan for a new Chief.

152
153 Regarding previous discussions about sign approvals and the need to adopt a
154 policy, Selectman Fleming drafted a policy the Board has agree to introduce.

155
156 **Motion # 9**

157 Selectman Fleming motioned to approve and adopt a Policy containing eleven
158 restrictions for the placement of signs within the Town of Upton. Seconded by
159 Selectman Picard, unanimous by Chairman Paul.

160
161 In other matters, Selectman Fleming complimented the Town Manager
162 Implementation Committee on a great job with the final report. Selectman Fleming will
163 have the report forwarded to Town Counsel for review. The Administrative Clerk will
164 send a copy to Denise Baker, Senior Member Services Coordinator at the MMA for
165 review and comment. Chairman Paul noted how well organized the report was and
166 Selectman Picard commented the hard work done by the Committee. Selectman Picard
167 will call Committee Member John Robertson, to see if a power point presentation can be
168 made at a public forum and Town Meeting.

169
170 Selectman Fleming asked that the ruling received regarding the Ella Risteen
171 Trust from Kopelman and Paige be forwarded to the Trust Fund Committee members.

172
173 At 9:50pm Chairman Paul gavelled to enter into another Executive Session under
174 M.G.L. Chapter 39, s 23B, exception # 6. At the completion of the Executive Session,
175 the Board will reconvene the regular meeting for adjournment.

176
177 10:16pm, the Board reconvened their meeting. Selectman Fleming Motioned to
178 adjourn, seconded by Selectman Picard, unanimous by Chairman Paul.

179
180 Respectfully submitted,
181 Karen L. Varney, Administrative Clerk

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