

Town of Upton



Massachusetts

Meeting Minutes of December 11, 2007

Location: Upton Town Hall, main floor, 1 Main Street

Present: Chairman Marsha A. Paul, Selectman Robert J. Fleming, Selectman Kenneth E. Picard and Administrative Assistant James R. Bates. (The Administrative Clerk Karen L. Varney was absent).

The meeting was called to order at 7:30pm with the Pledge of Allegiance. Videotaping provided by Jonathan Miguel, Cable TV Access Provider.

Appropriation Treasury Warrant No. 24e in the amount of \$68,885.20 was signed. Payroll Treasury Warrant No. 24P in the amount of \$68,630.23 was signed.

Motion # 1

Selectman Fleming motioned to approve the Executive meeting minutes of December 4, 2007, as amended on line #21. Seconded by Selectman Picard, unanimous by Chairman Paul.

Motion # 2

Selectman Fleming motioned to approve the Executive meeting minutes of November 27, 2007, as transcribed. Seconded by Selectman Picard, unanimous by Chairman Paul.

Motion # 3

Selectman Fleming motioned to approve the meeting minutes of December 4, 2007 (regular meeting), as transcribed. Seconded by Selectman Picard, unanimous by Chairman Paul.

Confidential:

- Documents relating to (Union) Medical Insurance (2 packets, Police & Fire).

FYI:

- Copy of a correspondence to the BOA Re: Notification of Preliminary Certification from the DOR.
- Email from Brian Kemp Re: disposal of old EMS vehicle.
- Payment schedule Re: Potential Water Loan from L. Nichols, USDA.

44 In reviewing the information from L. Nichols of the USDA, Chairman Paul feels it
45 would be a good idea to meet with Collector / Treasurer Ken Glowacki and review
46 the options of the 40 year vs. the 20 year Bond. Selectman Picard noted that the
47 Board should also meet with Finance Committee members as well. The
48 Administrative Assistant will schedule a meeting.
49

50 Selectman Picard stated that he received a draft RPF from the DPW Director for
51 the Main Street water replacement main. He gave the draft to the Administrative
52 Assistant James Bates for follow up.
53

54 At 7:45pm, Chairman Paul gaveled to resume the Class II hearing of 90 Main St
55 (Upton Truck and Auto Corp.) Arnaud Goulette came to the table. Chairman Paul
56 voiced her concerns from last weeks meeting and the concerns of the abutters who
57 attended, specially the number of vehicles. Selectman Fleming did drive through the
58 property last week to assess the matter and noted that the previous owner had
59 maintained the property within the consistency of the Class II License. Issues like
60 lighting, noise etc, are issues regulated by the Zoning officer and the policies of the
61 Town. When a Motion on this transfer is made, it will be clear within the Motion to
62 comply with all regulations, policies and Bylaws of the Town of Upton, which
63 regulated signs, lighting, display material etc. Selectman Fleming noted his primary
64 concerns, limited to vehicles in the front area. Mass Highway controls the Road and
65 off the sidewalk area. The Board would request that all vehicles be kept ten-feet
66 away from the curb cut, away from the sidewalk, for public safety reasons. Mr.
67 Goulette will supply the Board with a copy of his hazardous waste contract.
68 Discussion relative to having 18 vehicles out front. Chairman Paul recommended 10
69 vehicles to the facade of the building are sufficient. A resident of 87 Main St voiced
70 his concerns about accountability, as the new manager is only renting the building.
71 Selectman Fleming stated that as the holder of the Class II license, he would be
72 obligated to comply with the Class II license (restrictions). The Board has the
73 authority to enforce any violation or non-compliance matter.
74

75 **Motion # 4**

76 At 8:00 Selectman Picard Motioned to recess the Class II hearing for 15 minutes,
77 until 8:15pm, seconded by Selectman Fleming, unanimous by Chairman Paul.
78

79 At 8:00pm the Tax Classification hearing was called to order. Chairman Paul
80 read aloud the Legal Notice for the Upton Tax hearing that was published in the
81 Milford Daily news. Charles Marsden, Chairman of the Board of Assessors, reviewed
82 the Department of Revenue, Bureau of Accounts, Classification Tax Allocation. Mr.
83 Marsden noted he is still waiting for final certification of property values from the
84 State and new growth also needs to be approved by the Department of Revenue. In
85 review of the Certification of Appropriations and Sources of Funding, Mr. Marsden
86 noted a correction in column 9, adding \$88,240.00 to the borrowing authorization
87 column as a result of the December 4th Special Town Meeting. He noted that the
88 State should certify the tax rate by the end of the week or first of next week. The
89 percentage of valuation, residential is 95.1% commercial 1.9%, industrial is less than

90 1% and personal property is 2%. The Board of Assessors is recommending the
91 Selectmen to hold to a single tax rate for the Town. Tax bills should be out by the end
92 of December.

93
94 **Motion # 5**

95 Selectman Fleming motioned as recommended by the Upton Board of Assessors
96 to maintain a Single Residential Class tax rate. Seconded by Selectman Picard,
97 unanimous by Chairman Paul.

98
99 Chairman Paul gaveled the Tax Classification hearing closed.

100
101 At 7:45pm, the Class II Hearing was reconvened. Comments from the abutters
102 and the Board continued. Resident Bob Pray voiced his positive experience with Mr.
103 Goulette. Selectman Fleming stated to the abutters, that Mr. Goulette has to comply
104 with his Class II License, if he doesn't comply the Town has the authority to take
105 action.

106 At 8:30pm, Chairman Paul closed the Class II License Hearing.

107
108 **Motion # 6**

109 Based on the Class II Hearing of Arnaud T. Goulette, Upton Truck and Auto Corp,
110 90 Main Street, Upton, Mass. Selectman Fleming motioned to approve the transfer
111 of the Class II License which shall stipulate the following: no more than fifty-vehicles
112 for sale on the property at any time. Of those vehicles there should be no more than
113 ten-vehicles in front of the building (paved area) with no more than eighteen total
114 Vehicles across the frontage of the property. All other vehicles shall be stored in the
115 rear or side of the building. No repairs or work shall be done on any vehicle outside
116 the building. No parts or inoperable vehicles stored on the property and no bodywork
117 to be done on the property. Hazardous waste contract by Consolidated Recycling
118 Technologies Inc. (or other) This License is awarded to be consistent with all Town
119 Bylaws, regulation and policies. Seconded by Selectman Picard, unanimous by
120 Chairman Paul.

121
122 The Board welcomed Animal control Officer Kate Hawkins. Ms. Hawkins has
123 asked to come before the Board of Selectmen to discuss the on going barking dog
124 matter at 57 South Street and is looking for direction. In discussing the settlement
125 that was signed by Mr. Perry and filed at the Courts, Ms. Hawkins told the Selectmen
126 she was unaware, as she had not received a copy of this settlement. Mr. Bates will
127 forward her a copy. Selectman Fleming noted that Mr. Perry has agreed to certain
128 terms thru a court order. When the Police are called, they should be calling Ms.
129 Hawkins. Chairman Paul feels both the Police and Ms. Hawkins should respond to
130 the property together for a consistent report. The Board commended Ms. Hawkins
131 on her monthly reports.

132
133 The Board welcomed EMS Director Brain Kemp, who came before the Board to
134 inform them that he and several area Town Fire Chiefs had a meeting with Frank
135 Saba, CEO of Milford Regional Medical Center, who announced the elimination of

136 the Milford Regional Medical Center Paramedic Service (MP2181) which is the
137 primary advance life support intercept for Upton EMS. This service will end on April
138 1, 2008. Director Kemp voiced his disappointment of how a community-based
139 hospital could pull such a service with little over a 90-day notice. He also emailed
140 Representative George Peterson who noted he would place a call to Mr. Saba.
141 Director Kemp will be working to insure ALS intercept service is provided to Upton and
142 the need to secure a private provider such as AMR or Pathways.

143
144 **Mail:**

- 145 1. Copy of a correspondence to the COA from Tri-Valley Re: Crisis Intervention
146 Services. (Amount of \$704.00 will come from the Upton Friends)
- 147 2. Copy of documents Re: Site Plan Application: Wireless Facility, Industrial Towner
148 & Wireless, LLC. (Still on going).
- 149 3. Copy of a letter to Mass Turnpike Authority Re: Consideration of one-way
150 Tollbooths. (Chairman Paul in support).
- 151 4. Letter from MPI Re: Request for proposal (Assist in the selection process: Police
152 Chief). (Prepare list of interested parties to serve on the Police Chief Selection Committee).
- 153 5. Correspondence from Attorney Talerma to Attorney Lane Re: Noble Vista, LLC
154 settlement.
- 155 6. Annual rate justification filing for 2008 from Charter Communications. (Copied to
156 Glen Fowler).
- 157 7. 2nd Annual Gingerbread House competition: December 28th Upton COA.
- 158 8. Notification from James R. Bates, Insurance Coordinator Re: BCBS Insurance.
159 (Mr. Bates will be available to any Department who wishes him to explain any insurance benefits).
- 160 9. Meeting Minutes: Fire/EMS Management Study & Implementation Committee.
- 161 10. Dept. of Telecommunications and Cable Re: Notice of Senior Staff
162 Appointments.
- 163 11. Friends of Upton State Forest Newsletter.
- 164 12. Memorandum to Municipal Clients from K&P.
- 165 13. Memorandum from Inspector of Buildings Patrick Roche Re: David Thakar's
166 proposal for Town Counsel to review. (Mr. Bates will forward to Town Counsel).
- 167 14. Commendation letter regarding DPW Employees from Director Soma Re: Recent
168 storm.
- 169 15. Request from EMS Director Brian Kemp to declare the Departments 1993 GMC
170 Jimmy obsolete.

171
172 In the review of letter # 5, Noble Vista, LLC settlement letter, and after dialog, the
173 Board agreed to alter paragraph 13 to read: with a 50% payment (\$500.00) when the
174 building permit is issued and 50% payment (\$500.00) when the occupancy certificate is
175 issued. Mr. Bates will notify Attorney Jason Talerma on the Board change.

176
177 **Motion # 7**

178 Selectman Fleming motioned to declare a 1993 GMC Jimmy, currently assigned
179 to the EMS Department declared obsolete as recommended by the EMS Director Brian
180 Kemp. Seconded by Selectman Picard, unanimous by Chairman Paul.

183 A list of projects was reviewed by the Board:

- 184 P&S for the UDG has been submitted to Tow Counsel.
- 185 Contract review for Grant Writer John Zakian in process. (Mr. Bates
- 186 stated he rec'd an email today and Attorney Connolly will contact the BOS by the
- 187 end of the week).
- 188 The Maple Ave appraisal report is nearing conclusion.
- 189 Town Manager Forum (Selectman Fleming will make a call to get more info
- 190 to move the process forward)
- 191 Chief of Police interview Team (BOS office does have a few names).
- 192 Town Crier insert i.e., (spring) Town Meetings.
- 193 Employee Forum
- 194 Appropriation Summary Review (Selectman Fleming found areas to make
- 195 recommendation for cost savings. Selectman Fleming to share his notes and
- 196 Board to review next week).
- 197 Pleasant Street Site.
- 198 Special Town Meeting (to do)
- 199 Department Evaluations to be completed before year end.
- 200 Budget process is coming up.
- 201 Maple Ave – to explain what the Board's intention is. Developing a
- 202 Master Plan. CPA fund availability. Selectman Picard is attending a
- 203 Seminar with Rena Richard on Thursday.
- 204 Beautification Re: Pratt Pond (in Spring-part-time personnel to clean up,
- 205 do plantings etc)
- 206 Town Hall / COA Insulation.
- 207 Memorial School field update. In works.
- 208 Looking for additional land for cemeteries.
- 209 Energy Audits: Police and Fire Departments. (Should be underway).
- 210 Noble Vista (In process)
- 211 Short term spending for long-term gain.
- 212 Personnel Board: Animal Control-Dog Officer
- 213 Former Stefan's Farm usage
- 214 Fire & EMS Management Study (on going)
- 215 Employee EAP
- 216 USDA Loan
- 217 Cell Tower Road Access
- 218 Westborough Road /Hopkinton Road intersection (signage Re: A
- 219 correspondence from CMRP, the DPW Director was going to communicate with
- 220 Mass Highway for recommendations. The Board is waiting for that information.
- 221 Selectman Fleming said he spoke with Director Soma who is working on it).
- 222

223 Selectman Fleming wanted to clarify that the Board entertained R.H. White
224 Construction to talk with the Town to talk about potential opportunities for the Town of
225 Upton for water and or sewer. Looking to enhance the delivery of water and for a
226 potential revenue. Selectman Picard added that this meeting with R.H. White was an
227 informational meeting only and just a starting point.

228

229 Instead of meeting next Tuesday, the Board will be meeting on Thursday,
230 December 20, 2007 at 5:00pm.

231
232 Chairman Paul commended John Johnson and the employees of the Town of
233 Upton for doing such a wonderful job putting together the Holiday display on the Town
234 Common and the ice rink.

235
236 **Motion # 8**

237 Selectman Fleming motioned to adjourn the meeting at 9:50pm Seconded by
238 Selectman Picard, unanimous by Chairman Paul.

239
240 Respectfully submitted,

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242
243 Karen L. Varney, Administrative Clerk

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245
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247