

**BOARD OF
SELECTMEN
MEETING
MINUTES**

October 20, 2015

Town Hall

Chairman Kenneth Picard; Selectman James Brochu; Selectman Robert J. Fleming; Town Manager, Blythe C. Robinson; Executive Assistant, Sandra Hakala

1 Chairman Picard called the meeting called to order at 5:00pm and invited the Director of Public
2 Works to present the department's capital improvement plan.

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4 **INVITED GUESTS**

5 *CIP Review - DPW*

6 DPW Director Vincent Roy presented the capital improvement program for public works. He
7 also reviewed an updated pavement management plan which is a large expenditure item for the
8 next 15 years. The RSR rating has dropped to 68 presently from a RSR of 74 in 2010. The RSR
9 rating will continue to drop if the Town continues to budget \$500,000 a year. Mr. Roy presented
10 a fifteen year plan that would get the RSR back to at least the 2010 rate assuming State funding
11 stays stable. This plan is exclusive of the TIP project. Other discussion topics included the
12 necessity of a new salt shed, expanding the garage and the plan for sidewalks.

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14 Chairman Picard requested a 5 minute recess.

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16 James Brochu, aye Robert Fleming aye, Ken Picard, aye.

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18 Chairman Picard re- opened the meeting and after the pledge of allegiance reviewed the agenda.

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20 **INVITED GUESTS**

21 *Mr. and Mrs. Kiritsy*

22 Recently public safety staff responded to a 911 call from this residence and successfully
23 performed CPR on Mr. Kiritsy. She wrote to the Board expressing her gratitude and thanks to
24 Officer Palmieri for his efforts. Chief Bradley presented Officer Palmieri with a Life Saving
25 award. The EMS staff responders were also recognized for performing admirably. Senator
26 Moore and Representative Muradian were also in attendance to recognize Officer Palmieri's
27 actions with a letter of commendation from the State..

28
29 **MINUTES**

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31 ***Motion #1:*** Motion made by Selectman Brochu to approve the October 6, 2015 Regular Session
32 Meeting Minutes as submitted.

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34 Second: Selectman Fleming, Majority action of the board.

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36 **INVITED GUESTS continued**

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38 *Representative David Muradian*

39 Representative Muradian announced that the House unanimously passed a bill that makes
40 trafficking fentanyl, a powerful opioid, a crime punishable by up to 20 years in prison.

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42 The bill allows prosecutors to charged people in possession of more than 10 grams of fentanyl
43 with the more serious crime of trafficking.

44
45 Representative Muradian also announced that he will be kicking off a coat drive “Bundle up in
46 Blackstone” within the next two weeks and will ask local businesses to support his efforts and
47 have drop off boxes available at various locations.

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49 **MANAGERS REPORT**

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51 On Tuesday, October 20th Lieutenant Governor Polito will be at Town Hall to sign the
52 Community Compact with the Board of Selectmen.

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54 The COA will sponsor a health fair to be held at Town Hall in the Main Hall on Wednesday,
55 October 21st from 9:00 AM to 1:00 PM.

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57 The State Department of Transportation will be holding the 25% design public hearing for the
58 “TIP” project (reconstruction of Hartford Avenue North, High Street and Hopkinton Road) on
59 Thursday, October 22nd at 7 pm.

60
61 The “Canine Control Bylaw” and “Nuisance Bylaw” were both approved by the Attorney
62 General’s Office last week, making them officially effective. The new Canine Control bylaw is
63 now “in compliance with the state fees and fines. The biggest change affecting residents is that
64 prior to the bylaw, dogs weren’t allowed on any town property and now they will be, but “mostly
65 on a leash.”

66
67 The Nuisance Bylaw will affect a few homes in town whose residents don’t keep up their
68 properties, to the point where it becomes a nuisance for other residents. With the acceptance of
69 the bylaw, Upton officials are now legally entitled to deal with these properties.

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71 **DISCUSSION ITEMS**

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73 **Discuss Use of Heritage Park for a Halloween Fundraiser**

74 Mr. Mike Campbell reached out to the Board asking for permission to hold a fundraiser with
75 proceeds benefitting the Bloomer Girls with a Halloween Haunted trail on Wednesday, October
76 28th at Heritage Park. Alan Nasuti was present to review the plan and intent of the event. The
77 Board of Selectmen requested that the organizers of the event speak to Chief Bradley to address
78 their concerns of public safety and to ascertain if a detail was required. The Board clearly stated
79 that if the event was to be held annually the organizers will need to address the cost of the detail
80 should it be recommended.

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82 **Motion #2:** Motion made by Selectman Fleming to approve the Rose Garden’s request to hold a
83 Haunted Trail at Heritage Pak on Wednesday, October 28th as set forth in the proposal submitted
84 to the Board subject to the organizers contacting the Police and Fire Chief and adhering to their
85 recommendations and requests.

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87 Second: Selectman Brochu, Unanimous Chairman Picard.

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Discuss Proposed Solar Pilot Agreement – Route 140 & Chestnut Street

As discussed at a previous meeting, a developer has approached the Town with interest in locating a solar array on two parcels of privately owned property at the intersection of these streets. The Board of Assessors has been investigating the matter of PILOT agreements and discussed the proposal.

The points made by the BoA are:

“Since the Town of Upton does not have any experience with solar panels and personal property taxes, the Board looked at the assessed value of the land where this 2.6 Megawatt (MW) will be installed.

Based on the map provided by Nexamp, we are concluding the 12 acre project will encompass two lots (Map 25, lot 31 and Map 29, lot 37). We are concluding 8 acres in the rear of lot ?? will be used. This leaves an estimate of 6 acres of frontage remaining on the lot. Also, we are concluding 4 acres in the rear of lot will be used leaving an estimate of 15 acres remaining on the front of this parcel. Thus, the highest value the Board could assess on this property is based on rear acreage that does not have the same value as a prime frontage lot.

We are concluding this 12 acre lot has a value of \$96,000. As you are probably aware, this acreage is currently in Chapter 61A. Thus, we are currently receiving \$58.00 in tax revenue. Once this property is removed from Chapter land, we estimate the taxes would be \$1,627 based on FY15 tax rate. Please note once the land is removed from Chapter land to begin the project, the Town will be due an estimate of \$7,617.05 in back taxes.

Thus, the proposal by Nexamp to pay \$12,000 per MW is reasonable to the Board of Assessors. However, we would recommend an annual escalation of 2.5% since the Town normally increases our taxes by 2.5% each year.

Also, based on information provided by Northeast Revaluation, the Appellate Tax Bureau has already denied 2 cases involving solar panels can be taxed as personal property. There is currently a 3rd case pending, however, our consultant feels the Town involved will be losing that case as well. Thus, to protect this PILOT agreement, we would recommend including the following in the language of the agreement, with Town Counsel approval:

- Language in the agreement stating this agreement is valid regardless if the Appellate Tax Bureau (ATB) finds solar panels are not to be taxed as personal property. Also, any past funds paid to the Town will not be refunded.
- Language stating if there is an increase to the project, the PILOT would also increase based on the \$12,000 per MW amount

Lastly, since this is a PILOT agreement in lieu of property taxes, the Board of Assessors is concluding the real estate taxes will continue to be paid by either the owner of the property or the leasor.”

134 It was recommended the Town execute such an agreement, and a warrant article authorizing such
135 action has been included on the draft STM warrant.

136

137 Review Board of Selectmen's Action Plan

138 It was agreed by the Board, that action item #8 – a Selectmen's Newsletter will be prepared
139 monthly by the chairman. It will be on the website and initially as a stuffer with Upton Town
140 Crier.

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142 Motion to Make Appointments

143 The Selectmen reviewed the applicants recommended by the Personnel Board and DPW to be
144 appointed to the position of seasonal snow plow drivers. They are:

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146 "Non-CDL Drivers:

147 1. Conner Shults – Currently plows for the Town as a driver for Mike Moran/ will be used as a
148 spare driver for the Town in non-CDL vehicle.

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150 2. Mark Anthony - Currently assigned to truck 22, Town Truck in the snow program

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152 CDL Drivers:

153 3. Michael Moran – Will be assigned in Truck 24 until Travis Accivanti acquires his CDL.
154 Afterwards will be assigned to drive the 1992 Oshkosh.

155 4. Richard Henderson – Currently assigned to truck 29A (1987 Oshkosh) in the snow program

156 5. Gary Shults – Currently plows for the Town as a driver for Mike Moran/ will be used as a
157 spare driver for the Town CDL vehicles.

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159 The positions are "on call", therefore only work when needed in a snow storm requiring
160 plowing."

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162 **Motion #3:** Motion made by Selectman Fleming to concur with recommendations by the
163 Personnel Board and DPW to be appointed by the Town Manager to the position of seasonal
164 snow plow drivers.

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166 Second: Selectman Brochu, Unanimous Chairman Picard.

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168 Review Special Town Meeting Warrant

169 An updated draft warrant for the special town meeting to be held on November 17th was
170 discussed. It had been modified to add an article authorizing a PILOT agreement for a solar
171 array, and a money article to pay ½ the cost of an engineering assessment of the Fisk Mill
172 Bridge. Eliminated were the articles to fund OPEB and future pension obligations. The funds
173 turned back from the fire equipment we are receiving through a grant will be spent on a number
174 of articles for needed items, and the balance to be directed to pay down a portion of the principal
175 and interest costs on the Quint Fire Apparatus. The goal being no new dollars are spent from
176 what is put forth at the annual town meeting held in June.

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178 The Selectmen will meet on the 28th to sign the warrant.

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180 Motion to Approve Procurement Card Policy

181 For several years now the Town has had a debit card for departments to use to make small
182 purchases. The card eliminated the need for managing petty cash accounts, enabled some on line
183 purchases, and eliminated the need for employees to use their own money to buy items for the
184 Town that later required reimbursement. A transition from a generic Town of Upton card held
185 each by Town Manager and the Treasurer/Collector, to cards issued to some department heads.
186 The Treasurer/Collector, Town Accountant and Town Manager have developed a policy that has
187 been vetted by Town Counsel would standardize procedures, and put each employee on notice
188 that they have certain responsibilities for the card in their possession, and penalties for improper
189 use.

191 **Motion #4:** Motion made by Selectman Brochu to approve the Procurement Card Policy as
192 submitted.

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194 Second: Selectman Fleming, Unanimous Chairman Picard.

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196 Discuss Amending Town Hall Hours

197 With the passing of the one year anniversary of our moving back to Town Hall, employees have
198 commented on the foot traffic in the building, and whether the Board would be willing to
199 consider amending the hours that we are open. The Board reviewed emails from a couple of
200 staff persons indicating that there have not had many visitors on Tuesday evenings when open
201 until 6:30 PM. Sandy reached out to a number of other towns and gathered data on their hours,
202 which shows that a large majority do as Upton does presently, and is open one night and a ½ day
203 on Fridays.

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205 **Motion #5:** Motion made by Selectman Fleming to amend the town hall hours of operation to
206 Monday, Wednesday, Friday, 8AM – 5PM; Tuesday 9AM – 6PM; and Friday 8AM – 12PM
207 beginning December 1, 2015.

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209 Second: Selectman Brochu, Unanimous Chairman Picard.

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211 Discuss Heritage Park Conservation Restriction

212 In the time since the Board last discussed this topic, comments from two state agencies, as well
213 as legal counsel for the Metacomet Land Trust (the holder of the restriction) have been received.
214 Town Counsel is ready to develop a final version, and plans to do so for the November 3rd.
215 meeting. The comments have also been forwarded to the Historical Commission for their
216 review.

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218 **MEETING LOOK AHEAD TOPICS**

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220 **NEW BUSINESS**

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222 **EXECUTIVE SESSION**

223 The Board will enter into Executive Session under MGL c.30A, S. 21 exceptions #3: to discuss
224 strategy sessions with respect to collective bargaining if the chair declares an open meeting will
225 have a detrimental effect on the Town's bargaining position.

226
227 The Board will enter into Executive Session under MGL c.30A, S. 21 exception #2: to conduct
228 contract negotiations with non-union personnel (Town Manager, Blythe Robinson).
229

230 **ADJOURN MEETING**

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232 ***Motion #6:*** At 8:13pm motion was made by Selectman Brochu to adjourn the regular meeting.
233

234 Second: Selectmen Fleming, Unanimous Chairman Picard.
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236
237 Respectfully submitted,
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240 Sandra Hakala
241 Executive Assistant