

**BOARD OF  
SELECTMEN  
MEETING  
MINUTES**

**October 6, 2015**

Town Hall

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

1 The meeting was called to order at 6:00pm. Selectman Brochu opened the meeting and after the  
2 pledge of allegiance reviewed the agenda. Chairman Picard was not in attendance.

3  
4 **MINUTES**

5  
6 **Motion #1:** Motion made by Selectman Fleming to approve the September 22, 2015 Regular  
7 Session Meeting Minutes as submitted.

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9 Second: Selectman Brochu, Majority action of the board.

10  
11 **INVITED GUESTS**

12 A letter from Mr. Robert Potheau owner of 147 North Street was received by the Board of  
13 Selectmen regarding the access easement over his property to the Whitney Conservation Area  
14 and had requested he and his wife meet with the Board to discuss the matter.

15  
16 The Board listened to their concerns about Mr. Penko's involvement in both the management of  
17 the parking easement for the Whitney Conservation Area and conservation matters on other parts  
18 of their property. The Potheau's were direct in their request to the Board that they vote to  
19 remove Mr. Penko from membership on the Conservation Commission, and the subcommittees  
20 that support it.

21  
22 The Board had an open discussion with the Potheau's about Mr. Penko's actions and the issues  
23 that Land Stewardship has had in managing the parking easement. The Board agreed that the  
24 issues to be addressed to complete the parking area would best be done by other members of the  
25 Commission and Land Stewardship Committee.

26  
27 The Board recognized Mr. Penko's long tenure on the Conservation Commission and the work  
28 Mr. Penko has done over the years and agreed that his passion to ensure that the land and the  
29 easement be managed as intended had become an impediment to the outcome. In order to move  
30 forward they have directed Mr. Penko to have no further involvement in this parcel as was first  
31 discussed with Mr. Penko last October with Chief Bradley and Blythe Robinson.

32  
33 The Board assured Mr. Potheau that Mr. Penko will be directed not visit the property, stop to take  
34 pictures, or in any way be involved in its management from this point forward. Failure at any  
35 point to follow this directive will result in the Board voting to remove Mr. Penko from the  
36 Commission.

37  
38 **MANAGERS REPORT**

39  
40 Travis Acciavatti an Upton resident with an impressive background in automotive repair began  
41 his duties as Mechanic/Heavy Equipment Operator in DPW last week.

42

43 The DPW Director and Town Manager met with Milford officials this week to discuss a recent  
44 report from the State DOT regarding the status of the Fisk Mill Bridge. The bridge is in need of  
45 repairs, at least of the concrete siding which is spalling and railings according to the engineers  
46 report. Milford is going to have a more detailed review done and cost estimate. In the short term,  
47 staff will be coordinating to jointly replace the existing wood rails that are in poor shape. This  
48 bridge goes over the stream which is the Town line so it is jointly owned, thus the repair costs  
49 will be shared by both towns.

50  
51 Congratulations go out to the Board of Health – to Diane Tiernan in particular for securing a  
52 State recycling grant for \$3,550 this year. This grant will help support activities of the Board that  
53 promote recycling in Town.

54  
55 The supply charge for electricity for residential customers has been approved for the winter  
56 months. The rate with National Grid will be rising to 13.1 cents/kwh, that combined with the  
57 transmission and distribution charges will peg the total rate at 18.2 cents. This is three cents less  
58 than last winter, but still a big jump from the summer rate which was about 9.2 cents for just the  
59 generated power.

60  
61 **DISCUSSION ITEMS**

62  
63 Review Board of Selectmen’s Action Plan  
64 The Selectmen will discuss their progress on the overall plan at their next meeting.

65  
66 Motion to Approve Administrative Policy – Class II Licenses  
67 The proposed revised policy on Class II licenses was reviewed by the Selectmen as a result of  
68 input by both Class II license holders discussed at the last meeting, as well as from the Zoning  
69 Board of Appeals meeting on September 23rd. Ms. Robinson recommends that the policy be  
70 adopted in order to commence the license renewal process shortly thereafter.

71  
72 **Motion #2:** Motion made by Selectman Fleming to approve the Administrative Policy on Class  
73 II Licenses adding “to be completed by the end of the workday” under item 2 in Operation  
74 criteria.

75  
76 Second: Selectman Brochu, Majority action of the board.

77  
78 Motion to Approve Plowing of Private Ways – Winter 2015/2016  
79 Notice was given that Shore Drive and Breton Road after inspections were conducted per  
80 administrative policy requiring repairs in order to put them in satisfactory condition for the Town  
81 to plow them this year. Both streets have been addressed to the satisfaction of the Public Works  
82 Department, thus Ms. Robinson has recommended that the Board vote to approve the  
83 recommendations.

84  
85 **Motion #3:** Motion made by Selectman Fleming to approve the Plowing of Private Ways –  
86 Winter 2015/2016 recommendations to plow Bouthiette Lane, Breton Road, Depot Street,  
87 Kiwanis Beach Road, Shore Drive, and Wagon Wheel/Sheffield as submitted.

88

89 Second: Selectman Brochu, Majority action of the board.

90

91 Discuss Amending Town Hall Hours

92 With the passing of the one year anniversary of moving back to Town Hall, employees have  
93 commented on the foot traffic in the building, and whether the Board would be willing to  
94 consider amending the hours that we are open. The Selectmen will continue the discussion to  
95 close earlier on Tuesday evening's and extend the workday on Fridays at their next meeting.

96

97 Review Special Town Meeting Warrant

98 The Selectmen discussed the draft warrant for the special town meeting to be held on November  
99 17th and reviewed the background memo summarizing the details on each item. The warrant has  
100 been reviewed by Town Counsel and contains edits. Adding to the list of articles was due to the  
101 pension and OPEB funding ideas discussed at the last meeting, as well as adding an article for  
102 the water and wastewater fund to adjust employee salaries for a COLA.

103

104 The Board of Assessor's has been working on the details for a PILOT agreement with the  
105 developer of a solar array on land owned by Mr. Trask. The developer is interested in moving  
106 forward on this soon so he can arrange financing and the permitting process. Town Meeting  
107 action is needed to either approve the agreement or to authorize the Selectmen to negotiate one,  
108 the Town Manager suggested the Board of Assessor's be invited to the to the October 20th  
109 meeting to discuss it.

110

111 The warrant does not contemplate any use of Free Cash. It is anticipated Free Cash will be  
112 certified and an estimate of the levy limit capacity will be known later this month therefore,  
113 adjustments can be made prior to signing the warrant.

114

115 Discuss Draft Procurement Card Policy

116 The Town has a debit card for departments to use to make small purchases. The card eliminated  
117 the need for managing petty cash accounts, enabled some on line purchases, and eliminated the  
118 need for employees to use their own money to buy items for the Town that later required  
119 reimbursement. To transition from a generic Town of Upton card held by the Town Manager and  
120 the Treasurer/Collector, to cards issued to some department heads. The Treasurer/Collector,  
121 Town Accountant and Town Manager have developed a policy that has been vetted by Town  
122 Counsel. The policy would standardize procedures, and put each employee on notice that they  
123 have certain responsibilities for the card in their possession, and penalties for improper use.

124

125 The Selectmen asked for clarification on some aspects of the policy and will continue the  
126 discussion at their next meeting

127

128 Motion to Approve Change of Hours – Colonial Liquors

129 Colonial Liquors has submitted the required paperwork to obtain the Board's approval to change  
130 their Sunday hours from opening at 12 noon to opening at 10:00 AM. This change is allowed by  
131 State law, with the approval of the Board.

132

133 **Motion #4:** Motion made by Selectman Fleming to approve the Approve Change of Hours –  
134 Colonial Liquors from opening at 12 noon to opening at 10:00 AM.

135  
136 Second: Selectman Brochu, Majority action of the board.

137  
138 Approve Touchstone 5K Road Race  
139 The Selectmen reviewed the application for the Touchstone School 5K submitted the attached  
140 application requesting approval to hold a road race on November 14th on several Upton streets.  
141 The purpose of the road race is to raise money for the Worcester County foodbank ahead of  
142 Thanksgiving to assist families in need.

143  
144 **Motion #5:** Motion made by Selectman Fleming to approve the Approve Touchstone 5K Road  
145 Race with conditions as noted.

146  
147 Second: Selectman Brochu, Majority action of the board.

148  
149 **MEETING LOOK AHEAD TOPICS**

150  
151 **NEW BUSINESS**  
152 Mike Moran, animal control officer, offered the Board an update on the directive that Ms. Lasala  
153 of 35B Pleasant Street was given at the public hearing on August 25<sup>th</sup>.

154  
155 Mr. Moran reported that there has been no action taken by Ms. Lasala during the last six weeks  
156 to transition from twelve to four dogs. Ms. Lasala asked Ms. Robinson for an extension earlier  
157 that day so she could prepare to sell her house and move.

158  
159 The Selectmen asked Ms. Robinson to inform Ms. Lasala that a three week extension to October  
160 28<sup>th</sup> would be granted.

161  
162 **EXECUTIVE SESSION**  
163 The Board will enter into Executive Session under MGL c.30A, S. 21 exceptions #3: to discuss  
164 strategy sessions with respect to collective bargaining if the chair declares an open meeting will  
165 have a detrimental effect on the Town's bargaining position.

166  
167 **ADJOURN MEETING**

168  
169 **Motion #6:** At 8:13pm motion was made by Selectman Brochu to adjourn the regular meeting.

170  
171 Second: Selectmen Fleming, Majority action of the board.

172  
173  
174 Respectfully submitted,

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176  
177 Sandra Hakala  
178 Executive Assistant