

**BOARD OF
SELECTMEN
MEETING
MINUTES**

December 15, 2014

Town Hall

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

1 The meeting was called to order at 6:00pm. Chairman Fleming opened the meeting and after the
2 pledge of allegiance he reviewed the agenda.

3
4 **MINUTES**

5
6 **Motion #1:** Motion made by Selectman Brochu to approve the December 2, 2014 Regular
7 Session Meeting Minutes as submitted.

8
9 Second: Selectman Picard, Unanimous Chairman Fleming.

10
11 **Motion #2:** Motion made by Selectman Brochu to approve the December 2, 2014 Executive
12 Session Meeting Minutes under MGL c.30A, S. 21 exceptions #3: to discuss strategy sessions
13 with respect to collective bargaining if the chair declares an open meeting will have a detrimental
14 effect on the Town's bargaining position and under M.G.L. Chapter 30A, Section #21, Exception
15 #3 – To discuss strategy with respect to litigation if an open meeting may have a detrimental
16 effect on the litigating position of the public body as submitted.

17
18 Second: Selectman Picard, Unanimous Chairman Fleming.

19
20 **INVITED GUESTS**

21 **Green Community Designation Committee**

22 Bill Taylor, Chair, Marcella Stasa and Brad Rolph of the Green Committee were present to share
23 the formal letter from the State and the ceremonial large paper check for the amount of the
24 designation grant (\$148,350) designating the town as a Green Community on December 3rd.

25
26 Bill Taylor told the Board of Selectmen the next step is to submit a grant application to expend
27 that grant, noting the money will be spent on energy conservation measures then the town will be
28 eligible for competitive grants. There is also data entry and reporting to the state and the
29 committee could also talk and provide information about energy conservation measures,
30 programs and services, available to residents and businesses.

31
32 The Selectmen thanked the Green Committee for their efforts and hours spent to see the
33 designation to fruition.

34
35 **DISCUSSION ITEMS**

36 **Motion to Approve Revised Charge – Green Community Committee**

37 The Selectman reviewed a draft to revise the charge of the Green Community Designation
38 Committee. The Town Manager suggested that the reference to the word designation be dropped
39 since the Committee reached this milestone, and that the charge enables the committee to
40 implement the requirements of the program and apply for further funding.

42 The membership of the committee will stay the same and they will make an inquiry with the
43 Town Clerk to see if they are required to be sworn in again. The Selectmen asked to be
44 periodically apprised of the committee's work and progress.

45
46 **Motion #3:** Motion made by Selectman Picard to adopt the new charge given to the Green
47 Community Committee and adds BVT to the list the GCC will meet with.

48
49 Second: Selectman Brochu, Unanimous Chairman Fleming.

50
51 CMRPC – Downtown Corridor Analysis
52 The CMRPC staff has performed a study of one of the priority development areas using DLTA
53 assistance funding. The Upton DLTA project was an extension of the Blackstone Valley
54 prioritization project developed by CMRPC in 2013 where Priority Development Areas (PDAs)
55 of local and regional significance were identified.

56
57 Chris Ryan of CMRPC attended the meeting and presented the analysis of the downtown
58 corridor from West Upton to Route 140/Elm Street. The Planning Board declined the Board's
59 invitation to attend and hear the analysis.

60
61 Chris Ryan, their principal planner illustrated to the Board what the Town could do to encourage
62 growth, manage the town center, and promote some redevelopment of the West Upton area. This
63 priority area includes the "business/commercial" corridor from Route 140/Hartford Avenue – to
64 Route 140/Elm Street.

65
66 The report suggests the town establish a zoning overlay district, in which it would allow multiple
67 uses, both commercial and residential. Current zoning doesn't allow the redevelopment proposed
68 even in case of fire. There are options available to help the town if it chooses to pursue
69 development. The town could even expend community preservation money if it were dealing
70 with affordable housing, historic sites or open space according to the report.

71
72 **MANAGER'S REPORT**

73
74 The Hampshire County Municipal Aggregation programs final paperwork has been submitted to
75 the State Department of Public Utilities. The State will begin writing the final order, and the
76 opportunity to go out to bid for electricity on behalf what have become now 40 towns can move
77 forward.

78
79 The State has announced some budget shortfalls and Governor Patrick has made some cuts he
80 has the authority to make without the Legislature. One of those is in regional school
81 transportation which will impact the MURSD district by about \$310,000. He does not have the
82 authority to reduce unrestricted local government aid without the legislature's approval, and they
83 do not seem likely to do so. However the State has some issues to resolve, including funding a
84 shortfall in the Group Insurance Commission of \$100 million, and paying for Medicaid expenses
85 that were accrued but the claims are not reimbursable by the federal government. Ms. Robinson
86 will keep a watchful eye on this as the transition to Governor Baker takes place next month.

87

88 The playground next to the VFW has been closed during the winter season because when the
89 playing surface is frozen and hard, children get injured when they impact it (which they
90 invariably do repeatedly while playing). We close the playground every year to avoid these
91 injuries and minimize liability to the Town. When the ground freezes, the playing surface does
92 not give as it is designed to and there are very specific guidelines for depth of mulch that we
93 maintain during non-winter seasons.

94 Advertisements went out this week to fill the position of Director of Public Works to replace Jeff
95 Thompson who is relocating south to take a new position in mid-January. Applications are due
96 to our office by January 8th.

97
98 Town Counsel will provide two training sessions on the Open Meeting Law on Monday, January
99 26th. These sessions will be provided free of charge for all staff who support boards and
100 committees, and the committee members themselves. An afternoon and early evening session
101 will be scheduled to accommodate as many people's schedules as possible.

102

103 **DISCUSSION ITEMS**

104

105 *Review/Renew Liquor, Entertainment, Class II and Common Vic Licenses*

106 The Selectman reviewed a spreadsheet showing the status of all of the various licenses that are
107 up for renewal. The Board executed the licenses with the condition that those establishments
108 with outstanding issues on their paperwork or inspections be resolved before the license is
109 issued.

110

111 *Motion to Approve Letter Requesting an Extension to File Comments on the Draft EPA MS4*
112 *Storm Water Permit*

113 Originally, comments on the Federal EPA MS4 permit were due by December 29th; over 100
114 communities have been working on those, but also are requesting a 90 day extension to this date
115 to make further headway on the comment documents. The 90 extension was requested so that
116 input could be gathered at the MMA Annual meeting in January on this topic. Thus the
117 Selectmen signed a letter requesting that extension.

118

119 ***Motion #4:*** Motion made by Selectman Picard to support an Extension to File Comments on the
120 Draft EPA MS4 Storm Water Permit.

121

122 Second: Selectman Brochu, Unanimous Chairman Fleming.

123

124 *Motion to Approve - Municipal Agreement – Town of Blackstone Nursing Services*

125 An inter-municipal agreement with Blackstone for nursing services was not received and was
126 passed over until the next meeting.

127

128 *Motion to Approve Street Names for the Rockwood Meadows Development*

129 Site construction is well underway on the Rockwood Meadows subdivision on East Street and
130 the Historical Commission is recommending names for the streets, as they have historically
131 done. Ultimately the process of naming new streets is the responsibility of the Board of
132 Selectmen. The Town Manager has conferred with the Police, Fire & DPW and they have no
133 objections, and suggested that the Board approve these. The Planning Board was also intending

134 to discuss these prior to this meeting but their meeting got cancelled. Should they raise concerns
135 later this can be revisited this as needed.

136
137 **Motion #4:** Motion made by Selectman Picard to recommend and approve the names Cranberry
138 Circle and Rockwood Lane in the subdivision Rockwood Meadows.

139
140 Second: Selectman Brochu, Unanimous Chairman Fleming.

141
142 Discuss Comments to the ZBA – Noble Vista Development

143 In January of 2011 the long negotiated Noble Vista permit was approved by the Zoning Board of
144 Appeals. That permit is valid for three years, which comes to an end next month. The attorney
145 for the developer is asking for a three year extension, citing the poor economy as a reason for the
146 project not moving forward prior to this. One of the requirements of the permit was that repairs
147 be made to Hartford Avenue South. That street is in very poor condition and Ms. Robinson and
148 the Board agreed it should not go much longer without being addressed and agreed that the
149 permit not be extended as long as is requested. Ms. Robinson will seek Town Counsels advice on
150 what is legally permissible and appropriate.

151
152
153 Motion to Appoint COA Van Drivers

154 The COA Director recommends that two candidates be hired. The budget supports 19 hours for
155 this position, for which we anticipated hiring one person. However, two qualified candidates
156 have been identified and Ms. Nowicki determined that the best course of action would be to
157 share the position. The Director's reasoning is that this will provide the Center with better
158 flexibility to schedule the drivers and offer the same flexibility to schedule rides when needed by
159 clients. Thus, the Town Manager recommends that the Board vote to hire John Saulen and
160 Edwin Wojdag who are both Upton residents for this position. There is no need to waive the 15-
161 day waiting period because both gentlemen will not be starting until January 5, 2015.

162
163 **Motion #5:** Motion made by Selectman Brochu to appoint John Saulen and Edwin Wojdag as
164 van drivers in the COA.

165
166 Second: Selectman Picard, Unanimous Chairman Fleming.

167
168 Motion to Accept Historical Commission Member's Resignation

169 Maureen Byrne has submitted her resignation from the Commission.

170
171 **Motion #6:** Motion made by Selectman Picard with gratitude for her service and with regret
172 accepts the resignation of Maureen Byrne from the Historical Commission.

173
174 Second: Selectman Brochu, Unanimous Chairman Fleming.

175
176 Discuss Town Manager's Annual Performance Evaluation

177 The Selectmen reviewed the goals that were set for this year as a starting point to this process.

178
179 **OTHER TOPICS NOT REASONABLY ANTICIPATED**

180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212

MEETING LOOK AHEAD TOPICS

- Purple Heart Designation
- Invite Cemetery Commissioners to attend meeting
- Invite Historical Society and Historical Commission to attend meeting
- Meet with appointed/elected boards
- Invite art consultant
- Invite paperless meeting consultant
- Review funding and solicit quotes for Ramsey building stairway

EXECUTIVE SESSION

Motion #7: At 7:35pm Chairman Fleming opened the Executive Session under MGL c.30A, S. 21 exceptions #3: to discuss strategy sessions with respect to collective bargaining if the chair declares an open meeting will have a detrimental effect on the Town’s bargaining position.

Motion #8: Motion made by Chairman Fleming at 8:30pm, to close the Executive Session under MGL c.30A, S. 21 exceptions #6: to discuss the purchase of real estate if the chair declares an open meeting will have a detrimental effect on the Town’s bargaining position .

Poll taken: James Brochu, aye Kenneth Picard, aye Robert Fleming aye.

ADJOURN MEETING

Motion #9: At 8:30pm motion was made by Selectman Brochu to adjourn the regular meeting.

Second: Selectman Picard, Unanimous: Chairman Fleming

Respectfully submitted,

Sandra Hakala
Executive Assistant