

**BOARD OF
SELECTMEN
MEETING
MINUTES**

July 1, 2014

Fire & EMS Headquarters, 20 Church Street , Training Room
Chairman Robert J. Fleming; Selectman Kenneth Picard; Selectman
James Brochu; Town Manager, Blythe C. Robinson; Executive Assistant,
Sandra Hakala.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

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

MINUTES

Motion #1: Motion made by Selectman Brochu to approve the June 3, 2014 Regular Session Meeting Minutes as submitted.

Second: Selectman Picard, Unanimous Chairman Fleming.

Motion #2: Motion made by Selectman Picard to approve the June 17, 2014 Regular Session Meeting Minutes as submitted.

Second: Chairman Fleming, Majority Action of the Board.

MANAGER'S REPORT

The numbers have come in from MURSD regarding the refinancing of some of their debt and the placement of the Miscoe Hill project debt. The savings from what had been previously certified by the district is \$23,858 for Upton this fiscal year.

Congratulations went out to Kelly McElreath graduated with honors from the Masters Certificate Program at Suffolk University. Sponsored by Suffolk and the MMA, Ms. McElreath completed five graduate level courses over the past year attending class for 25 Friday's over the past year. Ms. Robinson congratulated Ms. McElreath on her achievement, and noted her growth in knowledge will be an asset to the Town.

The installation of the replacement section of water main on Warren Street is almost complete which has held up the prep work for exterior painting on that side of the building. Installation of sheetrock and plaster is also close to completion, with the Main Hall ceiling being the last area of focus. The interior signage is being selected and the contractor is trying to set up a pre-installation meeting for the elevator to ensure that process goes smoothly.

Construction on the exterior repairs to the Police Station continues and is almost complete; and one last section of cornice is being installed and the finish coat of EFIS will go up the first two weeks in July. Pricing from the contractor to address the handicap railing and the concrete ramp and walkways appears that the Town will be able to replace the railings, and most but not all of the concrete.

43 The Board of Health has been fielding calls from residents regarding noise and smell issues that
44 the neighborhood believes are coming from the railyard on Maple Avenue. The noise is related
45 to vacuum lines on the pellet plant that will be enclosed in 2 -3 weeks. The smell is from
46 railroad ties that were delivered earlier this spring, but which have a more noticeable odor now
47 that warmer weather has set in. The railroad is looking at options to minimize the smell. The
48 ties aren't going to be relocated, because they need to be kept close to where they will be
49 installed.

50
51 The Personnel Board has qualified 11 applicants to be interviewed for the two
52 Firefighter/Paramedic positions and all three Animal Control Officer Applicants. Applications
53 close for the DPW summer laborers (2), COA Van Driver 8 hours/week, and fill-in DPW
54 Department Specialist on July 3rd. Recruitment is open until July 17th for the COA Social
55 Services Coordinator.

56
57 **INVITED GUESTS**

58
59 Liquor License Transfer Public Hearing
60 Chairman Fleming proceeded to open a Public Hearing regarding the application of R.A.
61 Perkins, Inc. requesting a license transfer from Nancy Le Claire, Owner/Manager, Liquor Plus, at
62 6:05PM.

63
64 The Board invited the applicants to discuss this request. A legal notice was published in the
65 Town Crier on June 20, 2014. The public notice as it appeared in the paper was read by the
66 Chair;

67
68 “Notice is hereby given, under Chapter 138, Section 15A, of the MGLs that a Public Hearing
69 will be held on **Tuesday, July 1, 2014 at 6:05 PM** at the Fire and EMS Headquarters, 20 Church
70 Street, 2nd floor Training Room, Upton, MA on the application of R.A. Perkins Inc., 40 Pleasant
71 Street, Upton for an RETAIL PACKAGE GOODS ALL ALCOHOLIC BEVERAGES
72 LICENSE To Expose, Keep for Sale and to Sell All Kinds of Alcoholic Beverages NOT To Be
73 Drunk On the Premises *transfer* from Nancy Le Claire, Owner/Manager, Liquor Plus, Inc. on the
74 premises of 125 Main Street, on the following described premises: the first floor of a two-story
75 building is the main store with adjoining rooms as storage. Two entrances / exits to Main Street,
76 one for the public and one for deliveries”.

77
78 All abutters have been notified of this hearing and the Board asked all if there were any
79 questions. Hearing none the hearing was closed at 6:11pm.

80
81 **Motion #3:** Motion made by Selectman Picard that the Town, as the local licensing authority to
82 give approval for transfer of the liquor license to R.A. Perkins, Inc.

83
84 Second: Selectman Brochu, Unanimous: Chairman Fleming.

85
86 The application will be forwarded to the State of Massachusetts Alcoholic Beverage Control
87 Commission for final approval.

88

89 Heritage Park Kiosk – Eagle Scout Mike LaClaire
90 Mike LaClaire was present to discuss with you his plan to build an information kiosk at Heritage
91 Park. He described in detail his service project proposal which relies on donations to be built.
92 The Selectmen reviewed the drawings and thanked him for his contributions.

93
94 John Mazzone – Upton Men’s Club

95 Mr. Mazzone discussed with the Board the Men’s Club’s interest in a project to build stone walls
96 around the signs for Memorial School, Nipmuc High School and the Town Hall sign, similar to
97 the welcome to Upton signs put in about 12 years ago. Mr. Mazzone also requested monies from
98 the beautification trust fund this project.

99
100 **Motion #4:** Motion made by Selectman Brochu to donate \$5000 from the Knowlton Risteen
101 Beautification Trust Fund to build stone walls around the signs for Memorial School, Nipmuc
102 High School and the Town Hall sign.

103
104 Second: Selectman Picard, Unanimous Chairman Fleming

105
106 **DISCUSSION ITEMS**

107
108 Review all executive session records to determine if public non-disclosure is still warranted

109
110 **Motion #5:** Motion made by Selectman Brochu to release the following executive session
111 records:

112
113 23-Aug-11 M.G.L. c.39,Sec.23B #6 land value 2 Nelson Street
114 5-Mar-13 M.G.L. c.30A,Sec.21 #2 Town Clerk elected/appointed
115 7/23/2013 M.G.L. c.30A,Sec.21 #2 South Street Gravel Permit
116 8/6/2013 M.G.L. c.30A,Sec.21 #3 COA Director medical leave
117 8/20/2013 M.G.L. c.30A,Sec.21 #3 COA Director medical leave
118 8/27/2013 M.G.L. c.30A,Sec.21 #3 COA Director's request for selectmen's leave
119 8/27/2013 M.G.L. c.30A,Sec.21 #2 South Street Gravel Permit
120 9/17/2013 M.G.L. c.30A,Sec.21 #1 COA Director dismissal
121 9/17/2013 M.G.L. c.30A,Sec.21 #1 Town Manager
122 11/12/2013 M.G.L. c.30A,Sec.21 #2 South Street Gravel Permit
123 5/20/2014 M.G.L. c.30A,Sec.21 #3 Union Negotiations Fire

124
125 Second: Selectman Picard, Unanimous Chairman Fleming

126
127 Motion to Award Contracts

128 The Town Manager recommended that the Selectmen take action to award two contracts for the
129 Town for Road Reconstruction and Repairs and for the purchase of water meters.

130
131 DPW Director Thompson has recommended that we contract with Belivacqua of Uxbridge for
132 the road work planned for this year. They were the lowest bid of six firms this year.

133

134 Secondly, a number of water meters need to be purchased this year, and the Town Manager
135 recommends that the Selectmen give authorization to execute a contract with E. J. Prescott for
136 this equipment.

137
138 **Motion #6:** Motion made by Selectman Picard to award a contract with Belivacqua of Uxbridge
139 for the Town for Road Reconstruction and Repairs this fiscal year not to exceed \$405,370.20.

140
141 Second: Selectman Brochu, Unanimous Chairman Fleming.

142
143 **Motion #7:** Motion made by Selectman Picard to authorize the Town Manager to issue a notice
144 to proceed for the road work planned for this fiscal year.

145
146 Second: Selectman Brochu, Unanimous Chairman Fleming.

147
148 **Motion #8:** Motion made by Selectman Picard to award a contract to purchase water meters from
149 E. J. Prescott and authorize the Town Manager to execute the contract.

150
151 Second: Selectman Brochu, Unanimous Chairman Fleming.

152
153 Discussion on Town Hall- Hours of Operation

154 The Town Manager reviewed the revised draft proposal on the hours of operation of Town Hall.

155 Town Hall Hours – revised Proposed Schedule

156 35 Hour Schedule:

157	Monday	8:30 AM – 4:00 PM	7.5 Hours
158	Tuesday	8:30 AM – 6:30 PM	9.5 Hours (close 1/2 hour lunch)
159	Wednesday	8:30 AM – 4:00 PM	7.5 Hours
160	Thursday	8:30 AM – 4:00 PM	7.5 Hours
161	Friday	8:30 AM – 11:30 AM	3.0 Hours
162		Total	35.0 Hours

163
164 40 Hour Schedule (Selectmen, Assessors):

165	Monday	8:00 AM – 5:00 PM	9.0 Hours
166	Tuesday	8:00 AM – 6:30 PM	10.0 Hours (close 1/2 hour lunch)
167	Wednesday	8:00 AM – 5:00 PM	9.0 Hours
168	Thursday	8:00 AM – 5:00 PM	9.0 Hours
169	Friday	8:30 AM – 11:30 AM	3.0 Hours
170		Total	40.0 Hours

171
172 **Motion #9:** Motion made by Selectman Picard to accept the proposed schedule at the renovated
173 town hall.

174
175 Second: Selectman Brochu, Unanimous Chairman Fleming.

176
177 The Selectmen will discuss the details of a soft opening and the open house/room dedication at a
178 future meeting.

179

180 Motion to Approve BOS Annual Appointments

181 The Selectmen reviewed three applications for appointments. David Adams and Edward
182 Darragh expressed interest in serving on the Community Preservation Committee for which there
183 are two openings and Ms. Jane Snyder Gienger has expressed interest in several positions.

184
185 **Motion #10:** Motion made by Selectman Brochu to appoint the following to the Community
186 Preservation Commission:

- 187 Edward Darragh 1 year
- 188 Dave Adams 3 years

189
190 Second: Selectman Picard, Unanimous Chairman Fleming.

191
192 **Motion #11:** Motion made by Selectman Brochu to appoint Jane Snyder Gienger to the
193 Personnel Board for a 3year term.

194
195 Second: Selectman Picard, Unanimous Chairman Fleming.

196
197 **Motion #12:** Motion made by Selectman Brochu to appoint Jane Snyder Gienger to the Registrar
198 of Voters for a 1year term.

199
200 Second: Selectman Picard, Unanimous Chairman Fleming.

201
202 Update BoS Liaisons

203 The Selectmen made the following revisions to the 2014/2015 LIAISON ASSIGNMENTS;

Chairman Fleming	Selectman Picard	Selectman Brochu
Board of Assessor's	BVT	Affordable Housing Trust
Capital Budget Committee	Planning Board	Board of Health
Finance Committee	Zoning Board Appeal	Library Trustees
	MURSD	Recreation Commission
		Treasurer/collector

205
206 Review Revisions to the Liquor License Policy

207 With the construction of the pavilion at Kiwanis Beach and the completion of the Town Hall
208 renovation this fall it is anticipated that requests by groups who want to use these venues and
209 serve liquor at their events will be received. The Town's general by-laws do not allow liquor on
210 town property except by approval of the Board of Selectmen. The current policy is clear about
211 one day liquor licenses, and does provide for exceptions. However it is silent on the topic of
212 liquor on town property. The Town Manager proposed a modification by which groups who are
213 otherwise exempt from a one day special license and who would like to hold an event on Town
214 property could do so, provided that they obtain Selectmen's approval, obtain a liquor liability
215 insurance policy for the event, and subject to the Police Chief's decision hire a police detail. The
216 Chief of Police finds this draft appropriate, and it has been reviewed by the Recreation
217 Commission as well.

218

219 **Motion #13:** Motion made by Selectman Brochu to approve the amended language for the
220 Liquor License policy effective July 1, 2014.

221
222 Second: Selectman Picard, Unanimous Chairman Fleming.

223
224 Review Draft Health Benefits Policy

225 In the process of answering a question by an elected official regarding retiree health insurance
226 the Town Manager reviewed this matter with Town Counsel. Town Counsel recommended that
227 the Board of Selectmen institute a Health Benefits Policy to define who are eligible for benefits,
228 and how those benefits are administered. Ms. Robinson drafted a policy and proposes the
229 Board's to set such a policy.

230
231 The Selectmen will review the policy at their next meeting.

232
233 Motion to Approve Year End Transfers

234 The Town Manager included one transfer identified as the year closes, which is to correct a
235 rounding error in the Mendon Upton Debt Exclusions line item of \$3.00.

236
237 **Motion #14:** Motion made by Selectman Brochu to authorize the FY 13-14 end of year transfer
238 to move \$3 Town Manager expense 0100-122-5400-5423 to Mendon Upton Debt Exp. 0100-
239 300-5200-5621.

240
241 Second: Selectman Picard, Unanimous Chairman Fleming.

242
243 **OTHER TOPICS NOT REASONABLY ANTICIPATED**

244
245 **Motion #15:** Motion made by Selectman Picard to accept the resignation of Leo Lamanuzzi with
246 regret and thanks for serving on the Cemetery Commission.

247
248 Second: Selectman Brochu, Unanimous Chairman Fleming.

249
250 The Selectmen dissolved the honorary position of Measurer of Wood, Bark and Lumber which
251 has remained unfilled for the last ten years.

252
253 **Motion #16:** Motion made by Selectman Picard to dissolved the honorary position of Measurer
254 of Wood, Bark and Lumber.

255
256 Second: Selectman Brochu, Unanimous Chairman Fleming.

257
258 RECOGNITION

259 The Chair acknowledged and thanked the Upton's Men Club for the Fireworks display.

260
261 MEETING LOOK AHEAD TOPICS

262 Town Hall

263 Rules and Regulations

264 Dedication

265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287

EXECUTIVE SESSION

Motion #17: At 7:20PM Chairman Fleming motioned to enter into executive session in accordance with M.G.L. Chapter 30A, Section #21, Exception #6 - To consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the body.

The Board will reconvene to regular session only for adjournment.
Robert Fleming, aye, Kenneth Picard, aye, James Brochu, aye.

ADJOURN MEETING

Motion #18: At 7:40 pm motion was made by Chairman Fleming to adjourn the regular meeting.

Second: Selectman Brochu, Unanimous: Selectman Picard.

Respectfully submitted,

Sandra Hakala
Executive Assistant