

**BOARD OF
SELECTMEN
MEETING
MINUTES**

July 21, 2014

Police Station Training Room, School Street

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 July 1, 2014 Regular Session
7 Meeting Minutes as submitted.

8
9 Second: Selectman Picard, Unanimous Chairman Fleming.

10
11 **Motion #2:** Motion made by Selectman Picard to approve the July 1, 2014 Executive Session
12 Meeting Minutes as submitted.

13
14 Second: Selectman Picard, Unanimous Chairman Fleming.

15
16 **MANAGER'S REPORT**

17
18 The state budget has been finalized for this year and signed by the Governor. It is as expected,
19 and in line with the budget passed in May. The budget included again this year \$25 million for
20 CPA funding, which gives Upton a match of about 50% to what is raised.

21
22 Two change orders from the contractor on the Police Station repair project will get the concrete
23 walkways and railing replaced, enabling full completion of the project within the final budget
24 approved.

25
26 The Land Stewardship Committee has been awarded a state grant of almost \$9,300 from the
27 Recreational Trails Program (RTP) grant to provide signage on Upton's trails, install interpretive
28 panels and to build and install kiosks at access points to Upton's trail network. The grant
29 requires a 20% match which will be provided using in-kind services of the committee members
30 to do the installation work. The Committee is looking at styles of kiosks and will want to meet
31 with the Board in September to gather approval before moving ahead.

32
33 The Town Hall remains quite busy as the contractor focuses on the utility installations and the
34 interior finishes. The roofing work is complete, front stairs are being installed, and exterior
35 copper work starts next week. Interior finishes, trim and door installations have started on the
36 ground floor as well as ceiling grid installation. Floor installations start next week, as well as
37 ceramic tile in the bathrooms. National Grid notified the Town that we are eligible to receive a
38 payment of \$5,650 as an incentive for the lighting fixtures chosen for the project. The Town will
39 submit similar information for the hot water heaters, HVAC and similar items to receive
40 incentive payments for those.

41

42 As part of our renewal of our property and casualty insurance this year we received a credit of
43 \$4,148 for participating in various programs offered by MIIA. MIIA provides training on a
44 number of topics at no cost to its members, and it also further incentivizes us to do so by
45 providing a premium credit as well. We hosted several employee assistance training sessions this
46 year, had a driver training simulator for the police station brought on site, and attended various
47 programs around the state that all qualified. I believe this is our highest reward under this
48 program received to date.

49
50 The first round of interviews was done for the two Firefighter/Paramedic positions and five
51 candidates have participated in a second round this week. The Board of Health appointed Mike
52 Moran as its new Animal Control Officer. The COA is moving forward to interview Van Driver
53 candidates for the 8 hours/week position, and the COA Social Services Coordinator recruitment
54 closed this week with 28 applications.

55
56 As a result of the favorable bids received for road repairs a section of West River Street has been
57 added to the project list. A second bid for this season of additional roads to be repaired includes:
58 Glen Avenue, Cross Street, Depot Street and River Street. Separately a bid is out for crack
59 sealing.

60
61 Ms. Robinson attended a CMRPC meeting for Town Managers this week. CMRPC is looking to
62 roll out a Planning Board Assistance Program to its members, especially targeted to communities
63 that do not have professional planning staff. The focus would be on more in depth planning
64 work than the annual dues covers, and it could be offered either on an hourly basis, or a
65 subscription, similar to GIS services that Upton purchases. Ms. Robinson intends to share this
66 information with the Planning Board to see if they'd like to consider it.

67
68 The Town Manager asked the Selectmen if they wished to hold a public hearing to assess the
69 qualifications of Comcast who is positioned to replace Charter. Town Counsel has advised that it
70 would be difficult to determine that Comcast is not qualified thus a public hearing becomes
71 moot. The Selectmen determined this would not sway the outcome, and will not hold a public
72 hearing.

73
74 The Town Manager asked the Selectmen to consider the cooperative diesel fuel bid realizing the
75 contract exceeded 25k and requires action on their part.

76
77 ***Motion #3:*** Motion made by Selectman Brochu to authorize the Town Manager to execute a
78 contract with Peterson for the purchase of diesel fuel through the fiscal year at the rate of
79 \$3.4476 per gallon.

80
81 Second: Selectman Picard, Unanimous Chairman Fleming.

82
83 **INVITED GUESTS**

84
85 **DISCUSSION ITEMS**

86
87 **Town Hall - Dedication Update**

88 Based on the renovation completion date the Selectmen will plan a soft open house for
89 September 11th and review the guest list at their next meeting. The dedication and open house
90 will follow on September 23rd.

91
92 The Board will not consider naming any rooms in the building after any particular resident at this
93 time and may reconsider at a later date.

94
95 Appoint new member to the Cable Advisory Committee

96
97 **Motion #4:** Motion made by Selectman Brochu to appoint George Mattingly to the Cable
98 Advisory Committee through May 2015.

99
100 Second: Selectman Picard, Unanimous Chairman Fleming.

101
102 The Selectmen acknowledged the recent resignation of Robert Richard with regret and thanked
103 him for his many years serving on the Cemetery Commission.

104
105 Motion to Approve Health Benefits Policy

106 At the last Board meeting a draft of this policy was reviewed. All town employees were given
107 this to review and asked for their comments or questions and none were received. Thus, the
108 Town Manager recommended the Board approve this policy as written.

109
110 **Motion #5:** Motion made by Selectman Brochu to accept the Health Benefits Policy as written
111 and submitted on July 21, 2014.

112
113 Second: Selectman Picard, Unanimous Chairman Fleming.

114
115 Discuss CMRPC's Downtown General Business Zone PDA Analysis

116 Upton was awarded a DLTA grant to have CMRPC perform an analysis of the general business
117 zone. Their staff asked the Town Manager to provide them with the physical limits of that plan,
118 which are shown on the attached map as starting at Brook/Elm Street and extending to just
119 beyond the Route 140/Hartford Avenue North intersection. All of the parcels within that zone
120 that extend five hundred feet from the roadway total over five hundred, which is much higher
121 than they have budget to assess. CMRPC has asked that the Selectmen to review this and
122 determine the scope of the project within their budget.

123
124 The Selectmen agreed to include all the abutters and at the Town Common area only, the
125 abutters plus those parcels within 500 feet of the road.

126
127 Discussion – Private Ways – Repairs and Snow Plowing

128 A discussion was initiated regarding private ways and snow plowing as a result of an inquiry
129 about picking up materials from the Department of Public Works to make road repairs by a
130 resident was made. Mr. Thompson referred the matter to the Town Manager who was then also
131 approached by several residents asking the Town to consider forming a by-law committee on
132 maintenance of private ways. In researching that topic the issue of snow removal was interjected

133 in the conversation. There are two different regulations regarding these two issues, a bylaw to
134 regulate maintenance and a Board of Selectmen's snowplowing policy.

135
136 Ms. Robinson will draft a formalized policy on snowplowing, so that services could be applied
137 equitably and standardize treatment.

138
139 The Town Manager reviewed with the Selectmen an overview of her investigation into past
140 practices and the law that addresses these issues (memo attached). "At the town election in 2001,
141 the voters had passed a section of law on the ballot that the town could plow private ways," Ms.
142 Robinson said. Currently there is not a policy on which private roads the town does plow, and
143 which private roads the Town does not. She made clear that it's the town's intent not to abandon
144 people on private ways and if emergency services are needed the Town has the resources to
145 respond.

146
147 The Director of Public Works, Jeff Thompson was present and gave direction on how the
148 conditions of the road when plowing private ways were impacted and the bearing on the
149 equipment. Mr. Thompson was asked to complete road assessments on the private ways so that
150 the criteria's with respect to plowing would be consistent and objective. The assessments would
151 include the surface, turning radius and grade.

152
153 The Selectmen agreed that time was of the essence; therefore they will focus on setting a policy
154 for snowplowing first and would consider a by-law to address the repairs before the Annual
155 meeting. The Town Manager will prepare a draft by-law to be reviewed at the next meeting.

156
157 Mr. Chris Sandini, 33 Shore Drive was present and asked the Selectmen to appoint a Committee
158 to write a bylaw. The Chair stated that it is difficult to get residents to volunteer, as there are
159 several appointments presently on various boards and committees; it is likely that if a committee
160 was initiated it would be self-serving to those on private ways as those residents would be most
161 likely seek appointments, and this would not be representative of the Town. Mr. Sandini agreed
162 that it was self-serving, but stated he would like to see the Selectmen form a committee
163 regardless.

164
165 **OTHER TOPICS NOT REASONABLY ANTICIPATED**

166
167 **RECOGNITION**

168
169 **MEETING LOOK AHEAD TOPICS**

170 Town Hall
171 Rules and Regulations

172
173 **EXECUTIVE SESSION**

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

178

179 The Board will reconvene to regular session only for adjournment.

180

181 Robert Fleming, aye, Kenneth Picard, aye, James Brochu, aye.

182

183 **ADJOURN MEETING**

184

185 ***Motion #18:*** At 8:04 pm motion was made by Chairman Fleming to adjourn the regular meeting.

186

187 Second: Selectman Brochu, Unanimous: Selectman Picard.

188

189 Respectfully submitted,

190

191

192 Sandra Hakala

193 Executive Assistant

194

195