

**BOARD OF
SELECTMEN
MEETING
MINUTES**

August 26, 2014

Nipmuc Regional High School, PDC, Pleasant 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 August 5, 2014 Regular Session
7 Meeting Minutes as submitted.

8
9 Second: Selectman Picard, Unanimous Chairman Fleming.

10
11 ***Motion #2:*** Motion made by Selectman Brochu to approve the August 5, 2014 Executive Session
12 Meeting Minutes as submitted.

13
14 Second: Selectman Picard, Unanimous Chairman Fleming.

15
16 **MANAGER'S REPORT**

17
18 The tentative move in date for Town Hall of Friday, September 12th, the focus is on all aspects
19 of completing the project and moving all of the offices into the building. The construction
20 process is very busy with finishes being installed, site work being wrapped up, and all the other
21 components on going. There are several issues that may affect obtaining a certificate of
22 occupancy and moving on that date. The first is that Nstar gas has been very slow to remove the
23 old gas service and install the new. The elevator and stage lift are being installed; it will take at
24 least a week longer than recently planned, and it is unknown how long it will take to obtain a
25 state inspection to operate. A drainage conundrum on Warren Street is in the works; utilities in
26 Warren Street and reinstalling drainage from the south to north side of Warren so as to prevent
27 water across the road and winter ice is proving challenging. Plumbing fixtures and new wood
28 floors are installed, painters working in almost all rooms, granite front stairs nearly complete,
29 and electrical fixtures are going in. The "soft opening" is planned on the 21st of September and
30 the rededication on the 23rd.

31
32 With the arrival of the two new Firefighter/paramedics an application has been filed with the
33 State Office of Emergency Medical Services (OEMS) for approval to provide paramedic (ALS)
34 level services. The agreement with hospitals is being updated. The equipment needed has been
35 procured, and it is expected the timeframe for approval is short.

36
37 Public Works is busy this month with putting in larger patches in roads where it is needed, and
38 cutting back brush to improve site lines. They expect paving crews back the weeks of September
39 2nd and 8th to finish the work on North and Plain Streets, and then to mill and overlay West
40 River and Westborough Roads. Message signs to alert drivers will be put up.

41

42 The Rockwood Meadows subdivision on East Street is well underway. The developer has been
43 busy constructing the roadway in and related infrastructure, and blasting in the area where the
44 homes will be built. Code Enforcement anticipates that they will soon be applying for their
45 building permits.

46

47 **INVITED GUESTS**

48 6:05 PM: Public Hearing – Class II License

49 Chairman Fleming opened the Public Hearing at 6:05PM. Mr. Valentin Komarovskiy has
50 applied for a license to sell used cars at 138 Milford Street. Mr. Komarovskiy has been before
51 the ZBA for approval on August 20th which was received. His application states that the
52 property has 50 parking spaces, though his application does not clarify how many cars he wishes
53 to have for sale. The ZBA approved the property for 50. Previously there was a license held by
54 Dana Schwehr for a similar business which was moved earlier this year to the Matellian Motors
55 building across the street. Under that old license he was approved for 25 cars.

56

57 Mr. Komarovskiy confirmed that all abutters have been notified.

58

59 The hearing was closed at 6:08PM.

60

61 **Motion #9:** Motion made by Selectman Picard to authorize the issuance of a Class II license to
62 display no more than twenty-five cars to Valentin Komarovskiy, President, Ecometics Inc. dba
63 Western Motors at 138 Milford Street.

64

65 Second: Selectman Brochu, Unanimous: Chairman Fleming.

66

67 Public Hearing – Pole Location

68 Chairman Fleming proceeded to open a Public Hearing at 6:10PM pertaining to the petition by
69 Verizon and National Grid seeking approval to install new pole 26-5 and anchor to reduce the
70 angle from Pole 26 to Pole 27 on Crocket Road.

71

72 Mike Fraser was in attendance representing National Grid to answer questions from the Board.

73

74 DPW has reviewed the location and has no issue with the relocation. Chairman Fleming asked if
75 there were any questions. There were none. The hearing was closed at 6:15PM.

76

77 **Motion #2:** Motion made by Selectman Brochu that the Town of Upton grants permission to
78 Verizon and National Grid to install new pole 26-5 and anchor to reduce the angle from Pole 26
79 to Pole 27 on Crocket Road.

80

81 Second: Selectman Picard, Unanimous: Chairman Fleming.

82

83 **DISCUSSION ITEMS**

84 Motion to Appoint Various Positions

85 The Town Manager recommended three positions for appointment; two employees, and the third
86 a resident interested in a Town committee.

87

88 Ms. Robinson made a recommendation to appoint Jessica D'Amato to the position of Social
89 Services Coordinator and to appoint Caroline Deering to provide fill in Department Specialist
90 services in the DPW office on Pleasant Street.

91
92 **Motion #3:** Motion made by Selectman Brochu to authorize the Town Manager to appoint
93 Jessica D'Amato to the position of Social Services Coordinator waiving the 15 day waiting
94 period.

95
96 Second: Selectman Picard, Unanimous Chairman Fleming.

97
98 **Motion #4:** Motion made by Selectman Brochu to authorize the Town Manager to appoint
99 Caroline Deering to provide fill in Department Specialist services in the Department of Public
100 Works waiving the 15 day waiting period.

101
102 Second: Selectman Picard, Unanimous Chairman Fleming.

103
104 Ms. Robinson spoke with Amanda Graham who expressed interest in being appointed to the
105 Affordable Housing Trust. Her background and enthusiasm for this important committee was
106 evident during the conversation and thus recommended her appointment.

107
108 **Motion #5:** Motion made by Selectman Brochu to appoint Amanda Graham to the Affordable
109 Housing Trust.

110
111 Second: Selectman Picard, Unanimous Chairman Fleming.

112
113 Motion to Open a Warrant for a Special Town Meeting on November 18th

114 In keeping with our tradition of holding a special town meeting between Veteran's and
115 Thanksgiving Days, the Town Manager proposed that the Board vote to open a warrant for a
116 special town meeting on Tuesday, November 18th, and the deadline to submit articles for the
117 warrant would be September 25th. A copy of the proposed notice to Boards and Committees
118 with these details is attached.

119
120 **Motion #6:** Motion made by Selectman Picard to open a warrant for a special town meeting on
121 Tuesday, November 18th.

122
123 Second: Selectman Brochu, Unanimous Chairman Fleming.

124
125 Review One Day Liquor License Applications

126 Two applications for one day liquor licenses for events in Town were reviewed by the
127 Selectmen. Selectman Brochu recused himself from the discussion on BVT. The first was
128 discussed at the last Board meeting, as BVT wishes to hold a 50th Anniversary celebration on
129 October 25th and offer wine. That item was tabled in order to explore the School's willingness
130 to obtain a liquor liability insurance policy. The School has applied for such a policy that will
131 name the Town as an additional insured. The Town Manager recommended that their
132 application be granted subject to this.

133

134 **Motion #7:** Motion made by Selectman Picard to grant a one day liquor license to BVT on
135 October 25, 2014 with the stipulation to include \$25,000 liquor liability insurance naming the
136 Town of Upton as an additional insured.

137
138 Second: Chairman Fleming, majority action of the Board.

139
140 Secondly, the owner of the Red Farm Golf Course submitted an application for the Upton
141 Fire/EMS Association to hold a 175th anniversary golf tournament on September 14th.
142 Similarly, the owner has assented to providing the above mentioned insurance policy for this
143 event. The Town Manager recommended that this application be approved subject to evidence
144 of the insurance and the license for the server for the event.

145
146 **Motion #8:** Motion made by Selectman Picard to grant a one day liquor license to Red Farm
147 Golf Course on behalf of the Upton Fire/EMS Association to hold a 175th anniversary golf
148 tournament on September 14th with the stipulation to include \$25,000 liquor liability insurance
149 naming the Town of Upton as an additional insured.

150
151 Second: Selectman Brochu, Unanimous Chairman Fleming.

152
153 Motion to Transfer Historical Commission Donations to a Gift Account
154 Will discuss at the next meeting.

155
156 Motion to Approve Code Enforcement FY 14 Postage Expenses

157 In the course of processing the weekly expense warrant, the Town Accountant discovered that
158 one of the submissions from Code Enforcement included two receipts for postage purchased in
159 FY 13/14. At that point the fiscal year had closed and those expenses could not be paid. The
160 Town Manager recommended that the Board consider allowing these expenses to be paid out of
161 the William Knowlton Fund so that the matter can be resolved without a special town meeting
162 warrant article. The total amount requested is: \$18.00.

163
164 **Motion #9:** Motion made by Selectman Picard to pay the postages expenses incurred in FY 13/14
165 submitted by Code Enforcement in the amount of \$18.00 be paid out of the William Knowlton
166 Fund.

167
168 Second: Selectman Brochu, Unanimous Chairman Fleming.

169
170 Discussion – Private Ways – Repairs and Snow Plowing

171 The town passed a by-law in 2001 that allowed the Town to plow private ways. At that time a
172 standard for which private ways it would plow was not set by the Selectmen, Chairman Fleming
173 explained to the many residents in attendance. The Board of Selectmen at that time had been lax
174 in how it enforced the by-law.

175
176 Last week a draft policy to set a standard and consistency regarding the plowing of private ways
177 was sent out to the homeowners on the affected streets, as well as a spreadsheet of all of the
178 private ways denoting how they would be handled if this policy were adopted as written, as well
179 as a question/answer document on the legal aspects of this issue. Town Counsel, the Police &

180 Fire Chiefs and DPW Director were all in attendance to answer any questions in their area of
181 expertise.

182
183 Several private-way residents expressed concern that their roads would not meet the criteria for
184 plowing. The Selectmen stated there are safety and equipment factors that prevent all private
185 ways to be plowed and have set the criteria in the proposed policy to include a road's width,
186 whether it is open to public use, and whether emergency vehicles have adequate space to turn
187 around.

188
189 Selectmen noted that the recommendations were not final. Selectman Picard said it is important
190 to apply town services equally. "We have to have clear standards and explain why those
191 standards exist." he said. Selectmen said there were ways the situation could be settled, like
192 residents agreeing to let the plows turn around on their property and asked the residents to submit
193 ideas and suggestions to mitigate their concerns.

194
195 ***Motion #10:*** Motion made by Chairman Fleming for a 10 minute recess.

196
197 Selectman Brochu aye, Selectman Picard aye, Chairman Fleming aye

198
199 *Town Hall*

200 The target date for a "soft opening" event at Town Hall is September 21st, followed by the
201 public dedication on the 23rd. The Selectmen gave input to planning process for the re-
202 dedication ceremony and the list of potential invitees to the event. The Selectmen would like to
203 focus on the history of the building and suggested that attendees receive a printed program that
204 could serve as a keepsake of the event. The board will make its final decision on the event at its
205 Sept. 8 meeting.

206
207 A draft of the rules and regulations to using the building was tabled until the next meeting.

208
209 *Motion to Lock into a Contract for the Supply of Electricity*

210 Three years ago a switch of electricity suppliers from National Grid to Constellation Energy was
211 made which enabled the Town to save several cents per kWh on electricity purchases for public
212 buildings. The most recent contract for 7.12 cents/kWh is up in November. New pricing from a
213 competitor must be voted on the same day that the pricing is given. The Town Manager
214 recommended taking action on this as the markets are likely to get worse.

215
216 ***Motion #11:*** Motion made by Selectman Picard to authorize the Town Manager to lock into a
217 contract for the supply of electricity.

218
219 Second: Selectman Brochu, Unanimous Chairman Fleming.

220
221 *Motion to Award Contracts for Road Reconstruction and Crack Sealing*

222 As you may recall, the first round of bidding we conducted for road reconstruction this season
223 was favorable, and with the dollars available in our budget we have been able to go out to bid
224 again for additional work, as well as crack sealing which is an important component of our
225 pavement management program. Enclosed in your packet are memos from DPW Director Jeff

226 Thompson recommending that a contract for road reconstruction be awarded to Belivacqua
227 Paving, and for Crack Sealing to Sealcoating, Incorporated.

228
229 **Motion #12:** Motion made by Selectman Picard to authorize the Town Manager to award
230 Belivacqua Paving the contract for road reconstruction.

231
232 Second: Selectman Brochu, Unanimous Chairman Fleming.

233
234 **Motion #13:** Motion made by Selectman Picard to authorize the Town Manager to award
235 Sealcoating, Incorporated the contract for Crack Sealing.

236
237 Second: Selectman Brochu, Unanimous Chairman Fleming.

238
239 **OTHER TOPICS NOT REASONABLY ANTICIPATED**

240
241 Selectman Picard asked the Board to reaffirm why he was appointed to the Historical
242 Commission. The Board agreed that with the recent exodus and turmoil within the Commission
243 Selectman Picard would be the liaison in hopes to help restore process and procedure and
244 identify why it continues to breakdown. He was given liberal authority to do so by Chairman
245 Fleming and Selectman Picard.

246
247 **RECOGNITION**

248
249 The Selectmen recognized the DPW for accepting their ice bucket challenge.

250
251 **MEETING LOOK AHEAD TOPICS**

252 Street light replacement program
253 Paperless initiatives
254 149 Main Street
255 Warren Street Closing
256 Housing Affordable Trust

257
258 **ADJOURN MEETING**

259
260 **Motion #18:** At 8:04 pm motion was made by Chairman Fleming to adjourn the regular meeting.

261
262 Second: Selectman Brochu, Unanimous: Selectman Picard.

263
264 Respectfully submitted,

265
266
267 Sandra Hakala
268 Executive Assistant

269
270