

**BOARD OF
SELECTMEN
MEETING
MINUTES**

April 15, 2014

Fire & EMS Headquarters, 20 Church Street , Training Room

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

1 The meeting was called to order at 6:00pm. Chairman Brochu opened the meeting and after the
2 pledge of allegiance he reviewed the agenda. He also stated that Selectmen Fleming has been
3 delayed and would be joining the meeting shortly.

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5 **MINUTES**

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7 **Motion #1:** Motion made by Selectman Picard to approve the March 18, Regular Session
8 Meeting Minutes as submitted.

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10 Second: Chairman Brochu, Majority Action of the Board.

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12 **Motion #2:** Motion made by Selectman Picard to approve the March 25, 2014 Regular Session
13 Meeting Minutes as submitted.

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15 Second: Chairman Brochu, Majority Action of the Board.

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17 **Motion #3:** Motion made by Selectman Picard to approve the April 1, Regular Session Meeting
18 Minutes as submitted.

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20 Second: Chairman Brochu, Majority Action of the Board.

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22 **Motion #4:** Motion made by Selectman Picard to approve the April 2, 2014 Regular Session
23 Meeting Minutes as submitted.

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25 Second: Chairman Brochu, Majority Action of the Board.

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27 **Motion #5:** Motion made by Selectman Picard to approve the April 9, 2014 Regular Session
28 Meeting Minutes as submitted.

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30 Second: Chairman Brochu, Majority Action of the Board.

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32 **INVITED GUESTS**

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34 The Selectmen invited the DPW Highway Division and commended them in their efforts
35 ensuring that the roads in Upton are in good shape for the travelling public during a challenging
36 winter season. The Board recognized the Department for their hard work and dedication and
37 DPW Director Jeff Thompson introduced John Johnson, Highway Supervisor and Gary Harper,
38 Working Forman to the Selectmen. Mr. Johnson stated that the shortage of salt and the extreme
39 cold presented the most challenging concerns. He also thanked the rest of his staff for their
40 teamwork and credited their great base of knowledge for getting the job done.

41

42 Tom Coley an Eagle Scout presented to the Selectmen his proposal to complete a project for his
43 Eagle Scout designation at the Community Garden on Mechanic Street. Mr. Coley's goal is to
44 enhance the Town Garden by raising the beds, build a table for the water bins so they are more
45 easily accessible and secure a compost bin near the shed. The Selectmen supported Mr. Coley's
46 proposal and thanked him for his contributions to the garden.

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48 **Motion #6:** Motion made by Selectman Picard to authorize Eagle Scout Tom Coley to proceed
49 with the project he presented in the Community Garden.

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51 Second: Chairman Brochu, Majority Action of the Board.

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53 **MANAGER'S REPORT**
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55 The Town Hall project continues to make good progress. The ground floor framing of office and
56 other spaces is nearly complete and electrical and plumbing is also being installed, with sprinkler
57 work to begin next week. The site work has started and plasterers are scheduled to come in to
58 begin work in May. With the decision that it was not feasible to have BVT build the casework
59 for the ground floor entry ramp the architect is looking at cost effective options for this instead of
60 the \$11,000 that would have been charged to have the millwork contractor build what was
61 specified. BVT is building the storage shed for the rear of the building at a savings of about
62 \$400 from what we estimated to buy one already built. A keying meeting to determine how the
63 key systems would be set up, who would have access to what areas, etc. was discussed to ensure
64 overall building security.

65
66 The Town meetings that are recorded for cable is done in high definition. Due to the analog
67 channels that Charter provides for local access this doesn't come across when watching it on TV.

68
69 The Town Manager Congratulated Police Officer/School Resource Officer Carl Ambrosino for
70 the Exceptional Service Award from the Municipal Juvenile Police Officer Association. Carl was
71 nominated by his peers for his excellent work as Upton's SRO and juvenile officer.

72
73 State revenues have inched up slightly with the publishing of the House Ways and Means version
74 of the budget. The house version of the budget includes slightly higher amounts for State owned
75 land and library grants. The Town Manager advised that until the Legislature is firm on these
76 numbers it would be prudent to hold off from incorporating it into the budget.

77
78 The Board of Health is planning to hold a household hazardous waste collection day on Saturday,
79 April 26th at the DPW. They will also be holding a paper shredding day on May 30th.

80
81 The Governor announced this week the release of \$30 million in Chapter 90 funds that can be
82 used by communities to make emergency or pothole repairs. Normally such funds cannot be
83 made for small repairs, but an exception has been made after the very difficult winter. While
84 funding to make road repairs is always welcomed, releasing a larger amount of funds for longer
85 term projects might have been a better use of State bond funds than fairly temporary patches.

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87 **DISCUSSION ITEMS:**

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Joint Election to Fill Library Trustees Vacancy

Passed over – meeting not posted by Library Trustees.

Review One Day Liquor License – Red Farm Golf

Upton Youth Baseball is planning to have a fundraising event at Red Farm Golf on May 17th and the Golf Course has applied for a license to serve beer that day. The Police Chief has stated that his concerns are addressed in the Liquor license policy and the Fire Chief will speak with the owner to address his concerns. The Town Manager asked the Youth baseball representative to clarify the number of kegs of beer to be on site and that a person would be serving.

Motion #7: Motion made by Selectman Picard to approve a one day license at Red Farm Golf on May 17th contingent upon Fire Chief approval in determining fire prevention regulations are adhered and designation of a server and the quantity of kegs is determined.

Second: Chairman Brochu, Majority Action of the Board.

FY 2014 – 2015 Budget Review

The State House Ways & Means budget came out which includes slight increases for payments for State owned land and Library grants; that coupled with the decision of the Board of Health to increase the cost of trash bag fees for the next year by 20 cents/bag means the Town Manager was able to add several items back into the budget that had been cut last week. Ms. Robinson recommended a positive balance of \$3,748. The Finance Committee will hold a public meeting on April 30th.

Review Draft Annual Town Meeting Warrant

The Selectmen reviewed the latest version of the Town Meeting warrant. This has been reviewed by Counsel, and contains three fewer articles due to budget cuts and timing issues. The document will be voted on at the scheduled April 22nd meeting.

The Chair deferred further discussion on the Board’s strategic initiatives until the end of the meeting when Selectmen Fleming will be present.

Motion to Award Annual Scholarships

This motion to award annual scholarships is deferred until April 22nd.

Motion to Authorize the Town Manager to Execute Contract for DPW Director

The annual contract with DPW Director Jeff Thompson is set to expire in mid-May. The Board reviewed the proposed renewal contract. The Town Manager recommended a modest cost of living adjustment this year. The other significant change to the contract is removal of the provision for relocation expenses since Mr. Thompson moved to Upton early last fall.

Motion #8: Motion made by Selectman Picard to authorize the Town Manager to authorize execute contract for DPW director.

Second: Chairman Brochu, Majority Action of the Board.

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Review Request from Men’s Club for to Mulch Islands

The Board considered a request from men’s club to mulch islands. The Men’s Club has obtained a quote from a local landscaping firm. They are requesting funding from the Town to maintain the various areas of the Town that they have beautified over the last couple of years; on Route 140 at the base of Prospect Street and at the intersection of Route 140 and Hartford Avenue North. The Town Manager recommends that the request be granted and taken from the Risteen D beautification fund. The Men’s Club volunteers will perform the labor to install the materials.

Motion #9: Motion made by Selectman Picard to authorize use of the Risteen D beautification fund to mulch the islands at on Route 140 at the base of Prospect Street and at the intersection of Route 140 and Hartford Avenue North.

Second: Chairman Brochu, Majority Action of the Board.

Review Street Light Request – JR Estates/Azalea Lane

After the Board reviewed the location of a new streetlight for the intersection of West River Street and the newly built Azalea Lane serving JR Estates the Town submitted that information to National Grid. They have asked that the Town reconsider the location of the light to a pole on the opposite corner of the intersection instead of the site chosen. After reviewing this with the Police Chief, the Town Manager recommends that you accept their suggestion, as it will still allow the intersection to be properly lit for public safety purposes.

Motion #10: Motion made by Selectman Picard to amend the location of the light to a pole on the opposite corner (pole 54-1) of the intersection instead of the site originally chosen.

Second: Chairman Brochu, Majority Action of the Board.

Review Proposals for Orchard Street Properties

The Town received one proposal for a lot on Orchard Street that were created after the Town purchased Stephan’s Farm. The proposal has been sent Town Counsel for review after which time the Selectmen will consider.

Review Two Seasonal Renewal Common Victualler Licenses

The Board reviewed the seasonal Common Victualler renewal applications of Kelly’s Farm and JJ’s Ice Cream. Both establishments have submitted all the necessary paperwork except the food permit issued by the BOH.

Motion #11: Motion made by Selectman Picard to authorize the issuance of a Common Victualler license to Kelly’s Farm contingent upon the issuance of a food permit by the BOH.

Second: Chairman Brochu, Majority Action of the Board.

Motion #12: Motion made by Selectman Picard to authorize the issuance of a Common Victualler license to JJ’s ice-cream contingent upon the issuance of a food permit by the BOH.

180 Second: Chairman Brochu, Majority Action of the Board.

181 **Motion #13:** At 6:05PM Chairman Brochu motioned to recess the regular meeting for 5 minutes
182 and reconvene at Fire & EMS Headquarters, 20 Church Street.

183

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

185

186 Chairman Brochu reopened the meeting at 6:10PM.

187

188 Continue discussion on Draft Annual Town Meeting Warrant Article Initiatives

189 At their last meeting the Chair asked its members to produce a statement which would be used to
190 clarify the proposed initiative to change the position of the Treasurer Collector to appointed
191 rather than elected. Selectman Fleming penned the statement which was endorsed by the Board;

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193 “In compliance with the BoS Chair's request to affirm Article 10 of the ATM Warrant of 2014,
194 The BOS would like to place for public record their endorsement of the Article based on the
195 following rationale;

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197 1. For the past several years the town's auditors have noted in their management letter
198 that it would be prudent for the town to pursue changing the Treasurer Collector's
199 position from elected to appointed.

200

201 Again this year the management letter states; “in our December 2011 letter to
202 management, we recommended that the town consider a referendum to amend the
203 selection method of its Treasurer Collector to an appointment by the Town's Board of
204 Selectmen or its Town Manager. While the current Treasurer Collector possesses the
205 skills necessary to support this position, future elected Treasurer Collectors may not.

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207 The Town has less than 7,000 residents, which limits the available talent pool capable of
208 being elected as Town Treasurer Collector. Recently two much larger towns (Milford and
209 Franklin) approved by law changes to appoint their treasurer collectors versus having this
210 critical position be elected”.

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212 2. This practice is endorsed and encouraged by the State Department of Revenue, who
213 has submitted it in written form to all towns in the Commonwealth requesting a
214 management review and matching the profile within the Commonwealth.

215

216 3. Although we all recognize the contribution of the present Treasurer Collector, we must
217 plan for the future and be proactive in seeking change. Should he chose not to seek
218 reelection; do we scramble to affect change, versus looking to the future before it
219 becomes a critical situation?

220

221 4. For the past few years there are far too many elected positions not challenged, or
222 worse, situations where there are no candidates. Society is becoming more complex and
223 there are fewer people wanting to, or able to, hold office. What if no person came
224 forward to run for this position? An appointment to this position eliminates the risk
225 factor.

226
227 5. There was at the time (5 years ago) many citizens were apprehensive of a town of our
228 size, creating a Town Manager form of government. Although a change can be difficult
229 to accept at the time, the BOS knew it was for the future good of the Town. This action
230 has now shown to have been the correct decision and very well received by the citizens.
231 This process relative to the Treasurer Collector's position is no different. It's about the
232 future, and as the Executive Officers of the Town, it is up to us to lead this initiative.”
233

234 The Selectmen asked that the Town Manager distribute this endorsement as a press release.
235

236 **Motion #14:** Motion made by Selectman Picard to endorse the memo to change the election
237 process of the Treasurer Collector to an appointed position rather than an elected position.
238

239 Second: Selectman Fleming, Unanimous: Chairman Brochu.
240

241 In response to the BOA’s letter dated April 3rd the Board of Selectmen made the following
242 statement which the Town Manager will also distribute as a press release;
243

244 “The Board of Selectmen (BoS) wants to acknowledge and thank the Board of Assessors (BoA)
245 for their letter dated April 3, 2014. The BoS recognizes that the review of strategic initiatives
246 requires discussion from all points of view. This dialog will help us achieve the best outcome
247 and meaningful impact. The BoS is concentrating on part time elected officials with this
248 initiative and may address appointees at a future date. The BoS consider the Treasurer /
249 Collector a full time elected official and is not part of this conversation. The BoS is interested in
250 discussing the BoA proposal to hire a professional assessor.
251

252 With respect to the current level of compensation for elected part time officials; all elected
253 officials should be aware of their role, responsibility, and authority of the elected position prior
254 to running for the office. All elected part time officials provide value to our community through
255 their service. Elected part time officials are not on a time clock and need to fulfill their duties as
256 specified by either Town bylaw or State statue. The BoS recognizes the time and dedication that
257 the BoA, Board of Health, Planning Board, Regional School Committee, and all the other part
258 time elected officials spend to fulfill their duties. All elected officials should be reimbursed for
259 training, out of pocket expenses, and be recognized for their volunteer service.
260

261 The BoS believes that all part time elected officials should receive compensation as a thank you
262 for their service rather than by their position. Each position has a specific role, responsibility,
263 and authority. How do you quantify the value of an elected official that is responsible for a \$5.6
264 million dollar budget, the public’s health and safety, the education of our children, the
265 development of our community, the assessment of taxes, and/or the development of specific
266 public services? There is no practical or equitable way to determine hourly compensation for
267 these officials. The BoS believes it would be unsustainable to compensate all part time elected
268 officials at the level the BoA currently receive, therefore the BoS is recommending a balanced
269 approach of \$500 per official.
270

271 The BoS wants to increase transparency of elected officials' compensation and allow officials to
272 determine if they want to serve at the proposed compensation level. Therefore the BoS will be
273 proposing this compensation initiative be voted on at the 2014 Annual Town Meeting and
274 become effective at the start of the July 01, 2015.”

275

276 **RECOGNITION**

277 Chairman Brochu recognized the one year anniversary of those affect by the tragic events at the
278 Boston Marathon.

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281 **OTHER TOPICS NOT REASONABLY ANTICIPATED**

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284 **MEETING LOOK AHEAD TOPICS**

285 **EXECUTIVE SESSION**

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288 **ADJOURN MEETING**

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290 **Motion #10:** At 6:35pm motion was made by Chairman Brochu to adjourn the regular meeting.

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292 Second: Selectman Fleming, Unanimous: Selectman Picard.

293

294 Respectfully submitted,

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297 Sandra Hakala

298 Executive Assistant

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