

**BOARD OF  
SELECTMEN  
MEETING  
MINUTES**

**May 6, 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 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.

3  
4 **Motion #1:** Member Picard motioned to appoint Sandra Hakala, Executive Assistant as  
5 temporary Chair for the purpose of reorganizing the Board of Selectmen.

6  
7 Second: Member Fleming, Unanimous Member Brochu.

8  
9 Temporary Chair Hakala opened the nominations for Chairman of the Board of Selectmen and  
10 asked if there are any nominations.

11  
12 **Motion # 2:** Member Picard made a motion to nominate Robert Fleming as Chairman of the  
13 Board of Selectmen.

14  
15 Second: Member Brochu, Majority Action of the Board.

16  
17 Temporary Chair Hakala asked if there are any other nominations. Hearing none the temporary  
18 Chair then closed nominations and asked for a motion to appoint Robert Fleming as Chairman of  
19 the Board of Selectmen.

20  
21 **Motion # 3:** Member Picard motioned to appoint Robert Fleming as Chairman of the Board of  
22 Selectmen.

23  
24 Second: Member Brochu, Majority Action of the Board.

25  
26 **Motion # 4:** Chairman Fleming motioned to rescind the former motion appointing Sandra Hakala  
27 as Temporary Chair for the purpose of reorganizing the Board.

28  
29 Second: Member Picard, Unanimous Member Brochu.

30  
31 The Board congratulated Chairman Fleming and wishes him well.

32  
33 **MINUTES**

34  
35 **Motion #5:** Motion made by Selectman Brochu to approve the April 22, 2014 Regular Session  
36 Meeting Minutes as submitted.

37  
38 Second: Selectman Picard, Unanimous Chairman Fleming.

39  
40 **INVITED GUESTS**

41 Pass over.

42

43 **MANAGER'S REPORT**

44  
45 Charter Communications, the cable provider has reached an agreement on a series of tax efficient  
46 transactions that subject to regulatory approval will mean that about \$1.6 million Charter  
47 customers will be transferred to Comcast. The timing for this has not been determined, but it  
48 will probably take a year to a year and a half at least. This would include all Upton customers.  
49 Verizon has made it clear that they are not interested in providing service in Upton.

50  
51 The Town Hall water damage as a result of hydrant flushing last week will result in a change  
52 order of about \$19,500 to remove and replace the pipe insulation that was damaged. This claim  
53 will be covered under the builder's risk policy that we purchased from The Travelers. The  
54 deductible of \$5,000 will come out of the project. A portion of the foundation on the north and  
55 south sides of the building is exposed where water proofing is being installed. Digging down to  
56 do this work has uncovered some issues with the structure that requires reinforcing before water  
57 proofing can be applied.

58  
59 The State budget continues to move towards resolution. The house passed a budget that is fairly  
60 close to what was proposed in early April, and the numbers for Upton remain unchanged. The  
61 Senate begins deliberations in a few weeks.

62  
63 The DPW Director and Town Manager interviewed five engineering firms on Thursday as a step  
64 in the process to retain a firm for a variety of on call engineering services. The field has been  
65 narrowed down to three firms for further consideration. The first project will be to start the sewer  
66 master plan that is funded in this year's budget.

67  
68 There were 10 bids for the 10 wheel dump/plow truck that has been replaced by the refurbished  
69 vehicle obtained from FEMA last year. The high bid was \$6,600, exceeding the reserve by \$600.

70  
71 The Town is accepting applications for a part-time department specialist in the  
72 Treasurer/Collector's office and for the new full-time laborer position to support DPW's takeover  
73 of the maintenance of the cemeteries in July. Applications for both are due by May 15th.

74  
75 The Board of Health will also be holding a paper shredding day on May 31st. That event will be  
76 in the parking lot on Route 140 in front of the playground.

77  
78 **DISCUSSION ITEMS:**

79  
80 **Motion to Award Contracts**

81  
82 **Refuse & Recycling Services to E.L. Harvey**

83 The Board of Health is recommending that despite a cost increase this year the Town continues  
84 with E.L. Harvey for its refuse and recycling services. If Town Meeting approves the  
85 procurement officer's ability to recommend longer contracts, the Town Manager recommends  
86 that the town take advantage of pricing for the entire five years.

87 **Motion #6:** Motion made by Selectman Picard to authorize the Town Manager to execute  
88 contract with E.L. Harvey for Refuse & Recycling Services and pending Town Meeting vote  
89 extend agreement to five years.

90  
91 Second: Selectman Brochu, Unanimous Chairman Fleming.

92  
93 Coastal Medical Billing

94 The Town Manager has recommended Coastal Medical Billing to manage ambulance billing  
95 process; it has been a great success over the past three years.

96  
97 **Motion #7:** Motion made by Selectman Picard to authorize the Town Manager to execute  
98 contract with Coastal Medical Billing and pending Town Meeting vote extend agreement to five  
99 years.

100  
101 Second: Selectman Brochu, Unanimous Chairman Fleming.

102  
103 Police Station Repair

104 In 2012 a process to make repairs to the exterior of the Police Station began. The repairs include  
105 the EFIS insulations system, repair and paint of the wood trim, replacement of the building front  
106 doors, and repair of the handicap ramp and railing. This project went out to bid on four  
107 occasions – the first two times yielded no bids, the third much higher than expected, and then last  
108 month two bids. In the last round the bids were slightly higher than budget, and for a limited  
109 scope that included the EFIS and wood trim work only. Separate arrangements to have the doors  
110 replaced were made, and will not address the railing and walkway. To preclude further  
111 deterioration in the EFIS on the building the Town Manager recommends awarding a contract to  
112 L&L Contracting of Braintree, MA in the amount of the base bid which is \$239,500, subject to  
113 approval at Town Meeting of additional funds to meet this contract amount and provide for a  
114 contingency on the job.

115  
116 **Motion #8:** Motion made by Selectman Picard to authorize the Town Manager to execute  
117 contract with L&L Contracting of Braintree, MA in the amount of the base bid which is  
118 \$239,500, subject to approval at Town Meeting of additional funds to meet contract amount and  
119 provide for contingency of 10% for unforeseen conditions dependent on Article 25 on the  
120 warrant passing to add \$37,000 to the project to come from overlay surplus.

121  
122 Second: Selectman Brochu, Unanimous Chairman Fleming.

123  
124 Motion to Approve a Change in Ambulance Billing Rates

125 In August, 2013 the Town increased rates for ambulance services to twice the rate allowed by  
126 Medicare. Since that time many of the towns and ambulance services in the area have again  
127 increased fees and Upton is at the lower end of the scale. Chief Goodale is recommending that  
128 rates be increased so that the town is an average cost provider starting July 1st.

129  
130 Chief Goodale recommended “that the town consider increasing it base rates as follows:

131  
132

133 BLS \$132.70 to \$ 852.70  
134 ALS \$283.76 to \$1,139.76  
135 ALS 2 \$412.22 to \$1,677.68 (charged for the most serious trauma and medical incidents)”

136  
137 The Selectmen agreed that the rates should be increased and will continue this discussion at their  
138 next meeting.

139  
140 Motion to Appoint Various Positions

141 Council on Aging Department Specialist:

142 Karen Varney stepped into this role on an interim basis last September. Once the new Director  
143 was on board in January the process to fill the position began. Director Nowicki recommends  
144 appointing Karen permanently to the position and the Town Manager fully concurs.

145  
146 **Motion #9:** Motion made by Selectman Picard to appoint Karen Varney to the position of  
147 department specialist in the COA waiving the fifteen day waiting period.

148  
149 Second: Selectman Brochu, Unanimous Chairman Fleming.

150  
151 Call Firefighter/Paramedic

152 The fire department is seeking new on call members in order to meet the authorized number of  
153 positions (21). The Board reviewed the application of Christopher Delarda who would like to  
154 join. He is certified as a paramedic and works full-time for another department and comes with a  
155 skill set that will be very helpful as the Town transitions to ALS ambulance service.

156  
157 **Motion #10:** Motion made by Selectman Brochu to appoint Christopher Delarda to the position  
158 of on call fire fighter/paramedic waiving the fifteen day waiting period.

159  
160 Second: Selectman Picard, Unanimous Chairman Fleming.

161  
162 Annual Town Meeting – Review Motions

163 The Selectmen reviewed the motions and asked the Town Manager to review the format  
164 suggested by town counsel with the moderator. They will use their discretion to insert the Town  
165 Counsels suggestions by shortening the wording of the motions so they are less redundant to the  
166 article.

167  
168 Motion to Execute Inter-Municipal Agreement with Spencer, MA to fund the FY2014 Storm  
169 water Management Program of the Central MA Regional Storm water Coalition

170 Upton has been participating for the last two years in the regional coalition on this topic,  
171 spearheaded by the Town of Spencer. This year the coalition applied for a third year of funding  
172 to carry out the project’s initiatives – requesting \$200,000 of which \$80,000 was approved by the  
173 State. In order to complete all of the work the coalition needs to raise the balance of funds, and  
174 is asking for \$4,000 from each of the 30 towns to achieve this. The Town Manager recommends  
175 that the Selectmen approve the necessary Inter-Municipal Agreement. The funds will come from  
176 the storm water warrant article funded yearly for such work.

177

178 **Motion #11:** Motion made by Selectman Picard to approve the Inter-Municipal Agreement with  
 179 Spencer, MA to fund the FY2014 Storm water Management Program of the Central MA  
 180 Regional Storm water Coalition

181  
 182 Second: Selectman Brochu, Unanimous Chairman Fleming.

183  
 184 **Motion to Approve Year End Transfers**

185 The Selectmen reviewed the FY 13-14 end of year transfers and noting all were within  
 186 departments.

187

<b>FY 13/14 END OF YEAR TRANSFERS</b>				DOC DATE 5-06-14	
	<b>AMOUNT</b>	<b>FROM</b>	<b>ACCOUNT #</b>	<b>TO</b>	<b>ACCOUNT #</b>
<b>GENERAL FUND</b>					
TRANSFER #1	\$500	01-122-5200-5310	Printing	01-122-5400-5423	Town Mgr Expense
TRANSFER #2	\$3,000	01-151-5200-5302	Town Counsel Exp	01-192-5400-5421	Town Bldg Expense
TRANSFER #3	\$2,000	01-422-5400-5481	DPW Vehicle Fuel	01-422-5200-5210	DPW Bldg Utilities
TRANSFER #4	\$2,000	01-422-5400-5481	DPW Vehicle Fuel	01-422-5400-5482	DPW Vehicle Maint
TRANSFER #5	\$3,500	01-422-5400-5481	DPW Vehicle Fuel	01-422-5200-5421	DPW Expense
TRANSFER #6	\$1,000.00	01-220-5200-5210	Fire Dept Utilities	01-220-5400-5421	Fire Dept Expense

188  
 189

190 **Motion #12:** Motion made by Selectman Picard to approve the FY 13-14 end of year transfer on  
 191 the spread sheet dated 5-06-14

192  
 193 Second: Selectman Brochu, Unanimous Chairman Fleming.

194

195 **RECOGNITION**

196 Chairman Fleming thanked the Upton’s Men Club for sponsoring a fundraising benefit last  
 197 weekend and for their continued support throughout the community

198

199 **OTHER TOPICS NOT REASONABLY ANTICIPATED**

200

201 **MEETING LOOK AHEAD TOPICS**

202

203 **EXECUTIVE SESSION**

204 **Motion #13:** At 7:15PM Chairman Brochu motioned to enter into executive session in  
 205 accordance with M.G.L. Chapter 30A, Section #21, Exception #3 – To discuss strategy with  
 206 respect to litigation if an open meeting may have a detrimental effect on the litigating position of  
 207 the public body.

208

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

210

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

212

213 **ADJOURN MEETING**

214

215 ***Motion #10:*** At 8:03pm motion was made by Chairman Fleming to adjourn the regular meeting.

216

217 Second: Selectman Brochu, Unanimous: Selectman Picard.

218

219 Respectfully submitted,

220

221

222 Sandra Hakala

223 Executive Assistant

224

225