

**BOARD OF
SELECTMEN
MEETING
MINUTES**

August 20, 2013

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
3

4 **MINUTES**

5
6 **Motion #1:** Motion made by Selectman Picard to approve the July 17, 2013 Regular Session
7 Meeting Minutes.
8

9 Second: Chairman Brochu, Abstain: Selectman Fleming, Majority Action of the Board.
10

11 **Motion #2:** Motion made by Selectman Picard to approve the July 23, 2013 Regular Session
12 Meeting Minutes.
13

14 Second: Selectman Fleming, Unanimous: Chairman Brochu
15

16 **Motion #3:** Motion made by Selectman Picard to approve the August 6, 2013 Regular Session
17 Meeting Minutes.
18

19 Second: Selectman Fleming, Unanimous: Chairman Brochu
20

21 **Motion #4:** Motion made by Selectman Picard to approve and not release the July 23, 2013
22 Executive Session Meeting Minutes.
23

24 Second: Selectman Fleming, Unanimous: Chairman Brochu
25

26 **Motion #5:** Motion made by Selectman Picard to approve and not release the August 6, 2013
27 Executive Session Meeting Minutes.
28

29 Second: Selectman Fleming, Unanimous: Chairman Brochu
30

31 **TOWN MANAGER'S REPORT**

32
33 The Town Manager has been working with Holly Whalen on the application for the annual
34 formula grant for the Council on Aging on the Town's behalf. They anticipate that it will cover
35 costs for distribution of the monthly newsletter, some expenses for the bus, a new computer for
36 the Department Assistant who produces the newsletter, and the expense of attending the annual
37 COA conference.
38

39 Postcards announcing the opening of the 3rd well field have been mailed out, and a copy can be
40 found on our website. Ms. Robinson reminded everyone that the event is planned for Tuesday,
41 September 10th at 5 PM at 169 West River Street. The DEP is scheduled to make their
42 inspection next week.

43 The Library Trustees have sent out a meeting request asking that the Board and several others
44 (Board of Health, Finance Committee) join them on August 26th to talk about the report of the
45 firm they brought in to do environmental testing in the building. The Trustees would like to
46 work together to determine the next steps on how to address the report's findings. The Town
47 Manager will attend with Chairman Brochu and Selectman Picard.

48
49 Work continues on the Town Hall project; the contractor is continuing with demolition of
50 interior spaces and they are in the process of determining how much of the ledge in the basement
51 will need to be removed. A geotechnical engineer will be advising the contractor on the most
52 appropriate way to remove the ledge that protects the building envelope. While performing
53 some of the basement excavation the crews found an old well in what was the Veteran's Agent
54 office that will be filled in, as part of the construction process. The process to begin restoration
55 of the windows has also started.

56
57 The Town Manager and the DPW Director attended a meeting with the area planning agencies
58 and the casino consultants to discuss water, sewer and other infrastructure concerns. They, along
59 with a number of other communities, questioned the assumptions made about traffic impacts that
60 were shared with the group the casino suggested that Route 140 would see no additional impact
61 of car traffic with the facility, and Hopkinton Road would have a 1.38% increase. CMRPC and
62 MAPC are asking good questions about this data and will be helpful to the Town in ascertaining
63 whether or not there are aspects of the project that ought to be considered for mitigation if it goes
64 forward.

65
66 The Town Manager advised by the Hopkinton Town Manager that on Hopkinton Road towards
67 Route 495 construction started on the project to install traffic lights at the School Street
68 intersection which is expected to continue until November.

69
70 The Town Manager noted that all Mass DOT sections have approved the 25% design of the TIP
71 Project. The DPW Director anticipates a late October 2013 public hearing at NIPMUC. The 75%
72 design should be ready for submission in March 2014 with the 100% design being completed in
73 September 2014.

74
75 Selectman Picard thanked Ms. Robinson for her efforts and accomplishments as outlined in her
76 Project Status Report.

77
78 **DISCUSSION ITEMS:**

79
80 Vote to approve and award bonds for the Town Hall Renovation Project
81 On August 15th bids were opened for the financing of the Town Hall project. At Town Meeting
82 \$6,524,111 was approved for the project, therefore the Town needed to finance \$4,524,111 as the
83 balance is to be paid from Community Preservation funds. The winning bid was 3.4% from
84 Fidelity Capital. Treasurer/Collector Glowacki and Financial Advisor Clark Rowell were invited
85 to discuss the financing and reviewed the details.

86
87 The Board motioned to approve and award the bonds.

88

89 **Motion #6:** Motion made by Selectman Fleming to vote that the sale of the \$4,524,100
 90 General Obligation Town Hall Bonds of the Town dated August 28, 2013 (the “Bonds”), to
 91 Fidelity Capital Markets at the price of \$4,625,789.11 and accrued interest, if any, is hereby
 92 approved and confirmed. The Bonds shall be payable on December 1 of the years and in the
 93 principal amounts and bear interest at the respective rates, as follows:
 94

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2014	\$169,100	3.00%	2024	\$220,000	3.25%
2015	170,000	3.00	2025	230,000	3.50
2016	175,000	3.00	2026	240,000	3.50
2017	180,000	3.00	2027	245,000	3.75
2018	185,000	3.00	2028	255,000	3.75
2019	190,000	3.00	2029	265,000	4.00
2020	200,000	3.00	2030	275,000	4.00
2021	205,000	3.00	2031	285,000	4.00
2022	210,000	3.00	2032	300,000	4.00
2023	215,000	3.00	2033	310,000	4.00

95
 96 Further Vote: that in connection with the marketing and sale of the Bonds, the
 97 preparation and distribution of a Notice of Sale and Preliminary Official Statement dated August
 98 6, 2013, and a final Official Statement dated August 15, 2013 (the “Official Statement”), each in
 99 such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed,
 100 approved and adopted.

101
 102 Further Vote: that the Bonds shall be subject to redemption, at the option of the Town,
 103 upon such terms and conditions as are set forth in the Official Statement.

104
 105 Further Vote: that the Town Treasurer and the Board of Selectmen be, and hereby are,
 106 authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC
 107 Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking
 108 shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from
 109 time to time.

110
 111 Further Vote: that we authorize and direct the Treasurer to establish post issuance federal
 112 tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if
 113 such procedures are currently in place, to review and update said procedures, in order to monitor
 114 and maintain the tax-exempt status of the Bonds.

115
 116 Further Vote: that each member of the Board of Selectmen, the Town Clerk and the
 117 Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and
 118 deliver such certificates, receipts or other documents as may be determined by them, or any of
 119 them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.
 120

121 The Board further certifies that the votes were taken at a meeting open to the public, that
122 no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the
123 meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk
124 and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the
125 municipal building that the office of the Town Clerk is located or, if applicable, in accordance
126 with an alternative method of notice prescribed or approved by the Attorney General as set forth
127 in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays,
128 prior to the time of the meeting and remained so posted at the time of the meeting, that no
129 deliberations or decision in connection with the sale of the Bonds were taken in executive
130 session, all in accordance with G.L. c.30A, §§18-25 as amended.

131
132 Second: Selectman Picard, Unanimous: Chairman Brochu
133

134 Vote to release funds held in a reserve account to pay off the bonds for the purchase of Stephan's
135 Farm

136 In 2004 the Town issued debt to pay for the acquisition of Stephan's Farm. At this time there
137 remains \$300,000 of principal payments remaining as well as interest costs for a total of
138 \$357,750. The Financial Advisor and Treasurer/Collector recommend that the Town take
139 advantage of the opportunity to pay off these bonds at this time due to the higher interest rates
140 that were charged for this issue (4 – 5%). Of the amount owed, the Town has \$343,250 available
141 in account 01-300-3273-1000 that was set aside when the first two of the four house lots were
142 sold. The Town Manager concurred with this recommendation. The difference in the funds
143 available can be added to the recap sheet this year since it is debt outside the levy limit, allowing
144 the Town us to satisfy its obligation.

145
146 **Motion #7:** Motion made by Selectman Fleming to authorize the release all funds in account 01-
147 300-3273-1000 to pay off the bonds for the purchase of Stephan's Farm.

148
149 Second: Selectman Picard, Unanimous: Chairman Brochu
150

151 Joint Election to fill the vacancy of Cemetery Commissioner

152 An agenda for the Cemetery Commissioners was not posted in accordance with the public
153 meeting law therefore the Selectmen will consider this at their next meeting.

154
155 Discuss Conservation Commission's request to have an associate member

156 Chris Scott, Marcella Stasa and Mike Penko from the Conservation Commission were invited to
157 discuss their desire to have an associate member for their board. They reviewed with the
158 Selectmen the MGL on Conservation Commission's which indicates that Commissions may
159 have from 3 to 7 members and special legislation would be required in order for them to add an
160 alternate member. Chair Scott said that this was not their intent; rather they wished to appoint a
161 non-voting "associate member". They referred to the Town of Scituate's "Roles,
162 Responsibilities and Limits of Authority" document for Associate Members and will draft one
163 for Upton mirroring Scituate's.

167 Motion to Approve the Town's Reserve Policy
168 The reserve policy that was discussed at the last Selectmen' meeting last meeting was approved
169 by the Finance Committee at their meeting on August 14th. The Town Manager recommended
170 that the Board vote to approve it as well and add it to the financial policies and procedures of the
171 Town.

172
173 **Motion #8:** Motion made by Selectman Picard to approve the reserve policy with the addition of
174 a data table addendum and in Section (2) page 3 adding the date.

175
176 Second: Selectman Fleming, Unanimous: Chairman Brochu.

177
178 Vote to Open a warrant for a Special Town Meeting on November 19, 2013

179 The Special Town Meeting will be held on Tuesday, November 19, 2013. The Selectmen voted
180 to open a warrant at this meeting which will be closed on Tuesday, October 1st.

181
182 **Motion #9:** Motion made by Selectman Fleming to open the warrant for a Special Town Meeting
183 will be held on Tuesday, November 19, 2013, and closing the warrant on Tuesday, October 1st.

184
185 Second: Selectman Picard, Unanimous: Chairman Brochu.

186
187 Review all executive session records to determine if public non-disclosure is still warranted
188

189 **Motion #10:** Motion made by Selectman Picard to release the following executive session
190 records:

191
192 37B 2-Oct-07 M.G.L. c.39,Sec.23B #6 149 Main Street
193 39A 15-Oct-07 M.G.L. c.39,Sec.23B #6 149 Main Street
194 67A 11-Aug-08 M.G.L. c.39,Sec.23B #3 Collective bargaining Union #3338A.
195 83A 9-Feb-10 M.G.L. c.39,Sec.23B #3 Union Negotiations Local #3338A
196 83B 16-Feb-10 M.G.L. c.39,Sec.23B #3 Union Negotiations Local #3338A
197 89 5-Oct-10 M.G.L. c.30A,Sec.21 #1 Discussion on the of ZBA Chairman LeBrun
198 90 19-Oct-10 M.G.L. c.30A,Sec.21 #6 Discussion on 149 Main Street/South Street
199 91 19-Oct-10 M.G.L. c.30A,Sec.21 #1 Discussion on the ZBA Chairman LeBrun
200 93 9-Nov-10 M.G.L. c.30A,Sec.21 #6 149 Main Street/145 Main Street/South
201 96A 31-May-11 M.G.L. c.30A,Sec.21 #6 land value South Street property
202 97 1-Feb-11 M.G.L. c.30A,Sec.21 #6 North Street land purchase abutting Mass
203 Turnpike
204 98 1-Feb-11 M.G.L. c.30A,Sec.21 #3 Union Negotiations Local #170
205 100 5-Apr-11 M.G.L. c.39,Sec.23B #7 Discussion for financial assistance/Davidson
206 101 19-Apr-11 M.G.L. c.39,Sec.23B #7 Discussion for financial assistance/Currie
207 102 3-May-11 M.G.L. c.39,Sec.23B #7 Discussion for financial assistance/Currie
208 103 17-May-11 M.G.L. c.30A,Sec.21 #6 North Street land purchase abutting Mass
209 Turnpike
210 104 17-May-11 M.G.L. c.30A,Sec.21 #6 land value South Street property
211 105 31-May-11 M.G.L. c.30A,Sec.21 #6 land value South Street property
212 106 31-May-11 M.G.L. c.39,Sec.23B #6 land value 2 Nelson Street

213	107	7-Jun-11	M.G.L. c.39,Sec.23B #6	land value 2 Nelson Street
214	108	7-Jun-11	M.G.L. c.39,Sec.23B #6	land value South Street
215	108C	23-Aug-11	M.G.L. c.39,Sec.23B #6	land value South Street
216	108D	30-Aug-11	M.G.L. c.39,Sec.23B #6	land value South Street
217	109	27-Sep-11	M.G.L. c.39,Sec.23B #6	land value South Street
218	110	27-Sep-11	M.G.L. c.39,Sec.23B #6	land value South Street
219	111	27-Sep-11	M.G.L. c.39,Sec.23B #6	149 Main Street
220	112	11-Oct-11	M.G.L. c.39,Sec.23B #6	land value South Street
221	113	11-Oct-11	M.G.L. c.30A,Sec.21 #3	Employee discipline- accident DPW
222	114	22-Nov-11	M.G.L. c.39,Sec.23B #6	land value South Street
223	115	5-Dec-11	M.G.L. c.30A,Sec.21 #6	land value South Street
224	116	5-Dec-11	M.G.L. c.30A,Sec.21 #1	BOS Probationary employee dismissed
225	117	20-Dec-11	M.G.L. c.30A,Sec.21 #3	Union Negotiations Police/Fire/DPW
226	118	20-Dec-11	M.G.L. c.30A,Sec.21 #6	land value South Street
227	119	3-Jan-12	M.G.L. c.30A,Sec.21 #6	land value 2 Nelson Street
228	120	3-Jan-12	M.G.L. c.30A,Sec.21 #3	Union Negotiations
229	121	17-Jan-12	M.G.L. c.39,Sec.23B #6	land value Warren Street
230	122	28-Feb-12	M.G.L. c.30A,Sec.21 #3	Union Negotiations Police
231	123	6-Mar-12	M.G.L. c.30A,Sec.21 #3	Union Negotiations MURSD update
232	124	20-Mar-12	M.G.L. c.30A,Sec.21 #3	Employee discipline DPW
233	125	20-Mar-12	M.G.L. c.30A,Sec.21 #3	Union Negotiations Police
234	126	17-Apr-12	M.G.L. c.30A,Sec.21 #3	Union Negotiations Teamsters
235	127	15-May-12	M.G.L. c.30A,Sec.21 #3	Union Negotiations Teamsters
236	128	5-Jun-12	M.G.L. c.30A,Sec.21 #3	Union Negotiations Teamsters
237	129	10-Jul-12	M.G.L. c.30A,Sec.21 #6	Land Value Main Street/Nelson Street
238	129A	24-Jul-12	M.G.L. c.30A,Sec.21 #3	Union Negotiations Teamsters
239	133	2-Oct-12	M.G.L. c.30A,Sec.21 #6	Land Value Main Street/Nelson Street
240	138	20-Nov-12	M.G.L. c.30A,Sec.21 #2	Police Negotiations

241
242 Second: Selectman Fleming, Unanimous: Chairman Brochu.

243
244 Approve Veteran’s 5K “Run to Remember Road Race” on October 5th
245 The VFW has requested permission to hold its 4K race, this year on October 5th. The Town
246 Manager has discussed this with Chief Bradley and agrees that approval to hold the race again
247 should be given to the VFW. The race course is the same as the prior years, and the Police Chief
248 will again require that they have one detail officer for four hours to provide public safety.

249
250 **Motion #11:** Motion made by Selectman Fleming to approve Commander McMahon’s request to
251 hold a Veteran’s 5K “Run to Remember Road Race” on October 5th.

252
253 Second: Selectman Picard, Unanimous: Chairman Brochu.

254
255 Review Draft Capital Improvement Program Document
256 Ms. Robinson reviewed with the Selectmen the early draft of the capital improvement program
257 (CIP) that she has been working on. She shared this with the Finance Committee at their meeting
258 on August 14th. The goal of the CIP is to provide a comprehensive overview of the Town’s

259 capital needs for the next budget year and the five years after that along with detail on each of
260 the items proposed in the plan, and their funding sources.

261
262 The Selectmen fully supported the Town Manager's efforts in developing the program and
263 applauded her proactive approach to coordinating and centralizing the capital budget requests of
264 various departments.

265
266 **RECOGNITION**

267 Chairman Brochu and Selectman Picard recognized all the participants and volunteers that par
268 took in the 3rd Annual Red Rock Warrior Triathlon Challenge to benefit the wounded warrior
269 project and Nipmuc football boosters. Specifically they commended Chief Bradley on competing
270 in all 3 legs of the race and challenged other departments to compete with them next year. The
271 Selectmen reached their goal of finishing the race!

272
273 **OTHER TOPIC NOT REASONABLY ANTICIPATED**

274
275 **Central Massachusetts Region-wide Pre-Disaster Mitigation Plan**

276 The CMRPC has requested that the Town reauthorize the resolution for the Central
277 Massachusetts Region-wide Pre-Disaster Mitigation Plan because of a name change only.

278
279 **Motion #12:** Motion made by Selectman Fleming to re-motion the resolution for the Central
280 Massachusetts Region-wide Pre-Disaster Mitigation Plan requested by the state because of a
281 name change.

282
283 Second: Selectman Picard, Unanimous: Chairman Brochu.

284
285 **EXECUTIVE SESSION**

286
287 **Motion #13:** At 7:20PM Chairman Brochu motioned to enter into an executive session under
288 M.G.L. Chapter 30A, Section #21, Exception #3 South Street Gravel Permit - To discuss strategy
289 with respect to collective bargaining or litigation if an open meeting may have a detrimental
290 effect on the bargaining or litigating position of the public body and the chair so declares.

291
292 James Brochu, aye, Robert Fleming, aye, Kenneth Picard, aye.

293
294 **Motion #14:** At 7:50pm Chairman Brochu motioned to reconvene the regular meeting.

295
296 Second: Selectman Fleming, Unanimous: Selectman Picard.

297
298 **ADJOURN MEETING**

299
300 **Motion #15:** At 7:50pm motion was made by Chairman Brochu to adjourn the regular meeting.

301
302 Second: Selectman Fleming, Unanimous: Selectman Picard.

303
304 Respectfully submitted, Sandra Hakala, Executive Assistant