

**BOARD OF  
SELECTMEN  
MEETING  
MINUTES**

**December 3, 2013**

Temporary Town Hall, 3 Milford Street

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 5:00pm. Chairman Brochu opened the meeting and reviewed  
2 the agenda.

3  
4 **DISCUSSION ITEMS:**

5 The Selectmen discussed the input from the departments, boards, and commissions that  
6 Selectman Picard had gathered on Upton's government core values, vision statement, mission  
7 statement and S.W.O.T analysis and in the workshop disseminated the data.

8  
9 The Selectmen synthesized this input on the two strategic planning input grids and will continue  
10 the discussion at their next meeting.

11  
12 **Motion to accept donation**

13 Selectman Fleming offered to the Town of Upton a Generac gasoline powered generator which  
14 can be utilized in the event of a power failure at town buildings. The estimated value of this  
15 piece of equipment is \$1,800.00.

16  
17 **Motion #1:** Motion made by Selectman Picard for the Town of Upton to accept a Generac  
18 gasoline powered generator with an estimated value of \$1,800.00.

19  
20 Majority: Chairman Brochu.

21  
22 **Motion #2:** At 5:51PM Chairman Brochu motioned to recess the regular meeting for 5 minutes  
23 and reconvene at the Fire Station.

24  
25 Poll taken: James Brochu, aye Robert Fleming aye, Kenneth Picard, aye.

26  
27 **MINUTES**

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29 **Motion #3:** Motion made by Selectman Picard to approve as submitted the November 12, 2013  
30 Regular Session Meeting Minutes.

31  
32 Second: Selectman Fleming, Unanimous: Chairman Brochu

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34 **Motion #4:** Motion made by Selectman Picard to approve as submitted the November 14, 2013  
35 Regular Session Meeting Minutes.

36  
37 Second: Selectman Fleming, Unanimous: Chairman Brochu

38  
39 **Motion #5:** Motion made by Selectman Picard to approve as submitted the November 19, 2013  
40 Regular Session Meeting Minutes.

41

42 Second: Selectman Fleming, Unanimous: Chairman Brochu

43

44 ***Motion #6:*** Motion made by Selectman Picard to approve as submitted the November 12, 2013  
45 Executive Session Meeting Minutes.

46

47 Second: Selectman Fleming, Unanimous: Chairman Brochu

48

49 **MANAGER'S REPORT**

50

51 The Town Clerk bill has been signed by the Governor. This appointed position will be included  
52 in the as part of the Classification and Compensation plan and a job description for this position  
53 will be established.

54

55 Work on Town Hall continues. The basement underpinning is about to begin. The steel beams  
56 are installed in the basement, and thus the temporary shoring will soon be taken down. The  
57 framing to install the platforms for the air handling units is done, and those units are up in place  
58 as well. There are a number of carpenters on site working on the attic structural work, cat walk,  
59 and duct work framing in the basement.

60

61 The Green Community Study Committee is inquiring about utility costs, billing and what is  
62 involved in gathering data and coming up with a future plan to reduce energy usage. The  
63 Committee anticipates having a preliminary draft of their report early next month and will keep  
64 the Town Manager apprised on when they are ready to make a presentation to the Board.

65

66 A “diagnostic team meeting” between the Grafton & Upton Railroad, the developer of the  
67 Crosswinds subdivision, the State and the Town to determine what safety equipment should be  
68 installed at the Station Street crossing that will be created as part of this subdivision is moving  
69 forward and is scheduled for December 18<sup>th</sup>.

70

71 Upton was one of the few towns that will receive a 100 percent match from community  
72 preservation funds from the State this year because Upton funded it at a three-percent level. This  
73 translates to more than \$316,500 which is a great deal higher than expected because of the  
74 downturn in the economy over the last few years.

75

76 **Motion to approve South Street Earth Removal Permit**

77 The Board of Selectmen will continue the suspension of the South Street Gravel Removal permit  
78 that had been suspended at its previous meeting. The South Street Realty Trust violated its  
79 permit by doing work on two recent holidays. The recent revisions proposedspecifies the  
80 holidays on which hauling would not be allowed, and adds a requirement that the pit operator  
81 have a staff person at the gate each morning to control truck traffic to ensure that trucks do not  
82 leave the pit while a bus is en route so that they aren't on the road simultaneously.

83

84 Negotiations for an earth removal permit would continue as the owner puts the property up for  
85 sale as they believe the property's value is tied in part to gravel removal. The Selectmen stated  
86 that if the SSRT is able to find a prospective buyer, that buyer would need to come before the  
87 board and reach an equitable agreement too. The Selectmen were appreciative of the owners

88 work to perfect the agreement between themselves and the town and will further discuss this at  
89 their next meeting. The board agreed to further discuss the matter at its Dec. 17<sup>th</sup> meeting.

90  
91 **Motion #7:** Motion made by Selectman Fleming to continue the suspension of the South Street  
92 Removal Permit until December 17<sup>th</sup>.

93  
94 Second: Selectman Picard, Unanimous: Chairman Brochu

95  
96 Discuss Public Works Capital Budget Plan

97 The Director of Public Works Jeff Thompson gave the Selectmen an overview of the priorities  
98 he has for capital dollars next year in the area of public works infrastructure. It is unlikely that  
99 the Town has the resources to carry that out the capital plan he outlines and it will be challenging  
100 to prioritize the various capital needs and focus resources on objectives that will come closest to  
101 maintaining acceptable levels of service.

102  
103 He stated that DPW's main focus will be on roads and the rolling stock needed to properly  
104 maintain them. Specifically, he said he needs to be continually prepared for the critical public  
105 safety role during snow operations by keeping the fleet in good working condition. The  
106 Department's objective is to improve the road service rating from 73 to 80. While unlikely to  
107 make substantial progress towards that goal without a substantial amount of additional funding,  
108 there are a number of projects identified to perform with Chapter 90 and Town funds.

109  
110 In the DPW Water & Wastewater Division, his objective is to provide high quality water that  
111 complies with all MassDEP regulations and to treat wastewater in conformance with our permit.  
112 The water quality is excellent and the water/wastewater infrastructure is in generally good  
113 condition that should not need significant attention prior to 2019 when the Enterprise Funds debt  
114 service loads are greatly reduced.

115  
116 Appointment of Fire Lieutenant

117 Chief Goodale is recommending that Shaun Marchand be appointed to the position of Fire  
118 Lieutenant. The department is moving towards having four companies and to provide better  
119 coverage the Chief is recommending that rather than promote someone to Captain, the Town not  
120 fill that position and have a fourth Lieutenant instead. The Town Manager concurs with his  
121 recommendation.

122  
123 **Motion #8:** Motion made by Selectman Fleming for the Town Manager to appoint Shaun  
124 Marchand to the position of Fire Lieutenant and waive the 15-day waiting period.

125  
126 Second: Selectman Picard, Unanimous: Chairman Brochu

127  
128 Review Common Victualler and Class II Renewals

129 The Selectmen reviewed the businesses slated for renewal of both Common Victualler and Class  
130 II Renewals.

131  
132 During this years' annual licensing renewal process the Selectmen have requested that a  
133 Common Victualler license be administered uniformly to all food service establishments that

134 meet the definition. To this end, every food service establishment capable of cooking, preparing  
135 or serving food is required to have a Common Victualler license and a certificate of inspection  
136 will also now be required from Code Enforcement.

137  
138 *Discuss Town Manager's Performance Evaluation*

139 The Selectmen received a copy of the Town Manager's 2012 performance appraisal and will  
140 meet prior to the January 7<sup>th</sup> meeting to reach a consensus. Selectman Fleming will do sections  
141 4,5, and 6; Selectman Picard will do sections 1,2, and 3; and Chairman Brochu will do sections  
142 7, 8, and 9 along with a summary.

143  
144 *Motion to Approve Amended Agreement – Hampshire Electricity Aggregation*

145 Earlier this year Town Meeting approved the opportunity to enter into this program, and  
146 subsequently the Board executed an agreement with Hampshire County to move forward. Since  
147 that time Hampshire County sought some changes to that agreement, which have been reviewed  
148 by Counsel, agreed to by Hampshire County and is now before the Board for approval. The  
149 Town Manager recommends that the Selectmen execute this amended document.

150  
151 The Selectmen were also given correspondence from a resident with information about a group  
152 who is opposed to municipal aggregation programs.

153  
154 ***Motion #9:*** Motion made by Selectman Fleming for the Board to execute the amended  
155 Agreement with the Hampshire Electricity Aggregation

156  
157 Second: Selectman Picard, Unanimous: Chairman Brochu

158  
159 *Motion to Approve Mutual Aid Agreement with City of Worcester*

160 The Board reviewed an agreement with the City of Worcester that will allow Upton officers  
161 police powers when attending court proceedings, guarding prisoners at UMass and while  
162 conducting investigations in the city. The agreement is much like the Central Massachusetts  
163 Law Enforcement Council (CEMLEC) that is currently in place. Worcester has created their  
164 own agreement (drafted by Attorney Jack Collins, Mass Chiefs) for the towns in Worcester  
165 County and the Chief recommends that the Board of Selectmen sign the agreement, to which the  
166 Town Manager concurs.

167  
168 ***Motion #10:*** Motion made by Selectman Picard to authorize the Town Manager to execute the  
169 Mutual Aid Agreement with City of Worcester

170  
171 Second: Selectman Fleming, Unanimous: Chairman Brochu

172  
173 **RECOGNITION**

174  
175 The Selectmen thanked the Fire Department, Police Department and the Upton's Men Club for  
176 welcoming Santa to the holiday lighting on the Common this past Sunday.

177  
178 The Selectmen also congratulated Chief Bradley for being recognized as a "patriotic employer"  
179 by the U.S. Department of Defense. The department was nominated by communications officer

180 (and Coast Guard reservist) Kyle Bishop. Bishop had done so because he was appreciative that  
181 the department had adjusted his training and employment schedule to accommodate his service.

182

183 **ADJOURN MEETING**

184

185 ***Motion #11:*** At 7:45pm motion was made by Selectman Picard to adjourn the regular meeting.

186

187 Second: Selectman Fleming, Unanimous: Chairman Brochu.

188

189 Respectfully submitted,

190

191 Sandra Hakala, Executive Assistant