

**BOARD OF  
SELECTMEN  
MEETING  
MINUTES**

**February 19, 2013**

Fire & EMS Headquarters, 20 Church Street , Training Room  
Selectman James Brochu, Selectman Robert J. Fleming Town Manager,  
Blythe C. Robinson, Executive Assistant, Sandra Hakala

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The meeting was called to order at 6:02pm. Selectman Brochu opened the meeting and after the pledge of allegiance he reviewed the agenda and invited the Town Manager to give her report.

**TOWN MANAGER'S REPORT**

Ms. Robinson reported to the Selectmen that there is a possibility that there may be some funds available from FEMA given the damage throughout the State from the Blizzard and the Town is working to capture all of the related costs. The Town is calculating what was spent for public works, police and fire and will submit it when requested.

The Town Manager announced that the both State Community Innovation Challenge grants that the Town participated in were funded by the State. Chairman Picard and the Town Manager attended the announcement ceremony at the State House. The CMRPC led grant of \$112,000 will bring electronic permitting to Upton and eight other towns for far less than budgeted. The Town was also part of a 30-town grant led by the Town of Spencer for \$115,000 to develop the policies and procedures needed for the new MS4 storm water permit being issued by the EPA. That grant was for less than the amount applied for, but should still enable the Town to move forward to meet these requirements for less than trying to do it individually.

Ms. Robinson informed the Selectmen that she recently received resignations from the COA Department Specialist and the Personnel Board Department Specialist and will be moving ahead to fill these positions in the coming weeks.

The Fire Department responded to a car fire at a home on Orchard Street that turned into a structure fire. The department had an engine on scene within 11 minutes, and was able to put out the fire quickly so that the house could be saved, but with about \$50,000 in damage. Ms. Robinson praised the Department's response especially with the weather at hand.

The Town has been notified by BETA engineering that the State DOT has finished their 25% review of the plans for the TIP project along Hopkinton Road, High Street and Hartford Avenue North. The Town is in the process of responding to their comments and that will be followed by a meeting amongst staff to resolve any outstanding matters. The next step after that is the scheduling of a public hearing regarding this design threshold, which will be scheduled soon.

The Public Safety subcommittee met this week to continue the planning process for a major incident in the West Upton area. They looked at possible situations that might occur, what resources would be needed to address them and how the Town might respond understanding that depending on the event, the response needs to be tailored. The Public Safety subcommittee is gathering more information and will meet again in a few weeks.

43 **MINUTES**

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45 **Motion #1:** Motion made by Selectman Fleming to approve the February 5, 2013 Regular  
46 Session Meeting Minutes.

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48 Second: Selectman Brochu, Majority Action of the Board.

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50 **DISCUSSION ITEMS**

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52 **Discuss FY 13/14 Budget Submissions**

53 Ms. Robinson asked the Selectmen if they were comfortable with the budget as submitted before  
54 they are presented to the Finance Committee. The Town Manager stated that once revenues are  
55 calculated and the warrant articles are added the Town is about \$877,000 out of balance. The  
56 Town Manager confirmed with Town Counsel that a Special Town Meeting which is generally  
57 used for yearend cleanup is not necessary since these matters can be included in a separate  
58 Article at the Annual Town Meeting. This will be more time and cost efficient.

59

60 Selectman Fleming stated that the document was well done and well documented, and it's hard  
61 to argue with operational budget yet capital items may need to be deferred to another time.  
62 Selectmen Brochu did not feel that the budget needed to be revisited and suggested that the BVT  
63 numbers may not be accurate.

64

65 **Execute Litigation Statement**

66 The Selectmen executed a letter to the Treasurer that is required to update the Town's bond  
67 holders on the status of any litigation that may be pending against the Town so it can be  
68 submitted to the appropriate parties.

69

70 **Discuss Options for Maintenance of Town Cemeteries**

71 Selectman Brochu invited the Cemetery Commissioners, Leo Lamanuzzi Jr., Chairman, Robert  
72 Richard, and William Sadler to join the discussion on the maintenance options for the four Town  
73 Cemeteries submitted by the Director of Public Works Jeff Thompson.

74

75 Selectman Brochu gave an overview of the DPW Director's memo and referenced that on July  
76 24, 1989, the Commonwealth approved "An Act Establishing a Department of Public Works in  
77 the Town of Upton" as Chapter 263, 1989 Massachusetts Acts & Resolves. Among other things,  
78 the Act calls for the Department of Public Works (DPW) to "establish within the Department...a  
79 Division of Cemeteries, Conservation, Parks and Forestry." The Act transferred "all powers and  
80 duties vested by general law or by-law to the Department of Public Works." Over the last 23  
81 years, the Cemetery Commission has continued to perform the same functions that it did prior to  
82 approval of the Act including those functions transferred to the DPW. During this period, the  
83 Cemetery Commissioners were apparently not made aware of the changes outlined in the Act  
84 and have worked within their resource limits to maintain the cemetery grounds to the best of  
85 their abilities.

86

87 Selectman Brouchu commended the Commissioners on their invaluable and much needed and  
88 appreciated service when interacting with families and asked the Commissioners to review the  
89 memo and get back to the Board on how the Town can help support their responsibilities.

90  
91 Selectman Fleming’s intent was not to make a decision at this time but to open a dialogue on  
92 how the Cemetery Commission should continue to operate and how the Town should implement  
93 the changes outlined in Chapter 263, 1989 Massachusetts Acts & Resolves which clearly charges  
94 the DPW with the responsibility for cemetery maintenance. He stated that we will always need a  
95 commission but how the Town can share those responsibilities is now a priority, and we need to  
96 develop a process for the position not the person.

97  
98 Commissioner Lamanuzzi disputed the Act Establishing a Department of Public Works in the  
99 Town of Upton” as Chapter 263, 1989 Massachusetts Acts & Resolves by referencing the Rules  
100 and Regulations by the Massachusetts State Cemetery Commission that states if the  
101 Commissioners are elected they are in charge of the cemetery maintenance.

102  
103 The Town Manager clarified that the Act and Resolve trumped the rules and regulations and how  
104 the Town can continue to help and enhance the service with succession planning.

105  
106 Review sample of a by-law regarding Nuisance Properties  
107 The Town Manger provided the Selectmen with a copy of the by-law regarding Nuisance  
108 Properties currently in place for the Town of Milford. This bylaw is written in a way as to  
109 achieve the same objective as the first version, but not quite as specific as to how properties be  
110 maintained the Town Manager suggested. The Building Commissioner and Ms. Robinson agree  
111 that this may be a good alternative that will give the Town the ability to address properties that  
112 become a nuisance.

113  
114 The Selectman asked the Town Manager to tweak this document a bit and develop a draft and  
115 agreed that it was a was a more appropriate document for Upton. The Selectmen will  
116 independently submit their recommendation to the Town Manager.

117  
118 Town Hall Renovation Update  
119 The Town Hall Building Renovation Committee met again this week. They continued to work  
120 on the lighting systems planned for the building, approvals needed from the State on historic  
121 preservation and handicap access, parking, and the size of an emergency generator. Options for a  
122 temporary town hall at Holy Angels and in trailers outside of the playground are still being  
123 reviewed and negotiated. The project remains on schedule and the third pass through on the  
124 budget is on target. The Committee will go before the Finance Committee this week to update  
125 them on the progress.

126  
127 Motion to Approve BYOB Policy  
128 An edited version of the policy “bring your own bottle” based on the discussion and input  
129 received was presented to the Selectmen.

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131 **Motion #2:** Motion made by Selectman Fleming to establish and approve the Bring Your Own  
132 Bottle Policy as written on February 19, 2013.

133  
134 Second: Selectman Brochu, Majority Action of the Board.

135  
136 Discuss Town's Position on the Proposed Milford Casino

137 A developer has proposed a gaming casino in Milford and has partnered with Foxwoods Casino  
138 in Connecticut to present a strong contender for the Boston area license. The deadline for  
139 commenting on the Gaming Commission's regulations for how surrounding communities are  
140 determined for which they are seeking input that was presented to the Selectmen at the last  
141 meeting has passed. The Town Manager asked the Board if they want to take a position on the  
142 Milford Casino plan since it is geographically very close to Upton.

143  
144 Selectman Fleming said the Town should do its best to keep well-informed of the matter and was  
145 concerned with the potential cost impact if the project comes through. Selectman Fleming would  
146 like to see some package or capital upgrades, so the town could benefit. Selectman Brochu  
147 Brochu mentioned heavy traffic on Hartford Avenue and the traffic patterns are the things that  
148 stand out.

149  
150 The Selectman said the Town should consult its legislators who need to advise us and work with  
151 us. Ms. Robinson suggested that she send a letter to its legislators and the selectmen agreed.

152  
153 Motion to Appoint: Two Positions

154 The Town Manager recommended two candidates for appointments, the Fire Captain and UCTV  
155 Assistant. The Captain is a newly funded position this year as a result of the retirement of the  
156 Deputy Chief and a change in command structure. The Department conducted an assessment  
157 center and unanimously recommends that Dan Lazarz be promoted from Lieutenant to Captain.

158  
159 The second position is an UCTV Assistant and given his Mr. Sheedy's background and interest  
160 in video and broadcasting was recommended.

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162 **Motion #3:** Motion made by Selectman Fleming to appoint Dan Lazarz as Captain effective  
163 through May 2013.

164  
165 Second: Selectman Brochu, Majority Action of the Board.

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167 **Motion #4:** Motion made by Selectman Fleming to appoint Robert Sheedy as UCTV assistant  
168 effective through May 2013.

169  
170 Second: Selectman Brochu, Majority Action of the Board.

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172 Motion to Accept Resignation

173 George Klink will be stepping down from the Board of Library Trustees. In order to move  
174 forward the Selectmen voted that there is a vacancy, which will enable the Town Clerk to put the  
175 vacancy on the ballot and now someone can run for the remaining one year of Mr. Klink's term.

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177 **Motion #5:** Motion made by Selectman Fleming to accept with regret the resignation of George  
178 Klink.

179  
180 Second: Selectman Brochu, Majority Action of the Board.

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182 **Motion #6:** Motion made by Selectman Fleming to open up and recognize a one year vacancy on  
183 the Board of Library Trustees.

184  
185 Second: Selectman Brochu, Majority Action of the Board.

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187 **RECOGNITION**

188 The Selectmen highly praised the public works, police and fire departments for their response to  
189 the storm. Ms. Robinson joined in noting that she was proud of how well they did managing one  
190 of the biggest storms in history. Director Thompson gave all the credit to his staff stating they  
191 do a tremendous job.

192  
193 The Selectmen also recognized Sandra Hakala on the first anniversary of her employment with  
194 the Town.

195  
196 **MEETING LOOK AHEAD TOPICS**

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198 Storm water by-law regulations

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200 Attend Mendon BOS on March 4th  
201 Discuss Scholarship recipients and presentation of awards  
202 Discuss Water & Sewer rates for FY 13/14

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205 **ADJOURN MEETING**

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207 **Motion #7:** At 7:06pm Motion was made by Selectman Fleming to adjourn the regular meeting.

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209 Second: Selectman Brochu, Majority Action of the Board.

210  
211 Respectfully submitted,

212  
213 Sandra Hakala  
214 Executive Assistant