

**BOARD OF
SELECTMEN
MEETING
MINUTES**

March 19, 2013

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

1 The meeting was called to order at 6:00pm. Chairman Picard opened the meeting and after the
2 pledge of allegiance he reviewed the agenda.

3
4 **MINUTES**

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6 Motion #1: Motion made by Selectman Brochu to approve the February 19, 2013 Regular
7 Session Meeting Minutes.

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9 Second: Selectman Fleming, Majority Action.

10
11 Motion #2: Motion made by Selectman Brochu to approve the March 5, 2013 Executive Session
12 Meeting Minutes.

13
14 Second: Selectman Fleming,

15
16 Chairman Picard ask that line 20 be amended to add the word legislative before the word act.

17
18 Selectman Fleming aye, Selectman Brochu aye.

19
20 Unanimous: Chairman Picard.

21
22 **TOWN MANAGER'S REPORT**

23
24 On April 20th the Board of Health will be holding a recycle day for household hazardous waste
25 and electronics at the DPW Garage. The next on site shredding day which was very popular last
26 year with residents will be Saturday, June 1st. Ms. Robinson told the Selectmen this date will
27 also enable the Town to properly destroy any Town Hall records.

28
29 The Town Hall renovation project went out to bid last week and contractors visited Town Hall
30 this morning. Because of the snow storm today another site walk through has been scheduled for
31 Thursday with the bidders/architects. The bid opening is scheduled for April 9th.

32
33 The police station exterior renovations are out to bid with a site walk through on March 28th.
34 Bids for this project are due on April 11th.

35
36 Ms. Robinson received word this week that the Town may not receive notice of Chapter 90 funds
37 for this season as a result of disagreements at the state level over the Governor's budget and
38 transportation funding plan. Typically, she told the Selectmen the Town receives formal
39 notification at this time of how much to approve at Town Meeting for the ensuing year. While
40 this is likely a political struggle that will sort itself out, there is a real possibility that no road
41 projects will be able to be done this year unless the Town can fund it itself.

42 The DPW Director and Town Manager attended a meeting of the 30 towns that have been
43 awarded the storm water grant from the State CIC Challenge grant. That grant is meant to
44 complete a number of tasks and mapping that will be required of all communities that are subject
45 to the new MS4 permit by the Federal EPA (Upton is one of those communities). Because of the
46 Governor’s 9C cuts in the budget the grant request was cut from \$200K to \$115 and it is not
47 possible to carry out all of the needed work with the lower level of funding. It was suggested
48 that all 30 communities each put up \$2,833 towards this effort in order to get the work done. Ms.
49 Robinson indicated to the group that the Town will be able to fund that out of the existing article
50 for storm water work. The Town Manager strongly believes that the tools and mapping received
51 from the project would cost the Town far more on its own, and that there will be future benefits
52 to all 30 towns working together. The new MS4 permit will likely be released later this spring.

53
54 The Personnel Board met this week and qualified candidates for both the Town Accountant and
55 COA Department Specialist position. Interviews will be scheduled in the coming weeks to start
56 the process of filling both positions.

57
58 Ms. Robinson received a call from the Town of Hopkinton asking if Upton has taken a position
59 on the Milford casino proposal. The Board is reluctant to enter into campaign against the casino
60 at this time stating that is premature and want to see more on the project and will continue to
61 monitor the developments before becoming engaged.

62
63 **DISCUSSION ITEMS:**

64
65 *Review and Approve FY 13/14 Water & Wastewater Rates*
66 At the last BOS meeting the DPW Director and Town Manager presented the recommendations
67 for increases in the rates for both of these funds in order to meet the budgetary obligations for the
68 FY 13/14 year.

69
70 The DPW Director recommended to the Board that a “new rates be adopted and made effective
71 immediately following customer notification and the next customer billing. The DPW Water &
72 Wastewater Division would anticipate conducting the final semiannual meter read in April 2013
73 and then transition to a quarterly billing cycle commencing with meter reads in June, September,
74 December and March. These meter reading months were selected in order to minimize winter
75 meter reading.”

76
77 The DPW Director Jeff Thompson continued the discussion with the Board on the 29% increase
78 regarding wastewater and proposed some options for funding this that they may be more
79 comfortable supporting. Mr. Thompson presented the Wastewater Enterprise Fund revenue
80 scenarios that he explored.

81
82 “The first scenario, as previously presented, would include a \$74,600 supplement from the
83 General Fund (the FY 2013 supplement was \$74,000) combined with a 29% wastewater rate
84 increase for users. Including the wastewater capital surcharge for our average user, this scenario
85 would represent a \$34.28 quarterly increase (\$137.12 annual increase) for billed wastewater
86 usage. This scenario would allow the Wastewater Enterprise Fund to maintain its very modest
87 current \$46,955 free cash balance for emergency uses including unanticipated infrastructure

88 failures. With a 29% wastewater rate increase, Upton would still charge less for wastewater than
89 26 of the 65 communities included in our rate survey of other Massachusetts towns.

90
91 The second scenario presented here would include a 19% wastewater rate increase for users, a
92 \$74,600 supplement from the General Fund, and an additional \$31,300 from the General Fund,
93 the Wastewater Enterprise Fund free cash balance, or some combination thereof. Including the
94 wastewater capital surcharge for our average user, this scenario would represent a \$21.98
95 quarterly increase (\$87.92 annual increase) for billed wastewater usage. If the additional \$31,300
96 were to come entirely from free cash, this scenario would deplete the free cash balance down to
97 \$15,655. With a 19% wastewater rate increase, Upton would charge less for wastewater than 36
98 of the 65 communities included in our rate survey of other Massachusetts towns.

99
100 The final scenario would include a 9% wastewater rate increase for users (matching the
101 necessary 9% water rate increase), a \$74,600 supplement from the General Fund, and an
102 additional \$62,300 from the General Fund, or from some combination of the General Fund and
103 the Wastewater Enterprise Fund free cash balance. Including the wastewater capital surcharge
104 for our average user, this scenario would represent a \$9.67 quarterly increase (\$38.68 annual
105 increase) for billed wastewater usage. Since the total free cash balance is only \$46,955, this
106 scenario could not be achieved without a minimum \$15,345 contribution from the General Fund.
107 It may not be advisable to fully deplete the free cash balance for the Wastewater Enterprise
108 Fund. With a 9% wastewater rate increase, Upton would charge less for wastewater than 44 of
109 the 65 communities included in our rate survey of other Massachusetts towns.”

110
111 Selectmen Fleming stated as a proponent of the Enterprise Fund he was in favor of the 29%
112 increase with the intent of it becoming self-sufficient. This would allow the fund to maintain it’s
113 free cash balance as was intended for emergency uses including unanticipated infrastructure
114 failures. He also stressed that the increase compared to the other scenarios was actually \$12.30
115 per quarter when viewed in dollar amounts not percentages.

116
117 Selectman Brochu stated the program needs to sustain itself but the 29% increase was steep. He
118 discussed that a 19% increase this year and again next year could work toward the fund
119 becoming self-sufficient. He agreed with Fleming the importance of free cash.

120
121 Chairman Picard was in favor of quarterly billing and viewed that as a better approach to the
122 increases for citizens. The DPW will also draft a letter to the users to explain the rationale for the
123 increase.

124
125 Motion #3: Motion made by Selectman Fleming to accept as submitted in the memo dated March
126 14th, 2013 from Jeffrey Thompson the first scenario to be implemented immediately.

127
128 Second: Selectman Brochu, Majority Action of the Board.

129
130 Continue Discussion – Upton Cemetery Maintenance by DPW
131 The Cemetery Commissioners and the DPW Director agreed to meet again and continue to
132 discuss how they can best effect a smooth transition to comply with the 1989 Act Establishing a
133 Department of Public Works in the Town of Upton” as Chapter 263, 1989 Massachusetts Acts &

134 Resolves. The Selectmen commended the Cemetery Commissioners on doing a highly efficient
135 job with limited resources and affirmed the goal was to comply with the act with the additional
136 resources of the DPW.

137
138 Motion to Appoint Part-Time Communication Officers

139 Chief Bradley has recommended three individuals to be appointed to the position of part-time
140 communications officer. Ms. Robinson has concurred with the Chief's recommendation and
141 asked the Selectmen to approve these appointments and waive the 15-day waiting period.

142
143 **Motion #3:** Motion made by Selectman Fleming to appoint Gale Maloney, Kyle Bishop and John
144 Bergstrom as PT Communications Officers effective March 25, 2013 waiving the fifteen day
145 waiting period.

146
147 Second: Selectman Brochu, Unanimous: Chairman Picard.

148
149 Motion to Authorize the Town Manager to Execute Contract

150 Ms. Robinson reviewed the proposed contracts for the Police Chief and Fire/EMS Chief which
151 are up for renewal this year. The proposed contracts for both of the Chiefs are three year
152 contracts and the DPW Director's is for one year as mandated by law. The Town Manager
153 recommended approval of these contracts and sought the Selectmen's authority to execute them
154 on the Town's behalf. The negotiations with the DPW Director are expected to be completed
155 before the next meeting.

156
157 The Selectmen asked that in the last paragraph in Section 6 strike education in the Police Chief's
158 contract. They also praised the Chiefs and their commitment to the community.

159
160 **Motion #4:** Motion made by Selectman Brochu to authorize the Town Manager to execute a
161 contract for the Police Chief and Fire/EMS Chief waiving the fifteen day waiting period.

162
163 Second: Selectman Fleming, Unanimous: Chairman Picard.

164
165 Discuss FY 13/14 Budget

166 The Town Manager presented to the Board the latest version of the budget with changes she
167 proposed to achieve a balanced budget. In preparation for their meeting with the Finance
168 Committee on Wednesday night Ms. Robinson reviewed her recommendations; reduced line
169 items in the operating budget, deferred warrant article requests, or changed the funding source
170 for others. The free cash that was previously used to balance accounts has become a thing of the
171 past; school budgets are now set and accounts that have underspent were looked to put in road
172 numbers. They also discussed that borrowing money instead of using free cash for the Town Hall
173 project so that funds could be readily available and rates were very low.

174
175 The Selectmen concurred with the Town Manager's budget and commended her efforts.

176
177 Motion to Approve Ballot Question – BVT School Renovations

178 In addition to their budget submission this year Blackstone Valley Tech is proposing debt
179 exclusion to all of its member communities to finance a \$2.9 million renovation to the school

180 property. In order to be approved this must appear as an article on the town meeting warrant and
181 a ballot question at the election. In order to place this on the warrant for the April 30th election
182 the Board must approve the question no later than March 26th. At a Finance Committee meeting
183 Dr. Fitzpatrick explained that the intent is to make modifications within the existing footprint of
184 the school to enable the enrollment to grow by 200 students, and to offer three new programs –
185 veterinary assistant, engineering and civil service/EMS. They also intend to refinance the
186 outstanding debt sold in 2001 to take advantage of lower interest rates available today. The
187 Town will not see an increase in debt costs for this until FY 16 when the full bond issue is sold,
188 BVT will absorb the short-term interest costs in the intervening years.

189

190 **Motion #5:** Motion made by Selectman Fleming to Approve Ballot Question – BVT School
191 Renovations language “Shall the Town of Upton be allowed to exempt from the provisions of
192 proposition two and one-half, so-called, the amounts required to pay its allocable share of the
193 bond issued by the Blackstone Valley Vocational Regional School District for the purpose of
194 paying costs of renovating and reconfiguring the District High School, including the payment of
195 all costs incidental and related thereto?”

196

197 Second: Chairman Picard, Abstain Selectman Brochu, Majority Action of the Board

198

199 Approve One Day Beer & Wine License Permit

200 St Gabriel’s church has made arrangements to allow Ms. Karen Campos to use their facility to
201 have a bridal shower at which alcohol will be served on April 28th. In order to do so the church
202 has applied for a one day license as required.

203

204 **Motion #6:** Motion made by Selectman Fleming to grant Karen Campos a one day license to
205 serve alcohol at St Gabriels on April 28th contingent upon written authorization by St. Gabriel’s.

206

207 Second: Selectman Brochu, Unanimous: Chairman Picard.

208

209 Review Draft Annual Town Meeting Warrant

210 The Selectmen reviewed the first draft of the warrant for the annual town meeting. It included
211 all of the articles that have been requested, in the order that was presented at the last meeting.
212 Until the budget discussions are completed with the Board and the Finance Committee Ms.
213 Robinson said some of the articles may be removed from the warrant or passed over. Town
214 Counsel has not yet reviewed the warrant. The Selectmen agreed to meet on Monday, April 22nd
215 at 7:30am to execute the warrant.

216

217 Town Hall Renovation Update

218 The project was out to bid on March 13th. The bid opening for construction is Tuesday, April
219 11th.

220

221 The Town Manager described the current status of the Town Hall Renovation planning; working
222 on resolving lease issues with Holy Angels for Temporary Town Hall; engineers are finishing the
223 design of the parking lot and refining the budget numbers; confirming other budget items;
224 waiting for the operating analysis; and details of financing and cash flow are being worked on.

225

226 Review Draft Storm Water Regulations

227 Selectmen Brochu lead a discussion on the regulations that have been drafted by the sub-
228 committee and the Town’s consultant on Storm Water Regulations. He thanked the Committee
229 and delivered the supporting documentation to the by-law to adopt. There was a discussion on
230 who adopts the regulations and to have the Conservation Commission take a formal vote to
231 approve.

232
233 Review of LED vs. HID Lighting – Street Light Costs

234 Passed over.

235
236 Request for Beautification Funds – Upton Men’s Club

237 The Selectmen reviewed a letter from the Men’s Club seeking a total of \$2,000 from the
238 Beautification Fund. They requested these funds to enable them to purchase materials to be used
239 to maintain the green spaces they have planted at several locations in Town, and plan to
240 volunteer the labor to accomplish this task.

241
242 **Motion #8:** Motion was made by Selectman Fleming to award the Men’s Club \$2000 from
243 Beautification Fund to purchase materials to be used to maintain the green spaces they have
244 planted at several locations in Town.

245
246 Second: Selectman Brochu, Unanimous: Chairman Picard.

247
248 **RECOGNITION**

249
250 Selectmen Brochu commended the BVT Hockey Team for playing in the State Championship
251 game – a level never before achieved.

252
253 The Selectmen also praised the DPW for once again for doing a superior job in clearing the roads
254 in the last snow storm.

255
256 **OTHER TOPICS NOT REASONABLY ANTICIPATED**

257
258 Ms. Robinson asked the Selectmen for authorization to retain special counsel (Tom Giblin) to
259 represent an employee regarding a situation that occurred in the performance of his duties. It was
260 determined that Attorney Giblin prepare an engagement letter and if needed be appointed a
261 Special Municipal employee.

262
263 **Motion #8:** Motion was made by Selectman Fleming to authorize the Town Manager retain
264 special counsel not to exceed \$1500.00.

265
266 Second: Selectman Brochu, Unanimous: Chairman Picard.

267
268 **MEETING LOOK AHEAD TOPICS**

269
270 Review sample of a by-law regarding nuisance properties
271 Review of LED vs HID Lighting Street Light Cost

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ADJOURN MEETING

Motion #9: At 8:10pm Motion was made by Selectman Brochu to adjourn the regular meeting.

Second: Selectman Fleming, Unanimous: Chairman Picard.

Respectfully submitted,

Sandra Hakala
Executive Assistant