

**BOARD OF
SELECTMEN
MEETING
MINUTES**

June 4, 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 May 21, 2013 Regular Session
7 Meeting Minutes.
8

9 Second: Selectman Fleming, Unanimous: Chairman Brochu.
10

11 **INVITED GUESTS**

12 Henry Poirier and Pam Campbell were invited by the Board to discuss their renewal application
13 for removal of gravel at the South Street Gravel Pit. The current permit held by the Poirier's is
14 for three years duration and expires in July, 2013. Given the short amount of time between this
15 meeting and the expiration of the existing permit the Town Manager recommended that the
16 Board grant the Poirier's a temporary extension while the new terms are negotiated. The
17 Selectmen concurred.
18

19 **Motion #2:** Motion made by Selectman Fleming to extend the current Earth Removal permit for
20 Henry J. Poirier, Jr. and Pamela M. Campbell, DBA South Street Realty Trust for a period of 90
21 day running concurrently with the present permit.
22

23 Second: Selectman Picard, Unanimous: Chairman Brochu.
24

25 The Selectmen then discussed the process in which to consider a new three year permit. The
26 Poirier's indicated that they will continue to work with the Army Corps for approvals; the Town
27 Manager will ask the Conservation Commission to review the existing permit and provide her
28 with any comments and changes they may have. The Poirier's will give the Town Manager the
29 changes they would like to include in the new permit and Ms. Robinson will give Town Counsel
30 to review.
31

32 **TOWN MANAGER'S REPORT**

33 The final budget proposal from the State Senate is out. The major changes for Upton are two:
34 first the Governor's budget proposal for unrestricted general government aid of \$450,325. This
35 is \$10,645 less than what the House proposed. Secondly, they have increased the exemption for
36 State owned land, and Upton would realize an additional \$4,385. Upton's budget showed a
37 favorable amount of over \$50,000 after Town Meeting, the final state budget should not cause
38 any financial challenges for next year. The Town Manager was also notified that day of a
39 reduction in Chapter 90 local transportation funding which will impact the proposed work to be
40 done.
41

42 The planning to move out of Town Hall for the renovation of the building is well underway and
43 the confirmed move date is on Friday, June 21st. Once Town Hall is relocated to the former
44 church the movers will be back the following week to take all items going to storage. Signage for
45 the temporary Town Hall is being prepared and will also be advertised on the Town website and
46 the local press.

47
48 The electronic permitting process has moved to the implementation phase of the project. The 9
49 towns reviewed the proposals received from four firms, and have selected GEO TMS. It is
50 scheduled for implementation in October.

51
52 Selectmen Brochu and the Town Manager attended the presentation in Milford by the Casino
53 developer which was generally well received to gain a better understanding of their intentions
54 particularly as it pertains to surrounding communities.

55
56 No bids were received for the 2nd time on the police station exterior renovation, despite 6 or so
57 firms pulling plans, Ms. Robinson informed the Selectmen. The architect is checking with those
58 firms as to why they didn't bid after all, and looking at some options to bid the work in smaller
59 pieces, or perhaps ask the State for a waiver of the DCAM certificate which seems to be the
60 stumbling block to attracting bidders.

61
62 Although Chapter 90 budget is reduced a bid opening is scheduled for June 24th. The proposed
63 work to be done (Mendon Street, School Street, and a portion of Crocket Road for paving, and
64 Orchard and Oak Knoll Lane chip sealing) will be reviewed due to the funding commitment
65 from the State.

66
67 **DISCUSSION ITEMS:**

68
69 Discussion on CMRPC's Analysis of the Route 140 Corridor

70 Earlier this year CMRPC embarked on a project to perform a detailed analysis of a priority
71 development area (PDA) in each of its member communities as a follow up to the Route 495
72 corridor study. The study done in Upton was the Route 140 commercial/industrial corridor that
73 runs from approximately the carpet/tile warehouse building to the Hopedale Town line. The
74 purpose of the study is to analyze the development potential of this area and what might need to
75 be done to encourage economic development. The Selectmen reviewed a first draft of CMRPC's
76 findings.

77
78 The Selectmen were in favor of reaching out to land owners and having a joint meeting with the
79 Planning Board to discuss potential growth in this area.

80
81 Discuss BOS Annual Appointments

82 Advertisements for board and committee openings were placed in the Town Crier and on the
83 website.

84
85 **Motion #3:** Motion made by Selectman Fleming to appoint Cathy Taylor to the Historical
86 Commission for 3 years.

87

88 Second: Selectman Fleming, Unanimous: Chairman Brochu.

89

90 **Motion #4:** Motion made by Chairman Brochu to reappoint police union personnel current with
91 the Town Manager's recommendation and waive the fifteen day waiting period.

92

93 Second: Selectman Fleming, Unanimous: Picard.

94

95 Discussion on Parking Clerk Appointment

96 **Motion #5:** Motion made by Selectman Picard to appoint Michael Goodwin as Parking Clerk for
97 a period of one year effective 7-1-2013.

98

99 Second: Selectman Fleming, Unanimous: Chairman Brochu.

100

101 Execute Letter to Legislator's – Home Rule Petition for Special Legislation

102 The process to convert the Town Clerk's position from elected to appointed takes two actions, a
103 favorable vote at Town Meeting followed by special legislation approved by the State. The
104 Selectmen executed a letter to Senator Moore and Representative Peterson along with a certified
105 copy of the warrant, meeting vote and legislation continue the process.

106

107 Motion to Approve Funding for MMA Management Program

108 Several years ago the MMA teamed up with Suffolk University to offer a management training
109 program for municipal employees interested in pursuing a Master's Degree in Public
110 Administration. The program is offered over 25 Friday's throughout the year during which
111 students take five different courses and earns 15 credits towards a future degree. Kelly
112 McElreath has applied for the program and has been accepted. The Town Manager believes
113 Kelly is an excellent candidate for this program, and recommended that the Board consider
114 funding the \$2,000 for this program. The program came up to late in the fiscal year to include it
115 in the FY 13/14 budget and the Selectmen advocating for professional development will consider
116 the correct funding source to draw upon.

117

118 Execute the State Senate Election Ballot Warrant

119 The election for the open seat for the U.S. Senator from Massachusetts will be held on Tuesday,
120 June 25th. The warrant was executed by the Board so that it can be properly posted ahead of this
121 election.

122

123 Discussion on Green Community Committee

124 As a result of discussion at the last meeting Selectmen Picard has drafted a charge for a
125 feasibility committee to study whether or not to pursue designation as a Green Community. The
126 Board reviewed this charge and decided to move forward with it with minor modifications,
127 agreeing to a 5 member committee and add Town Clerk to review minutes. They then announced
128 their interest in receiving applications on those who may wish to be appointed. The Board will
129 vote on the revised version at their next meeting.

130

131 Discuss Disposition of Orchard Street Lots

132 The Town Manager was contacted by a local realtor who has a client interested in submitting an
133 offer for one of the two lots on Orchard Street in order to build a home. The Town carved out

134 four lots when the Stephan's farm property was purchased, and has previously sold two of the
135 lots. The Board has discussed this in the recent past, and the thought at that time was to retain
136 the lots for a future affordable housing location. The Town Manager asked the Selectmen if that
137 was still their intent. The Selectmen believe it would be best to sell the lots on the open market
138 and all agreed to move forward with a RFP as time permits this summer.

139

140 Selectmen's goals for upcoming year

141 The goals will be discussed at the next meeting.

142

143 Discuss Public Hearing Notification Process

144 The Town Manager updated the Selectman about an inquiry regarding the appropriateness of
145 combining the notice of public hearings of more than one board and the mailings to abutters into
146 a single notice in order to reduce costs for an applicant, and the number of notices that must be
147 mailed. It is Town Counsel's opinion that statutorily the Town should advertise each legal notice
148 separately so as to not give the impression to the applicant or others that one hearing is
149 dependent upon the other. Counsel did believe that including two separate notices of the actual
150 hearings could be put into one envelope sent certified mail to each abutter. This issue arose most
151 recently where an applicant for a Class II license before the Board also needed a public hearing
152 before the ZBA on the intended use of the building.

153

154 Motion to Approve Year End Transfers

155 Passed over.

156

157 Execute Electricity Aggregation Agreement

158 At Town Meeting the voters approved the article proposed by the Board to join the municipal
159 aggregation program offered by the Hampshire Council of Governments. The Selectmen asked
160 that the public be well educated about the program and the process.

161

162 **Motion #6:** Motion made by Selectman Picard to designate the Town Manager to execute the
163 electricity municipal aggregation program offered by the Hampshire Council of Governments.

164

165 Second: Selectman Fleming, Unanimous: Chairman Brochu.

166

167 Discuss Town Hall-United Parish Parking Lot Lease

168 In preparation for a favorable vote at Town Meeting on the Town Hall project the Town had
169 negotiated a lease with United Parish church for the renovation of their parking lot in return for
170 which the Town would have use of the lot for an initial 20 year term, followed by three 10 year
171 renewal periods. Since Town Meeting the church has notified the Town that they would like to
172 change those terms by adding language that the three renewal periods would be subject to
173 negotiation as they believe the renewals as proposed are "unilateral in nature". The language in
174 section 2.3 would give them the right to renegotiate if they determined there is "material
175 hardship". It is Town Counsel's opinion that the result of this change is that the Town would
176 have a difficult time arguing that there is not a material hardship, and would have to find
177 common ground in order to keep using the lot.

178

179 Selectman Fleming said he was never a big proponent of this to begin with and was very
180 uncomfortable with the church's comments, and in favor of totally removing the Town from this
181 agreement.

182 Selectman Picard said he was disappointed with the church's conduct and in the past the Town
183 had taken ownership of a church clock and repaired it using community preservation funds doing
184 what the Town said it would. He also said the town had plowed the lot for the church in the past.

185
186 Board Chairman James Brochu was not pleased with the latest developments but would still be
187 interested in the original agreement, but would walk away from anything else. The Board asked
188 the Town Manager to communicate this to the church and have a clear understanding by the next
189 Board meeting of whether or not the original agreement can be met.

190
191 **RECOGNITION**

192
193 Selectmen Picard commended the Mendon Upton athletic teams, boys and girls lacrosse, softball
194 and baseball for outstanding performances this year and for meeting the challenges in their sport.

195
196 Chairman Brochu congratulated the graduating seniors from Nipmuc and Blackstone Valley
197 Tech and wished them well in their future endeavors.

198
199 The Selectmen recognized the Upton Police Department's and volunteers efforts in hosting the
200 Annual Police Fishing Derby. A program with an everyone wins concept.

201
202 **OTHER TOPIC NOT REASONABLY ANTICIPATED**

203 The Selectmen revisited the summer meeting schedule.
204 June 18,
205 July 2, 23,
206 August 20,
207 September 10, 24

208
209 **MEETING LOOK AHEAD TOPICS**

210
211 Discuss capital planning
212 Schedule asset management workshop
213 Continue Discussion – Upton Cemetery Maintenance by DPW
214 Well field # 3 road naming

215
216 **ADJOURN MEETING**

217
218 **Motion #7:** At 7:45pm Motion was made by Selectman Picard to adjourn the regular meeting.

219
220 Second: Selectman Fleming, Unanimous: Chairman Brochu.

221
222 Respectfully submitted,

223
224 Sandra Hakala, Executive Assistant