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Board of Selectmen

**Town of Upton**



**Massachusetts**

Meeting Minutes of January 31, 2012

*Location:* Fire & EMS Headquarters, 20 Church Street – 2<sup>nd</sup> floor training room.

*Present:* Chairman Robert J. Fleming, Selectman Kenneth E. Picard, Selectman James A. Brochu, Town Manager, and Blythe C. Robinson.

The meeting was called to order at 6:00pm.

Motion #1: Selectman Brochu motioned to approve the January 17, 2012 executive session meeting minutes regarding Land Value: Warren Street. Second: Selectman Picard, unanimous Chairman Fleming.

Motion # 2: Selectman Brochu motioned to approve the January 17, 2012 meeting minutes. Second: Selectman Picard, unanimous Chairman Fleming.

Selectmen Fleming made a statement to address questions he has received on whether or not he plans to run for reelection this spring. He indicated that he does plan to run for Selectmen again.

The Board welcomed Jamie Gardner, COA Director to discuss his proposed FY 12/13 budget. Mr. Gardner gave an overview, indicating that his budget was virtually level funded for next year with the exception of a \$500 increase to support the programs of Tri Valley Elder Services. Mr. Gardner indicated that his breakdown on expenses shows some new line items that are things the department has paid for (software support, trash collection) but not budgeted separately. The Selectmen had no questions about his budget.

Next the Board invited Chief Bradley up to make a presentation on his budget. The Chief started by showing the Board the plaque he was presented with last week in recognition of being awarded full accreditation by the State Accreditation Board. The Board praised the Chief and the Department, indicating how proud they were that the Town has achieved this milestone and that they appreciated all the hard work that went into this project. With regard to the budget the Chief indicated that the budget was increased .70% over last year, primarily in contract required salary increases. He was able to save some dollars in utility costs that offset an increase in fuel. The increase for the replacement cruiser will hopefully be offset by selling the vehicle we would usually trade in. We will use the on line auction this year in hopes of bringing in more money for this vehicle. The Chief also reviewed the three warrant articles he has submitted. He is seeking to replace a second vehicle due to high mileage, to replace the cruiser cameras last replaced in

2007, and to purchase tasers for use by the department. The Board reviewed the reasoning behind these requests and thanked the Chief for his presentation.

The Board asked Ms. Robinson to present her Town Manager's Report.

Warrants:

- Payroll: \$ 77,440.99
- Expense Warrant: \$1,007,038.93

- As you know the cell tower on Pratt Hill has been erected but there is still work to be done in order to have it up and running. The cell tower company expects an agreement from the State in the next two weeks so that they can have power installed to the site. Once that is done the providers that will be on the Tower (Verizon, AT&T, T Mobile & Sprint) need to deliver their equipment for it to be installed. At this point we expect it will be another 3 months before those services are available.
- Included with your packet is a letter from Mark Reich (Town Counsel assigned to the GURR project). The letter was written in response to three questions posed by the Rail Road Fact Finding Committee in their process to complete their charge. As you will note, that although not directly asked for an opinion as to whether the activities of the railroad are indeed transportation and thus pre-empted from state and local law Attorney Reich does draw this conclusion. I understand from the Chair of that committee that further questions will be presented.
- Word has certainly gotten out about the possible purchase of the South Street property for a future recreation/athletic conference. I have been approached by a member of the New England Football Club (NEFC) about their interest in providing funds for the construction of part of the complex in return for a long term lease and use of some of the fields. I told him that while this is an interesting proposal, it would need to be a policy decision of the Selectmen with input from the Recreation Commission on whether or not we want to go this route for the project in whole or in part. I have referred him to the Recreation Commission for discussion, and also told him that our first order of business is the land purchase, hopefully voted on at Town Meeting in April.
- We are underway with the Senior Work Off program for calendar year 2012. Jamie has put together an enrollment form as well as time sheets that all participants must sign and turn in as they work throughout the year, and these have been disseminated to all of the folks who participated last year, as well as the departments they worked for. It was clear in the transfer of this process to the COA that a more formal approach to record keeping was needed to run the program. I also understand from Jamie that we need to put more formal guidelines in place for who may participate in the program. He will be working on these and we expect to bring you a recommendation in the near future.
- The response to the advertisement for the Children's & Young Adult Librarian has been good, thus far we have 16 applications, and the closing date is still a week away on February 3<sup>rd</sup>.
- We have received the draft of the annual audit and management letter. As we expected, the management letter is significantly longer and more in depth than we are used to receiving in the past. In particular, the audits of the Board of Health and Recreation Commission records led to a number of findings and recommendations for improvements

90 to their process. We are in the process of reviewing the letter and responding to it.  
91 Tentatively we would like to have the auditor attend our February 21<sup>st</sup> meeting to present  
92 the audit and discuss the road forward.  
93

94 At 6:30pm the Board opened a Public Hearing regarding an Entertainment License. They  
95 will be reviewing the application of Russ & Sherry Berger for permission to have amplified  
96 music during warmer weather indoors and outside at 66 West Main Street. Chairman Fleming  
97 read aloud the legal notice and confirmed all the abutters have been notified. He then asked Ms.  
98 Berger to give the Board an overview of the intent behind this request. Ms. Berger told the  
99 Board they would like to have small concerts, live music outdoors on Saturdays, and single acts  
100 playing in the “Good to Go” space indoors on weeknights. In reviewing the application,  
101 Chairman Fleming stated that there have been no issues with this license holder in the year since  
102 they have opened. Selectmen Brochu asked what time of day they plan to play music outdoors.  
103 Ms. Berger told the Board that generally in the afternoons between 3 – 5 PM, but they would like  
104 to be able to play music until 8:00 PM. Chairman Fleming asked if there were any other  
105 questions, hearing none, the hearing was closed.  
106

107 After discussion the Board approved the license with conditions.  
108

109 Motion # 3: Selectman Picard motioned to approve the Red Rock Grill & Bar’s request for an  
110 Entertainment License at 66 West Main Street provided that outdoor music may not be played  
111 after 8:00 PM. Second: Selectman Brochu, unanimous: Chairman Fleming.  
112

113 Discussion Items:  
114

115 Presidential Primary Warrant:

116 The Board reviewed the warrant for the primary to be held on Tuesday, March 6<sup>th</sup>. The  
117 Board executed five copies of the warrant at the request of the Town Clerk.  
118

119 Personnel Appointment – Department Coordinator

120 Ms. Robinson gave the Board an overview of her recommendation that Ms. Sandra  
121 Hakala be hired as the next Department Coordinator for the Board of Selectmen’s Office. Ms.  
122 Robinson said that Ms. Hakala was one of 65 applicants, of which 5 were interviewed. Ms.  
123 Hakala has an excellent educational background as well as experience in human resources and  
124 personnel that will be very helpful to our office. She recommended to the Board that they affirm  
125 this appointment and waive the 15 day waiting period so Ms. Hakala could begin work on  
126 February 13, 2012.  
127

128 Motion # 4: Selectman Picard motioned to approve Town Manager’s recommendation that Ms.  
129 Sandra Hakala be hired as BOS Department Coordinator and waive the 15 day waiting period.  
130 Second: Selectman Brochu, unanimous: Chairman Fleming.  
131

132 Town Common Use Policy

133 Chairman Fleming asked Ms. Robinson to give an overview of the proposed policy,  
134 indicating that this was developed as a result of a request last fall to hold an event on the Town  
135 Common which the Board had denied.  
136

137 Ms. Robinson gave an overview of the policy and the reasoning behind the components  
138 that make it up. She told the Board that she included the Town Attorney's suggestion that users  
139 of the Common be compelled to clean up after an event that they hold. Selectmen Brochu asked  
140 if the Board could regulate the length of an event, whether or not sound was amplified, and if a  
141 user/group must have liability insurance in order to hold an event. Ms. Robinson said she would  
142 check with Town Counsel on this matter, and recommended that the item be tabled until the next  
143 meeting.

144

145 Special Town Meeting – Set a date and Open a Warrant

146 Ms. Robinson told the Board that she followed up on the dates proposed at the last  
147 meeting and that Tuesday, April 3<sup>rd</sup> is recommended for a Special Town Meeting. Chairman  
148 Fleming asked if the Moderator, Town Clerk and Town Counsel are all available, and she said  
149 that they are.

150

151 Motion # 5: Selectman Picard motioned to set the date of Tuesday, April 3<sup>rd</sup> for a Special Town  
152 Meeting and that a warrant be opened until Friday, February 17<sup>th</sup> for the submission of articles.  
153 Second: Selectman Brochu, unanimous: Chairman Fleming.

154

155 Annual Town Meeting – Open the Warrant

156 Ms. Robinson told the Board that in keeping with the budget calendar it would be  
157 appropriate to open a warrant for the Annual Town Meeting that will be held on Thursday, May  
158 10<sup>th</sup>, and to keep the warrant open until March 15<sup>th</sup> for the submission of articles.

159

160 Motion # 6: Selectman Picard motioned open a warrant for the Annual Town Meeting to be held  
161 on May 10<sup>th</sup>, and to hold it open until March 15<sup>th</sup> for the submission of articles. Second:  
162 Selectman Brochu, unanimous: Chairman Fleming.

163

164 Town Manager's Performance Evaluation

165 As called for in the Personnel By-Law performance evaluations of all employees are to  
166 be completed in December. Chairman Fleming indicated that he has received the comments  
167 made by the other Board members and he will update the evaluation document and forward his  
168 report to Selectmen Picard and Brochu for additions. Chairman Fleming will finalize the  
169 evaluation within the next week.

170

171 Chairman Fleming told the Board that earlier today he met with Scott Oglesby, Chairman  
172 of the MURSD Secession Committee to discuss the committee charge. Member Joyce Chui had  
173 participated in the meeting by phone. Chairman Oglesby had asked for more time for the  
174 committee to complete its work, specifically an addition six months beyond the current March,  
175 2012 deadline.

176

177 Motion # 7: Selectman Brochu motioned that the MURSD School Secession Committee's term  
178 be extended from March, 2012 until September, 24, 2012 so they have more time to complete  
179 their report to the Board. Second: Selectman Picard, unanimous: Chairman Fleming.

180

181 The Board welcomed Mr. John Johnson, Highway Supervisor to present the Highway  
182 division's budget for the next year. Mr. Johnson gave the Board an explanation for the line items

183 that had changed in the area of expenses. Ms. Robinson gave the Board an overview for the  
184 salary changes. She told the Board that this year we plan to budget a fully year for the Director,  
185 but that this is offset by a decrease in the cost of the consultant. There was a \$16,000 increase to  
186 pay for a part-time employee in parks to assist with the additional work of maintaining the  
187 renovated Leland Field. The Division had also requested funding for the Parks Laborer to be  
188 promoted to Ass't Parks Supervisor. Ms. Robinson suggested to the Board that the last request  
189 be modified by including a pay differential when the Highway Supervisor is away, so that  
190 someone is acting supervisor in his absence. The Board concurred with this suggestion. The  
191 Board also reviewed the warrant articles for the next year. Ms. Robinson indicated that all of the  
192 items recommended in the capital plan were on the list of articles, and some may need to change  
193 depending on the full budget picture.  
194

195 The Board then invited members of the Conservation Commission to give their budget  
196 overview. Ms. Chris Scott, Chairman led the Board through each of the articles. The  
197 Commission is requesting a 5% increase in the cost of the shared Agent with Ashland, a small  
198 increase in expenses for the subcommittees, and an increase of \$3,000 to help the Commission  
199 better address the issues of beavers that have been a problem over the last year. The board  
200 discussed these matters with the Commission and did not suggest any changes.  
201

202 Ms. Robinson reviewed with the Board the Code Enforcement, Accounting and Veteran's  
203 Agent budgets. She noted that the first two budgets were decreased from the previous year due  
204 to changes in compensation. The Veteran's Agent budget was increased \$7,000 in anticipation  
205 of two more Veterans being added to the rolls. She reminded the Board that 75% of eligible  
206 expenses are reimbursable by the State, and the Cherry Sheet for next year indicates that the  
207 Town should receive \$20,200.  
208

209 Motion was made by Selectman Brochu to adjourn the meeting at 7:30 PM. Second: Selectman  
210 Picard, unanimous: Chairman Fleming.  
211

212 Respectfully submitted,  
213 Blythe C. Robinson  
214 Town Manager  
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