

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

Board of Selectmen

Town of Upton



Massachusetts

Meeting Minutes of February 28, 2012

Location: Fire & EMS Headquarters, 20 Church Street – 2nd floor training room.

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

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

Motion # 1: Selectman Picard motioned to approve the February 14, 2012 meeting minutes. Second: Selectman Brochu, Unanimous Chairman Fleming.

The Board welcomed the town's new auditors of Roselli, Clark & Associates, Tony Roselli, Managing Partner, and Terenzio Volpicelli, CPA. They presented the audit for the year ending June 30, 2011. Mr. Roselli and Mr. Volpicelli read through the management letter which depicted the audit's recommendations. They stated that there was nothing adverse in the report and that tweaking could result in a more efficient and accountable operation. The audit was significantly more in depth than in prior years. The Selectman stated that they found the audit refreshing and as it will become the work plan for the coming year or two.

The Board invited The Town Hall Renovation Committee to present the proposed budget for the project. Committee members, Kelly McElreath, Michael Howell, Tim Tobin, Steve Rakitin and Michelle Goodwin were in attendance. They welcomed Wendall Kalsow of McGinley Kalsow & Associates to give an update on their progress and discuss options for parking. He reviewed the budget which does not include any dollars to acquire land for parking. The Committee asked the Board for some direction on what the Town prefers in terms of creating adequate parking for a renovated Town Hall. Mr. Picard and Mr. Brochu concurred that shared parking with the church and developing 33 spots behind town hall were both viable options. Chairman Fleming asked the Committee to look at what was available in beautification funds that would allow land to be purchased for parking.

Chairman Fleming then asked for a recess at 6:50 pm to discuss how to best accommodate a number of people wanting to enter the meeting room.

44 The meeting was reconvened at 7:00pm.
45

46 Next the Board welcomed the Planning Board. Chairman Paul Carey recused himself from
47 the discussion and left the room. Present were: Gary Bohan, Tom Davidson, and Margaret
48 Carroll. The Planning Board requested to meet with the Selectmen to discuss the Planning Board
49 entering into a pro-bono arrangement with Attorney Mark Bobrowski for the purpose of seeking
50 a Declaratory Order from the Surface Transportation Board with regard to the Maple Avenue,
51 Grafton & Upton Railroad site. The legal opinion from Town Counsel, Kopelman and Paige
52 about hiring Special Counsel in part stated “the Town’s boards and officers, including the
53 Planning Board, do not have general authority to hire special counsel.” On three separate
54 occasions Chairman Fleming asked Tom Davidson if the Planning Board was asking for
55 permission to enter into a pro bono arrangement with Attorney Mark Bobrowski. Mr. Davidson
56 stated that they (the Planning Board) were just asking for your (the Board’s) questions. Chairman
57 Fleming stated that before an opinion is given in this matter, the Board will allow the Railroad
58 Fact Finding Committee’s Report to be completed. He also suggested that another open forum
59 be scheduled so that only factual information will be given.
60

61 Discussion Items:
62

63 FY 12/13 Budget:
64

65 Ms. Robinson informed the board that here is a joint meeting with the Finance Committee on
66 March 21st to discuss and resolve any budget issues that may still exist. She also noted on the
67 draft summary page the budget is not in balance at this time. Once the BVT budget and the
68 certified budget from MURSD are received it will be determined what needs to be done to bring
69 it into balance. The numbers included for debt and interest payments will be reviewed and it is
70 expected that some adjustments there, as well as on the revenue side of the equation will be
71 needed.
72

73 Review April 3, 2012 Draft Special Town Meeting Warrant
74

75 The draft of the Town Meeting Warrant and background on each of the articles proposed was
76 read by the Selectmen. No changes were noted on the draft and Ms. Robinson will finalize it
77 next week and anticipates that the warrant will be ready for the Selectmen to sign at the
78 following week’s meeting on March 6th. Input from the Selectmen was requested by Ms.
79 Robinson on a preliminary draft of a power point presentation on the South Street parcel.
80

81 BOS presentations on the Town Hall, Well Field #3 and TIP program
82

83 At the last meeting Selectmen Picard asked that on this agenda include an item to discuss the
84 presentations that we intend to make to the public following the April 3rd Special Town Meeting.
85 The Town Hall Renovation Committee is working on a presentation for the public following the
86 April 3rd Special Town Meeting, Tata & Howard have been asked to be ready to make a
87 presentation that night as well. The Board decided to limit the presentation on April 3rd to the
88 TIP project.
89

90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135

Request from MURSD for funds from the Risteen “C” Trust

Motion # 2: Selectman Picard motioned to approve the MURSD School District’s \$20,000 request for reimbursement from the Risteen “C” fund to be used for educational purposes, specifically to supplement the fundraising they have been doing to implement the iPad program for the 7th grade class. Second: Selectman Brochu, Unanimous Chairman Fleming.

Notice from DCR – Plan to Acquire 40± Acres of Land in Upton

A public announcement was made of the Commonwealth’s interest in acquiring land by the Department of Conservation & Recreation. It is their intent to purchase approximately 40 acres of land from a resident of Upton.

Motion # 3: Selectman Brochu motioned to waive the 120 day notice period so that the DCR can move more quickly to affect the purchase of an 80 acre parcel along Westborough Road that abuts the Upton State Forest. Second: Selectman Picard, Unanimous Chairman Fleming.

Review Storm Water By-Law Draft

Selectman Brochu discussed the latest version of the storm water by-law being draft. He went over the relevant points with the Board and will obtain direction before it is included on the annual town meeting warrant for action. The board will discuss this further at their March 6th meeting.

Discussion – Train Whistles at Highway Railroad Crossings

Diana Del Grosso requested in an email that the Selectmen consider the establishment of one or more “quiet zones” in Town at which the rail road would not be obligated to blow their whistle.

Ms. Robinson had approached the railroad with this request and they provided to her an analysis of the Code of Federal Regulations (CFR) which governs such issues. Ms. Robinson stated in part that “the GURR follows Northeast Operating Rules Advisory Committee “NORAC” rules which governs the operation of railroads in the northeast United States. Those rules include the use of train horns at public crossings. The railroad also believes that the safety of those in the crossing is of utmost importance, and the liability created by not using the locomotive horn is not something that they wish to incur.”

Upon Ms. Robinson’s review of the CFR and the information provided by the GURR she stated that it would be very expensive for the Town to undertake the cost of installing appropriate equipment needed to establish a zone. In speaking with Mr. Delli Priscoli, it was the understanding of Ms. Robinson that there are several opportunities for state and federal grants to

136 upgrade crossings. She has recommended that they work together to pursue these grants as a
137 way of working towards the CFR requirements so that a quiet zone could be implemented in the
138 future.

139
140 Appointment to the Insurance Advisory Committee

141
142 Ms. Robinson suggested, based on correspondence from Bill Rehrey, Association of
143 Massachusetts Retirees, that in accordance with the A&F regulations, Associate President Ralph
144 White be appointed as the PEC Designee until an Upton retiree agrees to serve.

145
146 Motion # 4: Selectman Picard motioned to appoint Associate President Ralph White as
147 the PEC Designee until an Upton retiree agrees to serve. Second: Selectman Brochu,
148 Unanimous Chairman Fleming.

149
150 Ms. Robinson gave her weekly report to the board. Some of the topics she covered included:

151
152 The Treasurer/Collector has been assigned the property located at 9 School Street by the
153 court for non-payment of taxes. The town is in the process of having Code Enforcement
154 inspect the property to ascertain its current condition and is working with MIIA to obtain
155 quotes on insuring the property while it is under town ownership. Depending on the
156 willingness of the owner to remit the taxes due it is likely that the town will need to take
157 responsibility for it for about a year.

158
159 A complaint was received over the weekend regarding the noise created by shooting that
160 is taking place at the Nipmuc Rod & Gun Club. The Police department investigated this
161 and the shooting ranges for the club are actually located in Milford. Ms. Robinson
162 directed the complainant to contact the Town of Milford to find out if they regulate the
163 hours during which shooting can occur.

164
165 The Insurance Advisory Committee had its first meeting with a representative from the
166 MIIA Health Benefits Trust this week. The Committee discussed the current health plan,
167 the costs, changes that can be made in plan design as a result of the State law, and some
168 of the options available to us. The next meeting is scheduled on March 7th.

169
170 The G&U railroad is going to be providing funding for a training session the weekend of
171 April 14th & 15th regarding firefighting foams to the fire department personnel. This is a
172 follow up to the foam and equipment they have already purchased for Town use. The
173 training will better prepare the staff should it ever be needed to respond to a chemical
174 fire.

175
176 Reimbursement from FEMA for 75% of our eligible costs related to Hurricane Irene in
177 August is expected this week. That amounts to \$37,173.18 which we will be able to
178 credit back to the accounts from which it was spent. This will help towards managing the
179 budget this year.

180

181 At 8:10pm Chairman Fleming motioned to enter into an executive session under MGL c. 30A,
182 sec. 21 exception #3, to discuss strategy with respect to collective bargaining.
183 Robert Fleming aye, Ken Picard aye, James Brochu, aye
184

185 At 8:58 Motion was made by Chairman Fleming to adjourn the meeting. Second: Selectman
186 Picard, Unanimous: Selectman Brochu.
187

188
189

190
191 Respectfully submitted,
192 Sandra Hakala
193 Department Coordinator
194

195
196

197
198