

1 Board of Selectmen

2 **Town of Upton**



3 **Massachusetts**

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7 Meeting Minutes of March 20, 2012

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

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

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15 The meeting was called to order at 5:40pm.

16 Chairman Fleming stated that the Board will enter into 2 executive sessions, one under MGL c.
17 30A, sec. 21 exception #1, to discuss the discipline or dismissal of, or complaints or charges
18 against a public officer, employee, staff member or individual at the start of the meeting and then
19 the Board will reconvene their regular session. Chairman Fleming also stated it is the intention of
20 the Board that at the completion of their regular session to enter into a second executive session
21 under MGL c. 30A, sec. 21 exception #3, collective bargaining. After completion, the Board will
22 reconvene their regular session for adjournment only.

23 **Motion #1:** At 5:42pm Chairman Fleming motioned to enter into an executive session under
24 MGL c. 30A, sec. 21 exception #1, to discuss the discipline or dismissal of, or complaints or
25 charges against a public officer, employee, staff member or individual. Robert Fleming aye, Ken
26 Picard aye, James Brochu, aye.

27 **Motion #2:** Chairman Fleming motioned to reconvene the regular session at 6:00pm.

28 **Motion #3:** Motion made by Selectman Brochu to approve as written the February 28, 2012
29 regular session meeting minutes. Chairman Fleming asked that it be noted that on three separate

30 occasions Chairman Fleming asked Tom Davidson if the Planning Board was asking for
31 permission to enter into a pro bono arrangement with Attorney Mark Bobrowski. Mr. Davidson
32 stated that they (the Planning Board) were just asking for your (the Board's) questions. Second:
33 Selectman Picard, Unanimous: Chairman Fleming.

34 **Motion #4:** Motion made by Selectman Brochu to approve as written the March 6, 2012 regular
35 session meeting minutes. Second: Selectman Picard, Unanimous: Chairman Fleming.

36 **Motion #5:** Motion made by Selectman Brochu to approve as written the March 7, 2012
37 Community Preservation Committee session meeting minutes. Second: Selectman Picard,
38 Unanimous: Chairman Fleming.

39 **Motion #6:** Motion made by Selectman Brochu to approve as written the February 28, 2012
40 executive session (union negotiations) meeting minutes. Second: Selectman Picard, Unanimous:
41 Chairman Fleming.

42 **Motion #7:** Motion made by Selectman Brochu to approve as written the March 6, 2012
43 executive session (union negotiations) meeting minutes. Second: Selectman Picard, Unanimous:
44 Chairman Fleming.

45 **INVITED GUESTS:**

46 The Board welcomed Senator George Peterson. The Senator gave an update on the status of the
47 budget and other activities at the State House during this year's legislative session. Senator
48 Peterson stated that there was very little change in the budget proposed by the Governor in
49 January. The Senator said the State would be debating the budget during the last week of April in
50 hopes for an early resolution for local aid before the Towns' Annual meeting.

51 The Board invited Barbara Burke, Chair and other members of the Historical Commission,
52 Russell Wood, Vice Chair, Jerry Owczarzak, Cathy Taylor, Johnathan Meager, and Joyce
53 Heywood to speak. They gave an update on the work that has been done on the Elm Street Cave
54 and the dedication ceremony planned for April 15th. They invited all citizens to attend the
55 official opening and dedication of Upton Heritage Park at 2pm on the 15th of April at 18 Elm
56 Street. The Commission also said that tours of the park will be offered. The Historical
57 Commission also gave tribute to David Mackey for his contributions to the commission. The
58 Selectman congratulated their team approach and thanked them for reaching out to the
59 community.

60 Open Space Committee members were then invited to address the Board of Selectman. Bill
61 Taylor, Chair, Alan Miano and Marcella Stasa of the Open Space Committee were present. They
62 discussed the proposed by-law they would like included on the Annual Town Meeting warrant to
63 put in place a scenic road by-law. The Committee then reviewed the draft by-law for the Board.
64 The Board and Town Manager voiced concerns regarding the restrictions that this by-law would
65 impose on the citizens, how the determinations on what is "scenic" would be made and who
66 would manage this day to day. Chairman Fleming polled the Selectman asked if they were ready

67 to make a motion. They agreed to schedule an informational meeting next week to discuss this
68 further and leave a placeholder on the warrant for now.

69 TOWN MANAGER REPORT

70 • Ms. Robinson informed the Board that the staff from the Police Department participated
71 in a tour of the rail road facility on Maple Avenue this week. The purpose of the tour was
72 to better acquaint officers with the status of the facility, the staff in charge who they
73 might be working with in the case of an event, and the proposed changes to the facility in
74 the future.

75 Ms. Robinson also mentioned that today there was a surprise inspection by the EPA and
76 OSHA. The EPA and OSHA contacted the Chief of Police for an escort; the Fire Chief
77 was also present. The GURR refused to grant the EPA access sighting jurisdictional
78 concerns. OSHA conducted a tour.

79 A letter was also signed in support of a grant that the town of Hopedale is spearheading
80 in regards to the UGRR.

81 • Ms. Robinson told the Selectmen that the Personnel Board met on Monday and has
82 qualified seven candidates for DPW Director to continue in the process. The first round
83 of interviews will be held on March 29th.

84 • Ms. Robinson informed the Board of Selectman the date for a public meeting to make a
85 presentation on the completion of municipal well field #3 and the water main to serve it
86 has been set for Tuesday, April 10th. The meeting will be held in the BVT cafeteria,
87 beginning at 7 PM. Tata & Howard will be on hand to participate in that presentation and
88 answer technical questions.

89 • Letters from Martha Goldsmith, Director of Office Leasing and State Office Planning
90 were received by Ms. Robinson. They are regarding the Commonwealth's Search for
91 Lease Space (17,000 square ft).

92 • The Library concluded its interview process to hire a new Children's & Young Adult
93 Librarian Ms. Robinson told the Board. She said the Board of Trustees meets this week
94 and she expects them to go forward and make an offer to one of the candidates.

95 • Ms. Robinson informed the Board of Selectman of a bill that is moving through the State
96 legislature regarding payment by insurers for ambulance runs. She stated that the bill
97 would force insurers to pay providers such as Upton directly for an ambulance run. Also,
98 the insurer's seeking to push ambulance providers into accepting lower payments for
99 ambulance runs and lock into contracts for what they will pay have pushed to make
100 payments directly to the patient we transported, rather than to the Town. This forces the
101 Towns/providers into the very difficult position of having to then go after the patient to
102 recoup those funds. The Town and many other communities have found this incredibly
103 difficult, and could very negatively impact our revenues she said. Ms. Robinson stated
104 that she is glad that this bill is moving forward with this requirement in place.

105 DISCUSSION ITEMS

106 1. Review Motions for the Special Town Meeting

107 The Board of Selectman reviewed the Motions for the Special Town Meeting on April 3rd. Ms.
108 Robinson noted that article eight will be passed over, and depending on the reasoning from the
109 Aquatic Weed Control Committee regarding Pratt Pond this may come from Free Cash, or be
110 delayed to the annual meeting if it appears it is CPC eligible.

111 2. Review Draft List of Articles: Annual Town Meeting

112 A first draft of the list of articles for the annual Town Meeting Warrant for May 10th was
113 presented by Ms. Robinson. She asked the Selectman's advice as to the order of the articles so
114 that she can begin the process of writing the full document. The Selectman will rank their
115 preferred sequence for Ms. Robinson.

116 3. Review & Approve Wastewater Enterprise Fund Rate Increase for FY 12/13

117 The Board of Selectman discussed a spreadsheet showing what was discussed at the last meeting
118 regarding a rate increase for the Wastewater Enterprise Fund. It indicates an operating budget
119 next year of \$420,000 and shows the current rate structure which will bring in just \$294,000.
120 That will again require a supplement from the General Fund budget to balance the budget for the
121 year. The Selectman discussed the options available.

122 **Motion #8:** Motion made by Selectman Picard to increase sewer charges and implement a flat
123 customer charge of \$100 with a user rate of \$5.81 to affect the fall billing that will go out in
124 October. Second: Selectman Brochu, Unanimous: Chairman Fleming.

125 **Motion #9:** Motion made in block by Selectman Picard that Water and Waste Water Customers
126 receiving the 41C Exemption for their real estate taxes, are eligible to receive the Life Line
127 Water Rate with the Water and Waste Water Department consisting of a 50% discount on the
128 semi annual service charge, and Water and Waste Water Customers receiving the Veteran's
129 Exemption with the Town for their real estate taxes, are eligible to receive the Veteran's
130 Exemption with the Water and Waste Water Department, consisting of a 20% discount on the
131 semi annual service charge. Second: Selectman Brochu, Unanimous: Chairman Fleming.

132 4. Discussion – FY 12/13 General Fund Budget

133 On March 21st the Board will hold a joint meeting with the Finance Committee to discuss what
134 steps needs to be taken to balance the operating budget for FY 12/13 that will be presented to the
135 Annual Town Meeting for approval. Ms. Robinson stated that the latest version of the budget
136 shows a deficit of \$615,582 which includes an increase proposed by Blackstone Valley Tech
137 (\$260,739.00). Selectman Brochu applauded the Town Manager on her creativity to manage the
138 budget, Selectman Picard stated that he was comfortable with the Town Manager's suggestions,

139 and Chairman Fleming stated that he respects and supports Ms. Robinson's decisions, stating
140 that the budget is fiscally responsible

141 5. Appointment – Priscilla Lukes – Upton Council on Aging

142 Ms. Robinson concurred with a recommendation from Jamie Gardner on behalf of the Council
143 on Aging asking that the Board appoint Ms. Lukes to this committee.

144 **Motion #10:** Motion made by Selectman Brochu to approve the appointment of Priscilla Lukes
145 to the Upton Council on Aging. Second: Selectman Picard, Unanimous: Chairman Fleming.

146 Selectman Picard inquired about the procedure of informing all citizens of upcoming
147 appointments. Ms. Robinson said that notices in the paper and letters informing appointees of
148 their expiration were forthcoming.

149 For health reasons John LeBrun has submitted a letter of resignation from his position as chair of
150 the Zoning Board of Appeals to the Board of Selectman. Ms. Robinson recommended that the
151 Board accept his resignation and announce that we are seeking volunteers to join this board. All
152 agreed that the Town has been very fortunate to enjoy John's long tenure and dedicated service,
153 and his decision to no longer serve is both understandable and a loss to the community.

154 **Motion #11:** Motion made by Selectman Picard to regrettably and with sorrow accept the
155 resignation of their dear friend John LeBrun after 40 years of service on the ZBA and thank him
156 for his dedication to the Town. Second: Selectman Brochu, Unanimous: Chairman Fleming.

157 Chairman Fleming informed the Selectman that Bill Andrews had expressed interest in serving
158 on the ZBA. Mr. Andrews had served the community in numerous capacities over the last 20
159 years and was looking for a way to stay involved. Chairman Fleming stated he had no problem
160 recommending him to the Board.

161 **Motion #12:** Motion made by Selectman Brochu to approve the appointment of Bill Andrews to
162 fill the seat of Mr. LeBrun on the ZBA. Second: Chairman Fleming, Selectman Picard opened to
163 discussion stating a request that all citizens be notified of an opening before an appointment.
164 Selectman Brochu aye; Selectman Picard nay; Chairman Fleming aye

165 **Motion #13:** Motion made by Selectman Picard to regrettably accept the resignation of Kenneth
166 Wood from the Historical Commission and thank him for his tireless dedication to the Town.
167 Second: Selectman Brochu, Unanimous: Chairman Fleming.

168 Chairman Fleming read a list the current appointment openings,

169 Finance Committee - 2

170 Director of Veterans' Graves

171 Historical Commission-2

172 Cable Advisory Board-3

173 Personnel Board-1

174 6. Discussion on the Selection of Scholarship Recipients – Risteen/Bates/Ramsay

175 Selectman Brochu recused himself from the discussion because he has a daughter that will be
176 eligible to apply for scholarships. At the last meeting the Selectman discussed the funding
177 available in the various trust funds for educational scholarships, and the process by which
178 scholarship recipients are chosen. The Board decided to table this item until this meeting for
179 further discussion. Ms. Robinson spoke to the Treasurer/Collector on whether or not it is
180 appropriate to vote to transfer funds from one trust to bolster the funding available from these
181 trusts in the future. The Treasurer/Collector's answer was that he does not believe this is
182 allowed, but that we could continue to utilize the Risteen Welfare fund to award scholarships.
183 The Board chose to defer this until the next meeting.

184 The Board selected a new cover for the 2011 Annual Town Report.

185 **Motion #14:** At 7:38pm Chairman Fleming motioned to enter into an executive session under
186 MGL c. 30A, sec. 21 exception #3, to discuss strategy with respect to collective bargaining.
187 Robert Fleming, aye, Ken Picard, aye, James Brochu, aye

188 **Motion #15:** At 8:20pm Chairman Fleming motioned to reconvene the meeting. Second:
189 Selectman Picard, unanimous: Selectman Brochu.

190 **Motion # 16:** At 8:20pm Motion was made by Chairman Fleming to adjourn the meeting.
191 Second: Selectman Picard, unanimous: Selectman Brochu.

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193 Respectfully submitted,

194 Sandra Hakala

195 Department Coordinator

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