

**BOARD OF
SELECTMEN
MEETING
MINUTES**

June 5, 2012

Fire & EMS Headquarters, 20 Church Street , Training Room
Selectman Robert J. Fleming, Selectman James A. Brochu,
Town Manager, Blythe C. Robinson, and Department
Coordinator, Sandra Hakala

1 The meeting was called to order at 5:53pm.

2 Temporary Chairman Brochu opened the meeting and stated that the Board will immediately
3 enter into executive session. After completion, the Board will reconvene their regular session.

4 **Motion #1:** At 5:53pm Chairman Brochu motioned to enter into an executive session under
5 MGL c. 30A, sec. 21 exception #3, to discuss strategy with respect to collective bargaining.
6 James Brochu, aye, Robert Fleming, aye.

7 **Motion #2:** At 6:02 Chairman Brochu motioned to reconvene the regular session. Second:
8 Selectman Fleming, Majority: Chairman Brochu

9 After the pledge of allegiance, Chairman Brochu reviewed the topics on the agenda.

10 **Motion #3:** Motion made by Selectman Fleming to approve as written the May 15, 2012
11 Executive Session meeting minutes. Majority: Chairman Brochu.

12 **Motion #4:** Motion made by Selectman Fleming to approve as written the May 15, 2012 regular
13 session meeting minutes. Majority: Chairman Brochu.

14 **TOWN MANAGER'S REPORT**

15 The Board then invited Ms. Robinson to give her weekly report.

16 On May 23rd and May 30th the Selectmen's Office was visited by about 120 3rd Graders
17 participating in Town Government Day for the 7th year. Ms. Robinson thought the children
18 seemed to have an enjoyable day learning about local government and asking questions about
19 how we operate.

20 Ms. Robinson then addressed a letter that was received from National Grid updating the status of
21 a transmission project for which they briefed the Town in 2008. She stated the Interstate
22 Reliability Project is the installation of a 345 kilovolt transmission line to strengthen the transfer
23 of electricity in southern New England. Upton is on the alternative route; however abutters to
24 this route will still be notified about this process.

25 Ms. Robinson reviewed with the Selectmen the procurement activities that are in process. They
26 include:

- 27 • Two vendors attended a site visit for architectural services needed to determine the best
28 method of repair for the exterior of the police station; proposals are due back on June 6th.
- 29 • The RFP to seek parcels of land that might be viable candidates for a recreation complex
30 has been advertised, with proposals due back June 18th.

- 31 • The Town Hall Renovation Committee has advertised an RFQ seeking firms or
32 individuals to submit proposals for the position of Owner’s Project Manager for the Town
33 Hall Renovation Project.
- 34 • Bids will be opened on May 31st for a project representing most of the road work
35 intended to be complete this year under Chapter 90. That legislation is still winding its
36 way through the State approval process and if delayed may affect the Town’s ability to
37 get that work accomplished this year.

38 Ms. Robinson informed the Board that a kick off meeting with representatives from Virtual Town
39 Hall to begin work on a new website for the Town was held. They were given some basic
40 parameters of how the home page is to look. In a few weeks she hopes to show the Selectmen
41 what it will look like before diving further into the design.

42 Earlier in the day an Open Enrollment for all employees eligible for benefits was held.
43 Representatives from Blue Cross, The Standard and TASC were on site for two sessions to give
44 presentations and answer questions for employees thinking about changing their health
45 insurance, enrolling in life insurance, short-term and long term disability and the newly offered
46 flexible spending account. All of these programs will take effect on July 1st.

47 Ms. Robinson congratulated the Board of Health for obtaining a \$500 grant from the DPH for the
48 proper disposal of Sharps containers. She said they also submitted a grant application to try and
49 obtain wheeled and lidded recycling containers for recycling materials much like the ones
50 currently used for trash. They should receive word on that next month.

51 Ms. Robinson referenced a notice of a meeting that CMRPC has scheduled to continue the work
52 of the 495/Metro West Development Compact in the rest of the Blackstone Valley that was given
53 to the Selectmen. As in the Compact project, part of the planning process includes a regional
54 forum for all of the participating communities to meet and discuss the locally-identified priority
55 areas and infrastructure investments. The forum also includes a baseline data presentation to set
56 a context for the region and see what is learned about the Blackstone Valley Region.

57 The Town has been informed by the company building the new ambulance that the unit will be
58 delayed about 2 weeks from the date originally given. Some of the equipment on the interior of
59 the truck was ordered wrong and they are waiting for the correct parts to come in. The final
60 inspection will now be June 12th with delivery shortly afterwards, assuming all goes well.

61 Ms. Robinson told the Selectmen that she attended the Massachusetts Municipal Manager’s
62 Association Spring conference in Lenox, MA last Thursday.

63 **DISCUSSION ITEMS:**

64
65 Discussion on BOS Annual Appointments
66 Chairman Brochu asked Ms. Hakala to review the spreadsheet of Board and Committee members
67 whose terms are expiring and are requesting appointments by the Board of Selectmen that she
68 had prepared. She also discussed the applications that were received for open positions and those
69 members that were not seeking reappointment. The members that were appointed are named on
70 the attached spreadsheet and are scripted in red. The remaining members whose terms will be
71 expiring this year will be considered at the next scheduled meeting.

72 **Motion #4:** Motion made by Selectman Fleming to approve in block the reappointment of those
73 members whose terms are expiring in 2012 that have requested appointments documented on the
74 above mentioned list, abstaining from the County Advisory Board Member appointment.

75
76 Majority: Chairman Brochu.

77
78 **INVITED GUESTS**

79
80 Chairman Brochu proceeded to open a Public Hearing at 6:15PM pertaining to the application of
81 Mr. Dana Schwehr for a Class II License Hearing. Mr. Schwehr was not in attendance at the last
82 session. At that time a motion was made by Selectman Fleming to recess and to be reopened at
83 this evening's session.

84
85 Mr. Dana Schwehr was invited by the Board speak to his application to operate a used car
86 business on 138 Milford Street. The current license holder at this address is giving up his license
87 and transferring his business to another facility in another community.

88
89 Chairman Brochu asked Mr. Schwehr if there would be salvage vehicles at the facility. There
90 would not, Mr. Schwehr responded.

91
92 Public Hearing closed at 6:20.

93
94 **Motion #5:** Motion made by Selectman Fleming that the Town, as the local licensing authority to
95 give approval for transfer of the Class II License to Mr. Dana Schwehr, Upton Foreign Auto
96 Service at 138 Milford Street.

97
98 Majority: Chairman Brochu.

99
100 **DISCUSSION ITEMS**

101
102 Discussion on BOS Annual Appointments cont.
103 The Personnel Board deferred their recommendation for a new member to the Board of
104 Selectman. The Personnel Board told the Selectmen that they found both candidates well
105 qualified and would benefit greatly from having either one as its next new member.

106
107 Selectman Fleming stated that knowing Mr. David Schribner, one of the applicants, and
108 recognizing his contributions to the Town recommended that he be appointed.

109
110 **Motion #6:** Motion made by Selectman Fleming to appointment David Schribner to the
111 Personnel Board for a 2 year term.

112
113 Majority: Chairman Brochu.

114
115 Barbara Burke, Chair of the Historical Commission made her recommendations for appointments
116 to the Historical Commission known to the Selectmen. Based on this information the following
117 motion was made.

118
119 **Motion #7:** Motion made by Selectman Fleming appoint Maureen Byrd - 2years, George
120 Patterson - 3 years, and Howard Glassman - Associate member 1 year to the Historical
121 Commission.
122
123 Majority: Chairman Brochu.
124
125 Michael Goodwin requested appointment as Director of Veteran's Graves in a letter received by
126 the Board of Selectmen.
127
128 **Motion #8:** Motion made by Selectman Fleming to appoint Michael Goodwin as Director of
129 Veteran's Graves for 3 years.
130
131 Majority: Chairman Brochu.
132
133 The Board received a recommendation from Jamie Gardner, Council on Aging Director to
134 appoint Judi Blanchard as member of the Council on Aging.
135
136 **Motion #9:** Motion made by Selectman Fleming to appoint Judi Blanchard as member of the
137 Council on Aging for 1 year.
138
139 Majority: Chairman Brochu.
140
141 Ms. Robinson also asked for the concurrence of the Selectmen to appoint the police and
142 communications personnel for another three year term.
143
144 **Motion #10:** Motion made by Selectman Fleming to authorize the Town Manager to appoint the
145 police and communications personnel for another three year term.
146
147 Majority: Chairman Brochu.
148
149 Motion to Appoint EMS Lieutenant
150 Ms. Robinson explained to the Board that after the appointment of Mr. Brian Kemp to the
151 position of EMS Captain the Town undertook a process to fill the position of EMS Lieutenant.
152 An application was received from Kerry Stoopack. After a meeting with Ms. Stoopack, attended
153 by Chief Goodale, Mr. Kemp and Ms. Robinson, the Chief recommended that Ms. Stoopack be
154 appointed to this position. Ms. Robinson concurred and recommended that the Selectmen
155 approve the recommendation and waive the 15 day waiting period.
156
157 **Motion #11:** Motion made by Selectman Fleming to affirm the recommendations that Ms.
158 Stoopack be appointed to the position of EMS Lieutenant and waives the 15 day waiting period.
159
160 Majority: Chairman Brochu.
161
162 Motion to Approve Contract Extension – Refuse & Recycling Contract

163 Last year through a joint effort of the Board of Health and the Selectmen’s office the collection
164 of refuse and recycling and awarded a nine-month contract to E.L. Harvey & Sons was rebid.
165 The bid was for a service for a three year period but the Board wanted to award a shorter contract
166 to ensure the service was satisfactory. The Board of Health is pleased with the service and has
167 voted to extend it for the 2nd and 3rd year. Ms. Robinson concurred with their recommendation,
168 and asked that the Board vote to approve this contract extension and the Town Manager the
169 authority to execute it on the Town’s behalf.

170

171 ***Motion #12:*** Motion made by Selectman Fleming to allow the Town Manager the authorization
172 to extend the contract with E.L. Harvey & Sons for the 2nd and 3rd year.

173

174 Majority: Chairman Brochu.

175

176 **INVITED GUESTS CONT.**

177

178 At 6:30 the Board of Selectmen invited the Railroad Fact Finding Committee to present their
179 report. Gary Bohan, Chair, Richard Desjardins, Vice Chair, and Bill Taylor, Citizen
180 Representative was present.

181

182 Chair Bohan called the meeting to order because they were posted and proceeded to give the
183 Selectman an overview of the project. He spoke of their mission statement and stated because
184 the committee was unable to come up with a consensus the two groups wrote a position paper.
185 Each group then gave an overview of their viewpoint.

186

187 Mr. Richard Desjardins and Selectman Picard in their viewpoint “The transloading conducted at
188 the Grafton & Upton Railroad site located in Upton, Massachusetts in our opinion meets the
189 series of pertinent factors to determine if transloading services are being performed by or under
190 the auspices of a rail carrier and passes the second requirement for Federal preempted from local
191 and state regulations.”.

192

193 Mr. Bohan and Mr Taylor presented an opposing viewpoint concluding “if [the facility in
194 question] is not integrally related to providing transportation services, but rather serves only a
195 manufacturing or production purpose, then, like any non-railroad property, it would be subject to
196 applicable state and local regulation.”

197

198 Chairman Brochu thanked the committee and stated that it was not his intent to act on anything
199 now and would not open the discussion to a public forum. He suggested that if anyone had
200 questions they could ask to be put on the RRFFC’s agenda.

201

202 Selectman Fleming concurred that he was impressed on the inordinate amount of time the
203 committee worked on the project. He suggested that the Selectman would respond to the
204 RRFFC’s committee’s report when they had a full Board present.

205

206 **Motion to Ratify Fire Local #3338A Contract**

207 During the executive session portion of the agenda the Selectmen reviewed with Ms. Robinson
208 the proposed settlement agreement for a successor three-year contract with the Fire Union. She

209 believes that the agreement presented falls within the guidelines the Board provided and
210 recommended that the Board ratify it as presented.

211 **Motion #13:** Motion made by Selectman Fleming to ratify the Town of Upton & Local 3338A-
212 Firefighters Tentative Agreement dated July 1, 2012-June 30, 2015

213 Majority: Chairman Brochu.

214 Discussion – Need for an Earth Removal Permit – National Grid

215 The Selectmen’s office was contacted by National Grid asking if an Earth Removal permit would
216 be required to remove approximately 1,600 cubic yards of ledge material from an area
217 underneath the transmission lines between Westborough Road and Fowler Streets. James
218 Scarpone, Project Manager and Mark Reily, Counsel from National Grid were in attendance for
219 the discussion. They provided more information about the project and it was determined by all
220 parties that under the definition in the Upton Zoning Bylaws, Section 10 a permit would not be
221 required, since the ledge material will not be sold and will remain on site.

222

223 Discussion – Interest in Acquiring #6 Main Street

224 The Selectmen’s office was approached by a realtor representing the owner of the property
225 located at 6 Main Street, which is the house next to the Risteen Building. The house has been
226 uninhabited for a number of years, and at this point the owner would like to divest himself of it.
227 The Town has been asked if there is an interest in the property before it is put on the market for
228 sale. Chairman Brochu asked that this be put on a future agenda. Selectman Fleming agreed that
229 we won’t know if the land has value unless we enter into negotiations. The Selectmen also
230 received a letter from the Library Board of Trustees expressing their interest in this property.

231

232 Sign Transfer of Common Vic License to Thirty-Third, Inc.

233 Ms. Robinson informed the Board that the Liquor License transfer at Fresco’s has taken place as
234 well as the sale of the business to Thirty-Third. It is now appropriate to execute an updated copy
235 of the Common Victualer’s license to sell food. The Board agreed with the recommendation to
236 execute this document.

237

238 **Motion #14:** Motion made by Selectman Fleming to execute the Common Victualer’s license to
239 sell food to Thirty-Third, Inc.

240

241 Majority: Chairman Brochu.

242

243 Motion to Approve Year End Transfers

244 Ms. Robinson reviewed with the Selectmen the requests for year-end transfers; three transfers
245 between accounts; one to move \$1,200 from Town Manager’s Expense to Technology Expense.
246 This is approximately the amount of the replacement computer purchased earlier this month and
247 due to higher costs to address technology issues, Ms. Robinson believes it is appropriate to
248 transfer the funds between these budgets. The other two transfers submitted are to transfer and
249 compile funds to allow the Board of Health to digitize some of their maps and records for more
250 efficient use and record keeping. The other transfers that become apparent are to cover Fire
251 Department Wages.

252

253 Again, Ms. Robinson explained that at this time of year the State law allows that the Town can
254 make transfers from one account to another by a vote of the Board of Selectmen and concurrence
255 by the Finance Committee. The transfers can either be 3% of a budget voted at Town Meeting or
256 \$5,000 whichever is greater.

257 **Motion #15:** Motion made by Selectman Fleming to approve the year end transfers #1 through
258 #11 as submitted.

259 Majority: Chairman Brochu.

260

261 **Motion to Ratify Teamster's Supervisor's Union Local #170 Contract**

262 During the executive session the Selectmen reviewed with Ms. Robinson the proposed settlement
263 agreement for a successor three-year contract with the Teamster's Supervisor's Union Local
264 #170. She believes that the agreement falls within the guidelines the Board provided and
265 recommends that the Board ratify it as presented.

266 **Motion #16:** Motion made by Selectman Fleming to ratify the Town of Upton & Teamster's
267 Supervisor's Union Local #170 Contract Tentative Agreement dated July 1, 2012-June 30, 2015.

268 Majority: Chairman Brochu.

269

270

271 **Sign One-Day Outdoor Entertainment License for Rose Garden**

272 KCLC, Inc. dba The Rose Garden has applied for a One-Day Outdoor Entertainment License for
273 a live band to perform on the out-door premises on Saturday, June 23, 2012 from 5pm to 9pm.
274 Selectmen Fleming reiterated that this was a one day Entertainment license on the legal premises
275 as defined on the Liquor License and could not be altered as defined by the ABCC and Mass
276 State Law. He also stated that the Rose Garden could apply for a live Entertainment
277 License if the establishment wants to hold additional live entertainment events.

278

279 **Motion #17:** Motion made by Selectman Fleming that the Town of Upton, as the local licensing
280 authority to give approval to The Rose Garden for a One-Day Outdoor Entertainment License for
281 a live band to perform on the out-door premises on Saturday, June 23, 2012 from 5pm to 9pm.

282

283 Majority: Chairman Brochu.

284

285 **BOARD OF SELECTMEN'S ACTION PLAN REVIEW**

286

287 Selectman Fleming asked to defer all four items to future meeting. Chairman Brochu concurred.

288

289

290 **MEETING LOOK AHEAD TOPICS**

291

292 Selectmen Fleming reminded the citizens of the Town that on June 12th a Special Election will
293 be held so voters can consider the debt exclusion to pay for a portion of the construction of
294 Municipal Well Field #3. He encouraged everyone to go to the Town's website to view the
295 presentation that was presented at the Annual Town Meeting. He reminded the citizens that at the
296 Annual Town Meeting on May 10th, voters approved to appropriate the funds and the Finance

297 Committee made favorable action on this project, and the election is part of the final approval
298 process.

299 Ms. Robinson received a letter from the Veteran's Council asking the Board of Selectmen to
300 fund 100 markers at a cost of \$10.00 each.

301 **Motion #17:** Motion made by Selectman Fleming that the Town of Upton use \$1200. 00 from
302 the beautification fund for the purpose of purchasing markers.

303 Majority: Chairman Brochu.

304 Mr. Sonny Poirier asked the Selectmen if they were going to bid out the Water Main project at
305 the same time as the bid for the Wellfield #3. Ms. Robinson responded that both had already
306 been bid, and the main would be finished first.

307 Selectman Fleming stated that presuming the Ballot question is passed on June 12 both would be
308 sent out to bid at the same time. He was looking at expediting the process.

309 Richard Desjardins also commented to the Selectmen that the Upton Grafton Railroad were in
310 the process of covering pipes and blocking the pumps that generate noise when the wood pellet
311 building is operational even though the noise level is still within legal limits.

312

313 Mr. John Deli owner of the Grafton Upton Railroad commented to the Selectmen that he was
314 working with the State and looking into grants that would improve the safety of the crossings.

315

316 Chairman Brochu thanked the all those that came out on Memorial Day and participated in the
317 activities. He also thanked the Parks Department, the efforts of the Police and Fire Departments
318 and especially the Veteran's for their service and sacrifice.

319

320 Chairman Brochu also thanked the Police Department for hosting the Annual Fishing Derby and
321 lastly congratulated the graduates from Blackstone Valley Tech and Nipmuc High School and
322 wished them a safe and prosperous future.

323 **Motion #18:** At 7:24PM Motion was made by Chairman Brochu to adjourn the meeting.

324 Majority: Chairman Brochu.

325

326

327

328 Respectfully submitted,

329

330

331 Sandra Hakala

332 Department Coordinator