

**BOARD OF
SELECTMEN
MEETING
MINUTES**

June 19, 2012

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

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

2 Chairman Picard opened the meeting and after the pledge of allegiance he reviewed the agenda.

3 **Motion #1:** Motion made by Selectman Brochu to approve as written the June 5, 2012 Regular
4 Session Meeting Minutes. Majority: Selectman Fleming.

5 **Motion #2:** Motion made by Selectman Brochu to approve with a friendly amendment to remove
6 Chairman Picard in the poll taken for the June 5, 2012 Executive Session Meeting Minutes.
7 Majority: Selectman Fleming.

8 **TOWN MANAGER'S REPORT**

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

10 Ms. Robinson has renewed the Town's agreement for the purchase of natural gas used to heat the
11 Risteen Building and to run the generator at Town Hall. She was pleased to report that the prices
12 for this commodity are down; and the Town is locked in for another year at 70 cents/cubic foot, a
13 savings of 15 cents over what was paid this year.

14
15 The Board was also informed by Ms. Robinson that another end of year function is to look at the
16 status of the various capital projects and determine if they have been completed or not. She
17 stated that if they have, then the Town Accountant is notified that the balances can be zeroed out
18 and the funds put towards our Free Cash for next year. The total of the items closed out is:
19 \$25,092.90.

20
21 Ms. Robinson reviewed with the Selectmen the procurement activities that are in process. They
22 include:

- 23 • The RFP to seek parcels of land that might be viable candidates for a recreation complex
24 has been advertised, with proposals due back June 18th.
- 25 • The Town Hall Renovation Committee has advertised an RFQ seeking firms or
26 individuals to submit proposals for the position of Owner's Project Manager for the
27 Town Hall Renovation Project; those are due back June 28th. Ten persons attended a pre-
28 proposal walk through of the building this week, and there will be another walk through
29 next week.
- 30 • The Chapter 90 legislation that affects road work we intend to complete this year
31 continues to be held up in State approval process. We have had to rebid this project due
32 to the printer leaving a section out of the bid that is needed. The new bid opening date is
33 June 28th.

34
35 A better electronic copy of our Town Seal was needed for the website upgrade project and other
36 uses. Ms. Robinson asked the Selectman to review the cleaner version once it is produced by the

37 company the Town is working with. The seal will replicate the approved version; however it
38 will be have higher resolution of the sheaf of wheat in the center.

39
40 Documents and correspondence between the Town and Marsha Paul related to the railroad have
41 been requested and turned over to the attorney for the G&U Railroad.

42
43 A power outage in Town last week caused some public safety issues. The repeater for the radio
44 system on the tower at Kelly's farm went down because the generator provided by the cell tower
45 company is not functional. The repeater is due to be moved over to the new tower on Warren
46 Street, but has not due to the issue of getting permanent power to that facility (both sites owned
47 by the same cell tower company). The pole location hearing to set the pole to allow power to the
48 new tower is scheduled for July 10th. It will take another month before it is up and running Ms.
49 Robinson told the Board.

50
51 The Fire Chief & EMS Captain went to New Jersey last week to conduct the final inspection on
52 the new ambulance. There are a couple of minor tweaks that need to be made to the unit, and it
53 should be delivered to Upton next week. After that the old ambulance will be turned in, as a
54 trade in was part of the process.

55
56 Ms. Robinson also asked the Board if anyone would be attending the 495 Development Compact
57 Meeting on June 26th at BVT. Selectman Brochu replied that he would.

58 The Board of Health has executed a contract with E.L. Harvey for services to be provided
59 through 2014. They have also applied for a grant in hopes to purchase receptacles with lids and
60 are waiting for a response to see if all recyclables can be put in one container.

61 **DISCUSSION ITEMS:**

62
63 **Motion to Approve Various Water Contracts**

64 The Selectmen reviewed five separate contracts that needed to be executed as a result of the
65 Annual Town Meeting vote on Well Field #3 and the Hartford Avenue North Water Main, and the
66 ballot vote on June 12th on the debt exclusion. Of the five contracts, three are between the Town
67 and Tata & Howard - two for construction administration of Well Field #3 and the water main
68 extension, and the other is for the design of the replacement water main on Hartford Avenue
69 North.

70
71 The other two contracts are for construction of the components of Well Field #3 – the installation
72 of the water main and the construction of the well field and pump station. These projects were
73 bid out prior to Town Meeting.

74
75 The Public Works Director and Ms. Robinson have reviewed the contracts with Tata & Howard.
76 They asked Tata & Howard to provide more detail on the level of effort they anticipate to
77 complete the work, and by what positions the work will be performed. They believe this will
78 better enable the Town to track the work to be done. Tata & Howard recommends that the
79 contracts with the low bidders for the well field projects be awarded to these firms, and Ms.
80 Robinson and Mr. Thompson concurred.

81

82 The Town was notified by Barbato Construction, the 2nd low bidder on the pump station and
83 well field contract of their intent to protest the contract award if it is made to Waterline, the low
84 bidder. After consulting with Town Counsel and the engineers it is believed that the award to
85 Waterline is appropriate, and the Town will work through the process if the protest is filed with
86 the Inspector General. If a protest is filed it is expected to take several weeks for an opinion to
87 be issued. This should not materially hold up the project as construction was not expected to start
88 until August

89
90 The Board would like to add contingency costs to the contracts and otherwise concurred with
91 Ms. Robinson and Mr. Thompson.

92
93 **Motion #3:** Motion made by Selectman Fleming to allow the Town Manager the authorization to
94 execute the following contracts with contingencies when applicable for construction contracts:

- 95 • The Town of Upton and Tata & Howard for the for construction administration of Well
96 Field #3;
- 97 • The Town of Upton and Tata & Howard for the for construction administration of the
98 water main extension;
- 99 • The Town of Upton and Tata & Howard for the design of the replacement water main on
100 Hartford Avenue North;
- 101 • The Town of Upton and N. Cibotti, Inc. for the construction of the components of Well
102 Field #3 - the installation of the West River Street water main;
- 103 • The Town of Upton and Waterline Industries Corporation for the construction of the
104 components of Well Field #3 - the well field and pump station.

105

106 Second: Selectman Brochu, Unanimous: Chairman Picard.

107

108 Discussion on BOS Appointments

109 The Board reviewed the outstanding list of appointments and openings and resignations. They
110 will continue this review at their next meeting.

111

112 **Motion #4:** Motion made by Selectman Brochu to appoint Robert J. Fleming as County Advisory
113 Board Member.

114

115 Majority: Chairman Picard, Abstained Selectman Fleming.

116

117 **Motion #5:** Motion made by Chairman Picard to accept with regret the resignations of Jane A.
118 Richard and Robert R. Richard as Public Weighers and thanks them for their service to the
119 Town.

120

121 Second: Selectman Brochu, Unanimous: Selectman Fleming.

122

123 Motion to Approve Year End Transfers

124 The Police Department has requested transfers to meet their end of the year payroll. An
125 unexpected employee absence required filling the midnight shift with overtime and thus the
126 shortfall in payroll. At the Finance Committee's scheduled meeting on June 13th they concurred
127 and unanimously approved them.

128 **Motion #6:** Motion made by Selectman Fleming to approve the year end transfers as requested
129 by the Police Department to enable the Police Department to meet payroll.

130 Second: Selectman Brochu, Unanimous: Chairman Picard.

131
132 Motion to Extend Town Hall Renovation Contract

133 During the first phase of the Town Hall Project the committee went through a process to select
134 McGinley Kalsow Architects for the design of the renovation project, and the Board approved a
135 contract with them for all phases of design, but only authorized funding for schematic design in
136 keeping with the Town Meeting vote. In order to proceed to the next phases of design outlined
137 in that contract the Board authorized the Town Manager to execute a Notice to Proceed to
138 complete design development, construction documents and the bidding phases of the contract.
139 The fees to the architect total \$ 270,000; other items in the budget are either expenses born by
140 the Town directly, or reimbursable to the architect for expenses outside of their fee (printing of
141 bid documents, etc.). Ms. Robinson recommended that the Board authorize her to execute a
142 notice to proceed.

143
144 **Motion #7:** Motion made by Selectman Brochu to authorize the Town Manager to execute a
145 notice to proceed with McGinley Kalsow Architects.

146
147 Second: Selectman Fleming, Unanimous: Chairman Picard.

148
149 Motion to Adopt the Statewide Public Safety and Public Works Mutual Aid Laws

150 In 2010, the public safety mutual aid law (MGL Chapter 40, section 4J) and public works mutual
151 aid law (same chapter, section 4K) were signed into law. These laws allow communities to send
152 and receive assistance to each other in various situations. The public works law permits mutual
153 aid to support every day non-emergency, operations, while the public safety law limits the
154 provision of mutual aid under the agreement to “public safety incidents”. In either case there is
155 no obligation for a town to send aid if it determines it is unable to assist, but if it does it is
156 responsible for bearing the cost. If applicable the receiving community can apply for FEMA or
157 other relevant funds to pay for some of the costs, and our community could be reimbursed.

158
159 Ms. Robinson recommends that the Town adopt these sections of the law so that the Town may
160 participate in the future. The Police Chief, Fire Chief and Public Works Director share her
161 opinion that should an event occur where the Town might need assistance, or could provide it to
162 a neighbor the tools in place to do so. The Town Manager recommends that the Board make a
163 motion to accept M.G.L. Chapter 40, sections 4J and 4K.

164
165 **Motion #8:** Motion made by Selectman Fleming to Adopt the Statewide Public Safety and Public
166 Works Mutual Aid Laws.

167 Second: Selectman Brochu, Unanimous: Chairman Picard.

168 Discussion – Interest in Acquiring #6 Main Street

169 The Building Official and Town Manager took a tour of the property at #6 Main Street. As
170 expected the property is in very poor condition as a result of being uninhabited for at least 12
171 years. Mr. Roche estimated that it could cost between 15K and 20K to tear down. Ms. Robinson

172 asked the Board whether or not they want to pursue the property further and if so suggested that
173 they schedule an executive session on the topic. Selectman Picard agreed to discuss 6 Main
174 Street in executive session at the next meeting and Selectman Brochu asked the Fire Chief to
175 look at the structure and determine if it was safe.

176

177 Discussion – Letter from Riverdale Water Company

178 The Board received a letter from Riverdale Water in advance of the special election on Tuesday.
179 Chairman Picard asked that this be on the agenda for discussion and Selectman Fleming
180 reiterated that the Town Manager had kept the Board informed of all correspondence and
181 requests past and present made by the Riverdale Water Company. Selectman Fleming also stated
182 the Town vote at the Annual Town Meeting and Special Election reinforced the citizens of
183 Upton interest. Chairman Picard asked the Town Manager to send a letter to Riverdale and ask if
184 they would like to discuss Riverdale’s interest as an emergency source at no cost to the Town.

185

186 Discussion on Railroad Fact Finding Committee’s Report

187 As a result of the presentation by the Railroad Fact Finding Committee of their draft report at the
188 last meeting, this item was included on the agenda for further discussion by the Board.

189

190 Selectman Fleming made clarification to the other members of the Board and the RRFF
191 Committee that when asked by the RRFF Committee if the Board had been in communication
192 with Counsel and he responded yes; this was not in response to answering directly the four
193 questions the RRFF Committee set forth in their report.

194

195 The Board discussed the details of the report, acceptance of the report, whether or not to forward
196 the questions posed by the Committee and the Planning Board to Town Counsel for response,
197 and next steps for the Town to take.

198

199 Selectman Fleming noted that the RRFF Committee calls for an action item on the part of the
200 Board of Selectman to decide whether or not the Town should go to the Surface Transportation
201 Board (STB) or Federal court to determine if the activities at the Grafton & Upton Railroad
202 Maple Avenue facility (Facility) are preempted from local regulations. They also suggested that
203 the Board of Selectmen request Town Counsel to review this report and provide comment with
204 regard to the four questions; the Selectman agreed to do this. Selectman Fleming also asked the
205 Board to determine if the RRFF Committee to be dissolved and the report be accepted.

206

207 **Motion #9:** Motion made by Selectman Fleming to accept the Submittal of the Railroad Fact
208 Finding Committee DRAFT Report and thanked the Committee for their efforts.

209 Second: Selectman Brochu, Unanimous: Chairman Picard.

210

211 Discussion - MURSD Strategic Planning Steering Committee

212 Chairman Picard placed this item on the agenda at the request of Superintendent Maruszczak to
213 have a member of the Board be appointed to the RSD Strategic Plan Steering Committee.

214 Selectman Fleming volunteered to serve on this committee.

215

216

217 Motion to Approve Risteen B Trust Fund Application
218 An application we have received through the Council on Aging Director for funds from the
219 Risteen “B” welfare funds to assist a resident in need. Mr. Gardner has compiled the required
220 information and determined that this resident is in need, and is requesting assistance for the
221 purchase of some medical equipment. The Town Manager concurs with his recommendation
222 and asked that the Board approve this request.
223

224 **Motion #10:** Motion made by Selectman Fleming to approve a Risteen B Trust Fund Application
225 to assist a resident in need in the amount of \$2400.

226 Second: Selectman Brochu, Unanimous: Chairman Picard.

227 Motion to Approve Contract Extension with Constellation Energy
228 In the fall of 2010, the Board voted to authorize the Town Manager to enter into a contract with
229 Constellation Energy for a three year contract to purchase generated power. The Town was able
230 to lock into a contract to pay .079 cents/kwh, which was lower than previously paid for the same
231 commodity to National Grid. Ms. Robinson has been monitoring power costs and they have
232 continued to come down, to the point where can lock into a further contract for approximately
233 .07 cents/kwh. Ms. Robinson asked the Selectmen for approval to execute a new one year
234 contract beyond November, 2013.
235

236 **Motion #11:** Motion made by Selectman Brochu to allow the Town Manager to enter into a new
237 one year contract beyond November, 2013 with Constellation Energy to purchase generated
238 power and lock into .0712 cents/kwh.
239

240 Second: Selectman Fleming, Unanimous: Chairman Picard
241

242 **BOARD OF SELECTMEN’S ACTION PLAN REVIEW**

243 BoS Administration Policy & Procedure Statement, draft 1

244 The Board discussed the template and agreed to utilize it.
245
246

247 **Motion #12:** Motion made by Selectman Brochu to accept the BoS Administration Policy &
248 Procedure Statement Template.
249

250 Second: Selectman Fleming, Unanimous: Chairman Picard.
251

252 Policy & Procedure for review and release of BoS executive session records, draft

253 Selectman Fleming requested that Executive Session policy retain flexibility. The Board will
254 review the log and discuss which sessions are to be released at their next meeting.
255

256 **Motion #13:** Motion made by Selectman Fleming to enact the Policy & Procedure for the release
257 of BoS executive session records draft as policy.
258

259 Second: Selectman Brochu, Unanimous: Chairman Picard
260
261

262 Town Mission Statement, draft 1

263 The Board agreed to continue this discussion at the next meeting.

264

265 BoS Mission Statement, draft 1

266 The Board agreed to continue this discussion at the next meeting.

267

268 Discussion on Scholarship Policy and Procedure

269 Selectman Brochu will be working on the development of this policy.

270

271 **MEETING LOOK AHEAD TOPICS**

272

273 Chairman Picard read the topics that will be discussed at future meeting which include:

274

- 275 • Discussion on Town of Upton Other Post-Employment Benefits (“OPEB”) trust
- 276 agreement
- 277 • Recreation Committee recommendation for fields
- 278 • Execute a letter to the Department of Housing & Community for Plan approval. Motion
- 279 to adopt the Affordable Housing Plan.

280

281 **OTHER TOPICS NOT REASONABLY ANTICIPATED**

282

283 Selectman Brochu reminded the citizens of Upton of the Pam Am Challenge sponsored by the
284 Police Department being held at BVT this week-end. He also reminded the citizens that the
285 Upton’s Men Club will be sponsoring the Firework celebration at BVT which starts at 5PM.
286 Selectmen Brochu also congratulated the 8th graders at Miscoe Hill for all their accomplishments
287 and wished them future successes.

288

289 **DEPARTMENT REPORTS**

290

291 Chairman Picard spoke of the Monthly Departmental Reports stating they were very impressive.
292 He commended Dispatcher Roberta Lamothe and Captain Harry Poirier for passing the written
293 portion of the State EMT exam. In his report the Chief stated that this brings the total to eight
294 new EMT’s who successfully have completed their certification. Ms. Robinson went on to say
295 that the Chief was very proud of their accomplishments and remain impressed with the success
296 of our EMT students in this program.

297

298 **ADJOURN MEETING**

299 **Motion #14:** At 6:54PM Motion was made by Selectman Fleming to adjourn the meeting.

300 Second: Selectman Brochu, Unanimous: Chairman Picard.

301

302 Respectfully submitted,

303 Sandra Hakala

304 Department Coordinator