

**BOARD OF
SELECTMEN
MEETING
MINUTES**

July 10, 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 Chairman Picard stated that the Board will enter into executive session under MGL c. 30A, sec.
4 21 exception #6, Land values at the end of their regular session. After completion, the Board will
5 reconvene their regular session for adjournment only.

6 ***Motion #1:*** Motion made by Selectman Fleming to approve as written the June 19, 2012 Regular
7 Session Meeting Minutes.

8 Second: Selectman Brochu, Unanimous: Chairman Picard.

9

10 **INVITED GUESTS**

11

12 Chairman Picard invited the Recreation Commission Chairman, Richard Gazoorian, Paul
13 Pirozzi, and Richard La Grasse to address the results of the RFP that was distributed seeking
14 land for a future Recreation Park, and their recommendation as to which parcel of the two
15 submitted, one for a property on East Street, and the other for the parcel that has already been
16 under consideration on South Street should be pursued for purchase by the Town. Both met the
17 minimum criteria in order to be considered.

18

19 The South Street property was rated highly advantageous in almost every category. The
20 information items included in the RFP and the Committee's viewpoint on the impact to the Town
21 by purchasing either parcel and the resulting loss in tax revenue were analyzed. When all of the
22 factors were considered, the South Street parcel was rated most advantageous by the Committee.

23

24 The Commission recommended that the Town continue to pursue the property on South Street.

25

26 Ms. Robinson offered some background on the decision how to seek other suitable parcels
27 available in town after the Board of Selectmen decided to pass over a warrant article at the
28 Special Town Meeting in April. She stated that a request for proposals was put out in May,
29 seeking parcels of land of at least 30 acres for this purpose. She also mentioned that suitability as
30 well as cost was determining factors. In regards to the proposed price, the land on South Street
31 becomes the recommended parcel by the subcommittee and the Recreation Commission. The
32 price is almost \$1,000,000 less than the purchase of 18 less acres on East Street (the portion in

33 Upton). When comparing the buildable acres between these two parcels the South Street parcel
34 offers 50 acres, while the East Street parcel just 25. While the South Street parcel may have
35 higher up-front costs spent on design, engineering and traffic studies, the long term potential of
36 this site makes it a better investment for the Town.

37
38 Selectman Fleming stated that he appreciated the initiative the Town Manager and the
39 Recreation Commission took. Selectman Brochu also reiterated the comments of Selectman
40 Fleming and thanked the Commission for their efforts and was pleased that they held back and
41 listened to the citizens and did their homework.

42
43 Ms. Robinson informed the Selectmen that if they wish to move forward the Recreation
44 Commission recommends the following steps:

- 45
- 46 • Negotiate a purchase and sale agreement satisfactory to both parties
- 47 • Undertake another RFP process to select an architectural and engineering firm to perform
48 the initial design work, studies and surveys needed to complete the permitting process.
49 Determine the cost of this phase of work, as well as possible future phases
- 50 • Meet with the relevant Town Boards (Capital Budget, Finance, Community Preservation
51 Committee) to seek support for funding to design and possibly purchase the property
- 52 • Sponsor a warrant article at a fall special Town Meeting to ask the voters to approve
53 funds for design, and then depending on the outcome of this, purchase of the parcel.
- 54 • Complete the design and approval process, and purchase the property
- 55 • Seek grants, fundraising and other sources of funds to complete design. Determine how
56 the property can be developed over a period of time, and the maintenance costs to do so.

57 **Motion #2:** Motion made by Selectman Fleming to move forward with the recommendations
58 made by the Recreation Commission including to negotiate a purchase and sale agreement for
59 the South Street parcel.

60 Second: Selectman Brochu, Unanimous: Chairman Picard.

61 **TOWN MANAGER'S REPORT**

62 The Board invited Ms. Robinson to give her weekly report.

63 Ms. Robinson introduced Michael Gleason to the Board of Selectmen. He is the new reporter at
64 The Milford Daily News retained to cover Upton. She met with him on Thursday and brought
65 him up to speed on the issues in Upton.

66 Ms. Robinson told the Board the Town was pleased to learn that efforts made by the
67 Conservation Commission to get the State DCR to assist in the solution to the beaver problems
68 on Southborough Road were realized when the State came up with some funds to pay for the
69 relocation of the beaver deceivers on the north side of the bog away from the road. This work
70 involved moving them to where the water more naturally flows, so that the trail and road would
71 be less impacted by water. Hopefully, this will result in a more long term solution to this issue
72 and less cost to the town she stated.

73 The Town Manager was notified by the Grafton Upton Railroad that the project to install
74 insulation on the intake chutes for the wood pellet building on the property has been completed.
75 The intent is to reduce the noise level to the neighbors when this work is in process.

76 The Selectmen's Office has been getting complaints from neighbors in the area of the South
77 Street gravel pits regarding the number of truck trips per day, routes the trucks are taking, timing
78 of truck traffic, etc. Ms. Robinson reminded the owner and the company with which they have
79 contracted to operate the pit of the obligations under the permit and asked them to make sure
80 they are in compliance. She has also asked the Police Department to keep an eye on this.

81 Ms. Robinson reported to the Board that the new ambulance has arrived. The Department is in
82 the process of moving equipment to it and installing radios, etc. and the updated version of the
83 Town Seal on the doors look great. The old ambulance will be turned in, as a trade in was part of
84 the process.

85 Ms. Robinson, DPW, and Recreation Commission's Chair met with the architect for Leland
86 Field to discuss the status of the field and address some issues that we have there. The contractor
87 has not mowed the grass lately and it has gotten quite long. There were also some concerns staff
88 had over the final design of the field with regard to drainage. It was agreed that the architect will
89 send a letter to the contractor advising him that he must either mow the grass immediately in a
90 manner that protects the investment, or the Town will utilize the remaining funds to do so and
91 charge him for that. Some additional investigation with regard to the grades will also be done to
92 see if the areas were built according to plan Ms. Robinson told the Board.

93 On Tuesday the Ford Explorer that has been assigned to the Fire/EMS Department had to be
94 taken out of service. The transmission failed when the employee driving it sought to leave a
95 house inspection to return to work. It has been examined by DPW and they've determined it
96 should be disposed of. A warrant article was recently passed on this at Town Meeting to
97 purchase a new pickup truck for the department, and the current one would be repurposed for
98 EMS and other uses for which a smaller vehicle is suited. The truck has been ordered and is
99 expected in mid-summer.

100 On Tuesday a pre-construction meeting was held with the contractor who will be building the
101 water main for Well Field #3. That company intends to start mobilizing for the project, and
102 begin construction on Monday, July 23rd. The Town will keep residents apprised of any impact
103 to the street during this period in hopes of minimizing any inconveniences to them.

104 The Town Manager posted a number of items to the Public Surplus auction website for disposal,
105 including the latest 5-ton plow truck that was replaced. She will tell the Board you the outcome
106 of this effort when the auction closes.

107 **INVITED GUESTS**

108
109 The Board invited Bruce Kut to discuss the Pole Petition by National Grid on 40-60 Warren
110 Street. Plan # 8278116.

111 Chairman Picard proceeded to open a Public Hearing at 6:15PM pertaining to the Petition by
112 National Grid to install new 40-60 Warren Street approximately 5 feet off edge of roadway. The

113 pole is necessary to provide service to a new cell tower. DPW has reviewed the location and has
114 no issue with that. Mr. Kut stated that to move completion of the tower along the cell company
115 has decided to put in a private electrical service from the street to the tower, and that requires a
116 new pole to be set. It is anticipated that the tower may be in service approximately a month after
117 the hearing.

118 Chairman Picard asked if there were any questions. There were none.

119
120 **Motion #3:** Motion made by Selectman Fleming to close the Public Hearing.

121
122 Second: Selectman Brochu, Unanimous: Chairman Picard.

123
124 **Motion #4:** Motion made by Selectman Fleming that the Town of Upton grants permission to
125 National Grid to install new P40-60 Warren Street approximately 5 feet off edge of roadway to
126 provide service to a new cell tower.

127
128 Second: Selectman Brochu, Unanimous: Chairman Picard.

129
130 **DISCUSSION ITEMS:**

131
132 *Discussion on Town of Upton Other Post-Employment Benefits (“OPEB”) Trust Agreement*
133 Ms. Robinson gave an over view on the OPEB Trust Document. At the May, 2011 Town
134 Meeting a warrant article was proposed and approved that accepted the relevant chapter and
135 section of the Massachusetts General Laws to set up a trust to use as a vehicle to fund the
136 Town’s future obligations for the payment of other post-employment benefits, commonly
137 referred to as “OPEB”. The article also approved initial funding for the trust of \$5,000, to which
138 \$10,000 was added at this year’s annual meeting. She informed the Selectmen that currently
139 there are 12 retirees and/or their spouses on such health insurance plans, and the cost of them is
140 paid for in the annual operating budget. But with 53 employees who have insurance and are
141 eligible to retire in future years that annual cost will grow, hence the need for the trust. She asked
142 that the Board to decide who the trustees will be. Town Counsel recommends that the members
143 would be the Town Accountant, Town Treasurer, a Selectman and two other residents appointed
144 by the Selectmen. Ms. Robinson asked that the Selectmen make a decision on the makeup of the
145 trust commissioners and that the document be executed following this decision and
146 recommended to the Board to approve the trust document.

147
148 Selectman Fleming was in total agreement with the plan and suggested it was better to be
149 appointed as a Trustee based on qualifications rather than just having elected officials serve.
150 Selectmen Fleming said this suggestion mirrored those recommendations of the auditors.
151 Selectmen Brochu would also like the Trustees to be appointed. Chairman Picard noted that he is
152 in favor of having the elected Commissioners of Trust Funds serve in this role instead of the
153 proposed five members Board.

154
155 **Motion #5:** Motion made by Selectman Fleming to adopt the Town of Upton Other Post-
156 Employment Benefits (“OPEB”) Trust Agreement as submitted.

157
158 Second: Selectman Brochu. Chairman Picard voted against this motion and asked that the record
159 reflect that a majority of the Board is in favor.

160
161 **Motion #6:** Motion made by Selectman Fleming that each year the Board of Selectman
162 Chairman be the appointed Trustee for the Town of Upton Other Post-Employment Benefits
163 (“OPEB”) Trust

164
165 Second: Selectman Brochu, Unanimous: Chairman Picard.

166
167 Discussion on BOS Appointments
168 The outstanding appointments from the June 19th Selectmen’s meeting was discussed. The
169 Public Works Director is working on a job description for the Tree Warden/Superintendent of
170 Pest Control position which will be ready for the July 24th meeting.

171
172 **Motion #7:** Motion made by Selectman Fleming to appoint, Shaun Marchand – 2 years, Chief
173 Aaron Goodale – 1 year, Nader Hamed – 2 years, and Daniel Lazarz – 2 years to the Fire & EMS
174 Advisory Committee

175
176 Second: Selectman Brochu, Unanimous: Chairman Picard

177
178 Discussion on Status of MURSD Secession Committee
179 A letter from the MURSD Secession Committee informing the Board that currently there are
180 only three members and they believe they are unable to complete the charge they have been
181 given. They are seeking further direction from the Board as to whether they will appoint any
182 new members, or should they turn in the information they have gathered up to this point.

183
184 Selectman Fleming stated that since this committee was first established its intent has waned and
185 accepted the great service they have done to date. Selectman Brochu stated that since there was
186 renewed confidence in the school committee he would like to see an executive summary and the
187 Board would make a determination after that. Ms. Robinson will draft a letter to the MURSD
188 Secession Committee requesting this.

189
190 Motion to Designate all call/volunteer EMT’s & Firefighters as Special Municipal Employees
191 The Town received a letter from David Harrison, who serves as an EMT, who is requesting that
192 all on call/volunteer EMT’s and Firefighters in the Fire/EMS Department be designated as
193 special municipal employees. Ms. Robinson stated that she found that his request is in order as
194 persons in these categories work part-time that allows them to hold another job during regular
195 business hours after reviewing both information from the State Ethics Commission’s website on
196 this topic This designation would allow the employee to represent parties before other boards
197 under certain conditions, and act as an agent for private parties in connection with a matter of
198 interest in the Town. Ms. Robinson recommended that the Board vote to designate both
199 positions as “Special Municipal Employees”.

200

201 **Motion #7:** Motion made by Selectman Fleming to designate all on call/volunteer EMT's and
202 Firefighters in the Fire/EMS Department are designated as special municipal employees.

203
204 Second: Selectman Brochu, Unanimous: Chairman Picard

205
206 Discussion on Railroad Fact Finding Committee's Report

207 At the last meeting the Board decided to accept the RFFC report, and asked that the questions
208 posed by the RFFC and the question asked by the Planning Board be forwarded to Town Counsel
209 for their review and response. The Town is waiting for a response from Town Counsel.

210
211 Motion to adopt the Affordable Housing Plan; execute a letter to the Department of Housing &
212 Community Development for Plan approval

213 In order for the Affordable Housing Plan to be fully implemented, both the Town's Planning
214 Board and Board of Selectmen need to vote to adopt the plan. The Planning Board has adopted
215 the plan.

216
217 **Motion #8:** Motion made by Selectman Fleming to adopt the Affordable Housing Plan for the
218 Town of Upton and execute a letter to the Department of Housing & Community Development
219 for Plan approval.

220
221 Second: Selectman Brochu, Unanimous: Chairman Picard

222
223 Motion to Award Road Reconstruction and Repairs Contract

224 Jeff Thompson, DPW Director recommended that a contract be awarded to Murray Paving for
225 work on various roads in Upton that will be funded by State Chapter 90 funds. Ms. Robinson
226 concurs with his recommendation and asked the Board approve it, and give the Town Manager
227 the authority to execute the contracts.

228
229 **Motion #8:** Motion made by Selectman Brochu to Award the Road Reconstruction and Repairs
230 Contract to Murray Paving for \$271,536 plus contingencies to work on various roads in Upton
231 that will be funded by State Chapter 90 funds and give the Town Manager the authority to
232 execute the contract.

233
234 Second: Selectman Fleming, Unanimous: Chairman Picard

235
236 Motion to authorize filing of a State PARC Grant

237 An application to the State Division of Conservation Services for the Town to request a \$400,000
238 grant under the Parkland Acquisitions and Renovations for Communities (PARC) Grant Program
239 was discussed by the Selectmen, Ms. Robinson and Chairman of the Recreation Commission
240 Richard Gazoorian.

241
242 With the resolution by the Recreation Commission that the Town pursue the purchase of the land
243 on South Street for a future recreation park facility, the Recreation Commission with support
244 from their field subcommittee and the Conservation Commission have put together an
245 application for this grant. If awarded in full, it would provide \$400,000 of the \$624,000 that had

246 previously been negotiated with the property owner. It is the Recreation Commission's intent to
247 submit to the State by the July 12th deadline the application with the approval of the Selectmen.
248

249 Ms. Robinson informed the Selectmen that if the Town is successful in winning the grant a
250 Special Town Meeting will need to be held this fall to ask the voters for approval of funds to
251 complete initial design and permitting of the property. If that is successful then the acquisition
252 would take place after that, but no later than June 30, 2013 under the terms of the grant.
253

254 **Motion #9:** Motion made by Selectman Fleming to approve and submit an application to the
255 State Division of Conservation Services for the Town to request a \$400,000 grant under the
256 Parkland Acquisitions and Renovations for Communities (PARC) Grant Program.

257 Second: Selectman Brochu, Unanimous: Chairman Picard.

258

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

260

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

262 Chairman Picard reviewed the log with the Selectman and discussed which sessions are to be
263 released.
264

265 **Motion #10:** Motion made by Selectman Fleming to release BoS executive session records in
266 block that had not been held as follows: 2003-2009 Executive Session minutes 1-79; 2010
267 Executive Session minutes 80-88, 90, 94, 95, 96.
268

269 Second: Selectman Brochu, Unanimous: Chairman Picard
270

271 **Town Mission Statement, draft 1**

272 The Board agreed to continue this discussion and ask other Boards for their input.
273

274 **BoS Mission Statement, draft 1**

275 The Board agreed to continue this discussion at the next meeting.
276

277 **Discussion on Scholarship Policy and Procedure**

278 Selectman Brochu will continue to work on the development of this policy.
279
280

281 **MEETING LOOK AHEAD TOPICS**

282

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

- 284 • Fall Town Meeting
 - 285 • Multi Board Meeting
 - 286 • Draft of Town Manager Performance Document
- 287

288 **OTHER TOPICS NOT REASONABLY ANTICIPATED**

289

290 **Discussion - MURSD Strategic Planning Steering Committee**

291 At the last scheduled meeting Chairman Picard placed this item on the agenda at the request of
292 Superintendent Maruszczak to have a member of the Board be appointed to the RSD Strategic
293 Plan Steering Committee where Selectman Fleming volunteered to serve on this committee.

294

295 **Motion #11:** Motion made by Chairman Picard to appoint Selectman Fleming to serve on the
296 MURSD Strategic Planning Steering Committee

297

298 Second: Selectman Brochu, Unanimous: Chairman Picard

299

300 The Selectman thanked the Police Department and the Upton's Men Club and all the volunteers
301 for a well-attended Fourth of July celebration as well as both schools for their labor intensive
302 efforts.

303

304 **EXECUTIVE SESSION**

305

306 **Motion #12:** At 7:13pm Chairman Picard motioned to enter into an executive session under
307 MGL c. 30A, sec. 21 exception #6, Land value.

308 Ken Picard, aye, James Brochu, aye Robert Fleming, aye.

309 **Motion #13:** At 7:35pm Chairman Picard motioned to reconvene the regular meeting.

310 Second: Selectman Brochu, Unanimous: Selectman Fleming.

311 **ADJOURN MEETING**

312 **Motion #14:** At 7: 35pm Motion was made by Chairman Picard to adjourn the regular meeting.

313 Second: Selectman Brochu, Unanimous: Selectman Fleming.

314

315

316

317 Respectfully submitted,
318 Sandra Hakala
319 Department Coordinator