

**BOARD OF
SELECTMEN
MEETING
MINUTES**

July 24, 2012

Fire & EMS Headquarters, 20 Church Street , Training Room
Chairman Kenneth Picard, Selectman Robert J. Fleming,
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 and stated that the Board will enter into executive session under MGL c. 30A, sec. 21 exception
4 #3, collective bargaining, at the end of their regular session. After completion, the Board will
5 reconvene their regular session.

6 **TOWN MANAGER'S REPORT**

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

8 Ms. Robinson told the Board that the installation of the Water Main on West River Street has
9 started a week earlier than anticipated. Signage has been put out to let residents know what
10 times the road will need to be blocked from through traffic to allow equipment to operate. The
11 DPW and Police Department are coordinating this with the hopes of limited inconvenience to
12 residents. Chestnut Street was recycled and will be chip sealed in the fall.

13 Ms. Robinson has been discussing with the DPW Director the imposition of an outside watering
14 ban. It has been a very dry summer thus far, and the Glen Avenue Well is having some difficulty
15 recharging at a rate needed to meet the demand. The first step will be to send out letters and
16 notices to remind people of the odd/even ban currently in place, deploy the electronic message
17 boards and put this information on our website. If that does not result in a reduction in water use
18 and/or we continue to have less rain then needed then a full ban will need to be imposed, Ms.
19 Robinson stated. She will keep the Board apprised of their decision.

20 The Board was also informed by Ms. Robinson that the power for the cell tower will be installed
21 next week and equipment for AT&T and Verizon is already on the pole.

22 The Leland Field grass has been cut down to a level that can be managed, and the Town
23 Manager and DPW Director we are working through the architect to resolve the remaining issues
24 of another fertilization of the field and some modifications to drainage. The Town will start
25 mowing the field at this point.

26 On Tuesday Ms. Robinson joined Board of Health staff on a tour of the E.L. Harvey facilities in
27 Westborough to learn more about their operation and what goes into the work they do to pick up
28 and dispose of the Town's refuse and recycling. She stated that it was a very informative visit

29 and was pleased to discuss with E.L. Harvey how well they are serving the Town of Upton.
30 The Board of Health is working on scheduling an event in August at which residents can bring
31 paper that needs to be shredded to a truck and to be collected and then taken to their facility,
32 shredded and disposed of.

33 **DISCUSSION ITEMS:**

34
35 Discussion on Railroad Fact Finding Committee's Report

36 At the last meeting the Board forwarded the questions posed by the RFFC to be forwarded to
37 Town Counsel for their review and response.

38
39 Chairman Picard reviewed the process and findings of the Railroad Fact Finding Committee's
40 Report to date and mentioned that the full 218 page report could be found on the Town's
41 website. He also referred to the response letter from Town Counsel Mark Reich regarding the
42 questions posed by the Fact Finding Committee and the Planning Board and reviewed each
43 question. Town Counsel stated "As previously stated, in my opinion, the transportation and
44 handling of wood pellets at the Maple Avenue facility by the GURR as described in the
45 Committee documents are consistent with those activities deemed by the STB to be exempt from
46 local regulation under the ICCTA."

47
48 Selectman Fleming found Attorney Reich's opinions consistent with all previous opinions set
49 forth by Town Counsel. Chairman Picard agreed with Selectman Fleming and Town Counsel
50 that all activities at the Facility are preempted and will wait for Selectman Brochu to take further
51 action.

52
53 Discussion on BOS Appointments

54 A job description for the Tree Warden that the Board requested was prepared by Jeff Thompson
55 was presented by Ms. Robinson. The job description covers both Tree Warden and
56 Superintendent of Pest Control. The Board will wait for Selectman Brochu to discuss this.

57
58 Frank Braney returned his letter asking to be reappointed to the Community Preservation
59 Committee and was given to the Board for the Board's consideration.

60
61 **Motion #1:** Motion made by Selectman Fleming to appoint, Frank Braney to the Community
62 Preservation Committee.

63
64 Unanimous: Chairman Picard

65
66 Motion to Approve VFW "Run to Remember" – October 6th

67 The VFW has requested to hold a road race on October 6th. The road race will be called a *Run*
68 *to Remember* and each runner will wear the name of a deceased veteran. The Police Chief will be
69 able to provide on duty police to for safety, but will need to retain one detail officer to
70 supplement, at a cost of \$172. Ms. Robinson has recommended that this request be approved,
71 stating it is a wonderful community event for a good cause.

73 **Motion #2:** Motion made by Selectman Fleming to approve the VFW “Run to Remember” on
74 October 6th, 2012 starting at 9AM on the mapped out route with an officer on site.

75
76 Unanimous: Chairman Picard

77
78 Review a Draft of the New Web Page Design

79 Ms. Robinson addressed the design of the Town’s new website home page. The goal was for the
80 page to be simple and pleasing in design, and set up in a way that was easy to read without
81 scrolling up and down. The newly designed Town Seal was incorporated and the use of these
82 colors was used to enhance the page and pictures will be selected to best highlight Upton. The
83 Selectmen were pleased with the design thus far and look forward to it development.

84
85 **BOARD OF SELECTMEN’S ACTION PLAN REVIEW**

86
87 Release of BoS executive session records.

88 Ms. Robinson told the Board that executive session minutes that were filed in locations other
89 than a central binder were found in the office. She asked the Selectmen to consider releasing
90 them since it is unclear if these minutes have been previously and formally released because they
91 were not documented in the log. Chairman Picard reviewed the updated log with Selectman
92 Fleming and discussed which sessions are to be released.

93
94 **Motion #3:** Motion made by Chairman Picard to release BoS executive session records in block
95 that had not been previously released as follows: 2003-2009 Executive Session minutes 14A,
96 134B, 14C, 37A, 52A, 53A, 53B, 64A-D, 67A, 72A-F, and 74A.

97
98 Unanimous: Selectman Fleming

99
100 Town Mission Statement, draft 1

101 The Board agreed to continue this discussion and has asked other Boards for their input.

102
103 BoS Mission Statement, draft 1

104 The Board agreed to continue this discussion at the next meeting when Selectman Brochu is
105 present.

106
107 Discussion on Scholarship Policy and Procedure

108 Selectman Brochu will continue to work on the development of this policy.

109
110 **MEETING LOOK AHEAD TOPICS**

111
112 Chairman Picard reviewed the topics that will be discussed at future meeting which include:

- 113
114 • Draft of Town Manager Performance Document
115 • Auditor’s report

- 116 • Discussion on Riverdale's interest as an emergency source of water at no cost to the
117 Town.

118

119 **EXECUTIVE SESSION**

120

121 **Motion #4:** At 6:35pm Chairman Picard motioned to enter into an executive session under MGL
122 c. 30A, sec. 21 exception #3, collective bargaining.

123 Ken Picard, aye, Robert Fleming, aye.

124 **Motion #5:** At 6:40pm Chairman Picard motioned to reconvene the regular meeting.

125 Unanimous: Selectman Fleming.

126 **Motion #6:** Chairman Picard motioned to accept as written the Town of Upton & Teamster's
127 Union Local #170 Contract Tentative Agreement dated July 1, 2012-June 30, 2015 as agreed
128 upon by the Teamsters.

129 Unanimous: Selectman Fleming.

130 **ADJOURN MEETING**

131 **Motion #7:** At 6:45pm Motion was made by Chairman Picard to adjourn the regular meeting.

132 Unanimous: Selectman Fleming.

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135

136 Respectfully submitted,
137 Sandra Hakala
138 Department Coordinator