

**BOARD OF
SELECTMEN
MEETING
MINUTES**

August 7, 2012

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

1 The meeting was called to order at 6:07pm.

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

3 **Motion #1:** Motion made by Selectman Fleming to approve as written the July 10, 2012 Regular
4 Session Meeting Minutes.

5 Second: Selectman Brochu, Unanimous: Chairman Picard.

6

7 Donald Taylor interrupted the motion to ask if a Purchase and Sale Agreement had been signed
8 at that meeting. Chairman Picard informed Mr. Taylor that a motion had been made at the
9 July 10th meeting to move forward with the recommendations made by the Recreation
10 Commission including to negotiate a purchase and sale agreement for the South Street parcel.

11 **Motion #2:** Motion made by Selectman Fleming to approve as written the July 24, 2012 Regular
12 Session Meeting Minutes.

13 Abstain: Selectman Brochu, Majority: Chairman Picard.

14 **Motion #3:** Motion made by Selectman Fleming to approve as written the July 24, 2012
15 Executive Session Meeting Minutes.

16 Second: Selectman Brochu, Unanimous: Chairman Picard.

17 **Motion #4:** Motion made by Selectman Fleming to approve as written the July 10, 2012
18 Executive Session Meeting Minutes.

19 Abstain: Selectman Brochu, Majority: Chairman Picard.

20

21 **INVITED GUESTS**

22

23 Chairman Picard invited Jayne Knott of Riverdale Water Company to discuss a possible
24 emergency connection for water between the Town and her firm at no cost to the Town. Ms.
25 Knott handed out a spreadsheet in response to inaccuracies that she felt were presented at Town
26 Meeting. She discussed options that could be used as emergency water sources which included
27 tying into Shining Rock in Northbridge or having a 2 mile dedicated pipeline. The Selectmen
28 declined an invitation to discuss talking with the Town of Northbridge until Riverdale has made
29 arrangements to sell water to Northbridge. DPW Director Thompson was also present for this
30 discussion.

31 Kelly McElreath, Town Clerk and Chairman with Steven Ratikin, Town Hall Renovation
32 Committee presented their recommendation to hire Vertex Construction as the Owner's Project
33 Manager for the Town Hall project. Jon Lemieux of Vertex was also present.

34 The Committee recommended this firm for a number of reasons; they have a larger staff that
35 enables them to provide services without having to hire outside consultants; they have completed
36 several Town Halls, and have also done a number of historical preservation projects that gave the
37 Committee confidence that Vertex understands the work needed by Upton; communities that
38 have hired them have decided to retain them for additional projects; and their role will be the
39 Town and Committee's representative.

40 The Renovation Committee is also reviewing the bylaws to determine when to dissolve the
41 Renovation Committee in order to establish a Building Committee moving forward. Ms.
42 McElreath reminded the Board that the Town Hall Renovation Committee was originally
43 established by the Board of Selectmen to study whether to renovate the current building or build
44 new, and since the committee had recommended to renovate, changing to a building committee
45 made sense.

46 The Selectmen thanked the Committee for their hard work and recognized the Project Manager
47 as a valuable tool for the Town Hall Project.

48 **TOWN MANAGER'S REPORT**

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

50 A pre-construction meeting for the contract to build the 3rd well field and pump station that was
51 awarded to Waterline was held last week. They are in the process of mobilizing and plan to be
52 underway the week of August 20th.

53 Ms. Robinson also discussed with the Board the financing of the 3rd well field project. Ken
54 Glowacki met with the Town's financial advisor and they have decided that it would be best to
55 have a bond issued now in order to lock in a favorable interest rate for the long term. Ms.
56 Robinson told the Board that often this is not done until after the project is complete and the final
57 cost is known, but in this case they've decided this is the best for the Town. The official
58 statement for a rating with Standard & Poors is being worked on, and the sale is set for
59 September 17th so that the Selectmen can sign the documents at their meeting the following
60 night.

61 The State has finally completed its process to release Chapter 90 funds. The contract with
62 Murray Construction is finalized so work can be scheduled. Ms. Robinson told the Board that
63 the difficulty will be that all other towns that rely on this to fund their road projects have also
64 been waiting and scheduling will be a challenge.

65 The installation of the new cable TV studio equipment is nearing completion. The new
66 technology simplifies and streamlines the work involved in putting up programing. Also it
67 streams video on the internet, and through our new website. That will be integrated into the new
68 Town website.

69 Ms. Robinson informed the Board that the office is in the midst of a major summer project to go
70 through the files in the office and the boxes of old records in the basement storage room to
71 determine what must be kept and what can appropriately be destroyed. She said it appears that
72 most all records produced by the office have been kept, back at least to the 1970's. Ms.
73 Robinson would like to discuss with the Selectmen at some point the need to keep some of these

74 older records. She is working to get written permission from the state to destroy certain records
75 that don't need to be kept which will help next year when the move out of the building happens.

76 She also reminded everyone of a few points that may have been forgotten. For instance, the
77 State requires that minutes of all meetings MUST be kept in paper form. It is not sufficient to
78 have an electronic version. Also, minutes must include the documents and exhibits used by the
79 board and are kept as part of the official record. Finally, destruction of documents REQUIRES
80 not only a review of the state retention schedules, but it also requires that written permission be
81 obtained by the state using the form that they provide.

82 Ms. Robinson informed the Board that she has received a petition from Donald Taylor to hold a
83 Special Town Meeting. He is requesting that the selectmen support and endorse an initiative for a
84 Constitutional Amendment to overturn the Supreme Court 2011 decision granting "personhood"
85 to corporations & equating money to first amendment rights of freedom of speech.

86 State Law requires the Town to hold a STM within forty-five days and the Town Clerk is
87 reviewing the petition to see if Mr. Taylor has collected enough signatures as required by law.

88 Selectman Fleming called the request for a Special Town Meeting ludicrous and Mr. Taylor's
89 selfish motivation to bring this forward was not considerate of the time, effort and financial
90 impact that calling a Special Town Meeting before the anticipated meeting generally held in
91 November would be.

92 **INVITED GUESTS continued**

93
94 The Selectmen invited Sherry Berger of Red Rock Grill and Bar to consider her request for an
95 amendment to the entertainment license which would allow Red Rock to play music later than
96 8:00 PM which is what is stated in the existing license. The neighbors abutting the restaurant
97 were notified of this meeting. Selectman Fleming noted that there have been zero issues with this
98 establishment and Selectman Brochu affirmed that abutters were notified.
99

100 **Motion #5:** Motion made by Selectman Fleming to amend the Entertainment License to allow
101 music indoor or outdoor to be conducted until 10:00PM, excluding Sundays.

102 Second: Selectman Brochu, Unanimous: Chairman Picard.
103

104 **DISCUSSION ITEMS:**

105
106 **Discussion on Railroad Fact Finding Committee's Report**

107 Selectman Brochu gave an overview of the Selectman's and Committee's previous discussions.
108 He stated that the Board had forwarded the questions posed by the RFFC to Town Counsel for
109 their review and response. He reiterated that again, Town Council's opinions were consistent
110 with all previous opinions set forth by Town Counsel. Selectman Brochu agreed with Chairman
111 Picard and Selectman Fleming that all activities at the Facility are pre-empted and there is no
112 need to pursue an appeal to the federal Surface Transportation Board after receiving a report
113 from the town's Railroad Fact Finding Committee.
114

115 Ms. Robinson also pointed out that Town Counsel has completed their review of the petition by
116 seven residents to the STB to rule that the Grafton Upton Railroad is not preempted from local
117 laws. Counsel advised that there is no need for the Town to take action regarding this issue; it is
118 between the petitioners and the railroad.

119
120 Jon Delli Priscoli, the railroad's chief executive officer, was present at the meeting. He asked the
121 board if it would definitively state its intentions.

122
123 **Motion #6:** Motion made by Selectman Fleming to take no action on the Railroad Fact Finding
124 Committee minority's request to find the Facility is not preempted.

125
126 Second: Selectman Brochu, Unanimous: Chairman Picard.

127
128 Mr. Delli Priscoli requested to meet with the Selectmen at a later time to bring them up to date
129 on what is being worked on at the Railroad.

130
131 Review and Discuss Draft Emergency Preparedness Plan

132
133 Chief Goodale presented to the Board a draft of the Town Emergency Preparedness Plan
134 produced by the Fire/EMS department and thanked Brian Kemp's work on the project. The
135 Chief discussed the plan and how it is intended to be used, as well as the next steps towards
136 dealing with an extreme weather event or man-made situation that would cause protection or
137 evacuation of residents from an area of Town. He said the goal was to have residents become
138 more self-reliant especially in the first 72 hours of an event.

139
140 The Selectmen agreed that this was a good resource guide for families and stressed the
141 importance of being prepared. Chief Goodale suggested that an open meeting and publication on
142 the Town's website would help make residents aware of the document. The Chief would also
143 look into the possibility of using grants to subsidize the cost of publishing the manuals for all
144 residents. Jon Delli Priscoli offered to be a partner in publishing the manual for the Town.

145
146 Town Hall Renovation Committee – Owner's Project Manager Services and Charge to the
147 Committee.

148
149 Ms. Robinson gave an overview of the Town Hall Renovation Committee's recommendation to
150 award Vertex Services be retained as the Town's Owner's Project Manager for the Town Hall
151 project and requested that given that the value of the contract will exceed \$25,000 over the
152 project period that the Board take action to approve the contract and give the Town Manager the
153 authorization to execute it on the Town's behalf.

154
155 **Motion #7:** Motion made by Selectman Brochu to accept the recommendations of the Town Hall
156 Renovation Committee and allow the Town Manager to execute the contract with Vertex
157 Services to be retained as the Town's Owner's Project Manager for the Town Hall project.

158
159 Second: Selectman Fleming, Unanimous: Chairman Picard.

160
161 The Selectmen then reviewed the Town's general by-law on building committees and considered
162 how to create a Building Committee. The Renovation Committee will work on a Mission
163 Statement to reflect the committee's changing mission and the Town Moderator will be invited
164 to act on this at their next meeting.

165
166 Motion to Approve Personnel Appointment – Richard Gould

167 Ms. Robinson recommended that Mr. Gould be retained for the new part-time seasonal parks
168 laborer position based upon his work experience and enthusiasm for the position. He has worked
169 for many years on a part-time basis as a greens keeper at Hopedale Country Club and as such is
170 well versed in the maintenance of green spaces. He has a flexible schedule and is able to
171 accommodate our needs. He has also performed work in the past for the Town of Hopedale, and
172 we are familiar with his work. Ms. Robinson also asked that the 15 day waiting period be waived
173 so he can begin work shortly thereafter.

174
175 **Motion #8:** Motion made by Selectman Fleming to appoint Richard Gould to the part-time
176 seasonal parks laborer position and waive the 15 day waiting period.

177
178 Second: Selectman Brochu, Unanimous: Chairman Picard.

179
180 Motion to Approve Agreement with National Grid – New Footbridge

181 Bill Taylor and Marcella Stasa from the Open Space Committee with Nolan Hobart, an Eagle
182 Scout from Milford, presented to the Board his request to replace a footbridge under National
183 Grid's transmission lines.

184
185 Ms. Robinson has worked closely with Bill Taylor of Open Space to prepare an agreement
186 between the Town and National Grid that will allow Mr. Hobart to replace a footbridge under
187 National Grid's transmission lines. This bridge serves as a well-used path by walkers and hikers
188 traversing to Peppercorn Hill. Ms. Robinson recommended that recommended that this
189 document, which has been reviewed by Counsel be executed so the work can get done this
190 summer.

191
192 The Selectmen commended Mr. Hobart for great project that was well prepared and thought out.

193
194 **Motion #9:** Motion made by Selectman Fleming to allow the Town Manager to approve the
195 License Agreement with National Grid relative to a New Footbridge on Peppercorn Hill.

196
197 Second: Selectman Brochu, Unanimous: Chairman Picard.

198
199 Sign the Warrant – State Primary

200 The Selectmen discussed signing a warrant at the end of the meeting for a state primary for the
201 upcoming November election scheduled for September 6th so that it may be posted.

202
203 Motion to Accept the Resignation of Barbara Burke – Historical Commission

204 The Board of Selectmen discussed the resignation of Barbara Burke from the Historical
205 Commission, its long time chairperson. Ms. Burke has decided to step down and is looking

206 forward to spending more time working on her fourth book about Upton. The Selectmen,
207 referred to her kindly as “Mother Upton” recognizing her many years of contributions as
208 priceless and irreplaceable to the Town. The Selectmen wished her well, knowing that she’s still
209 nearby to answer the questions we have about Upton that no one else knows.

210
211 **Motion #10:** Motion made by Selectman Fleming to accept with regret the resignation of
212 Barbara Burke, Chair, Historical Commission.

213
214 Second: Selectman Brochu, Unanimous: Chairman Picard.

215
216 **BOARD OF SELECTMEN’S ACTION PLAN REVIEW**

217
218 **Release of BoS executive session records,**
219 Chairman Picard reviewed the updated log with Selectman Fleming and Selectman Brochu to
220 discuss additional minutes to be released.

221
222 **Motion #11:** Motion made by Selectman Fleming to release BoS executive session records as
223 recorded in the log as 37B and 37A.

224
225 Second: Selectman Brochu, Unanimous: Chairman Picard.

226
227 **Motion #12:** Motion made by Selectman Fleming to release BoS executive session records as
228 recorded in the log as 67A.

229
230 Second: Selectman Brochu, Unanimous: Chairman Picard.

231
232 **Motion #13:** Motion made by Selectman Fleming to release BoS executive session records as
233 recorded in the log as 83A and 83B.

234
235 Second: Selectman Brochu, Unanimous: Chairman Picard.

236
237 **Town Mission Statement, draft 1**
238 The Board agreed to continue this discussion and would appreciate other Boards input.

239
240 **BoS Mission Statement**
241 **Motion #14:** Motion made by Chairmen Picard to accept as submitted August 7, 2012 the Board
242 of Selectmen Mission Statement

243
244 Second: Selectman Brochu, Unanimous: Selectman Fleming.

245
246 **Discussion on Scholarship Policy and Procedure**
247 Selectman Brochu reviewed the scholarship application process and described the current
248 method, the need to develop criteria, the amount awarded to each applicant and the application.

249

250 The Selectmen were pleased with the 1st draft and would consider (6) \$500 generic scholarships.
251 Selectmen Brochu will continue working on the procedure to be reviewed at the next meeting.
252 Selectmen Fleming asked that there be clarification on the appropriations from Risteen B.

253

254 *Review Town Manager Performance Plan Document – Draft 1*

255 The Selectmen and Town Manager agreed the document allows for dialogue and clarity and the
256 timeline was effective, all agreeing reviews would be done on a calendar basis.

257

258 **MEETING LOOK AHEAD TOPICS**

259

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

261

- 262 • Close out Housing Partnership
- 263 • Auditor’s Management Letter Follow up
- 264 • Affordable Housing Trust Deed Restriction
- 265 • Debt policy rating – invite Finance Committee to next meeting
- 266 • Trust Commissioner’s - Town of Upton Other Post-Employment Benefits (“OPEB”)

267

268 **OTHER TOPICS NOT REASONABLY ANTICIPATED**

269 Michele Sanford, a reporter for the Upton Town Crier introduced her nephew Rick Sanford who
270 was also in attendance. He is a Boy Scout, living in Japan and was required to attend a town
271 meeting in order to earn a badge. The Selectman enthusiastically applauded his efforts and
272 thanked him for attending.

273 **ADJOURN MEETING**

274 **Motion #7:** At 7:47pm Motion was made by Selectman Fleming to adjourn the regular meeting.

275 Second: Selectman Brochu, Unanimous: Chairman Picard.

276

277

278

279 Respectfully submitted,
280 Sandra Hakala
281 Department Coordinator