

**BOARD OF
SELECTMEN
MEETING
MINUTES**

August 28, 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 6:00pm.

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

4
5 **Motion #1:** Motion made by Selectman Fleming to approve as written the August 7, 2012
6 Regular Session Meeting Minutes.

7
8 Second: Selectman Brochu, Unanimous: Chairman Picard.

9
10 **TOWN MANAGER'S REPORT**

11
12 The Board invited Ms. Robinson to give her weekly report.

13
14 Ms. Robinson informed the Board that the free paper shredding day has been moved to
15 September 15th, and will be held in the playground parking lot on Route 140 next to the VFW
16 from 9 AM - Noon. The Board of Health as part of the Town's our overall recycle efforts will
17 have E. L. Harvey run the event.

18
19 This week the Town received two complaints from residents of Grove Street, unhappy about the
20 level of noise that is a result of the rock crushing and removal of this material from the railroad's
21 land adjacent to the tracks. Ms. Robinson checked with the DEP regarding the amount of noise
22 created, and because the noise being omitted on Grove Street is construction, there isn't a lot the
23 Town can do. She stated that if they were operating a rock crushing or aggregate business 365
24 days of the year, then we could enforce the noise regulations, but because this is a temporary
25 construction operation there is nothing enforceable. The Railroad has been asked and has agreed
26 to adjust their hours of work to start at 8:00 AM to reduce the burden on the neighbors. The
27 Railroad plans to complete the operation by the end of September and is using the rock created to
28 ballast their tracks and areas off site on Maple Avenue.

29
30 The grass has been cut at Leland field and will be available for recess for the students at
31 Memorial School.

32
33 The Town will be selecting a firm who would be ready to begin work on the South Street project
34 if funding is approved in November. Proposals are due on August 30th from architects and
35 engineers interested in working with the town on the design.

36
37 Work continues on the new website. An all-day workshop was held last week at which a number
38 of boards and departments met directly with Virtual Town Hall to talk about their pages and how
39 to set them up. Our domain name will be changed to uptonma.gov, which is the trend for
40 governmental use. Several vendors will be contacted to discuss expanding our ability to take on-

41 line payments for licenses and services to give residents more business options. A September
42 launch date is tentatively targeted.

43
44 Ms. Robinson then referred to the Town Manager’s Project Status report and reviewed the
45 schedule.

46

47 **DISCUSSION ITEMS:**

48

49 **Motion to Approve Ambulance Write Off Policy**

50 The Board invited Chief Goodale to discuss the Ambulance Write off Policy that was
51 recommended in the Auditor’s Management letter to adopt a policy for uncollected ambulance
52 receipts. In the policy that Chief Goodale drafted he addressed the Town’s collection
53 procedures, and how to handle the two main sources of uncollected receipts – those for which the
54 individual has informed us that they have a hardship, and those where despite the best efforts of
55 the billing agency need to be referred to a collection agency, and may after that need to be
56 written off as uncollectible. The Town Manager will make the final determination on waivers or
57 hardship requests based on recommendations from the billing company and the Fire Chief.

58

59 Chief Goodale also invited the Selectmen to attend the Memorial Ceremony recognizing Lt.
60 Orrin Francis who died in the line of duty in 1967 at the State House on September 11, 2012.

61

62 **INVITED GUESTS**

63

64 At 6:18PM Chairman Picard opened the Entertainment License Public Hearing of Michael
65 Campbell/Manager, 24 Christian Hill Road, Upton, MA for the purpose of Live Entertainment at
66 KCLC Inc., dba The Rose Garden and Lounge, 16 Milford Street, Upton, MA. All abutters were
67 notified none were in attendance.

68

69 The Selectmen invited Mr. Campbell to clarify and identify the dates and times on which the
70 events will occur. A discussion ensued to determine the appropriate schedule for indoor and
71 outdoor entertainment.

72

73 ***Motion #2:*** Motion made by Selectman Fleming to grant an Entertainment License to Michael
74 Campbell/Manager, for the purpose of Live Entertainment at KCLC Inc., dba The Rose Garden
75 and Lounge, 16 Milford Street, to allow live entertainment Monday through Sunday until
76 12:30PM with doors shutting at 11PM and to allow live Entertainment outdoors until 9:30PM.

77

78 Second: Selectman Brochu, Unanimous: Chairman Picard.

79

80 **DISCUSSION ITEMS continued:**

81

82 **Review Progress on the FY 10/11 Auditor’s Management Letter Recommendations**

83 Ms. Robinson prepared and reviewed a spreadsheet outlining the items that the Town’s Auditor
84 recommended in their management letter that the Town should change or improve. She stated
85 that there has been good progress overall in addressing the items in the audit. She referenced
86 how the Board of Health is now turning in bi-weekly and striving for weekly revenue receipts

87 and the that the Recreation Committee has implemented an on-line registration system and
88 changed procedures so that all revenue is turned over to the Town. In the future the auditors will
89 expand their audit to include other departments. Selectmen Brochu asked for an update in three
90 months.

91
92 Review Cultural Council Resignations/Applications/Appointments
93 The Selectmen reviewed four applications from residents interested in serving on the Cultural
94 Council. State regulation allows the Council can have up to 22 members and the chair of the
95 Council recommended that all four candidates be appointed. They also accepted the resignation
96 of one member. Selectmen Fleming recused himself from the appointment of Joann Fitts.

97
98 **Motion #3:** Motion made by Selectman Brochu to accept the resignation of Leslie Rabs from the
99 Cultural Council.

100
101 Second: Selectman Fleming, Unanimous: Chairman Picard.

102
103 **Motion #4:** Motion made by Selectman Brochu to appoint Joann Fitts for a one year to the
104 Cultural Council.

105
106 Majority: Chairman Picard.

107
108 **Motion #5:** Motion made by Selectman Brochu to appoint Jennifer Johnson for three years to the
109 Cultural Council.

110
111 Second: Selectman Fleming, Unanimous: Chairman Picard.

112
113 **Motion #6:** Motion made by Selectman Brochu to appoint Julie Johnson for three years to the
114 Cultural Council.

115
116 Second: Selectman Fleming, Unanimous: Chairman Picard.

117
118 **Motion #7:** Motion made by Selectman Brochu to appoint Dawn Piekarski for two years to the
119 Cultural Council.

120
121 Second: Selectman Fleming, Unanimous: Chairman Picard.

122
123 Motion to Pre-Approve Chip Seal Contract
124 Ms. Robinson explained to the Board that as part of the road work being paid for with Chapter
125 90 funds this year a bid for chip sealing of Grafton Road and Chestnut Street was placed. At the
126 time the bid was advertised, the Board was regularly scheduled to meet on September 4th, thus
127 the bid opening was set for August 30th so the Town would be ready to present a
128 recommendation. As the meeting has moved to August 28th the Town Manager asked the
129 Board's approval in advance to award a contract as long as it is from a responsive and
130 responsible bidder, and within the \$72,000 dollar amount advertised in the bid. A specific
131 rubberized chip seal product must be put down as soon as possible, so time is of the essence.

132

133 **Motion #8:** Motion made by Selectman Brochu to allow the Town Manager to enter into contract
134 with a responsible bidder, up to \$75,000 for chip sealing of Grafton Road and Chestnut Street.
135

136 Second: Selectman Fleming, Unanimous: Chairman Picard.
137

138 Review Town Hall Renovation Committee –Building Committee Mission Statement

139 The Selectmen reviewed a draft mission statement from the Town Hall Renovation Committee
140 that they had requested at the last meeting. Ms. Robinson stated that the mission statement is in
141 compliance with the requirements of the Town’s General By-Law on building committees and
142 said the statement would serve to guide the committee through the building process.
143

144 Ms. Robinson said members of the current committee had expressed an interest in serving on the
145 Building committee and those members would have to be appointed by the Selectmen, the Town
146 Moderator and the department head of the department affected. Selectman Robert Fleming said
147 he believed the Selectmen would be the department head of the town hall. He also would like to
148 see periodic updates to the Board of Selectmen put in the mission statement. The Selectmen will
149 invite the Town Moderator and prospective members of the committee to a future meeting so the
150 appointments could occur.
151

152 Motion to Set a Date for a Special Town Meeting

153 The school and the officials that need to participate in a town meeting have determined that one
154 can be held on Wednesday, November 14, 2012. Ms. Robinson asked the Board to open a
155 warrant which will be closed on Monday, October 1st. This will allow us sufficient time to
156 complete the warrant for the Board’s review and approval on October 16th.
157

158 **Motion #9:** Motion made by Selectman Fleming to open a warrant to be closed on October 1st,
159 2012 for a Special Town Meeting to be held on November 14th, 2012 at Nipmuc Regional High
160 School at 7PM.
161

162 Second: Selectman Brochu, Unanimous: Chairman Picard.
163

164 Motion to Close out the Local Community Housing Partnership Committee was taken off the
165 agenda.
166

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

168 Town Mission Statement, draft 1

169 The Board agreed to continue this discussion at a later date.
170
171

172 **DISCUSSION ITEMS continued:**
173
174

175 Motion to Approve Ambulance Write Off Policy

176 **Motion #10:** Motion made by Selectman Fleming to adopt as submitted the Ambulance Write off
177 Policy.
178

178 Second: Selectman Brochu, Unanimous: Chairman Picard.

179 Review Policy for One Day Liquor Licenses

180 Ms. Robinson explained to the Selectmen that the Town was approached by a nonprofit
181 organization wanting to obtain a one day liquor license for an event. This led to a review of the
182 Town's the procedure for "Special Licenses" in order to be in compliance with Mass General
183 Laws. The local licensing authority can use discretion to require liquor liability insurance for an
184 event and in determining licensing fees she told the Selectmen. A draft Liquor License policy
185 was discussed the Selectmen asked that a time line for the issuance of licenses be established and
186 a threshold for insurance be determined. The Selectmen provided feedback and the policy will
187 be reviewed again at the next meeting.

188

189 Motion to Approve Town Debt Policy

190 Standard & Poors indicated that they would like to see the Town adopt a policy on the use of
191 debt as a financing tool, therefore the Treasurer/Collector drafted a policy that was discussed
192 with invited guests Clark Rowell, Financial Advisor and Ken Glowacki. Members of the Finance
193 Committee were also invited but remained in the audience while a discussion ensued to
194 determine if this policy accurately reflected the Board's position on debt.

195

196 Clark Rowell liked the position of the Town and said he was very comfortable with debt at 5% of
197 the annual operating budget or even a little higher. All agreed that they liked the policy it
198 allowed for specificity, flexibility and tied in with the capital plan as well as being very sound
199 and fiscally conservative.

200

201 **Motion #11:** Motion made by Selectman Fleming to adopt the Debt Policy as amended on
202 August 28, 2012.

203

204 Second: Selectman Brochu, Unanimous: Chairman Picard.

205

206 Motion to Certify the Useful Life of the SCADA System

207 As part of the bond sale for the 3rd well field project the Selectmen officially voted on the value
208 of the SCADA system being installed as part of this project. The system is considered equipment
209 and the bond deal is structured to pay off that portion of the debt by the end of its useful life.
210 The value of the system is \$163,000 and the useful life is twenty years.

211

212 The Selectmen voted to acknowledge the useful life of the Scada system.

213

214 Selectman Fleming aye, Selectman Brochu aye, Chairman Picard, aye.

215

216 **Motion #12:** Motion made by Selectman Fleming to Certify the Useful Life of the SCADA
217 System.

218

219 Second: Selectman Brochu, Unanimous: Chairman Picard.

220

221 Motion to Approve Compliance Policy

222 The Treasurer/Collector has provided a Compliance Policy for the Board of Selectmen to discuss
223 with him. Ken Glowacki explained the purpose of the policy is to ensure compliance with
224 federal tax law and regulations pertaining to the use of tax-exempt governmental purpose bonds

225 and to the use of property, projects and equipment funded with tax-exempt governmental
226 purpose bonds. Ms. Robinson added that this is another step towards the goal of having a
227 comprehensive set of policies and procedures for the Town's financial operations and
228 recommended that this policy be approved.

229
230 **Motion #13:** Motion made by Selectman Fleming to adopt as submitted by the Town Manager
231 and the Treasurer/Collector the Compliance Policy.

232
233 Second: Selectman Brochu, Unanimous: Chairman Picard.

234
235 The Selectmen had a discussion with the Treasurer/Collector regarding the Auditors
236 recommendation to consider forming a committee to study the transition from elected to
237 appointment for the position of Treasurer/Collector. Ken Glowacki offered his opinion as why
238 the position should remain elected. Chairmen Picard added that out of respect they wanted to
239 include the Treasurer/Collector in the dialogue.

240
241 Motion to Approve Fraud Risk Policy
242 The Auditor's Management letter suggests the Town adopt a policy on the topic of fraud risk Ms.
243 Robinson told the Selectmen. They discussed a draft policy provided by the Auditors for this
244 purpose. The policy, if adopted, will be distributed to all employees and will inform them about
245 fraud, how to go about reporting it, and the penalties that may be levied if the Town confirms
246 that an act of fraud has taken place Ms. Robinson said. She reiterated that like the previous
247 discussion item, this is part of the policies and procedures regarding finance.

248
249 **Motion #14:** Motion made by Selectman Fleming to adopt as written the Fraud Policy.

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

252
253 Request for Letter of Recognition
254 The Selectmen asked that the Town Manager draft a letter in response to a resident's request
255 asking for letters of recognition from the highest elected board or mayor from each community
256 from which those who serve on the USS Michael Murphy as part of the commissioning of the
257 ship.

258
259 **BOARD OF SELECTMEN'S ACTION PLAN REVIEW**

260
261 Chairman Picard acknowledged that all members of the Board have successfully completed the
262 NIMS training (National Incident Training System) offered by the Emergency Management
263 Institute at the US Department of Homeland Security. This certification can allow the Town to
264 apply for more grants in this area.

265
266 Discussion on Scholarship Policy and Procedure
267 Selectman Brochu reviewed the scholarship application process and described the current
268 method, the need to develop criteria, the amount awarded to each applicant and the application.

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

272

273 Review Town Manager Performance Plan Document – Draft 1

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

276

277 **OTHER TOPICS NOT REASONABLY ANTICIPATED**

278

279 The Board heard a complaint about the traffic on South Street. Mr. Jonathan Calianos
280 representing the views of the South Street residents relayed their continued concerns over trucks
281 entering and exiting the South Street gravel pit. The Town Manager apprised the Board of the
282 efforts of the office and the property owners to make sure the permit is adhered to. The Town
283 Manager asked that if residents had time stamped pictures it could substantiate their concerns
284 and would be helpful for future discussions. The Selectmen asked that the following be discussed
285 at their next meeting and the concerned parties are in attendance:

286

- 287 •What is being done to ensure the trucks accessing the pit are following the permit requirements
- 288 on routes, times of day, number of trips and speed?
- 289 •How many yards of material have been removed since the new permit went into effect in 2010.
- 290 •Does the permit need a modification to above the 60,000 yards specified?

291

292 Chairman Picard reminded the citizens that Heritage Day is Saturday, September 29th
293 commencing on the Common.

294

295 **EXECUTIVE SESSION**

296

297 **Motion #15:** At 8:35pm Chairman Picard motioned to enter into an executive session under
298 MGL c. 30A, sec. 21 exceptions #2: to conduct strategy sessions in preparation for negotiations
299 with non-union personnel or to conduct collective bargaining sessions or contract negotiations
300 with non-union personnel.

301

302 Ken Picard, aye, Jim Brochu, aye, Robert Fleming, aye.

303

304 **Motion #16:** At 8:55pm Chairman Picard motioned to reconvene the regular meeting.
305 Second: Selectman Brochu, Unanimous: Selectman Fleming.

306

307 **ADJOURN MEETING**

308

309 **Motion #17:** At 8:55pm Motion was made by Chairman Picard to adjourn the regular meeting.
310 Second: Selectman Brochu, Unanimous: Selectman Fleming.

311

312 Respectfully submitted,

313

314 Sandra Hakala, Department Coordinator