

**BOARD OF
SELECTMEN
MEETING
MINUTES**

September 18, 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 28, 2012
6 Executive Session Meeting Minutes.

7
8 Chairman Picard asked to strike “length of the” and to 4 years” on line 14.

9
10 Second: Selectman Brochu, Unanimous: Chairman Picard.

11
12 **Motion #2:** Motion made by Selectman Fleming to approve as written the August 28, 2012
13 Regular Session Meeting Minutes.

14
15 Second: Selectman Brochu, Unanimous: Chairman Picard.

16
17 **INVITED GUESTS**

18
19 The Selectmen listened to Donald Taylor’s request that the Board “consider joining the 90+ other
20 cities and towns in the Commonwealth of Massachusetts as well as the entire Massachusetts
21 General Court, the members of the Massachusetts congressional delegation and 27 other states
22 led by Montana in unanimously resolving and supporting the move to amend our Constitution to
23 firmly establish that money is not speech and that human beings, not corporations, are persons
24 entitled to constitutional rights”.

25
26 Selectman Fleming stated that there was no need to debate this because Dr. Taylor has submitted
27 a sufficient number of signatures to have a warrant article on this topic on the Special Town
28 Meeting warrant for November.

29
30 Barbara Burke joined by Lisa Brochu and Jeanette Laucis were invited by the Selectmen to
31 remind the residents of Upton that on September 29th the Town will be celebrating Heritage Day.
32 The event will take place on the Town Common from 9am-3pm with a craft and vendor fair, a
33 kid’s corner, story time, face painting, apple crisp competition/tasting, library book sale, farmer’s
34 market and an Open House at the Fire Station. They also reminded the Selectmen that this affair
35 has progressed into a week end event with the Men’s Club Golf Tournament on Friday and St
36 Gabriel’s Harvest Festival on Sunday. Selectman Fleming thanked Barbara Burke for her
37 continued support and recognized her as the catalyst in the event’s inception.

38
39 The Selectmen invited Pam Campbell, Henry Poirier, and John Mercier to address concerns and
40 complaints brought up at the last Selectmen’s meeting regarding the managing of the gravel pit

41 on South Street and the status of the current permit they have to remove gravel from this
42 property.

43
44 Henry Poirier responded to Chairman Picard's question over item #11 on the permit. Mr. Poirier
45 stated that to date 32,000 yards have been hauled out. This number is based on the daily slips and
46 records that the company keeps. Selectman Picard asked for copies of those records. Mr. Poirier
47 also indicated that these records would also validate that no more than 40 loads per day were
48 being hauled which is also compliance with the permit.

49
50 Chairman Picard suggested that additional signage and fliers may help remind drivers of the
51 regulations. Mr. Poirier stated that they have engaged in having up to three monitors on any
52 given day, are running with zero tolerance for offenders of the regulations, and will pass out
53 fliers again. Pam Campbell is also working with the school bus service to coordinate the flow of
54 traffic.

55
56 Selectman Fleming acknowledged that the family is of integrity but also noted that it is a
57 privilege not a right to haul material from the site. Selectman Brochu thanked the Poirier's in
58 their efforts to comply with the terms of the permit.

59
60 Chairman Picard suggested that the Poirier's continue to monitor the hauling and the Town
61 would follow up in a few weeks. He also suggested that residents work through the Town
62 Manager to address any concerns they have so together they can discuss this with the Poirier's.

63
64 Donald Taylor asked if he could interject. He started by reading written correspondence he had
65 engaged with the Army Corp of Engineers on the flow easements and his own opinions as to the
66 validity of the permit. Selectman Fleming interrupted Mr. Taylor's dissertation and said the
67 Board would not continue this discussion with him because they were not given an opportunity
68 to review his paperwork prior to the meeting and he had not requested his discussion to be placed
69 on the agenda. Selectman Fleming said the Board of Selectmen acted proper and clear in
70 accordance with the law and asked Dr. Taylor if the actions of the Board were legal in his
71 opinion. Dr. Taylor stated they were. Chairman Picard asked Taylor to submit his writings and
72 the correspondence that he was reading aloud to the Board. Taylor agreed to email this to the
73 Town Manager.

74
75 Moderator David Loeper was invited before the Board to participate in the election of members
76 to the Town Hall Renovation Building Committee in accordance with the Town's General By-
77 Laws requiring a selection of members by the Selectmen, Moderator, and Department Head for
78 the project which has been determined to be the Selectmen at their last meeting. The Moderator
79 was assured by the Selectmen residents were aware of the transition of the committee and that all
80 interested had an opportunity to serve.

81
82 **Motion #3:** Motion made by Selectman Fleming to appoint Michelle Goodwin, Steve Rakitin,
83 Kelly McElreath, Tim Tobin and Michael Howell to the Town Hall Building Committee.

84
85 Second: Selectman Brochu, Unanimous: Chairman Picard.
86 Poll Taken: Robert Fleming aye, James Brochu aye, Kenneth Picard aye, David Loeper aye.

87
88 Kelly McElreath reviewed the Town Hall Building Committee Mission Statement with the Board
89 of Selectmen and listed the estimated milestones. The Board stated the Mission Statement as
90 written satisfies all concerns and thanked the Superintendent and Memorial School Principal for
91 partnering with the Town.

92
93 **Motion #4:** Motion made by Selectman Fleming to adopt as submitted Town Hall Building
94 Committee Mission Statement.

95
96 Second: Selectman Brochu, Unanimous: Chairman Picard.

97
98 **TOWN MANAGER'S REPORT**

99
100 The Board of Health was contacted this week by the State Department of Public Health and
101 informed the Town that the threat of Triple EEE virus has been increased from moderate to high.
102 Based upon this the following statement was sent out by Code Red: "The Triple E (Eastern
103 Equine Encephalitis) threat in Upton has been raised to "High". Per recommendation of state
104 and local health officials, residents should refrain from all outdoor activities from the hours of
105 dusk to dawn until further notice. When outside, apply insect repellent with DEET and cover
106 exposed skin when possible. Again, Triple E threat has been raised to high. Take precautions to
107 keep your family safe. You may contact the BOH for more information." Variable message
108 signs have also been deployed.

109
110 The Town Manager announced that Verizon went "on air" on Monday. AT&T is estimating an
111 on air date of October 24th.

112
113 Ms. Robinson told the Board that Murray Paving has begun its work on the roads planned for
114 repaving with Chapter 90 funds this fall. She said they are currently working on Station Street
115 drainage with paving to follow. The other streets planned for this fall are: Pond Street, a portion
116 of East Street, the end of West River Street in conjunction with the resurfacing of a segment of
117 that road related to the water main, and a portion of Hartford Avenue South and Plain Street.

118
119 The chip sealing of Chestnut Street and Grafton Road took place last weekend Ms. Robinson
120 said. The restriping of all road lanes is on the docket for Public Works next week.

121
122 The Town of Upton has been approached by the Town of Hopedale inquiring if there is interest
123 in working with them as they seek to end their agreement with Mendon for regional dispatch.
124 They have asked if Upton would be willing to provide "ring down" service to them, which is not
125 full dispatch. This would involve their E-911 calls being routed to our dispatch center at the
126 Police Station, and once Upton we verifies that it is a Hopedale call it would be transferred back
127 to them for their dispatchers to handle. There may be state grant incentives involved and Ms.
128 Robinson informed Hopedale that Upton is willing to enter discussions with them about this.
129 Hopedale has been given a list of requirements and costs to have their E-911 system reinstalled,
130 and thus they are looking at all of their options.

131

132 The Recreation Commission met this week and has short listed firms who will be invited to
133 participate in an interview process for the possible design of the South Street Park project. It is
134 the Committee's intent is to review all proposals and select a firm who would be ready to begin
135 work if funding for the project is approved in November.

136
137 The Town Hall Renovation Project design phase kicked into higher gear this week with a
138 meeting between the architect, OPM, Building Official and Fire Chief to go over code matters
139 and ensure that both officials are in agreement with the improvements we plan to make to the
140 building. The architect will now turn his attention to the design development phase of the
141 project.

142
143 The State has announced a new round of community challenge grants for which there is \$4
144 million to be awarded. Ms. Robinson will attend a training session tomorrow in Worcester to see
145 if there are any opportunities for Upton in this area.

146
147 The new Website is scheduled to go live on October 15th. Ms. Robinson asked the Board to look
148 at the prototype and asked for their feedback.

149
150

151 **DISCUSSION ITEMS:**

152
153 *Motion to Appoint Election Workers*
154 The Town Clerk submitted a list of residents to be appointed as election workers. This list was
155 gathered by requesting names from the town committees as well as including unenrolled voters.
156 The Town Manager recommended to the Board of Selectmen to approve the list and make
157 motion to elect.

158
159 **Motion #5:** Motion made by Selectman Fleming to appoint in compliance with Mass General
160 Law the list of Election Workers except Elaine Picard that has been approved by each of the
161 Town Committees in Upton in a letter submitted by Town Clerk dated September 18, 2012.

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

164
165 **Motion #6:** Motion made by Selectman Fleming to appoint in compliance with Mass General
166 Law Elaine Picard as an election worker in Upton in a letter submitted by Town Clerk dated
167 September 18, 2012.

168
169 Second: Selectman Brochu, Recused: Chairman Picard.
170 Majority Action of the Board.

171
172 *Execute Purchase & Sale Agreement – South Street*
173 The Selectmen reviewed the proposed purchase and sale agreement that was approved by both
174 the Town Attorney and the attorney for the South Street Realty Trust. The agreement gives the
175 Town the opportunity to purchase it by June 30, 2013 as long as a number of contingencies are
176 met. These include but are not limited to obtaining Special Town Meeting approval, the State
177 PARC grant, Conservation and Planning Board approval. The Town Manager stated that the

178 agreement does not call for a deposit. The Selectmen agreed that it protects the Town against any
179 liability. Ms. Robinson clearly stated that there is not another vote in the spring, but the process
180 will give citizens an opportunity to be involved in the design process, and the Recreation
181 Committee is committed to a smaller footprint. Selectmen Fleming stated that these steps are
182 consistent with what the citizens requested after discussions in the spring of 2012 and made
183 motion to accept.

184

185 **Motion #7:** Motion made by Selectman Fleming to enter into a Purchase and Sale Agreement as
186 submitted dated September 18, 2012 for PREMISES: 69.7 +/- acres on South Street in Upton,
187 identified as Lot 1 on the attached Exhibit A (being a portion of property as currently owned by
188 Henry J. Poirer, Jr. and Pamela M. Campbell, co-trustees of the South Street Realty Trust u/d/t
189 June 11, 2004, said deed recorded at the Worcester District Registry of Deeds in Book 33889,
190 Page 23).

191

192 Second: Selectman Brochu, Unanimous: Chairman Picard.

193

194 Review Liquor License Policy

195 The Selectmen reviewed the revised draft of the policy on licenses for one day liquor events.
196 After the discussion at the last meeting three changes were made; a recommendation that
197 applications for licenses be made at least 60 days before the event so they can be processed, all
198 events obtain liquor liability insurance and the number of persons at the event determines the
199 amount of insurance, and information about the State's new requirement that certain events must
200 have an events manager on site as approved by the State Fire Marshal.

201

202 The Selectmen revised the application to reflect applications for licenses to be made at least 35
203 days before the event and accepted the policy.

204

205 **Motion #8:** Motion made by Selectman Brochu to accept the Liquor License Policy as written
206 with the friendly amendment that applications for licenses be made at least 35days before the
207 event.

208

209 Second: Selectman Fleming, Unanimous: Chairman Picard.

210

211 Review Application for St. Gabriel's Church One Day Liquor License

212 The Selectmen review the application St. Gabriel's church to hold a church fair/fundraiser on
213 September 30th.

214

215 **Motion #9:** Motion made by Selectman Brochu to approve the application from Michael Merolli
216 to for a Special One Day License at St. Gabriel's church on September 30th with a rain date of
217 September 29th.

218

219 Second: Selectman Fleming, Unanimous: Chairman Picard.

220

221 Execute Bonds for 3rd Well Field

222 The sale of the bonds to finance the 3rd well field will be the subject of a sale on Monday,
223 September 17th. The Selectmen executed these to complete the project.

224
 225 **Motion #9:** Motion made by Selectman Fleming to Vote: that the sale of the \$3,397,000 General
 226 Obligation Water Bonds of the Town dated October 1, 2012 (the “Bonds”), to FTN Financial
 227 Capital Markets at the price of \$3,453,399.68 is hereby approved and confirmed. The Bonds
 228 shall be payable on June 1 of the years and in the principal amounts and bear interest at the
 229 respective rates, as follows:

230
 231 Year
 232 Amount Interest
 233 Rate
 234 Year
 235 Amount Interest
 236 Rate

| | | | | | | |
|-----|------|-----------|-------|------|-----------|-------|
| 237 | 2014 | \$142,000 | 2.00% | 2021 | \$155,000 | 2.50% |
| 238 | 2015 | 145,000 | 2.00 | 2023 | 325,000 | 2.50 |
| 239 | 2016 | 150,000 | 2.00 | 2025 | 345,000 | 2.50 |
| 240 | 2017 | 150,000 | 1.75 | 2027 | 355,000 | 2.50 |
| 241 | 2018 | 150,000 | 2.00 | 2029 | 375,000 | 2.50 |
| 242 | 2019 | 155,000 | 2.00 | 2031 | 395,000 | 2.75 |
| 243 | 2020 | 155,000 | 2.00 | 2033 | 400,000 | 2.75 |

244
 245
 246 Further Voted: that the Bonds maturing on June 1 in each of the years 2023, 2025, 2027,
 247 2029, 2031 and 2033 (each a “Term Bond”) shall be subject to mandatory redemption or mature
 248 as follows:

249
 250 Term Bond due June 1, 2023

251 Year Amount
 252 2022 \$160,000
 253 2023* 165,000

254
 255 *Final Maturity

256
 257 Term Bond due June 1, 2025

258 Year Amount
 259 2024 \$170,000
 260 2025* 175,000

261
 262 *Final Maturity

263
 264 Term Bond due June 1, 2027

265 Year Amount
 266 2026 \$175,000
 267 2027* 180,000

268
 269 *Final Maturity

270
271 Term Bond due June 1, 2029
272 Year Amount
273 2028 \$185,000
274 2029* 190,000

275
276 *Final Maturity

277
278 Term Bond due June 1, 2031
279 Year Amount
280 2030 \$195,000
281 2031* 200,000

282
283 *Final Maturity

284
285 Term Bond due June 1, 2033
286 Year Amount
287 2032 \$200,000
288 2033* 200,000

289
290 *Final Maturity

291
292 Further Vote: that in connection with the marketing and sale of the Bonds, the preparation and
293 distribution of a Notice of Sale and Preliminary Official Statement dated September 7, 2012, as
294 amended on September 12, 2012, and a final Official Statement dated September 17, 2012 (the
295 "Official Statement"), each in such form as may be approved by the Town Treasurer, be and
296 hereby are ratified, confirmed, approved and adopted.

297
298 Further Vote: that the Bonds shall be subject to redemption, at the option of the Town, upon
299 such terms and conditions as are set forth in the Official Statement.

300
301 Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are,
302 authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC
303 Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking
304 shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from
305 time to time.

306
307 Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax
308 compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if
309 such procedures are currently in place, to review and update said procedures, in order to monitor
310 and maintain the tax-exempt status of the Bonds.

311
312 Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town
313 Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver
314 such certificates, receipts or other documents as may be determined by them, or any of them, to
315 be necessary or convenient to carry into effect the provisions of the foregoing votes.

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I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

Second: Selectman Brochu, Unanimous: Chairman Picard.
Poll Taken: Robert Fleming aye, James Brochu aye, Kenneth Picard aye,

BOARD OF SELECTMEN’S ACTION PLAN REVIEW

Discussion on Scholarship Policy and Procedure

Selectman Brochu reviewed the scholarship policy and procedure with the other Board members. The Selectmen were pleased with the draft as written.

Motion #10: Motion made by Selectman Brochu to approve the Scholarship Policy and Procedure as written.

Second: Selectman Fleming, Unanimous: Chairman Picard.

Review Town Manager Performance Plan Document

The Selectmen and will incorporate this document into the performance appraisal, each selecting three questions to focus on.

MEETING LOOK AHEAD TOPICS

The Selectmen will invite the following individuals to their next meeting for discussion:

- Tyler Barrtlett- Troop 132/Eagle Project
- Mr. Deschamps CMMCP
- Jon Delli Priscoli, GURR

They will also discuss the Special Town Meeting Warrant.

OTHER TOPICS NOT REASONABLY ANTICIPATED

Selectman Brochu thanked the contributors of the Boot Drive for raising \$2513.50.

362 Chairman Picard reminded the citizens of the Multiboard Meeting scheduled for the 27th at
363 Nipmuc High School.

364

365 **EXECUTIVE SESSION**

366

367 **Motion #11:** At 7:35pm Chairman Picard motioned for a 5 minute recess before entering into an
368 executive session under MGL c. 30A, sec. 21 exceptions #2: to conduct strategy sessions in
369 preparation for contract negotiations with non-union personnel (Town Manager).

370

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

372

373 **Motion #12:** At 8:00pm Chairman Picard motioned to reconvene the regular meeting.

374 Second: Selectman Brochu, Unanimous: Selectman Fleming.

375

376 **ADJOURN MEETING**

377

378 **Motion #13:** At 8:00pm Motion was made by Chairman Picard to adjourn the regular meeting.

379 Second: Selectman Brochu, Unanimous: Selectman Fleming.

380

381 Respectfully submitted,

382

383 Sandra Hakala, Department Coordinator