

**BOARD OF
SELECTMEN
MEETING
MINUTES**

October 2, 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 with a friendly amendment to add on
6 line 70 “and asked Dr. Taylor if the actions of the Board were legal in his opinion. Dr. Taylor
7 stated they were.” and line 71 to “Chairman Picard’ in place of “Selectman Fleming” the
8 September 18, 2012 Regular Session Meeting Minutes.

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

11
12 **Motion #2:** Motion made by Selectman Fleming to approve as written the September 18, 2012
13 Executive Session Meeting Minutes.

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

16
17 **INVITED GUESTS**

18
19 Chairman Picard invited Tyler Bartlett, a Boy Scout who is going for his designation of Eagle
20 Scout to make a presentation to the Board. Tyler proposed to build a 10x12 tool shed at Heritage
21 Park to hold rakes, lawn mowers and gardening equipment. He told the Selectman that he was in
22 the fundraising stage and asked them for a donation to support this effort. He has reached out to
23 the Men’s Club, various local businesses and has run an advertisement in his endeavor. He
24 estimates the project will cost \$2400.

25
26 **Motion #3:** Motion made by Selectman Brochu to approve Tyler Bartlett’s Eagle Scout project
27 to build a 10x12 tool shed at Heritage Park.

28
29 Second: Selectman Fleming, Unanimous: Chairman Picard.

30
31 **Motion #4:** Motion made by Selectman Fleming to donate \$500 from the William Knowlton
32 Fund to be used solely for the construction of a shed at Heritage Park.

33
34 The Chairman opened this for debate and asked for a vote.

35
36 Selectman Fleming aye, Selectman Brochu aye, Chairman Picard aye.

37
38 Chairman Picard opened a Public Hearing at 6:10 PM. Crystal Tognazzi of National Grid was
39 invited by the Selectman to participate in this hearing to regarding a pole at 74 Main Street.
40 National Grid is requesting to install a stub pole #38-84 50 feet across the street from p38 to guy
41 that pole (38) and a guy wire to be removed from rotten tree. The pole location was approved
42 and signed off by Director of Public Works Jeffrey Thompson.

43 Chairman Picard noted that all abutters had been notified asked if there were any questions.
44 There were none.

45
46 **Motion #5:** Motion made by Chairman Picard to close the Public Hearing at 6:15PM.

47
48 Second: Selectman Brochu, Unanimous: Selectman Fleming.

49
50 **Motion #6:** Motion made by Selectman Fleming that the Town of Upton grants permission to
51 National Grid to install a stub pole #38-84 50 feet across the street from p38 to guy that pole (38)
52 and a guy wire to be removed from rotten tree.

53
54 Second: Selectman Brochu, Unanimous: Chairman Picard.

55
56 Chairman Picard opened a Public Hearing at 6:17 PM. The Board of Selectmen invited Mr.
57 Abraham Jreij, to review his application in accordance with the provisions of Chapter 148 for a
58 license to store flammables, combustibles or explosives at 44 Milford Street. The previous
59 license was in the name of the manager and the owner. Mr. Jreij's application is to correct this
60 error, and to be put in his name only. The Fire Chief has reviewed the application. There has
61 been no change in the tanks and containers and he is working with Mr. Jreij's to gather the
62 necessary paperwork for licensing and permitting.

63
64 **Motion #7:** Motion made by Chairman Picard to close the Public Hearing at 6:22PM.

65
66 Second: Selectman Brochu, Unanimous: Selectman Fleming.

67
68 **Motion #8:** Motion made by Selectman Brochu to approve a license for Abraham Jreij in
69 accordance with the provisions of Chapter 148 for a license to store flammables, combustibles or
70 explosives at 44 Milford Street contingent upon obtaining permits as noted by the Fire Chief.

71
72 Second: Selectman Fleming, Unanimous: Chairman Picard.

73
74 Members of the Board of Health, Richard Desjardin, Sherry Berger, Chair, Al Holman and Mr.
75 Timothy Deschamps from the Central Mass. Mosquito Control Project (CMMCP) were invited
76 by the Board of Selectman to discuss the opportunity for Upton to join the CMMCP next year.
77 Currently Upton is not a member, but given the threat of Triple EEE and West Nile virus this
78 year the Town wanted to revisit this project to determine whether to join going forward.

79
80 Mr. Deschamps gave a thorough overview of the project. He stated in part that membership in
81 CMMCP offers residents access to a full program of mosquito control if they so choose.
82 CMMCP has made great strides over the years to reduce dependency on spraying by placing
83 greater emphasis on larval control, public education and ditch maintenance. Spraying is done
84 only after request by a property owner, or after mosquito-borne viruses are identified; local and
85 state officials have been consulted; and it has been determined that spaying is an appropriate
86 response. Residents may exclude their property from any part of the program at any time.

87

88 Mr. Deschamps will work with the Town Manager to move forward and seek a split assessment
89 with DOR and be ready to address this at the Annual Town Meeting. The Selectman agreed that
90 this was a proactive approach and thanked the Board of Health for addressing this critical issue.

91
92 Selectman Brochu asked the Board of Health to include Blackstone Valley Regional Technical
93 High School in future notifications regarding Triple E.

94
95 Jon Delli Priscoli, owner of the Grafton & Upton Railroad updated the Selectman on the current
96 status of various activities going on in Upton. Mr. Delli Priscoli said they were quite busy at the
97 Maple Street property expanding the internal tracks, minimizing the noise level of the pellets by
98 insulating the pipes, and is in the final stages of working on the land fill.

99
100 Delli Priscoli told the Board that he has responded to the action taken by seven local residents (2
101 being tenants and 5 property owners) who had filed an appeal over railroad jurisdiction with the
102 federal Surface Transportation Board. They are asking the STB to rule on whether the railroad's
103 actions are exempt from local bylaws. He said it could be several months, even years, before
104 there is an action one way or another by the STB.

105
106 Mr. Delli Priscoli said the railroad would begin work on road crossings at Plain Street, Grove
107 Street, Mendon Street and Pleasant Street very soon to improve the surface and make them safer.
108 The road crossings at Chestnut Street and Maple Street will need to be rebuilt. Typically a
109 municipality would handle the pavement on the outside edge of the tracks and the yellow signs
110 leading up to the crossing, while the railroad company would handle the pavement between the
111 tracks and the railroad crossing signs. Mr. Delli Priscoli said the GURR will be taking care of
112 everything, all three sides so this will not put any burden on the town. Mr. Delli Priscoli also
113 said the company would take that into account the schools on Pleasant Street when the company
114 works on that crossing at Selectman Brochu's suggestion. Trains started running to Hopedale on
115 Sunday twice a day carrying construction materials.

116
117 Mr. Delli Priscoli said several companies served by the railroad had expressed interest in moving
118 to the area. He asked the Selectman for guidance in how to proceed because he was worried how
119 the town will react based on some previous issues. Approximately 50 people perform some type
120 of work at the railroad at this time. He submitted to the Selectman a survey that was recently
121 completed for Depot Street and asked for their guidance on how to manage the encroachments.
122 Mr. Delli Priscoli concluded his update by stating he was doing his best to be a good neighbor.

123
124 **TOWN MANAGER'S REPORT**

125
126 The design development phase of the Town Hall project is in full swing the Town Manager told
127 the Selectmen. On Wednesday the architect and OPM met with most of the departments that
128 will be located in Town Hall to discuss their space and needs in order that the design may be
129 further refined. They have also continued their investigation about the structural aspects of the
130 project that needs to be known before the project is bid.

131
132 The Town was served with a lawsuit late last week. The Upton Development Group (UDG)
133 versus the Town and number of current or former residents regarding a parcel of land for which

134 UDG wishes to perfect title. It has been reviewed by Counsel, as well as the Board of Assessors.
135 It is the opinion of the Assessor's that this land belongs to UDG, and they have been taxed for it.
136 Town Counsel will respond as necessary to the court on the Town's behalf

137
138 Website design continues to be a main focus in all departments with updates to all of the pages
139 and adding content. A "go live" date of October 15th has been scheduled. All users are being
140 trained on the software that will be in place so each department can keep their content current.

141
142 The balance sheet was submitted to the DOR so that free cash can be certified. Ms. Robinson
143 hopes to receive approval prior to November 14th for the articles proposed on the STM warrant.

144
145 The Town received a letter from the Town of Mendon asking if Upton would be interested in
146 providing Code Enforcement services to them now that their building official is no longer with
147 them. Ms. Robinson is seeking additional information so that it can be determine whether or not
148 this is feasible.

149
150 The Recreation Commission met on Monday to interview the five firms that were short listed for
151 the possible design of the South Street Park project. The firms were ranked after that process,
152 and the Commission members are conducting reference checks on the top three firms. A
153 decision as to which firm will be made, and then we will ask for a price proposal.

154
155 Chairman Picard asked Ms. Robinson to update the Board on the training program she attended
156 this week. Ms. Robinson attended training that CMRPC hosted on electricity contracts and
157 options for solar arrays, net metering, and aggregation of municipal accounts. She said the
158 Hampshire Council of Governments made all of the presentations, and it was clear that they are
159 on the forefront of what is possible for municipalities in the electricity procurement and solar
160 markets. She further stated that they do offer some opportunities to partner up with them, and
161 the Town will be exploring these further in the coming months. CMRPC had put out an RFP for
162 companies to develop solar farms on municipal properties, and may do that again in which the
163 Town could participate. They are also analyzing the opportunity to sign net metering agreements
164 with new solar installations, and the Town Manager has indicated the Town's interest in joining
165 that effort. She believes it would be worthwhile even to pay a small fee towards their costs of
166 putting out a bid or RFP given how complicated these arrangements are.

167
168 Chairman Picard also asked Ms. Robinson to discuss the letter that was received by the Board of
169 Assessor's. Ms. Robinson told the Board a letter was received from Verizon seeking \$38,483
170 from FY 2009 regarding the amount they were taxed for poles and wires. The Appeals Court
171 held that the ATB had improperly concluded that Verizon NE was subject to Chapter 59 personal
172 property tax on its poles and wires over public ways for years prior to FY2010. Further, the
173 Massachusetts Supreme Judicial Court refused a request for further Appellate Review on May 3,
174 2012. She said this has been forwarded to Town Counsel for review prior to making payment
175 and resolving this outstanding issue.

176
177
178
179

180 **DISCUSSION ITEMS**

181
182 *Review Draft of the Special Town Meeting Warrant (November 14th)*

183 A draft of the warrant for the meeting in mid-November was discussed by Ms. Robinson and the
184 Board. Ms. Robinson asked the Selectmen whether or not they wanted to keep all of these
185 articles on the warrant, and the order in which they appear. The petition article must be on the
186 warrant as presented she said. Selectman Fleming proposed that Article 1 be last. The Selectman
187 agreed that it would be prudent to have the article last so that all in attendance could experience
188 the entire Town Meeting. A final version for the Selectmen’s signature will be presented at the
189 October 16th meeting.

190
191 *Review a Proposed Nuisance By-Law*

192 Ms. Robinson asked the Selectmen to consider a sample of a by-law regarding nuisance
193 properties. She said the building code does not address properties that have been abandoned or
194 are in a derelict condition. A by-law such as this would give the Building Official, Fire Chief
195 and Board of Health the ability to address such issues that may create a safety hazard, health
196 concern or may adversely affect surrounding properties. Selectmen Fleming said the by law was
197 long overdue and will address issues that have fallen through the cracks. Selectman Brochu was
198 also a proponent, and the Chairman would like to fine tune it and discuss with other relevant
199 departments and be ready for the Annual Town Meeting.

200
201 *Review a Proposed Policy on Grants*

202 Ms. Robinson submitted to the Selectmen a first draft on a policy on grants. This grant may
203 benefit the Town either through additional resources or efficiencies. The Selectmen asked the
204 Town Manager to work on clarifying the decision process and were pleased with the first draft.

205
206 *Discuss an Inter-municipal Agreement with Hopedale (Regional Dispatch)*

207 Ms. Robinson met with Hopedale officials and managers from the State 911 office to discuss
208 having Upton provide “ring down” service to them as part of their plan to leave the regional
209 dispatch center they are in now. She also met with the Police Chief, Fire/EMS Chief and is
210 seeking approval to begin negotiations with Hopedale to negotiate an inter-municipal agreement
211 this service to be put in place by the end of the calendar year.

212
213 Ms. Robinson then outlined the aspects of this arrangement for the Selectmen’s consideration;
214 the Town of Upton staffs its dispatch operation with four full-time employees and several part
215 time positions so that we have one person on duty 24 hours/day. They answer all 911 calls, as
216 well as those that come in on our non-emergency business lines. Of the 911 calls, any that are
217 medical in nature require that the dispatcher follow strict protocols to ask the caller questions so
218 that appropriate medical services can be dispatched. This process is called emergency medical
219 dispatch (EMD) and calls can take anywhere from 30 seconds to several minutes depending on
220 the situation. Dispatchers also manage records and other administrative tasks when on duty.

221
222 The Town of Hopedale, when they regionalized with Mendon and Millville relinquished their
223 dispatchers and their 911 equipment, and almost all calls after that point were transferred and
224 answered by Mendon. For several reasons that arrangement has not worked out, and Hopedale is
225 planning to withdraw. They have approached the State asking that their 911 equipment be

226 reinstated so they can take those calls. The State will allow it but at Hopedale's expense, and
227 only until 2015 when they will require Hopedale to regionalize. Hopedale has decided that the
228 cost to bring back their equipment for a short period of time is not what they wish to do, and thus
229 they have approached us.

230
231 The service they are asking is to provide is a modification of full dispatch called "ring down".
232 Hopedale intends to rehire dispatchers sufficient to staff their center 24 hours/day. But because
233 they will not have their 911 equipment reinstated, they need another community to be the initial
234 answering point for those calls. Once a Hopedale call is received our dispatchers will be
235 responsible for ascertaining that it is a Hopedale call, and then transferring the call to them to
236 answer and resolve. Both Upton and Hopedale receive approximately 1,000 911 calls per year.

237 The State will install some equipment in Upton to allow this process to be done,
238

239 Of these emergency calls, State regulations require that the community who is the initial
240 answering point must perform the EMD protocols prior to transferring the call to the other
241 community. Of any medical calls that come in, our dispatchers will need to go through that
242 process before the call can be handed off to Hopedale and this will take additional time per call.
243 The Chief believes that our staff can handle this, but it is an area we will need to monitor closely.
244 We do anticipate the ability conference in the Hopedale dispatcher while we are on one of these
245 calls so they can listen and be prepared to send appropriate medical personnel.

246
247 There are several benefits to Upton. The first is financial; the State will increase its support grant
248 to the Town. Currently our support grant is \$21,271 per year, and it would increase to \$53,610.
249 Besides that we would be eligible for state development grants for equipment should we need to
250 add or upgrade such items. These are competitive grants for which the State spends about \$8
251 million/year. We may also be eligible for increases in our training grant related to 911 services.
252 It is clear that the State would like to see more communities regionalize this service, and we
253 think it is beneficial that the Town be a leader in this, especially as we consider the five-town
254 Blackstone Valley Dispatch group that has been studied.

255
256 One of the components of this effort that we believe is critical is an appropriate governance
257 structure so that both Towns feel that they have a voice in discussing how the service works,
258 resolving any issues that arise over how calls are handled, and determining that additional
259 dispatchers may need to be on duty for various types of events or situations. There are several
260 other communities that have worked out similar agreements, and we will look to those for a
261 model that best fits our needs.

262
263 Hopedale would like to make the transition to Upton providing ring down service by the end of
264 this calendar year. The steps we believe are necessary to achieve this are:

- 265
266 • The state needs to order and install the equipment necessary for Upton to be able to
267 transfer calls, and this will be done at the State's expense
268 • The Towns need to negotiate an inter-municipal agreement that must be approved by the
269 Boards of Selectmen of both towns. The important components of that are:
270 o Agreement on how calls will be handled and the responsibilities of both towns

- 271 o A structure and process to review the work of our dispatch center as it pertains to
- 272 Hopedale, and a method to resolve issues if they arise
- 273 o Agreement when we would bring in more than one dispatcher to handle high call
- 274 volume, and how the cost will be shared between the two communities
- 275 • Hopedale needs to rehire their dispatchers
- 276 • There is some internal coordination between police and fire in both towns.

277
278 Chairman Picard wanted to make clear this is dispatch to dispatch, and is in favor of negotiating
279 with Hopedale and would like to help our neighbor but making sure we are taking care “of our
280 own” is a priority.

281
282 **Motion #9:** Motion made by Selectman Brochu for approval to start negotiations for a “ring
283 down” service inter-municipal agreement with Hopedale.

284
285 Second: Selectman Fleming, Unanimous: Chairman Picard.

286
287 Motion to Approve United Nations Day (October 24th)

288 Ms. Robinson asked the Board to consider a proposal from the United Nations group in Boston
289 asking that the Board consider proclaiming October 24th United Nations Day in Upton. She
290 stated that in light of all that this agency does to address conflict in the world and assist people in
291 need in many countries she supported this endeavor with a proclamation.

292
293 **Motion #10:** Motion made by Selectman Fleming to proclaim October 24th United Nations Day
294 in the Town of Upton.

295
296 Second: Selectman Brochu, Unanimous: Chairman Picard.

297
298 Discuss the dates of Selectmen’s Meetings in November

299 The Board will meet on the 5th and 20th.

300
301 **BOARD OF SELECTMEN’S ACTION PLAN REVIEW**

302
303 Town Mission Statement

304 Selectman Fleming recommended moving this forward. The Selectmen agreed using the
305 recommendations they received.

306
307 **Motion #11:** Motion made by Selectman Fleming to accept the Town Mission Statement.

308
309 Second: Selectman Brochu, Unanimous: Chairman Picard

310
311 Review Town Manager Performance Plan Document

312 The Selectmen each selected three questions to focus on. Chairman Picard will focus on 1,2,5,
313 Selectman Brochu on 3,4,6, and Selectman Fleming 7,8,9.

314
315 Board of Selectman Training Policy

316 Selectman Fleming introduced a training policy for the Selectman and suggested that it be simple
317 and precise. The Board agreed that it should be categorized into three sections; mandatory,
318 suggested and recommended. Selectman Fleming will update the policy with the
319 recommendations.

320

321 *Town of Upton Mission Statement Review policy*

322 Selectman Fleming reviewed the policy and will format it for the next meeting.

323

324 **MEETING LOOK AHEAD TOPICS**

325

326

327 **OTHER TOPICS NOT REASONABLY ANTICIPATED**

328

329 Selectman Brochu thanked the Harvest Committee for all their hard work in making the day
330 quite a success. He also recognized the newly dedicated ambulance in honor of John Martin.

331

332 **EXECUTIVE SESSION**

333

334 **Motion #12:** At 8:10pm Chairman Picard motioned to enter into Executive Session under MGL
335 c.30A, S. 21 exception #6 Land values (Nelson Street) and exceptions #2: to conduct contract
336 negotiations with non-union personnel (Town Manager, Blythe Robinson). Upon completion of
337 this executive session, the Board will reconvene only to adjourn.

338

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

340

341 **Motion #13:** At 8:45pm Chairman Picard motioned to reconvene the regular meeting.

342

343 Second: Selectman Brochu, Unanimous: Selectman Fleming.

344

345 **ADJOURN MEETING**

346

347 **Motion #14:** At 8:45pm Motion was made by Chairman Picard to adjourn the regular meeting.

348

349 Second: Selectman Brochu, Unanimous: Selectman Fleming.

350

351 Respectfully submitted,

352 Sandra Hakala, Department Coordinator

353