

**BOARD OF
SELECTMEN
MEETING
MINUTES**

November 20, 2012

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

1 The meeting was called to order at 6:00pm. Chairman Picard opened the meeting and after the
2 pledge of allegiance he reviewed the agenda.

3
4 **MINUTES**

5 ***Motion #1:*** Motion made by Selectman Brochu to approve the October 16, 2012 Regular Session
6 Meeting Minutes.

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

9
10 ***Motion #2:*** Motion made by Selectman Brochu to approve as written the October 31, 2012
11 Regular Session Meeting Minutes.

12
13 Second: Selectman Fleming, Unanimous: Chairman Picard.

14
15 ***Motion #3:*** Motion made by Selectman Brochu to approve as written the November 5, 2012
16 Regular Session Meeting Minutes.

17
18 Second: Chairman Picard, Majority vote.

19
20 ***Motion #4:*** Motion made by Selectman Brochu to approve the October 2, 2012 Executive
21 Session Meeting Minutes.

22
23 Second: Selectman Fleming, Unanimous: Chairman Picard.

24
25 ***Motion #5:*** Motion made by Selectman Brochu to approve the October 16, 2012 Executive
26 Session Meeting Minutes.

27
28 Second: Selectman Fleming, Unanimous: Chairman Picard.

29
30 ***Motion #6:*** Motion made by Selectman Brochu to approve as written the October 31, 2012
31 Executive Session Meeting Minutes.

32
33 Second: Selectman Fleming, Unanimous: Chairman Picard.

34
35 ***Motion #7:*** Motion made by Selectman Brochu to approve as written the November 5, 2012
36 Executive Session Meeting Minutes.

37
38 Second: Chairman Picard, Majority vote.

39
40 **INVITED GUESTS**

41 **6:05PM Public Hearing – Property Tax Classification**

42 Chairman Picard opened a Public Hearing at 6:07 PM. The Board of Assessors, Charles
43 Marsden, Glen Fowler and Teresa Ambrosino were invited by the Selectman to participate in this
44 hearing.

45
46 Chairman Picard read the published notification from the Upton Town Crier.

47
48 The Board of Assessors discussed the four different classifications of real estate in Upton and
49 gave examples of using the proposed tax rate.

50
51 **Motion #8:** Motion made by Chairman Picard to close the Public Hearing at 6:30PM.

52
53 Second: Selectman Brochu, Unanimous: Selectman Fleming.

54
55 **Motion #9:** Motion made by Selectman Fleming to accept the recommendations of the Board of
56 Assessors and set a single rate classification of taxation.

57
58 Second: Selectman Brochu, Unanimous: Chairman Picard.

59
60 6:15PM Department of Public Works, Director Jeff Thompson

61 Mr. Thompson was invited by the Board to update them on status of projects in the DPW.
62

63 Mr. Thompson highlighted the current capital projects. The Glen Avenue Wellfield Replacement
64 project was kicked off on November 5th with a meeting with Tata & Howard and R.H. White
65 Construction (RHW). The schedule anticipated RHW beginning preliminary work on November
66 19th. Currently, equipment has been brought to the site and the silt fence is installed. Given
67 RHW's indications, Mr. Thompson expects this project to be completed ahead of schedule and
68 ready for when flows pick up next year.

69
70 The Chapter 90 Project (Pond St, East St, West River St, Station St, Plain St, and Hartford Ave)
71 has been completed and DPW is very pleased with the quality of work.

72
73 Mr Thompson went on to discuss the West River Street Water Main Construction project. 1/9, N.
74 Cibotti completed work within the utility easement that leads to the proposed JR Estates
75 development. The crew removed a small area of ledge and completed installation of the water
76 main. Bollards are installed to denote the water main route across the open space/gravel pit and
77 excess excavated material was hauled from the utility easement. The crew removed siltation
78 fencing along West River Street as approved by the Conservation Commission and spread the
79 material from the tubing via hand rake. N. Cibotti worked last week to prepare the access
80 roadway to receive the porous pavement and subbase preparatory work was conducted. It is
81 anticipated that the N. Cibotti crew is addressing outstanding draft punchlist items.

82
83 Tata & Howard has attempted to reach a resolution with N. Cibotti on the bridge crossing, but
84 has not been successful to date. The original project drawings did not include any significant
85 design details for the main crossing over the West River. N. Cibotti complained that they needed
86 additional guidance; consequently, Tata & Howard secured the services of a structural sub-
87 consultant to design this portion of the project. Once the design details were provided to N.

88 Cibotti, they indicated that they would not perform the specified work for the amount reflected in
89 their bid. Given their response, N. Cibotti was given the option of providing an alternate design
90 (signed and sealed by a Professional Engineer), and upon the Town's approval construct that
91 alternate design for their original bid cost.

92
93 Waterline continues to be on-schedule with installation of cast-in-place concrete and with the
94 rough electrical and plumbing for the Well field No.3 Pump Station. The floor slabs were cast on
95 and interior equipment pads and exterior entrance ramp was installed. The masonry
96 subcontractor mobilized to the project site and began to erect staging. The crew began vertical
97 construction on Monday and work is estimated to be completed in approximately 3 weeks. Roof
98 trusses and plywood sheathing to immediately follow.

99
100 The well installation firm continues efforts to install the gravel packed production wells; Well
101 No.4 and Well No.3 are installed and partially developed.

102
103 Tata & Howard continues to work on the Hartford Ave Water Main Design and various
104 considerations associated with connection to the distribution system, asbestos pipe disposal
105 options, and logistical traffic considerations.

106
107 Mr. Thompson asked the Selectman to review the street sign request he had received from Mr
108 Howarth at 133 North Street. The Police Chief and he had both made recommendation to
109 approve the request.

110
111 ***Motion #10:*** Motion made by Selectman Fleming to approve placement of a Blind driveway sign
112 at the Howarth residence 133 North Street as approved by the Police Chief and DPW Director.

113
114 Second: Selectman Brochu, Unanimous: Chairman Picard.

115
116 **TOWN MANAGER'S REPORT**

117
118 The Town Manager reported good news she received from MIIA this week regarding the
119 renewal of the Town's Medex 3 health insurance that covers Town retirees. The rates have gone
120 down by \$26.09/month for calendar year 2013. The Town pays 50% of this cost for the 12
121 persons who have this coverage. The savings are estimated at \$1,879 over this next year.

122
123 A meeting was held this week between the Town Manager, DPW and Bill Taylor regarding the
124 scenic road by-law that Bill had circulated last spring. Bill wanted to meet to gain a better
125 understanding of the Tree Warden's (Public Works Director) role in the process, and how the
126 right of way of each road is determined. It was a productive meeting, however they informed
127 Bill that for a number of streets that might be considered for scenic road status the Town does
128 not have layouts, and thus the right of way is not clearly known. This will be investigated
129 further.

130
131 The Town Manager met with the Board of Health last week to discuss the noise complaints
132 regarding the railroad, and the latest issue which is train engines that may be on site idling for
133 more than 30 minutes. They agreed that the BOH would be the spokesperson on these issues,

134 and they have responded to the complainants that the noise testing they have been doing shows
135 that the activities at the railroad are not creating noise levels that are above what is allowed. The
136 Town has been researching the issue of trains idling for more than thirty minutes with both the
137 DEP and the FRA. The Town Manager is trying to schedule a meeting with these agencies and
138 the railroad in the next week or so in order to understand how the Upton yard operates. That will
139 enable the Town to determine whether or not there are violations of this regulation in the future.

140
141 The DPW Director and Town Manager attended a recent the Planning Board’s meeting. The
142 Board wanted the opportunity to meet Jeff Thompson, and to discuss the rules and regulations
143 they have for subdivisions, and the role of public works in that process. It was a very positive
144 conversation, and they look forward to assisting the Board with recommendations on their
145 regulations, and perhaps setting some standards for the work done by outside engineers that
146 report to the Planning Board in the future.

147
148 Ms. Robinson wanted to make the Selectman aware that she anticipates that there may be a
149 shortfall in the technology budget this year which will require a Town Meeting transfer and
150 perhaps a reserve fund transfer as well, depending on the date of the next STM. She stated that
151 two computers required replacement that weren’t scheduled, as well as a quite a number of
152 unscheduled calls for IT support for various reasons across a number of departments. Hourly
153 costs for support have been higher than budgeted as a result. An inventory was done on how
154 many computers had battery backup UPS systems after a computer was lost in June due to a
155 power outage. A number of these units needed to be purchased to make sure all of computers
156 were protected. Ms. Robinson will keep the Selectmen appraised on where this stands.

157
158 Ms. Robinson then reviewed her monthly project status report with the Board.

159
160 **DISCUSSION ITEMS**

161
162 **Review Requirement for Yard Sale Permits**

163 This topic was tabled at the last meeting so it could be discussed with all members present. In
164 recent years the Town has had a process for residents who want to have yard/garage sales to
165 obtain a free permit from the Town. A resident may have up to four sales per year, and is not
166 allowed to put up any advertising for their sale off of their own property. The requirement is not
167 widely known about, and thus not followed. The Selectmen determined that this past policy
168 would be not be enforced because there are other mechanisms in place such as the peddlers
169 license so the Town will no longer have the a Yard Sale process or procedure in place.

170
171 **Hopedale and Inter-municipal Agreement**

172 The Town has been working over the past couple of months to negotiate an agreement with the
173 Town of Hopedale to provide them with “ring down” of their 911 calls. Hopedale has been in a
174 regional dispatch center with Mendon & Millville, but seeks to end that, obtain this service from
175 Upton, and hire back their own dispatchers to actually dispatch calls. The Selectmen reviewed
176 the current draft of the IMA agreement, and the consent to representation from Town Counsel.
177 Hopedale will be voting on these items on Monday night, and in order to keep the project on
178 track for January 1st the Upton Board of Selectmen needed to do the same.

179 **Motion #11:** Motion made by Selectman Fleming for the Board of Selectmen to approve the
180 consent for Kopelmen & Paige PC to represent both Towns as Town Counsel and to provide
181 general assistance to enter into an inter municipal agreement for a regional dispatch service with
182 the Town of Hopedale and the Town of Upton.

183
184 Second: Selectman Brochu, Unanimous: Chairman Picard.

185
186 **Motion #12:** Motion made by Selectman Fleming for the Board of Selectmen to enter into an
187 inter municipal agreement for a regional dispatch service with the Town of Hopedale as outlined
188 in the memo dated November 16, 2012

189
190 Second: Selectman Brochu, Unanimous: Chairman Picard.

191
192 **Motion to appoint Local Coordinator to Blackstone REPC**

193 Ms. Robinson gave the Selectmen some background information on the Blackstone Valley
194 Regional Emergency Planning Committee. This group got underway as a three town district of
195 Upton, Northbridge and Grafton, but since then other Towns have sought to join and it is now
196 the Blackstone REPC. She said it is important for there to be an official member appointed from
197 each town, and it is typically the Emergency Management Director. Ms. Robinson
198 recommended Brian Kemp be appointed to represent the Town.

199
200 **Motion #13:** Motion made by Selectman Fleming to appoint Brian Kemp as coordinator
201 to the Blackstone Valley Regional Emergency Planning Committee for a term to expire in May
202 2013.

203
204 Second: Selectman Brochu, Unanimous: Chairman Picard.

205
206 **Motion to approve CIC Grant Application – Storm Water Management**

207 The State has put out a Community Innovation Challenge Grant (CIC) program for the 2nd year
208 in a row for which the Town is eligible to apply. The Town has already done so by the
209 Selectmen's approval for Upton to participate in the E permitting grant being coordinated by
210 CMRPC. CMRPC is also spearheading a grant for its communities to develop education
211 materials, data management systems and standardized policies and procedures in order for
212 communities to comply with new permit requirements for storm water Ms. Robinson told the
213 Board. This grant will cover consultant costs to develop these items for all the towns that join,
214 and there will be no match required by each Town. Ms. Robinson recommended that the
215 Selectmen authorize the Town to participate in this grant as well.

216
217 **Motion #4:** Motion made by Selectman Brochu to approve the Town Manager's
218 recommendation to apply for a grant with respect to the Central Massachusetts Regional
219 Stormwater Coalition.

220
221 Second: Selectman Fleming, Unanimous: Chairman Picard.

222
223 **Motion to Appoint Anthony Spanenberg – Cable Advisory Committee**

224 Ms. Robinson received an application from Mr. Spanenberg who indicated his interest in serving
225 on the Cable Advisory Committee. Mr. Spanenberg has been a resident of Upton for about 10
226 years and has an interest in technology and improving cable services to residents. Ms. Robinson
227 met with Tony last week and had a delightful conversation with him. He is interested in
228 volunteering his time to local government, and believes he is knowledgeable in this area and it is
229 of interest to him. Ms. Robinson recommended that the Selectmen vote to appoint him.

230

231 **Motion #13:** Motion made by Selectman Brochu to appoint Anthony Spanenberg to the Cable
232 Advisory Committee for a term to expire in May 2013.

233

234 Second: Selectman Fleming, Unanimous: Chairman Picard.

235

236 **BOARD OF SELECTMEN'S ACTION PLAN REVIEW**

237

238 Town of Upton Mission Statement Review policy

239 Selectman Fleming submitted the policy in the standard format.

240

241 **Motion #14:** Motion made by Selectman Fleming to approve as submitted the Town of Upton
242 Mission Statement Review policy.

243

244 Second: Selectman Brochu, Unanimous: Chairman Picard.

245

246 Board of Selectman Training Policy

247 The Board reviewed the policy and the order of importance of the topics. Selectman Fleming
248 updated the policy with the recommendations.

249

250 **Motion #15:** Motion made by Selectman Fleming to approve as submitted the Board of
251 Selectman Training Policy with recommended amendments.

252

253 Second: Selectman Brochu, Unanimous: Chairman Picard.

254

255 Board of Selectmen Mission Statement Review policy

256 This will be on the next agenda.

257

258 Discuss 360 Communications Policy

259 This will be addressed at the next meeting.

260

261 **MEETING LOOK AHEAD TOPICS**

262 Review Progress on the FY 10/11 Auditor's Management Letter Recommendations

263 Review sample of a by-law regarding nuisance properties

264 Town Manager's Performance Review and Personal Action Plan

265 Stormwater by-law

266 Conservation Commission – Forest Management Plan

267

268 **OTHER TOPICS NOT REASONABLY ANTICIPATED**

269 Chairman Picard announced that there will be a Multi board meeting on the 29th.

270 Ms. Robinson reiterated to the Board that since the Town voted not to move forward with the
271 South Street Park project she would contact the State and send a letter of withdrawal for the Parc
272 grant.

273
274 **Motion #13:** Motion made by Selectman Brochu to authorize the Town Manager to send a letter
275 to the State withdrawing the Town’s application for the Parc grant in respect to the Park Street
276 project.

277
278 Second: Selectman Fleming, Unanimous: Chairman Picard.
279
280 Selectman Brochu reminded the others that at 10:00 AM on Thursday morning there is a football
281 game between Nipmuc and BVT. “The Battle of Pleasant Street”.

282
283 **EXECUTIVE SESSION**

284
285 **Motion #14:** At 7:35pm Chairman Picard motioned to enter into Executive Session under MGL
286 c.30A, S. 21 exception #3: to discuss strategy sessions with respect to collective bargaining or
287 litigation if an open meeting may have a detrimental effect on the bargaining or litigating
288 position of the public body and the chair so declares (Police Union #162). Ms. Robinson will not
289 attend the second executive session.

290
291 Ken Picard, aye, Jim Brochu, aye, Robert Fleming, aye.

292
293 **Motion #15:** At 8:13pm Chairman Picard entered into Executive Session under MGL c.30A, S.
294 21 exceptions #2: to conduct contract negotiations with non-union personnel (Town Manager,
295 Blythe Robinson). Upon completion of this executive session, the Board will reconvene only to
296 adjourn.

297
298 Ken Picard, aye, Jim Brochu, aye, Robert Fleming, aye.

299
300 **Motion #16:** At 8:35pm Chairman Picard motioned to reconvene the regular meeting.

301
302 Second: Selectman Brochu, Unanimous: Selectman Fleming.

303
304 **ADJOURN MEETING**

305
306 **Motion #17:** At 8:35pm Motion was made by Chairman Picard to adjourn the regular meeting.

307
308 Second: Selectman Brochu, Unanimous: Selectman Fleming.

309
310
311 Respectfully submitted,

312
313
314
315 Sandra Hakala, Department Coordinator
316