

Board of Selectmen

Town of Upton



Massachusetts

Meeting Minutes of May 3, 2011

Location: Fire & EMS Headquarters, 20 Church Street – 2nd floor training room.

Present: Selectman Robert J. Fleming, Selectman James A. Brochu, Town Manager, Blythe C. Robinson, and Department Coordinator Karen L. Varney. Selectman Kenneth E. Picard did not attend.

The meeting was called to order at 6:00pm.

At 6:01pm the Board recessed to wait for Selectman Picard’s arrival.

The Board reconvened their meeting at 6:50pm after they were informed that Selectman Picard will not be able to make the meeting.

After the pledge of allegiance, Selectman Fleming welcomed newly elected member James A. Brochu to the Board.

On the agenda this evening was the reorganization of the Board, however due to the absence of Selectman Picard, this process will take place at the May 17th meeting. Approval of the meeting minutes will also be deferred until the 17th.

It was noted that at the completion of this meeting, the Board will enter into executive session under MGL c. 30A, sec. 21 exception #7, to comply with any general or special laws in aid requirement. The Board will reconvene only to adjourn.

Town Manager’s Weekly Report

Warrants:

- Payroll: \$ 78,753.12
- Expense Warrant: \$ 903,744.11

Information/Follow Up:

- The Highway Garage will again be the location of a competition put on by Blackstone Valley Tech this Friday for some of their trades (concrete, etc). The Highway staff has cleared out two bays so that the students participating in the competition can build their items indoors as part of the competition.

- 42 • The Town’s variable message boards have been deployed to advertise the Town election
43 and Town Meeting this year with the goal being to increase participation in these two
44 important town events.
- 45 • The purchase and sale agreement for Sweetwilliam Farm has been executed by the
46 owner, the Conservation Commission and the Town Manager. As a result, the contract
47 for the survey work with Odone Survey & Mapping has begun, and has confirmed that
48 their work can be complete by the end of May. The Town Manager is working on a
49 revised version of the Conservation Restriction for the Community Preservation
50 Committee and Selectmen’s review in the coming week. The inspection of the
51 Sweetwilliam Farm cabin took place on Wednesday finding a number of CODE
52 violations that will have to be resolved.
- 53 • Procurement efforts continue to expand. A bid has been advertised for “Hot in place
54 recycling”. This is a method of paving that the town plan’s to use for most of the paving
55 work to be done on Fisk Mill Road paid for with Chapter 90 fund this year. The town
56 will also be bidding out chip sealing, crack sealing and other paving services to complete
57 our road work this season.
- 58 • Bids were opened on April 27th for the renovation of Leland Field at Memorial School –
59 the result of which was two bids, the low price being \$114,000. With approval of the
60 STM warrant article of \$10,000 next week we should have sufficient funding to complete
61 this project over the summer. The architect is conducting a reference check and going
62 over the numbers with the low bidder to ensure everything is all set.
- 63 • This week the State House of Representatives voted overwhelmingly to adopt municipal
64 health reform as proposed in this year’s legislative session. As you know this would give
65 cities and towns more latitude in making plan design changes without having to bargain
66 them with unions. The bill now goes to the Senate and the Town Manager has contacted
67 his office to remind them of the Town of Upton’s interest in seeing this bill become law.
- 68 • Our engineer working on the TIP Transportation project has submitted to the State
69 Department of Transportation the Project Initiation Form “PIF” that is a required step in
70 getting funding for a TIP project. Based upon the meeting that took place two weeks ago
71 we were encouraged to take this next step. It is a 19-page document, and copies are
72 available.

73
74 Discussion Items:

75
76 Public Safety appointments:

77 The Board reviewed the appointment request submitted by Police Chief Michael J.
78 Bradley, Jr. and Fire Chief Aaron Goodale. Historically these appointments are done at the
79 Board’s organizational meeting to provide continuity of public safety services. The remaining
80 town offices to be appointed by the Selectmen will be taken up at the May 17th meeting.

81
82 Motion # 1: Selectman Fleming motioned to approve in block the Police and Communications
83 Departments annual appointments as submitted by Police Chief Bradley. Majority: Selectman
84 Brochu.

85

86 Motion # 2: Selectman Fleming motioned to approve in block the Upton Fire / EMS
87 Departments annual appointments as submitted by Fire Chief Goodale. Majority: Selectman
88 Brochu.

89
90 Ratify DPW Supervisor's Union Contract

91 A Memorandum of Agreement was received by the Teamster's Local #170 (DPW Supervisor's
92 Union) for a one-year successor agreement. The only change that has been negotiated with the
93 union is a 2.0% increase in wages on July 1, 2011. This negotiated agreement falls within the
94 parameters set by the Board earlier this year and has been accepted by the union. Town Manager
95 Blythe Robinson has recommended that the Board vote to ratify it. The budget for FY 2012
96 includes funding for this settlement.

97
98 Motion #3: Selectman Fleming motioned to ratify Teamster's Local #170 (DPW Supervisors)
99 agreement dated May 3, 2011 as submitted and to approve the Town Managers execution of this
100 agreement. Majority: Selectman Brochu.

101
102 Revised Conservation Restriction – Sweetwilliam Farm

103 The latest version of the Conservation Restriction (CR) for Sweetwilliam Farm was reviewed
104 and as a result of the direction provided by the Board at their last meeting the CR has been
105 modified significantly to limit development of the west side of the property to protect the view.
106 This allows for changes to the east side of the property as long as such improvements are not
107 visible from North Street. The Town Manager is seeking feedback as to whether or not this latest
108 version is in keeping with the vote of Town Meeting in January to acquire the property. The
109 Community Preservation Committee will be reviewing this at their May 4th meeting. The goal
110 will be to have a document ready for the Board's approval at the May 17th meeting. After
111 referencing page 9 section 20 *Special Events*, Selectman Brochu asked about adding language
112 regarding liability insurance. Ms. Robinson will contact Town Counsel for direction. Selectman
113 Fleming noted that due to the absence of Selectman Picard, this CR will be discussed at the May
114 17th meeting with a possible execution of this document on June 7th. Ms. Robinson confirmed
115 that an inspection of the cabin at Sweetwilliam Farm took place last Wednesday in which some
116 violations were noted. The Board of Health has taken emergency action by requiring sealing of
117 the cabin's plumbing. The occupant's have been relocated to the farm stand on the property
118 which has plumbing facilities.

119 Ms. Robinson added that the Conservation Commission and the CPC organized a site
120 walk at Sweetwilliam Farm that she attended this past weekend to get a better understanding of
121 the Conservation restriction.

122
123 Memorandum of Understanding – D & F Afonso Builders

124 A Memorandum of Understanding with D & F Afonso Builders which will provide for the future
125 execution of a deeded right of way for the installation of a water line and related utilities to
126 access the Town's 3rd well source is forthcoming. It is anticipated that this MOU will be acted
127 upon at the May 17th meeting.

128
129 Discussion of Town Meetings Warrants – Presentation of Motions

130 Enclosed in the Board's packet were copies of the recommended motions for the Special and
131 Annual Town Meetings. The Town Attorney has approved these as to form. Each Article was

132 reviewed by the Selectmen and selected who will present each motion. The Town Manager was
133 asked to give an explanation of a consent calendar and the procedure. As part of an effort to
134 streamline Town Meetings and save time for discussion of key issues, the Town last year
135 implemented this new procedure. Each year there are several warrant articles on which past
136 experience suggests that action will be routine, predictable and non-controversial. Certain
137 articles have been selected for inclusion in this Consent Calendar. The Town Moderator will ask
138 for a motion to take these articles and act upon them by means of a single motion without debate.
139 The use of the Consent Calendar speeds up the passage of warrant articles. Any voter who has
140 doubts about passing any motion, or wishes an explanation of any article included in the Consent
141 Calendar, would need to say the word "hold".
142 Selectman Fleming commented that he will be late coming to the meeting on Thursday due to
143 his work schedule.

144
145 Town of Upton Flag

146 Selectmen Picard has asked that this item be placed on the agenda. The purpose of the
147 request is to consider the purchase of a Town of Upton flag that could be displaced by the US
148 Military at one of its locations in Afghanistan. Due to Selectman Picard's absence, this will be
149 placed on the May 17th agenda.

150
151 Approve a one-day Malt License

152 The Upton Youth Cal Ripken Baseball program is sponsoring an event at the Red Barn
153 Golf Course for a fundraiser for the baseball association. They are requesting a one-day malt (beer
154 and wine) license for this event. This is a private event for which tickets are being sold.
155 Selectman Fleming said the Police Department will have a point of contact just in case there are
156 any issues. He also commented that currently the Town has no written policy and to be consistent
157 with future request, the Board will institute a policy in the fall. Selectman Brochu would like to
158 see the Town of Upton noted as the Certificate holder on the Certificate of insurance.

159
160 Motion # 4: Selectman Fleming motioned to grant a one-day Special Malt License to the Upton
161 Youth Cal Ripken Baseball Program for a fundraiser on May 21, 2011. This fundraiser event will
162 be held at Red Farm Golf, 131 Fowler St. The Certificate of Liability is to state the Town of
163 Upton with the May 21, 2011 date. Majority: Selectman Brochu.

164
165 In closing, Selectman Fleming stated that due to the absence of Selectman Picard, the
166 Board will reorganize May 17th with the requested assistance of former Chairman Michael
167 Goodwin.

168 At 7:32pm Selectman Fleming motioned to enter into an Executive Session under MGL
169 c. 30A, sec. 21 exception #7, to comply with any general or special laws in aid requirement. The
170 Board will reconvene their regular meeting only to adjourn. Robert Fleming aye, James Brochu
171 aye.

172 The Board reconvened at 7:47pm to adjourn.

173 Robert Fleming aye, James Brochu aye.

174 Respectfully submitted,
175 Karen L. Varney, Department Coordinator