

Board of Selectmen

Town of Upton



Massachusetts

Meeting Minutes of July 12, 2011

*Location:* Fire & EMS Headquarters, 20 Church Street – 2<sup>nd</sup> floor training room.

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

The meeting was called to order at 6:00pm. Chairman Fleming informed the citizens that at the end of this meeting, the Board will enter into Executive Session under MGL c.30A, S. 21 exception #6 land values.

Motion #1: Selectman Brochu motioned to accept the meeting minutes of May 31, 2011. Second: Selectman Picard. Unanimous: Chairman Fleming.

Motion # 2: Selectman Brochu motioned to accept the executive session meeting minutes (South St) of May 31, 2011. Second: Selectman Picard. Unanimous: Chairman Fleming

Motion # 3: Selectman Brochu motioned to accept the executive session meeting minutes of June 7, 2011 Nelson St land values. Second: Selectman Picard. Unanimous: Chairman Fleming

Motion # 4: Selectman Picard motioned to accept the executive session meeting minutes of May 31, 2011, Nelson St land values. Second: Selectman Brochu. Unanimous: Chairman Fleming

Motion # 5: Selectman Brochu motioned to accept the general meeting minutes of June 7, 2011. Second: Selectman Picard, unanimous: Chairman Fleming.

Motion # 6: Selectman Picard motioned to accept the executive session meeting minutes of June 7, 2011, South St land values. Second: Selectman Brochu. Unanimous: Chairman Fleming.

Motion # 7: Selectman Brochu motioned to accept the general meeting minutes of June 16, 2011. Second: Selectman Picard, unanimous: Chairman Fleming.

Motion # 8: Selectman Brochu motioned to accept the general meeting minutes of June 21, 2011. Second: Selectman Picard, unanimous: Chairman Fleming.

The Board welcomed Paul Matthews, Executive Director of the 495 Partnership. In his presentation Mr. Matthews stated that the 495 Partnership, a regional economic council serving

45 32 communities was founded in 2003. Their Board of Directors include municipalities, public-  
46 private collaboration with businesses, and other stakeholders, is the regional leader for creating  
47 an environment that prepares for and cultivates sustainable growth. The Partnership addresses  
48 all the sectors of need in the region and act as an advocacy organization focused on economic  
49 development, transportation, and water supply issues that proliferate the 495/Metro West  
50 Corridor. The Selectmen agree the 495 Partnership would benefit the town. There is no cost  
51 associated for this membership. The Board enjoyed meeting Mr. Matthews and thanked him for  
52 the valuable information.

53 Jenna Rzasa and Aubrey Strauss of Tata & Howard, a specialized water and wastewater  
54 consulting firm came before the Board to update them on storm water Management  
55 requirements. Tata & Howard has been assisting the town with the mandatory responsibilities  
56 under the MS4 storm water management permit over the past few years and attended this  
57 meeting to update the Board on the new permitting coming out from DEP and the requirements  
58 that the Town will have to meet in order to stay in compliance. Ms. Strauss from Tata &  
59 Howard's Portland Maine office summarized the changes between 2003 general permit for storm  
60 water discharges from small MS4s (MS4-2003) and 2010 draft general permits for storm water  
61 discharges from small municipal separate storm sewer systems (MS4s) in the interstate,  
62 Merrimack and South Coastal Massachusetts watersheds. The Board is in agreement now is the  
63 time to take a proactive approach and move forward with a plan.

64 Selectman Picard asked about determining a starting point, Ms. Rzasa said she can put  
65 together an evaluation focusing on a critical structure plan with the potential costs for each  
66 priority component. This detailed 14 page summary is on file in the Selectmen's office for public  
67 view. Town Manager Blythe Robinson said it would be a good idea to start working on crafting  
68 a by-law that will comply with the new regulations.

69  
70 As a result of the June 16<sup>th</sup> continued Town Meeting a warrant article was approved to  
71 allocate \$600,000 to complete the design and engineering phase of the Hopkinton Road, High  
72 Street, and Hartford Avenue North road improvement plan. As a result, Town Manager Blythe  
73 Robinson presented the Board with a contract amendment for their approval to retain The BETA  
74 Group for this project. The town has contracted with BETA Group in the past, first to complete a  
75 pavement management program, and then in 2010 to complete preliminary engineering and to  
76 submit the appropriate project forms to begin the process of obtaining TIP funds for this road  
77 project. This agreement is an amendment to the 2010 contract for the preliminary TIP work. Due  
78 to the fact that the contract exceeds \$25,000 Ms. Robinson has recommend that the Board  
79 approve and authorize her to execute this contract on the Town's behalf.

80  
81 Motion # 9: Selectman Picard motioned to authorize the Town Manager to execute a contract not  
82 to exceed \$600,000 to the BETA Group for design services associated with the Hopkinton Road,  
83 High Street, and Hartford Avenue North TIP program. Second: Selectman Brochu, unanimous:  
84 Chairman Fleming.

85  
86 7:00pm, Chairman Fleming opened the Pole Location Petition Hearing for 14 Brooks  
87 Street (Plan #10806578) as requested by National Grid and Verizon New England Inc. to service  
88 a new home. A representative from National Grid came before the Board. All abutters were  
89 notified. The description was read aloud by Chairman Fleming and approval from Highway

90 Supervisor John Johnson was received. Chairman Fleming asked if there were any questions  
91 from the Board members. Hearing none, he then asked any abutters and the general public if they  
92 had questions. Hearing none, the pole location hearing was closed.

93  
94 Motion #10: Selectman Brochu motioned to approve the request from National Grid and  
95 Verizon New England, Inc., on plan #10806578, Pole #14, Brooks St. Second: Selectman Picard,  
96 unanimous by Selectman Goodwin.

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99 Town Manager’s Weekly Report

100 Warrants:

- 101 • Payroll: \$ 101,788.66
- 102 • Expense Warrant: \$1,047,011.42

- 103
- 104 • The Selectmen have been advised that Tennessee Gas is planning to maintain a portion of  
105 their pipeline along Warren Street utilizing some herbicides. Both the Board of Health  
106 and Conservation Commission are aware of the situation. The Board of Health has asked  
107 the pipeline company not to utilize herbicides due to the number of complaints they have  
108 received, however the Conservation Commission seems to feel comfortable with the  
109 situation. They will be discussing it at their next meeting on the 13<sup>th</sup>.
- 110 • The Selectmen’s office has received approval from the Conservation Commission for the  
111 Request for Determination filed with them for the projects planned on Grafton Road and  
112 Westborough/Southborough Roads. The office will be putting out a bid for the Grafton  
113 Road project as soon as the Governor signs the budget and the project is approved by  
114 Mass Highway (since it is Chapter 90 funds). The Westborough project will wait to go  
115 out to bid until RDA approval for the School Street project is secured. Since these are  
116 similar projects, the hopes is to save some funds by bidding them as one contract and are  
117 hopeful they can be completed this fall.
- 118 • The documents required to obtain the \$500,000 reimbursement from the State under the  
119 LAND grant for the purchase of Sweet William Farm were submitted to the State last  
120 week. It will take two weeks for the funds to be transmitted to the Town.
- 121 • The “hot in place recycling” of Fisk Mill Road is scheduled to start on Friday, July 8<sup>th</sup>  
122 and be completed in July 11<sup>th</sup>.
- 123 • A letter was received from the Oxford Board of Selectmen asking us to support  
124 legislation for a “Scratch Ticket Bill” which is proposed to be similar to the bottle bill in  
125 that consumers would be incentivized to return tickets to reduce litter. A copy of the  
126 letter to Senator Moore on this topic was attached to this report.
- 127 • The Board received a letter from Kevin Rudden, Eagle Scout Coordinator informing us of  
128 the fact that two troop members will be honored at a celebration on July 16<sup>th</sup> for  
129 achieving their Eagle Scout designation. One of the members is an Upton resident.
- 130 • The 5-ton dump truck ordered late last summer is nearing completion and delivery to the  
131 DPW. It has been returned to International from the body shop and is having a final  
132 inspection before being turned over to the town in the next week or so. We are also  
133 finalizing the specifications for the truck just approved at Town Meeting.
- 134 • On Wednesday night a subcommittee of the MURSD met to begin planning for a district  
135 wide meeting on the school budget in case the override votes in Mendon does not pass on

136 July 18<sup>th</sup>. Ms. Robinson attended the meeting as well as representatives from Police,  
137 Fire, EMS, Town Clerk & UCTV. The meeting was mostly an information gathering  
138 session for the subcommittee so they can present options to the full committee at the  
139 MURSD July 19<sup>th</sup> meeting. It seemed from the discussion last night that there was some  
140 consensus for having the meeting at Nipmuc (either in 3 rooms plus a tent or entirely  
141 outdoors), and to have the meeting approximately four weeks after the 19<sup>th</sup>. The  
142 weekend of August 20/21 was discussed. No further meetings are planned until the  
143 outcome of the Mendon vote is known.

- 144 • A number of old warrant article accounts from prior fiscal years were reviewed to see if  
145 projects can be closed out and balances returned to free cash. That exercise will net a  
146 transfer to free cash of \$17,166.22.
- 147 • A memo from Kopelman & Paige regarding the open meeting law, specifically who the  
148 Board may invite to attend and participate in a meeting. The Board is already well versed  
149 in this area of the law and this is just a copy for review.
- 150 • The warrants for the previous week are higher than usual due to two items. Payroll has  
151 increased in concert with the beginning of the summer season of recreation activities.  
152 The expense warrant includes payments to the MURSD school system and principal and  
153 interest payments on a number of our debt obligations.
- 154 • On behalf of the Town, Ms. Robinson has written a letter to submit the Hartford  
155 Avenue/High Street/Hopkinton Road project to CMRPC for future inclusion in the TIP  
156 program. The letter also included a copy of the Project Initiation Form that was  
157 previously submitted to the DOT. Hopefully this letter will give the committee a good  
158 overview of the project, the Town's serious support for it, and the reasons why we think it  
159 should be funded. Jim Bates Jr. (who is the Deputy Chair of the CMMPO) would like to  
160 attend your meeting on August 23<sup>rd</sup> to go over the process and offer us some insights into  
161 how we can see this project to successful completion.

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163  
164 Rebecca J. Tredeau came before the Board to request a Common Victualer's License for her  
165 new restaurant business, Rebecca's Place 3. This business is located at 118 Main, the corner of  
166 Maple Avenue and Main Street and Rebecca is hoping to open by the first part of August. The  
167 Board reviewed the information and made motion.

168  
169 Motion # 11: Selectman Picard motioned to approve a Common Victualer's License to Rebecca  
170 J. Tredeau for Rebecca's Place 3 subject to approval of the Board of Health and all required  
171 documents filed with the Board of Selectmen's office. Second: Selectman Brochu, unanimous:  
172 Chairman Fleming.

173  
174 At the last meeting the Board decided to form a committee to review and report on the  
175 opportunities and consequences associated with dissolving the M-U regional school district.  
176 Chairman Fleming has drafted a mission statement for the Board's consideration. Selectman  
177 Picard added that a time line should be added to this Mission statement. Chairman Fleming and  
178 Selectman Brochu agreed, adding to the Mission statement that appointees will serve for a period  
179 of 6 months.

180  
181 Motion #12: Selectman Brochu motioned to accept the MURSD Secession Committee

182 as written with a friendly amendment that appointees will serve for a period of 6 months.  
183 Second: Selectman Picard, unanimous: Chairman Fleming.

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185 A letter was received from Sherry Berger, owner of the Red Rock Grill requesting the  
186 Board's consideration to extend the hours that she can serve alcohol on Saturday and Sundays.  
187 The Town accepted the provisions of the State law at this year's Town Meeting to allow  
188 businesses the right to serve alcohol as early as 10:00am.

189  
190 Motion # 13: Selectman Picard motioned to approve the request of the Red Rock Grill and Bar  
191 to serve alcohol on Saturday and Sunday's beginning at 10:00am. Second: Selectman Brochu,  
192 unanimous: Chairman Fleming.

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194 The Mendon Board of Selectmen Mike Amendolia, Mike Goddard and Finance  
195 Committee members of both Mendon and Upton were welcomed by the Board. The purpose of  
196 this meeting is to begin discussion about choosing a moderator to oversee a possible district wide  
197 meeting on the school budget. Should the school's override fail in Mendon on July 18<sup>th</sup> the  
198 MURSD has indicated they will vote to have this district wide meeting in August. Last year at  
199 the recommendation of the chairperson of the State Moderator's Association the Town Manager  
200 contacted Mr. Ned Perry from Concord, MA and Ms. Deborah Medders from Tisbury. Ms.  
201 Robinson spoke with Mr. Perry last year and felt he might be an excellent candidate based upon  
202 the fact that he had put together procedures for such a meeting there (Concord is in a joint district  
203 with Carlisle) and his 10 years of experience. Ms. Medders has over 10 years of experience as  
204 well. Mr. Pleau had spoken with her last year and no further information is available.

205 Ms. Robinson stated that she called both Mr. Perry and Ms. Medders this week and both  
206 of them are interested and available in late August to serve as a moderator. Due to the anticipated  
207 large turnout, it may be in the best interest of both towns if both individuals can serve, one as a  
208 moderator and one to assist. Ms. Robinson said she believes the School Committee would want  
209 to have these candidates appointed quickly so they can start to prepare. Chairman Fleming  
210 agreed and Selectman Picard would like to move forward this evening and appoint a moderator.  
211 Mendon Selectmen Mike Amendolia disagreed with appointing a moderator this evening and  
212 stated he has a few individuals in mind who expressed interest in serving as moderator. He is  
213 also waiting to see what happens at Mendon's Town Meeting net Monday, July 18<sup>th</sup>. Chairman  
214 Fleming asked for a poll vote to see who is prepared to pledge a vote this evening. Those in  
215 favor, Ken Picard, Jim Brochu and Mendon Selectman Mike Goodard.

216  
217 Motion # 14: Selectman Brochu motioned to extend an offer to Ned Perry from Concord, MA to  
218 serve as Moderator for a possible district wide town meeting, and also extend an offer to  
219 Deborah Medders, Tisbury, MA as the alternative moderator in this process. Second: Selectman  
220 Picard, unanimous: Chairman Fleming.

221  
222 Chairman Fleming asked if there was any debate. Hearing none he called for a roll call  
223 vote: Mike Amendolia, abstained, Mike Goddard, aye, Jim Brochu, aye, Ken Picard aye and Bob  
224 Fleming aye. Vote was 4 in favor of the motion. If the override does not pass at town meeting on  
225 Monday, the boards will plan on scheduling another meeting. Chairman Fleming thanked the  
226 Mendon Selectmen for attending their meeting. The Town Manager will follow up with the  
227 school committee.

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229           Regarding the naming of the 3<sup>rd</sup> Water Source, the Historical Commission did not have  
230 any suggestions for a name for the new well field other than to link the name to the road that it is  
231 on. It was the Town Manager's suggestion that it be named Well Site #3. After a brief  
232 conversation, a motion was made.

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234 Motion # 15: Selectman Picard motioned to name the West River Street well, the Municipal Well  
235 # 3. Second: Selectman Brochu. Unanimous: Chairman Fleming.

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237           The Board received a resignation letter from Personnel Board member John Sicurella.  
238 Chairman Fleming thanked Mr. Sicurella for his service to the town.

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240 Motion # 16: Selectman Picard motioned to accept with regret the resignation of Personnel  
241 Board member John Sicurella. Second: Selectman Brochu: unanimous Chairman Fleming.

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243           At 7:34pm Chairman Fleming motioned to enter into an Executive Session under MGL c.  
244 30A, sec. 21 exception #6, to consider the purchase, exchange, lease or value of real estate. The  
245 Board will reconvene to their regular meeting for adjournment only. Robert Fleming aye, Ken  
246 Picard aye, James Brochu aye.

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248           The Board reconvened at approximately 8:06pm and motioned to adjourn.

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250 Respectfully submitted,  
251 Karen L. Varney, Department Coordinator

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