

Board of Selectmen

Town of Upton



Massachusetts

Meeting Minutes of August 23, 2011

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

Present: Chairman Robert J. Fleming, Selectman Kenneth E. Picard, Selectman James A. Brochu, Town Manager, Blythe C. Robinson, and Department Coordinator Karen L. Varney.

Approved: September 13, 2011

The meeting was called to order at 6:00pm. Chairman Fleming noted that at the completion of this meeting, the Board will motion to enter into executive session under MGL c.30A, S. 21 exception #6 land values and will reconvene only to adjourn.

Motion # 1: Selectman Picard motioned to approve the August 2, 2011 meeting minutes. Majority: Chairman Fleming.

Motion # 2: Selectman Picard motioned to approve the August 10, 2011 meeting minutes. Second: Selectman Brochu, unanimous: Chairman Fleming.

Town Manager’s Weekly Report

Warrants:

- Payroll: \$ 82,603.32
- Expense Warrant: \$ 48,264.03

Information / Follow Up:

- With the arrival of Chief Goodale last year we have implemented a regular schedule of tests and maintenance on the trucks and equipment in the Fire & EMS Department. As part of that Fire Engine #2 was sent out for a pump test last week which it passed however in doing so a leak was discovered in the oil seal and as a result there is oil and water mixed in the pump itself. Chief Goodale is in the process of getting a repair estimate and expects this will cost over \$8,000 due to the work involved to take the truck apart. It is also anticipated that this 23-year old truck would need a replacement radiator this year at a cost of about \$5,000. This information will be analyzed with a recommendation on whether we repair this truck or suggest another avenue to have a 2nd line pumper available to us. This truck was scheduled to be replaced in two years.

- 43 • The Board has received an invitation from the Association of Town Finance Committee's
44 for Selectmen to attend their annual meeting that will be held on Saturday, October 15th
45 in Franklin, Mass. Chairman Fleming and Selectmen Picard and Brochu will attend.
- 46 • Nine proposals were received for the Town Hall Renovation project, of the 14 firms that
47 attended the mandatory site visit in July. The Committee will be reviewing those and
48 short listing firms for interviews in the coming weeks.
- 49 • A lone bid of \$188,998.00 was received in response to purchase a 2012 medium duty
50 ambulance. The Fire/EMS Department is reviewing this bid and expects to make a
51 recommendation for award at the September 13th Selectmen's Meeting. This bid is
52 slightly higher than was approved at Town Meeting however the vendor has indicated
53 they will take our current ambulance for \$4,000. We are investigating whether this is the
54 best opportunity for the Town.
- 55 • The office received a report entitled 2011 Municipal Revenue and K-12 Enrollment
56 Report for the 495/Metrowest Region that was prepared by the MetroWest Economic
57 Research Center at Framingham State University. It may be of use to the MURSD
58 Secession Committee once they begin their work.
- 59 • Congratulations to Dean Parker for completing the Mass. Management Training Program
60 put on by the Mass. Water Pollution Control Association. Dean will graduate in
61 September and be recognized at the fall trade show in Princeton, MA.
- 62 • Enclosed with the Town Manager's report was a project update spreadsheet that was
63 started last month. Most of the items on the list show progress from the previous month,
64 mainly because it has been a fairly quiet summer!
- 65 • There are a number of bids or RFP's due in August as a result of our procurement efforts.
66 The schedule includes:
 - 67 ○ Proposals for a Water Rate Study – August 24th
 - 68 ○ Proposals Refuse & Recycling – August 24th (due to a misstep, the August 24th
69 proposals will not happen and will need to be reposted).
 - 70 ○ Grafton Road Reconstruction – August 24th
 - 71 ○ Chip Sealing for Fisk Mill Road – August 24th
- 72 • The Fire Department is working on an application under the federal Assistance to
73 Firefighters Grant program to seek funding for the replacement of 26 self-contained
74 breathing apparatus (SCBA), and a spare bottle for each air pack. This equipment is
75 close to 15 years old. Most of them are at least two generations old and the air bottles are
76 going to expire when they reach 15 years of age. The AFG grant program is our best shot
77 at obtaining grant funding to replace our air packs. In addition we are planning to include
78 funding for individual air masks for all firefighters and a rapid intervention pack or a
79 special rescue air pack used to rescue firefighters in trouble. The initial estimate for
80 funding this equipment is approximately \$170,000. The Town of Upton would be
81 responsible for a 5% match of the funding or \$8,500. This is brought to the Board's
82 attention because the Town will have to provide documentation that they agree to match
83 and support this grant in the event that it is awarded. The town Manager would give that
84 authorization and if awarded the grant seek special town meeting approval for the match.

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86
87 At 6:05 PM Chairman Fleming opened the Class 11 public hearing of Derek Davis, NALA
88 Equipment Corporation 11 Walker Drive Upton. Mr. Davis submitted an application for approval

89 by the Board for a Class II license. After reading the legal notice that was published, Chairman
90 Fleming asked if Mr. Davis was in attendance. After realizing he was not present, the hearing
91 was recessed to September 13th at 6:05pm. No abutters attended.
92

93 The Board welcomed Jim Bates, Jr., southeast regional delegate of the CMRP (Central Mass
94 Regional Planning Commission) appointed by the Selectmen. Jim has asked to come before the
95 board to
96 provide some feedback on the Transportation Improvement Program (TIP). In this role Jim has a
97 strong knowledge of how the TIP works, and what communities need to do to successfully obtain
98 funding for their projects. The town has recently submitted our Hartford Avenue North, High
99 Street, Hopkinton Road project for consideration and it has been approved as a project by the
100 State DOT. Town meeting has approved the necessary \$600,000 for the design work in which
101 BETA engineering will take charge of. Mr. Bates has concerns that the full award amount of
102 \$8.3
103 million will not be seen by the town. He also feels that the \$600,000 for the design work will be
104 quickly absorbed and urged the Selectmen to work closely with BETA engineering and district 3.
105 Chairman Fleming said BETA is a good engineering firm and he believes they will address the
106 most critical areas first and commented that the Town Manager has been working with BETA
107 already monitoring the process. Selectman Picard added that any delays and cost overruns will
108 be covered by the State TIP.
109 The Board thanked Mr. Bates for his input.
110

111 Copies of emails concerning the Grafton & Upton Railroad operations were reviewed by the
112 Board. A number of residents who attended the meeting have raised concerns over the operations
113 of the railroad on Maple Ave. Chairman Fleming said some of these emails have innuendos and
114 misinformation. He confirmed that at the meeting of August 10th the Board motioned to form a 5
115 member committee consisting 3 elected officials and 2 citizens at large to research the operations
116 of the Grafton & Upton Railroad and its effect on public safety. Of these 3 elected officials, one
117 will be from the Selectmen, one from the Planning Board and one from the Board of Health.
118 Chairman Fleming drafted a mission statement for the Railroad Fact Finding Committee and
119 asked the members for input. Both Selectman Picard and Selectman Brochu supported the
120 Mission Statement.
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122 Motion # 3: Selectman Brochu motioned to accept the Railroad Fact Finding Committee Mission
123 Statement as submitted with the amendment on #8 to read: *surface*. Second: Selectman Picard,
124 unanimous: Chairman Fleming.
125

126 Chairman Fleming is confident that this will satisfy the residents' concerns.
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128 At 6:43pm the Board agreed to take a 10 minute recess.
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130 The Board reconvened at 6:53pm.
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132 Regarding tonight's joint Election with the Finance Committee to fill a vacant position,
133 the Board rescheduled this joint election for Tuesday, August 30th.
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135 Personnel Appointments: Enclosed within the Board's packet the Town Manager
136 has recommended the appointments of 3 individuals. Theresa Palmer, Department Coordinator
137 for the Board of Selectmen, Stephen Johnson, Local Building Official for the Code Enforcement,
138 and Danielle Brodeur to the position of part-time Communications Officer for the Police
139 Department. The Board received copies of the candidate's applications. All three positions were
140 advertised both internally and externally. Ten applications were received for the Department
141 Coordinator, seven for the Local Building Official and two for the P/T Dispatcher. After review,
142 the Board supported Ms. Robinson's recommendation.

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144 Motion #4: Selectman Brochu motioned to accept the Town Manager's recommendation in
145 appointing Theresa Palmer, Stephen Johnson and Danielle Brodeur and to waive the 15-day
146 waiting period. Second: Selectman Picard, unanimous: Chairman Fleming.

147
148 MURSD Secession Committee Appointments.

149 At the last Selectmen's meeting this item was tabled because the office had received letters of
150 interest from only two residents. Since that time three more residence have offered to serve on
151 this committee however one has withdrawn her letter. Once reviewed, the Board approved these
152 appointments.

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154 Motion # 5: Selectman Picard motioned to appoint Ray Beauregard, Alan Rosenfield, and Scott
155 Oglesby to serve on the MURSD Secession Committee for a 6 month term, with the option of
156 extending that term. Second: Selectman Brochu, unanimous: Chairman Fleming.

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158 A mission statement has been drafted and the Board is waiting for more letters of interest
159 to come in.

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161 Glen Avenue Well Field Replacement Wells:

162 At the spring town meeting \$286,000 was authorized by the voters to pay for the replacement of
163 the back portion of the well field with three new gravel packed wells in the forward section of
164 the well field. The Town Manager has drafted a copy of the proposed contract with Tata &
165 Howard that covers the engineering work, permitting, and cost of construction of these new wells
166 and associated infrastructure. She is recommending this contract be awarded to Tata & Howard.
167 After review, the Board approved Ms. Robinson's recommendation.

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169 Motion # 6: Selectman Picard motioned to authorize the Town Manager to execute a contract
170 with Tata & Howard, Marlborough Mass for professional services at the Glen Ave Wellfield in
171 the amount of \$142,700. Second: Selectman Brochu, unanimous: Chairman Fleming.

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173 Road Repairs Contract Award:

174 Town Manager Blythe Robinson has recommended that a contract for various road repairs be
175 awarded to J.H. Lynch of Millbury, MA for the full amount of funding approved at the spring
176 Town Meeting of \$75,000 for repairs to Westborough Road, Hartford Avenue North and
177 Hopkinton Road.

178
179 Motion # 7: Selectman Picard motioned to authorize the Town Manager to execute a contract
180 with J.H. Lynch & Sons, Inc., Millbury, MA for road repairs to sections of Westborough and

181 Hopkinton Roads in the amount of \$75,000.00. Second: Selectman Brochu, unanimous:
182 Chairman Fleming.

183

184 Pre-Approval – Chip Sealing Contract

185 The Town Manager will be opening bids from firms interested in completing the chip sealing of
186 Fisk Mill Road. After the hot in place recycling of which was complete, it was the intent to
187 install a rubberized chip seal product over the recycled asphalt to extend its useful life. The work
188 is estimated to cost \$75,000.00. Ms. Robinson is asking for the Board’s approval in advance
189 because the firms that do this type of work will only perform it up until the middle of September.
190 Given the timing of the board’s meetings, if it is not approved now, the town will have to wait
191 until spring to complete the work. It was her suggestion that as long as the bids are within
192 budget and the DPW Consultant recommends a contract with the low bidder that the Board
193 authorize moving forward and approve the Town Manager to execute a contract on the Town’s
194 behalf. After a brief discussion, and not wanting to hold up the bid process, positive action was
195 taken.

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197 Motion # 8: Selectman Brochu, motioned to approve up to \$75,000 for the cost of chip sealing
198 for Fisk Mill Road and to comply with the bid proposal documents. Second: Selectman Picard,
199 unanimous: Chairman Fleming.

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201 Noble Vista Agreement overview:

202 Several weeks ago the Town Manager along with Attorney Jay Talerman met with Mr. Fred
203 Ruland and his counsel to review the status of the agreement regarding the Noble Vista
204 development in an effort to resolve issues that remained and thus avoiding an appeal to the
205 Housing Appeals Committee (HAC). In a draft agreement, Mr. Ruland and his attorney concur
206 with the changes noted. The significant change in the agreement is that the \$100,000 for the
207 raising of Hartford Avenue will be paid over time rather than in a lump sum up front. This
208 agreement was reviewed by the Board in detail and agreed with the changes made.

209

210 Motion # 9: Chairman Fleming motioned to approve the Noble Vista agreement as submitted.
211 Second: Selectman Picard, unanimous: Selectman Brochu.
212 The remaining steps in this process would be Zoning Board of Appeals approval of the new
213 permit, and a dismissal by the (HAC).

214

215 Memorandum of Understanding – West River Street

216 As part of developing Municipal Well Field #3 the Town Manager has been working with the
217 neighboring property owners to obtain easements across their properties that will enable the town
218 to have the most direct access to the well field from West River Street. The Board has
219 previously approved to a memorandum with D&F Afonso Builders for this that will extend from
220 West River Street to the Richard’s property. Ms. Robinson has been working with the Richard’s
221 for a similar easement and to keep the project on track a clause has been added for clarity.
222 Approval was given to move forward.

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224 Motion # 10: Selectman Picard motioned to authorize the Town Manager to execute a
225 Memorandum of Understanding with Robert & Jane Richard for a dedicated easement to West
226 River St. Second: Selectman Brochu, unanimous: Chairman Fleming.

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Stop Sign – Christian Hill Road & Elm Street

A memo was received from Chief Michael Bradley recommending that a stop sign be installed at the Christian Hill and Elm Street location. This intersection has been the subject of a number of accidents. After reviewing the options with the DPW, this has been determined to be a cost effective way to improve safety. Selectman Picard feels this should be placed on the Annual Town Meeting warrant for reconstruction of this intersection. Positive action was taken by the Board.

Motion # 11: Selectman Brochu motioned to authorize the placement of a stop sign at the intersection of Christian Hill Road & Elm Street. Second: Selectman Picard, unanimous: Chairman Fleming.

Tennessee Gas Pipeline:

The office has received a number of correspondences relative to the Tennessee Gas’ plan to perform spraying of areas of their pipeline property that goes through Upton in order to maintain it. The June notice to property owners informs them that they may request that spraying not be done, and that mechanical methods be used instead. The Conservation Commission has met with Tennessee Gas and reviewed this information and found the companies practices to be reasonable. The Board of Health, in response to the numerous calls of concern they received, has asked that the spraying not be done. Thus the decision was with the Board as to whether or not they want to allow any spraying on Town property. Owners can opt out of this spraying.

Motion # 12: Selectman Picard motioned to allow Tennessee Gas Pipeline to spray the application of herbicides to the town’s easements as part of their comprehensive management program. Second: Selectman Brochu, unanimous: Chairman Fleming.

Industrial Accident Fund – Request for Appropriation

A memo was received from Fire/EMS Chief Goodale requesting an appropriation from the Industrial Accident Fund to help pay for fire & police personnel to take an EMT training course. The Treasurer/Collector has indicated that we have approximately \$11,900 in the fund and he recommends that it be liquidated. The fund was originally set up to help pay medical claims for employees that were injured on the job. Now that this is covered by State law through various insurance plans the fund has not been utilized in many years. The terms of the Trust give the Selectmen the authority to allocate the monies. Favorable action was taken.

Motion # 13: Chairman Fleming motioned to authorize the Treasurer / Collector to liquidate the Industrial Accident Fund as requested in a memorandum submitted by Fire Chief Ron Goodale. Second: Selectman Picard, unanimous: Selectman Brochu.

Rose Garden – Request Permission to Extend License on Sept. 4th

Michael Campbell, owner of the Rose Garden, has requested permission to extend their patio on Sunday, September 4, 2011 in order to hold a Jimmy Fund fundraiser and to be able to serve alcohol and have music for entertainment. The Police Chief has been notified of this and has no public safety concerns about approving this request.

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274 Motion # 14: Selectman Brochu motioned to approve the request of owner Michael Campbell to
275 extend his patio area at the Rose Garden during the hours of 12noon – 9:00pm for a Jimmy Fund
276 fundraiser to service alcohol in non-glass containers and music for entertainment. Second:
277 Selectman Picard, unanimous: Chairman Fleming.

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280 In regards to the 2 building lots the Town owns on Orchard Street, Selectman Picard, a
281 member of the Local Housing Partnership Committee has recommended these lots as possible
282 affordable housing. Both Chairman Fleming and Selectman Brochu are open to the
283 recommendation. Selectman Picard noted that there is currently a vacancy on the Local Housing
284 Partnership Committee and asked for letters of interest.

285
286 September 11th will be the 10 year anniversary of the horrific act that was committed and
287 the tragic loss of over 3,000 lives. The Fire Department has made mention of a possible
288 ceremony on Sunday morning, September 11th however no details are available at this writing.
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290 At 7:35pm Chairman Fleming motioned to enter into Executive Session under MGL c.
291 30A, sec. 21 exception #6, to consider the purchase, exchange, lease or value of real estate. The
292 Board will reconvene their regular meeting upon completion of this executive session: James
293 Brochu, aye. Ken Picard aye, Robert Fleming aye.

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295 The Board reconvened their regular meeting at 8:05pm and motioned to adjourn. Jim
296 Brochu, aye. Ken Picard aye, Robert Fleming aye.

297
298 Respectfully submitted,

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300 Karen L. Varney, Department Coordinator

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