

**BOARD OF  
SELECTMEN  
MEETING  
MINUTES**

**August 2, 2016**

Town Hall

Chairman James Brochu; Selectman Robert J. Fleming; Selectman Gary Daugherty; Town Manager, Blythe C. Robinson; Executive Assistant, Sandra Hakala

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

3  
4 **MINUTES**

5 ***Motion #1:*** Motion made by Selectman Fleming to approve the July 12, 2016 regular session  
6 meeting minutes.

7  
8 Second: Selectmen Daugherty, Unanimous Chairman Brochu.

9  
10 **INVITED GUESTS**

11 ***Library Feasibility Committee*** – Mathew Bachtold, Library Director and Linda Arthur a member  
12 from the Library Feasibility Committee were present to discuss the concept drawings that depict  
13 a future library on the Town owned parking lot on Route 140 in front of the Veteran's Memorial  
14 Playground. There are two versions of the concept, one with 22 parking spaces and the other  
15 with 30 spaces, both supporting a two-story building of 16,000 square feet. The Board will  
16 consider supporting a project in this location.

17  
18 The committee is leaning toward a new build rather than a renovation, and are pursuing a state  
19 grant that has several specifications. The committee has looked at several sites, both private and  
20 town-owned properties and haven't found the exact perfect one.

21  
22 Selectman Bob Fleming said he would not be opposed to using the property for the library, if  
23 workers could "reconfigure or relocate," to occupy about two-thirds of the parking to save  
24 spaces. Chairman Brochu and Selectman Daugherty also expressed concern about parking.

25  
26 **RECOGNITION**

27 Chairman Brochu thanked the Department of Public Works and Director Roy for a job well done  
28 in repairing multiple water main breaks over the last week.

29  
30 **MANAGER'S REPORT**

31 The State Green Community representative, the utilities reps and Bill Taylor, Green Committee  
32 Chair met to kick off the projects funded from the competitive grant received. Upton is the first  
33 community to accomplish applying for and winning a competitive grant the year immediately  
34 following achieving the green community designation of the 155 communities in the State that  
35 are in the program. Ms. Robinson commended Bill Taylor who deserves all of the credit for  
36 managing the initial projects to a successful completion in time to be able to apply for a second  
37 round of funding. State Representative Kelly Brown was also very impressed.

38  
39 The budget process for FY 18 has been initiated; Ms. Robinson sent out the request to  
40 departments asking for project updates in the five-year capital improvement program and to add  
41 any projects that should be considered in the final year (FY 23), as well as projects or equipment  
42 that for some reason need to be added sooner or moved forward. Project details and budgets are

43 due by the end of August in order to compile the draft report for review by Capital Budget,  
44 Finance and the Selectmen throughout the fall.

45  
46 The three members of the Cable Advisory held their first meeting and shared their ideas about  
47 public education regarding cable TV and other options residents have these days, addressing  
48 concerns about Charter cable service, and assisting staff with technology upgrades and  
49 programming. The Committee plans to meet again in a month.

50  
51 Water restrictions that are in place; no outdoor watering is allowed except by hand from 9 AM –  
52 5 PM.

53

54 **DISCUSSION ITEMS**

55 *Discuss joining an appeal of the EPA's MS4 Permit*

56 The Board reviewed a memo from Ms. Robinson outlining concerns raised by a number of  
57 Massachusetts communities about more stringent standards that the EPA requires in the new  
58 MS4 permit that may have a significant financial impact on us in future years. She recommends  
59 that the Town participate through the central Massachusetts coalition to support a legal appeal of  
60 this standard with the goal that it be repealed. The Board also considered participating in the  
61 appeal as a named community.

62  
63 Should the EPA regulate this to the fullest extent the cost factors would be prohibitive. Worcester  
64 has reached out to a legal firm who have agreed to take on the appeal on behalf of all the  
65 communities that want to join. The Selectmen agreed and unanimously voted to join the  
66 coalition.

67  
68 ***Motion #2:*** Motion made by Selectman Fleming to join the other communities in the Central  
69 Massachusetts Regional Stormwater Coalition to attempt to appeal these regulations with a legal  
70 firm Worcester has reached out to.

71  
72 Second: Selectmen Daugherty, Unanimous Chairman Brochu.

73  
74 *Discuss Adoption of the State's Complete Streets Policy for Upton*

75 The Board reviewed a memo from Ms. Robinson on the State's proposed Complete Streets  
76 policy and program which provides safe and accessible options for all travel modes – walking,  
77 biking, transit and vehicles – for people of all ages and abilities. The State is encouraging all  
78 communities to adopt this policy in an effort to make the town's roadways more accessible and  
79 efficient in certain areas and is offering financial incentives to implement the program; \$50,000  
80 to communities to help them make a prioritization plan, and after that, officials can apply for  
81 \$400,000 to implement a complete streets project.

82  
83 DPW Director Roy and Ms. Robinson have both completed the mandatory training on the  
84 program. The Selectmen asked them to devise a policy, have it approved by the state, then bring  
85 it before the Board for formal adoption.

86  
87 ***Motion #3:*** Motion made by Selectman Daugherty requesting Ms. Robinson and Mr. Roy devise  
88 a Complete Streets policy in an effort to make the town's roadways more accessible and efficient.

89  
90 Second: Selectmen Fleming, Unanimous Chairman Brochu.

91  
92 Discuss Request by Pulte Homes to Waive Water & Sewer Connection Fees for Proposed Upton  
93 Ridge Project

94 Ms. Robinson outlined the proposed agreement between the Town and Pulte Homes for the  
95 payment of water and sewer connection fees for the 139-unit development Pulte would like to  
96 build on Hartford Avenue South. The draft agreement reduces the connection fees slightly from  
97 the current rates, and in return Pulte will construct a certain number of affordable housing units  
98 as well as complete water and sewer service to the development so that these utilities are  
99 provided by the Town of Upton to these future residents.

100  
101 Mr. Blute from Pulte Homes was present and requested the Boards approval of these terms  
102 before Pulte Homes turns in its full application for the development to the Planning Board later  
103 in August.

104  
105 **Motion #4:** Motion made by Selectman Fleming to approve the Proposed Agreement for Water  
106 & Sewer Connection Fees at Upton Ridge:

- 107
- 108 • Pulte Homes will pay the Town of Upton a total of ten thousand dollars (\$10,000) for  
109 every unit of housing built in this project with the exception of affordable units. Seven  
110 thousand dollars (\$7,000) per unit will be paid for sewer connection fees, and three  
111 thousand dollars (\$3,000) for water connection fees. The fees for each unit will be  
112 payable to the Town immediately following a completed sale for each housing unit.  
113
  - 114 • Pulte Homes will construct ten (10) units of affordable housing. As part of this  
115 arrangement the Town will waive the water and sewer connection fees for all of these  
116 units which is a total of \$120,000  
117
  - 118 • Pulte Homes will extend and construct the sewer Main from the development on Hartford  
119 Avenue South to the Town's existing system at Hartford Avenue South and Railroad  
120 Avenue. The final design of which is subject to approval by the Town's consulting  
121 engineers and Director of Public Works. The extension of the system will become the  
122 property of the Town of Upton. This system will essentially consist of completing the  
123 gravity sewer line already installed in Hartford Avenue South, installation of additional  
124 gravity line from where it currently ends to approximately Glen Avenue, construction of a  
125 sewer lift station at that intersection, and installation of sewer force main from the lift  
126 station to Railroad Avenue as proposed by Pulte Homes in April and May, 2016. The  
127 Town makes no representations about the conditions of the existing dry main in Hartford  
128 Avenue South and will require Pulte Homes to take whatever measures necessary to  
129 complete the system extension to the Town's satisfaction.  
130
  - 131  
132 • Pulte Homes will also extend water service from the Town's existing system on Hartford  
133 Avenue South at approximately Rockdale Hill Circle to the Upton Ridge development,  
134 the final design of which is subject to approval by the Town's consulting engineers and

135 Director of Public Works. This system will essentially consist utilizing the dry pipe  
136 installed in Hartford Avenue South and the construction of a water booster pump station  
137 as proposed by Pulte Homes in April and May, 2016. The Town makes no  
138 representations about the conditions of the existing dry main in Hartford Avenue South  
139 and will require Pulte Homes to take whatever measures necessary to complete the  
140 system extension to the Town's satisfaction. The booster pump station will be of  
141 sufficient capacity to serve the homes constructed in this development. The intent is also  
142 that the Town will provide an easement in the right of way of Hartford Avenue South in  
143 order to construct the station below ground, and this station owned and maintained by the  
144 Upton Ridge Homeowner's Association. The Town and the Association will execute a  
145 separate agreement that outlines the maintenance of the station and access to the facility  
146 by the Town in cases of an emergency.

147  
148 Second: Selectmen Daugherty, Unanimous Chairman Brochu.

149  
150 Motion to Open a Warrant for the Fall Special Town Meeting

151 **Motion #5:** Motion made by Selectman Fleming to open the town warrant for a Special Town  
152 Meeting to be held on Tuesday, November 15<sup>th</sup> at Nipmuc High School and closed on Friday  
153 September 30<sup>th</sup>.

154  
155 Second: Selectmen Daugherty, Unanimous Chairman Brochu.

156  
157 Execute amendment to the Conservation Restriction on Crosswinds Development

158 An amended Conservation Restriction for the Crosswinds subdivision was reviewed and  
159 executed by the Board. The amendment removed an area of restriction on lots 19, 21, 23 & 24  
160 and in place of it to add to the larger conservation area. The original plans submitted by the  
161 previous developer included the small restrictions. In a site visit to the development now that it is  
162 well under construction, the Conservation Commission agreed with the current developer that the  
163 small areas did not contribute to the purpose of the restriction, and that the larger restricted area  
164 was a better outcome. Town Counsel has reviewed the document and approves of it, and it has  
165 been executed by the Commission

166  
167 **Motion #6:** Motion made by Selectman Fleming to execute the amendment to the Conservation  
168 Restriction on Crosswinds Development as submitted.

169  
170 Second: Selectmen Daugherty, Unanimous Chairman Brochu.

171  
172 Discuss Conflict of Interest Determination – Police Chief's appointment to the Mass. Police  
173 Accreditation Commission Board of Directors

174 The Police Chief has been asked to serve on the Board of Directors of the State's Accreditation  
175 Commission. Realizing that the State ethics laws require the Chief to seek the Board's  
176 determination that there is no financial conflict of interest for him to serve on the commission he  
177 has asked for the Board's concurrence. Chairman Brochu requested that any discussion with  
178 respect to Upton on this board that Chief Bradley recuse himself on those discussions and  
179 document it accordingly on the minutes. Ms. Robinson recommended to the Board there is no  
180 financial benefit that derives to the Chief from sitting on this Board.

181  
182 **Motion #7:** Motion made by Selectman Fleming determining the Police Chief's appointment to  
183 the Mass. Police Accreditation Commission Board of Directors is approved for which there is no  
184 conflict of interest and gives written confirmation of same.

185  
186 Second: Selectmen Daugherty, Unanimous Chairman Brochu.

187  
188 Motion for Appointments

189 The Selectmen considered two applications for the open position of Municipal Hearing Officer.  
190 The applicants included the Assistant Treasurer/Collector from Mendon who is a trained  
191 Municipal Hearing Officer, and a current resident of Upton who is not trained. It is the Town  
192 Manager's suggestion to the Board that Mendon employee be considered as she has already  
193 taken the required training and would be able to conduct a hearing right away if needed, while  
194 the other candidate might not be able to do so.

195  
196 **Motion #8:** Motion made by Selectman to appoint Jenn Welch to the position of Municipal  
197 Hearing Officer through May 2017.

198  
199 Second: Selectmen Fleming, Unanimous Chairman Brochu.

200  
201 Review and Vote to Release Executive Session Minutes

202 The Board votes at the beginning of each fiscal year to release minutes from any meeting for  
203 which the matter has been resolved and there is no reason for the minutes to remain confidential.  
204 Ms. Robinson included a recommendation for each set of minutes on whether the matter is still  
205 active and/or should remain confidential, or whether she believes it could be released. She also  
206 suggested that minutes of negotiations between the Town and its bargaining units remain  
207 confidential so that the Town protects its bargaining strategy from being released.

208  
209 **Motion #9:** Motion made by Selectman Fleming to release the following Executive Session  
210 Minutes as submitted in the log numbered: 135,149,151,157,158,159,170,170A,182.

211  
212 Second: Selectmen Daugherty, Unanimous Chairman Brochu.

213  
214 Execute Warrant for 2016 State Primary

215 **Motion #10:** Motion made by Selectman Fleming to execute the election warrant for the State  
216 primary scheduled for September 8th to be posted as required by law.

217  
218 Second: Selectmen Daugherty, Unanimous Chairman Brochu.

219  
220 **NEW BUSINESS**

221 Proposed Parking Lot Design

222 The Selectmen will review individually next week with the Town Manager the proposed plan to  
223 expedite the process.

224  
225 **ADJOURN MEETING**

226 **Motion #11:** At 7:04 pm motion was made by Selectman Daugherty to adjourn.

227

228 Second: Selectmen Fleming, Unanimous Chairman Brochu.  
229  
230 Respectfully submitted, Sandra Hakala, Executive Assistant

**BOARD OF  
SELECTMEN  
MEETING  
MINUTES**

**August 9, 2016**

Town Hall

Chairman James Brochu; Selectman Robert J. Fleming; Selectman Gary Daugherty; Town Manager, Blythe C. Robinson; Executive Assistant, Sandra Hakala

1 Chairman Brochu called the meeting to order at 6:00pm.

2  
3 **DISCUSSION ITEM**

4 **Discussion regarding 60 School Street**

5 The home on 60 School St. was condemned by the Board of Health and 13 cats were removed  
6 following an inspection by Animal Inspector Mike Moran and MSPCA Officer Nadya Moreno. A  
7 court order obtained last week allows the Town to clean out the house and gives the town the  
8 ability to recover the funds.

9  
10 To that end the Town received a quote from 24Trauma specializing in bio-hazard remediation,  
11 not to exceed \$12,500. The clean-up will include removing the garbage and contents, removing  
12 interior walls down to the studs so that the cats can be located and removing the kitchen  
13 appliances and bathroom fixtures. The owners will be unable to move back into the house as it  
14 will not be habitable. The steps 24Trauma outlined include:

15  
16 “1) Air purifiers will be set up inside the residence to help catch any debris that may be airborne.  
17 These machines will be run throughout the entire process. This helping to produce better overall  
18 air quality.

19 2) Odor control machines will be set up in the residence and ran throughout the entire process.

20 3) The entire residence will be sprayed down with aerosol disinfectant before any content or  
21 debris is touched. Disinfectant spray will be reapplied during progress of the job. Bug/flea killer  
22 will be applied if needed. If the yard starts to show signs of infestation, we will immediately  
23 bring it to the attention of interested parties.

24 4) All of the trash/debris from the entire unit will be bagged in 3.5mil plastic bags and disposed  
25 of off-site. The unit will be left broom swept and Hepa vacuumed.

26 5) All remaining list items/valuables will be disinfected and left for the resident to collect or  
27 deem as trash.”

28  
29 Neighbors raised concerns about public health issues that may arise during the cleaning process  
30 including fleas traveling to neighboring properties, contamination in the soil in the dirt cellar  
31 contaminating the ground, and the potential for cockroaches.

32  
33 Ms. Robinson suggested that anybody who has a situation that was caused by the home to inform  
34 the Board of Health. Chairman Brochu explained that the cleanup is simply one step in a process  
35 that will continue to be handled legally within the coming months to completely remedy the  
36 situation.

37  
38 Town Counsel will return to court tomorrow seeking another preliminary injunction to continue  
39 the act of not allowing the residents to be in the property, for the town to complete its cleanup  
40 operations, to be able to make an assessment of whether or not the house can be renovated and to  
41 allow the town to spend money on adjoining properties if there’s a public health issue that needs  
42 to be addressed.

43  
44 If the house is deemed livable another hearing will take place before the housing court to  
45 determine whether the attorney general will take over the property, or the owners will be able to  
46 rehabilitate it to the towns standards and codes.

47  
48 The Selectmen allocated \$12,500 to fund 24 Trauma Restore Disaster Experts out of South  
49 Easton to complete cleanup of the home. Town Counsel has advised the expenditure to clean out  
50 the 60 School Street funds is reasonable from the Risteen B trust. The will refers to assisting the  
51 needy, it doesn't specifically say that they must be financially needy, although in this case that is  
52 likely one of the ways that they are.

53  
54 ***Motion #1:*** Motion made by Selectman Fleming to allocated \$12,500 to fund 24Trauma to  
55 perform the cleanup of the home from the Ella Risteen Fund as described.

56  
57 Second: Selectmen Daugherty, Unanimous Chairman Brochu.

58  
59 **ADJOURN MEETING**

60 ***Motion #2:*** At 6:34pm motion was made by Selectman Daugherty to adjourn.

61  
62 Second: Selectmen Fleming, Unanimous Chairman Brochu.

63  
64 Respectfully submitted,  
65 Sandra Hakala  
66 Executive Assistant