

**BOARD OF  
SELECTMEN  
MEETING  
MINUTES**

**March 15, 2016**

Town Hall

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

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

3  
4 **MINUTES**

5  
6 **Motion #1:** Motion made by Selectman Brochu to approve the March 1, 2016 regular session  
7 meeting minutes.

8  
9 Second: Selectman Fleming, Unanimous Chairman Picard.

10  
11 **Motion #2:** Motion made by Selectman Brochu to approve the March 8, 2016 regular session  
12 meeting minutes.

13  
14 Second: Selectman Fleming, Unanimous Chairman Picard.

15  
16 **Motion #3:** Motion made by Selectman Brochu to approve the February 23, 2016 executive  
17 session meeting minutes.

18  
19 Second: Selectman Fleming, Unanimous Chairman Picard.

20  
21 **INVITED GUESTS**

22  
23 **Public Hearing – National Grid Pole Location**

24 Chairman Picard proceeded to open a Public Hearing at 6:05PM pertaining to the Petition by  
25 National Grid seeking approval to install a new pole 57-84 and anchor and install new pole guy  
26 and remove pole to tree guy from pole 57 on Milford Street.

27  
28 Crystal Tognazzi was in attendance representing National Grid to answer questions from the  
29 Board. DPW has reviewed the location and has no issue with the relocation. Chairman Picard  
30 asked if there were any questions. There were none. The hearing was closed at 6:09PM.

31  
32 **Motion #4:** Motion made by Selectman Fleming that the Town of Upton grants permission to  
33 National Grid to install a new pole 57-84 and anchor and install new pole guy and remove pole  
34 to tree guy from pole 57 on Milford Street.

35  
36 Second: Selectman Brochu, Unanimous Chairman Picard.

37  
38 **Public Hearing – Application for Common Victualler – Upton House of Pizza**

39 Selectman Picard opened the public hearing in conformity with Chapter 140 of the General  
40 Laws. The public hearing is being held upon the requests of Khaled Fahmy Owner, Upton House  
41 of Pizza for the purpose of obtaining a Common Victualler License at 6 Milford Street. The  
42 previous owner has sold the business to Mr. Fahmy.

43  
44 **Motion #5:** Motion made by Selectman Fleming to award a Common Victualler License at 6  
45 Milford Street to Khaled Fahmy, Owner.

46  
47 Second: Selectman Brochu, Unanimous Chairman Picard.

48  
49 **MANAGER'S REPORT**

50 Several Town departments have been involved in addressing an abandoned property located at  
51 230 North Street. A recent inspection showed that it was unsecured and has suffered much  
52 damage and is not habitable at this time. The Town is in the process of contacting the owner and  
53 the mortgage company in an effort to compel them to take action.

54  
55 Board of Health staff will be in court next week with counsel from the Attorney General's Office  
56 to have the court appoint a receiver to take over the rehabilitation of the property at 14 North  
57 Main Street. None of the interested parties with this property have made the required repairs.

58  
59 As a result of the resignation from Jeff Hartman a Library Circulation Clerk the Personnel Board  
60 will initiate the recruitment process next week. Mr. Hartman has accepted a full-time position.

61  
62 Mr. Roy and the Town Manager attended the monthly CMMPO meeting last week to continue  
63 Town advocacy to get approval for the Hopkinton Road portion of the TIP project to be included  
64 for funding in FY 2020. There are 9 other projects vying for funding. Town engineers will  
65 submit the 75% design drawings by the middle of next week.

66  
67 The annual scholarship process has begun. Information has been posted to the website, and  
68 distributed to the schools. Students will have until April 13th to submit an application to the  
69 Board for consideration.

70  
71 MIIA had put the health insurance plans out to bid and the four carriers they approached, only  
72 two expressed interest and neither is competitive compared to the 12.8% increase the Town is  
73 receiving for July 1st. A meeting will be scheduled with the insurance advisory committee  
74 to review these responses and options for next year, including further modifications to what has  
75 already been provided by MIIA/Blue Cross.

76  
77 **DISCUSSION ITEMS**

78  
79 **Motion to Appoint – Part-Time Communications Officer**

80 The Board reviewed a recommendation from Chief Bradley to appoint Tyler Coburn to a  
81 position of part-time Communications Officer. The four persons in this role at present are not all  
82 always able to fill the shifts as needed. Tyler performed very well in the recruitment process for  
83 the full-time position that was just completed. He understands we only had one full-time slot to  
84 fill, and would like to fill in in a part-time capacity.

85  
86 **Motion #6:** Motion made by Selectman Fleming to appoint Tyler Coburn to the position of Part-  
87 time Communications Officer to expire in May waiving the fifteen day waiting period.

88

89 Second: Selectman Brochu, Unanimous Chairman Picard.

90

91 Motions to Approve Meritorious Bonuses

92 The Personnel Board has taken up its annual process to review the performance evaluations of  
93 employees whose supervisor has recommended to receive a bonus for their work over the  
94 previous year that is worthy of commendation. The Board reviewed a memo from the Personnel  
95 Board recommending awards to three employees this year.

96

97 **Motion #7:** Motion made by Selectman Fleming to authorize a merit bonus to Michael Moran,  
98 Animal Control Officer: \$1,000.00; Diane Tiernan, Assistant Public Health Supervisor:  
99 \$1,000.00; Tracey Tardy, Assessor’s Department Coordinator: \$800.00.

100

101 Second: Selectman Brochu, Unanimous Chairman Picard.

102

103 Public Hearing FY 2015/2016 Water & Sewer Rates

104 Chairman Fleming opened the Public Hearing at 6:10PM.

105

106 The Board reviewed the rates for the enterprise fund budgets for both water and wastewater for  
107 the upcoming year. The DPW Director recommended new rates allowing the Water Enterprise  
108 Fund and Wastewater Enterprise Fund user receipts to accommodate anticipated wages, expenses  
109 and capital outlays in FY 2017. He proposed the following recommendations:

110

111 For water rates there would be no change in the customer service charge and step 1; 1% increase  
112 in step 2; 2.5% increase in step 3; and 3% increase in step 4 as well as all water usage for  
113 irrigation meters. Regarding sewer rates he proposed a 2% increase in the customer service  
114 charge and each step.

115

116 The following table illustrates the proposed Water rates for FY 2017:

117

Gallons Used Quarterly	Water Rates Inclining % Increase
Customer Service Charge (CSC) N/C	\$17.73
0 - 3,000 gallons N/C	\$3.44
3,001 - 7,500 gallons 1% increase	\$4.66
7,501 - 20,000 gallons 2.5% increase	\$6.14
> 20,000 gallons 3% increase	\$8.70
Second Meter Charge	\$8.70

118

119 The following table illustrates the proposed Sewer rates for FY 2017 with a flat 2.0% increase:

120

Gallons Used Quarterly	Sewer Rates 2%
Customer Service Charge (CSC)	\$73.00
0 - 3,000 gallons	\$8.49

3,001 - 7,500 gallons	\$8.49
7,501 - 20,000 gallons	\$8.49
> 20,000 gallons 3% increase	\$8.49
Second Meter Charge	N/A

121  
122 “An average water-only user will see a quarterly billing change from \$134.51 under the current  
123 rates to \$136.68 under the new proposed rates; this represents a 1.62% increase or \$2.17. An  
124 average sewer-only user will see a quarterly billing change from \$258.77 under the current rates  
125 to \$264.03 under the new proposed rates; this represents a 2.03% increase or \$5.26. An average  
126 combined W/S user will see a quarterly billing change from \$393.28 under the current rates to  
127 \$400.71 under the new proposed rates; this represents a 1.89% increase or \$7.43. The net  
128 changes to average customer W/S bills are slightly higher due to increases in operating expenses  
129 as well as capital surcharge requirements” cited Mr. Roy.

130  
131 Chairman Picard was not a proponent of the step increase favoring a straight 2% increase for a  
132 more steady approach. Whereas Selectmen Fleming and Brochu agreed that the intent of the step  
133 user was to lessen the burden on the conserver of water and more on those who put more of a  
134 demand on the system.

135  
136 The Hearing was closed at 6:44.

137  
138 **Motion #8:** Motion made by Selectman Fleming to accept the proposal as presented by the DPW  
139 Director for water in rates in FY17 as shown in Option 5.

140  
141 Second: Selectman Brochu, Majority Action of the Board

142  
143 **Motion #9:** Motion made by Selectman Fleming to accept the proposal as presented by the DPW  
144 Director for sewer in rates in FY17 as shown in Option 2.

145  
146 Second: Selectman Brochu, Unanimous Chairman Picard.

147  
148 Scott Henderson – Emergency Medical Services  
149 At the March 8<sup>th</sup> BoS public meeting Mr. Henderson expressed an interest in furthering the  
150 discussion with the Board the method by which emergency medical services are provided to  
151 residents of Upton and was invited to the meeting. Thus Mr. Henderson was invited but decided  
152 not to attend.

153  
154 The Selectmen agreed that any further discussions in regards to the level of service that is  
155 provided to the residents of Upton will be conducted at their public meetings.

156  
157 With the initial ALS license date of November 2014, ALS 24/7 staffing is required within 36  
158 months hence the Selectmen will continue to consider the two options outlined by Chief Goodale  
159 at the March 8<sup>th</sup> meeting.

160  
161 **RECOGNITION**

162 Selectmen Brochu thanked the Baker-Polito administration for making a commitment to ending  
163 opioid abuse. Governor Baker signed a bill that will move the fight forward to limit opioid  
164 prescriptions.

165

166 **DISCUSSION ITEMS cont.**

167

168 **Discuss FY 2016/2017 Budget – Selectmen and other Departments**

169 The Town Manager gave a brief overview of the Selectmen’s budget and will provide an updated  
170 version for the meeting on the 23<sup>rd</sup> with the Finance Committee and Town Accountant.  
171 Chairman Picard asked that the DOR be contacted to provide audit services to the Town.

172

173 **Review List of Annual Town Meeting Warrant Articles**

174 The warrant for the annual meeting closes March 15<sup>th</sup>. The Board reviewed the list of potential  
175 articles.

176

177 **Motion to Approve Inter-Municipal Agreement with Northbridge for Conservation Agent**  
178 **Services**

179 An agreement to obtain Conservation Agent services from the Town of Ashland has been in  
180 effect for five years. The agent provided to the Town by Ashland (Matt Selby) left his position in  
181 December, and Ashland has let us know that they are no longer able to provide service for 10  
182 hours/week. Another partner was found with the Town of Northbridge and a proposed  
183 agreement is attached. In this arrangement Upton would hire an agent for a total of not more  
184 than 19 hours/week, and Northbridge would pay Upton for eight hours of that person’s time on a  
185 weekly basis. “Consent to representation” was executed because both Towns share the same  
186 legal counsel Kopelman & Paige.

187

188 The Town Manager pointed out to the Board that Upton takes the risk of hiring the employee  
189 where the length of the agreement is only one year. They will wait to execute the agreement once  
190 an agent is hired. The Board asked that Ms. Robinson shorten the six month notification clause to  
191 three months.

192

193 ***Motion #9:*** Motion made by Selectman Fleming to authorize pursuant to Rule 1.7 of the Rules of  
194 Professional Conduct, that the Upton Board of Selectmen consents to Kopelman and Paige, P.C.  
195 representing the Town of Northbridge with regard to the Conversation Agent Services  
196 Intermunicipal Agreement, as disclosed in a letter to the Board dated March 10, 2016,  
197 notwithstanding that Kopelman and Paige, P.C. serves as Town Counsel and represents the Town  
198 of Upton.

199

200 Second: Selectman Brochu, Unanimous Chairman Picard.

201

202 **Road Race Application**

203 An application from the Nipmuc High School Student Council asking for permission to hold a  
204 road race on April 30th beginning at 8 AM that steps off from the High School was received.  
205 The application has been approved by the DPW and Public Safety departments.

206

207 Second: Selectman Brochu, Unanimous Chairman Picard.

208 Discuss funding request from the Men's Club for Spring Plantings  
209 The Board reviewed the Men's Club request plan to update its work at various locations in town  
210 that they have planted and beautified. They are seeking approval for up to \$1,500 for mulch and  
211 fertilizer. Hartford Farms will be the vendor supplying materials. The Town Manager  
212 recommends that this request be approved and paid for out of the Risteen beautification trust  
213 fund.

214  
215 **Motion #11:** Motion made by Selectman Fleming to approve up to \$1,500 for mulch and  
216 fertilizer from Hartford Farms to pay for out of the Risteen beautification trust fund.

217  
218 Second: Selectman Brochu, Unanimous Chairman Picard.

219  
220 Chairman Picard opened up the meeting for discussion and asked if there was anyone present  
221 who wished to discuss the emergency medical services because he recognized another EMS  
222 member had arrived at the meeting after his first inquiry. No one responded.

223  
224 **MEETING LOOK AHEAD TOPICS**

225  
226 **NEW BUSINESS**

227 The Selectmen received correspondence from an elected cemetery official again asking for a  
228 legal interpretation on a matter. The BoS noted this has been answered by Town Counsel but it is  
229 not the answer the official was seeking. The Selectmen asked the Town Manager to request Mr.  
230 Mahon to put his question in writing and she will seek the response from Town Counsel.

231  
232 **EXECUTIVE SESSION**

233 The Board entered into Executive Session under MGL c.30A, S. 21 exceptions #3: to discuss  
234 strategy sessions with respect to collective bargaining if the chair declares an open meeting will  
235 have a detrimental effect on the Town's bargaining position.

236  
237 Poll taken: Kenneth Picard, aye, Robert Fleming aye, James Brochu aye.

238  
239 **ADJOURN MEETING**

240 **Motion #8:** At 8:00pm motion was made by Selectman Brochu to adjourn the regular meeting.

241  
242 Second: Selectmen Fleming, Unanimous Chairman Picard.

243  
244 Respectfully submitted,

245  
246 Sandra Hakala  
247 Executive Assistant

**BOARD OF  
SELECTMEN  
MEETING  
MINUTES**

**March 23, 2016**

Fire Station/ Town Hall

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

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

2  
3 **DISCUSSION ITEMS**

4  
5 **Meet with Fire/EMS Department members to discuss the direction of the department**

6 The Board of Selectmen called a meeting and invited all Fire/EMS department members to  
7 discuss the direction of the department in response to the recent rumors and innuendo arising  
8 from the public meeting held with the Fire Chief on March 8<sup>th</sup> to discuss the pathway to the  
9 future for the EMS service.

10  
11 Chairman Picard conveyed to the members of the department that the Fire/EMS department was  
12 reorganized in 2008 when the town accepted MGL 48, Section 42A; whereas the Chief is the  
13 department head and all conversation should follow the chain of command. He further voiced the  
14 Board of Selectmen's commitment to providing the best Fire/EMS services and ALS to the  
15 community. Chairman Picard thanked everyone for their selfless service.

16  
17 Selectman Brochu expressed concerns having heard misstatements and misrepresentations of the  
18 facts regarding the meeting held on March 8<sup>th</sup> and reiterated the Chairman's resolve to base their  
19 decisions in the best interest of the Town and their commitment to ALS.

20  
21 Selectman Fleming assured those present that all members of the Fire/EMS department were  
22 valued and appreciated in their commitment to the Town. He also reminded them that the Board  
23 of Selectmen were the policy makers in town government and respected the chain of command  
24 and asked that they adhere to this process as well.

25  
26 The Board of Selectmen will continue to review and discuss the ALS/EMS staffing options only  
27 at public meetings and encouraged those who wish to participate in future discussions to attend a  
28 meeting those meeting or attend an invited guest.

29  
30 **Motion #1:** At 6:30pm Motion was made by Chairman Picard to recess the meeting to attend the  
31 Finance Committee meeting at Town Hall.

32  
33 Second: Selectman Fleming, Unanimous: Selectman Brochu.

34  
35 **Motion #2:** At 7:30pm Motion was made by Chairman Picard to reconvene to attend the Finance  
36 Committee meeting.

37  
38 Second: Selectman Fleming, Unanimous: Selectman Brochu.

39  
40 **Discuss FY 2016/2017 Budget Strategy with the Finance Committee**

41 The Selectmen met with the Finance Committee and reiterated their commitment to take a  
42 conservative approach to this year's budget to relieve the burden on taxpayers. The Selectmen

43 stated would like to contain costs so that the residents see no increase in their taxes next year.  
44 Chairman Flaherty asked whether their goal was a zero tax rate increase or zero tax bill increase.  
45 The Board discussed with the Finance Committee strategies by which services could be  
46 delivered with a level tax rate.

47  
48 Kenny Costa was invited to the joint meeting to suggest ways to approach the budget this year  
49 given the fact that the levy limit must be raised by 2.5%. He clarified that the levy limit must be  
50 raised by 2.5% even if the Town doesn't plan to spend those dollars next year; therefore the  
51 Town is not required to tax residents that much. He explained whatever the Town doesn't tax  
52 people becomes excess levy capacity that could be used in the future. This year the excess  
53 capacity is just over \$8,000. He also pointed out that the Town had an extraordinary past year  
54 with the override to fund the schools; assessed values went up; and that caused tax bills to rise  
55 further.

56  
57 The Board affirmed that they would be looking to reduce the school budget to \$250,000.  
58 Chairman Picard will relay this message to the Superintendent.

59  
60 Ms. Robinson will prepare a revised budget reflecting the detail the Boards agreed to:

- 61 • Move all articles from Free Cash to raise & appropriate
- 62 • Changed the summary page to deduct \$100,000 of "levy limit capacity" that won't be  
63 used (Explain at Town Meeting this is money that could be taxed but will not)
- 64 • Increase two line items to get closer to using all of the Free Cash and let lapse to next  
65 year
  - 66 ○ Increase OPEB to \$100,000 from \$50K
  - 67 ○ Increase Fisk Mill Bridge to \$70,000 from \$50K (Early estimates indicate that  
68 this project will have higher engineering and permit fees than anticipated, though  
69 we're getting other quotes)
- 70 • Create a warrant article for the Heritage Park Gate for \$1,000, and reduced the expense  
71 line correspondingly

72  
73 The budget items still in play:

- 74 • Discuss with Ken Glowacki about the tax title account next week, that probably can be  
75 lowered from the \$20K request
- 76 • Health Insurance – Design changes with the insurance advisory committee – may not  
77 resolve that in time for changes to this budget

78  
79 The next joint meeting will be held on April 7<sup>th</sup>.

80  
81 **ADJOURN MEETING**

82 **Motion #3:** At 8:45 pm motion was made by Selectman Brochu to adjourn the regular meeting.

83  
84 Second: Selectmen Fleming, Unanimous Chairman Picard.

85  
86 Respectfully submitted,  
87 Sandra Hakala  
88 Executive Assistant

**BOARD OF  
SELECTMEN  
MEETING  
MINUTES**

**March 29, 2016**

Town Hall

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

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

2  
3 **DISCUSSION ITEMS**

4  
5 **Presentation by Colonial Power – Electricity Aggregation Program**

6  
7 In February the Town entered into an Electricity Aggregation Contract with Colonial Power to  
8 manage the process to go out to bid on the Town's behalf to provide its residents and businesses  
9 with an option for purchasing electricity at a cost less than is provided by National Grid.

10 Approval from town meeting obtained several years ago with the intent of this process to be  
11 managed by the Hampshire Council of Governments but they were unable to obtain approval  
12 from the State Dept. of Public Utilities for the 40 towns who wanted to participate. That  
13 approval by Town Meeting has been transferred to Colonial.

14  
15 Mark Cappadona and Bernie Lynch gave a presentation to both the Green Committee and the  
16 Board of Selectmen. Mr. Lynch cited the benefits of community choice aggregation;

- 17
- 18 ● "Choice – No longer "stuck" with utility default rates
  - 19
  - 20 ● Stability – Municipality can seek long-term rates to avoid market volatility
  - 21
  - 22 ● Savings – CCA obtained rates are generally below to substantially below average default
  - 23 rates
  - 24
  - 25 ● Economic Development – Stable and lower utility rates provide a competitive advantage
  - 26 for businesses choosing locations
  - 27
  - 28 ● Pro-Consumer – Contract terms and conditions are designed to protect customer rights
  - 29 No Penalties for Consumers – Opt-out anytime and go back to default service or choose
  - 30 another provider
  - 31
  - 32 ● Professional Expertise – Retaining a qualified Consultant ensures smooth roll-out and
  - 33 implementation
  - 34
  - 35 ● Local Oversight & Control –
  - 36 Town officials hold provider and Consultant accountable through transparent
  - 37 local management
  - 38 Municipality sets its own energy goals, e.g., long-term fixed rates or a higher mix
  - 39 of renewable energy
  - 40
  - 41 ● Green Power – Municipality can "green-up" entire supply portfolio or offer "opt-in"
  - 42 green products to consumers

- 43 • Future Opportunities – CCA Plans are still evolving:  
44 Funding Energy Management  
45 Supporting Additional Renewable Energy Generation  
46 Energy Conservation”  
47

48 The steps in the process were discussed. As the Town has already accepted the Aggregation  
49 Statute at Town meeting the Board of Selectman will post the aggregation plan for fifteen days  
50 and adopt it at their meeting in May. Once the following is completed it is anticipated the new  
51 rates will be in effect for November or December:  
52

- 53 • State Filings by Aggregation Consultant
- 54 • Consultation with DOER
- 55 • Approval by DPU
- 56 • Solicitation of Energy Pricing by Aggregation Consultant
- 57 • Town Decision to Proceed...and how to Proceed
- 58 • Ratepayer Notifications by Aggregation Consultant
- 59 • Opt-Out Period managed by Aggregation Consultant
- 60 • Energy Flows  
61

62 Discuss Solarize Massachusetts Program with the Green Community Committee  
63

64 The members of the Green Community Committee were in attendance to present the executive  
65 summary for the 2016 Solarize Massachusetts Request for Proposals from Massachusetts  
66 Communities. “The Massachusetts Clean Energy Center (“MassCEC”), in conjunction with the  
67 Green Communities Division of the Department of Energy Resources (“DOER”), is releasing a  
68 request for proposal to Massachusetts towns to apply for participation in the 2016 Solarize  
69 Massachusetts Program (“Solarize Mass’). Solarize Mass is a community-based solar  
70 photovoltaic outreach and education program which helps drive down the installation cost of  
71 small-scale solar PV installations within each community through a group purchasing model.  
72

73 As part of the program, up to 10 towns (or groups of towns) will be selected to participate in the  
74 program. Applications will be selected on a first come first served basis. In order to meet the  
75 threshold criteria, towns must present:  
76

- 77 • Clear and comprehensive outreach plan and program timeline
- 78 • Committed volunteer team
- 79 • Engaged municipality and residents interested in participating in the program”  
80

81 Member Brad Rolph narrated the program goals, process, installer selection and outreach,  
82 education and marketing strategies.  
83

84 In order to reach the Tier 5 baseline thirty- four households in Upton would need to participate to  
85 generate a \$300,000 savings for the community.  
86

87 The committee will reach out residents to gauge interest.  
88

89 **ADJOURN MEETING**

90 ***Motion #1:*** At 7:09 pm motion was made by Selectman Brochu to adjourn the regular meeting.

91

92 **Second:** Selectmen Fleming, Unanimous Chairman Picard.

93

94 **Respectfully submitted,**

95 **Sandra Hakala**

96 **Executive Assistant**

