

**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 to
74 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 8th 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 8th 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 23rd 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 15th. 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