

**BOARD OF
SELECTMEN
MEETING
MINUTES**

April 7, 2015

Town Hall

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

1 The meeting was called to order at 6:00pm. Chairman Fleming opened the meeting and after the
2 pledge of allegiance introduced the invited guests.

3
4 **INVITED GUESTS**

5
6 **Purple Heart Community Designation**

7 In Commander Leo Agnew's absence Tony Payne along with Dennis Drewry and Tom Terrien
8 from the Order of the Purple Heart were present to designate Upton as Purple Heart Community.
9 Many veterans, members of the VFW and others attended to witness this event.

10
11 **Women's Club – Donation to the COA**

12 The Selectmen accepted a generous donation from the Women's Club of \$1,000 to be used by
13 the COA to provide fuel assistance to those in need.

14
15 The meeting was recessed for ten minutes and reopened in Little Town Hall at 6:26PM and
16 Chairman Fleming reviewed the agenda.

17
18 Chairman Fleming paid tribute to Janet Jacaruso who died earlier in the week. Ms. Jacaruso who
19 was town clerk for more than a decade, also served as chairwoman of the Board of Selectmen
20 when she took a leave of absence from both positions in December. She had been town clerk
21 since 2004.

22
23 **MANAGER'S REPORT**

24 Presently the State DPUC has not issued its final ruling on the petition by Hampshire Council of
25 Governments on the 35 communities who want to establish this program, despite the fact that the
26 final arguments were submitted in December, 2014. A letter to the DPUC urging them to take
27 final action so that Hampshire COG can go out to bid for the group has been sent by the town.

28
29 The Green Community Committee resubmitted a list of projects to the State to include lighting
30 upgrades at the wastewater treatment plant and Highway garage, and weatherization at the Fire
31 Station. These were approved and our contract for this work should arrive shortly.

32
33 The retirement of Ron Sansouci after 28 years of service from the DPW Water and Wastewater
34 division as its Supervisor is planned on Friday, May 1st. His unique style, dedication to the job,
35 and institutional knowledge of the Town will be missed.

36
37 A date for a special election on the budget override will be Monday, May 18th. The Selectmen
38 will meet with the Finance Committee on April 8th to finalize the number which is
39 approximately \$1.5 million at this time.

40

41 A claim to National Grid for the damage done to Westborough Road by a power line that came
42 down in late January and burned crevices into the pavement has been submitted. The cost of
43 repair is almost \$10,000.

44
45 The Tri-Valley Front Runners have their annual road race on Saturday starting and ending at
46 Nipmuc High School. Loyalty Day is scheduled for Sunday, April 26th, and the Board of Health
47 has planned this year's household hazardous waste day for Saturday, May 2nd.

48 **MINUTES**

49
50 ***Motion #1:*** Motion made by Selectman Brochu to approve the March 17, 2015 Regular Session
51 Meeting Minutes as submitted.

52
53 Second: Selectman Picard, Unanimous Chairman Fleming.

54
55 ***Motion #2:*** Motion made by Selectman Brochu to approve the March 18, 2015 Regular Session
56 Meeting Minutes as submitted.

57
58 Second: Selectman Picard, Unanimous Chairman Fleming.

59
60 ***Motion #3:*** Motion made by Selectman Brochu to approve the March 17, 2015 Executive
61 Session Meeting Minutes as submitted.

62
63 Second: Selectman Picard, Unanimous Chairman Fleming.

64
65 **DISCUSSION ITEMS**

66
67 ***Review JJ's Ice Cream Common Victualler Permit Renewal***

68 The Selectmen reviewed the common victualler application of JJ's Ice Cream, a seasonal
69 business that opens in the spring for the warmer months.

70
71 Selectmen Picard asked to be recused stating he "just liked ice-cream too much". Chairman
72 Fleming and Selectmen Brochu vetoed his request!

73
74 ***Motion #4:*** Motion made by Selectman Brochu to approve the common victualler license for JJ's
75 Ice Cream pending the Board of Health's inspection and approval.

76
77 Second: Selectman Picard, Unanimous Chairman Fleming.

78
79 ***Discuss Amending the Town Hall Usage Fee Schedule and Regulations***

80 The Board discussed the Town Hall regulations with respect to the fee schedule to use the Main
81 Hall and meeting rooms, and the requirement that each user provide liability insurance. Ms.
82 Robinson discussed the insurance recommendations made by MIIA for the facility use and the
83 strategy by which those users who have insurance to provide that to the Town, and depending on
84 the type of use by other groups, they would sign a release form, or in some cases a release or
85 policy could be waived.

86

87 **Motion #5:** Motion made by Chairman Fleming to approve the revised Town Hall Use Fees
88 outlined in Use of Town Hall Rules & Regulations Policy.

89
90 Second: Selectman Picard, Unanimous Selectman Brochu.

91
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93

94 Review and Modify the Town Hall Renovation Project Budget

95 The Town Clerk has requested that the Board vote to approve a transfer within the overall budget
96 of \$65,000 from CPA-eligible costs to general fund-eligible costs to accurately reflect the
97 expenses of the project. The project is under budget and there is no expectation that it would go
98 over budget, this is merely an accounting requirement. The Town Manager concurs with this
99 recommendation.

100
101 **Motion #6:** Motion made by Selectman Picard to approve the transfer within the overall budget
102 of \$65,000 from CPA-eligible costs to general fund-eligible costs.

103
104 Second: Selectman Brochu, Unanimous Chairman Fleming.

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106

106 2015/2016 Budget Discussion

107 The Town Manager and Selectmen discussed the status of the budget which shows an overall
108 shortfall of \$1,490,906 and the scenarios and consequences of recessing the ATM until June 4th.
109 The Selectmen will meet with the Finance Committee on Wednesday, April 8th to finalize a
110 decision on the amount of an override question as to whether it is for this amount or something
111 different.

112
113 Review Warrant for the Annual Town Meeting of May 7, 2015

114 The Selectmen will need to finalize the warrant by the end of April so it can be posted as
115 required.

116
117

117 Discuss Proposed Nuisance Bylaw

118 The most recent draft of a bylaw that gives the Town latitude to address nuisance properties was
119 by Town Counsel and updated. The primary change to this version is to have appeals by
120 property owners reviewed by the Board of Selectmen rather than the Town Manager. It is
121 Counsel's opinion that these should be handled by the Board, not a single individual. This would
122 be in keeping with how other appeals are handled in Town.

123
124

124 Discuss Schedule to Meet with other Town Boards & Committees

125 The Board determined a schedule of what meeting to attend of other boards and committees to
126 discuss issues of mutual interest or concern.

127
128

128 Discussion of Affordable Housing Unit – 49 Knowlton Circle

129 A letter was received by the Citizen's Housing and Planning Association (CHAPA) notifying the
130 Town that the unit at #49 Knowlton Circle is for sale. The affordable housing deed rider requires
131 that the Town be offered first right of refusal to purchase the property, within 60 days of

132 notification. The Board discussed whether or not to take action on this; if not CHAPA will assist
133 the owner with the process to sell it to another eligible buyer.

134
135 **Motion #7:** Motion made by Selectman Picard to take no action.

136
137 Second: Selectman Brochu, Unanimous Chairman Fleming.

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140 **RECOGNITION**

141
142 Selectman Brochu congratulated Colin Farragher on achieving his Eagle Scout status and wished
143 Upton State Forest a Happy 100th Year Birthday.

144
145 Chairman Fleming acknowledged that Grace C. Scott Garland Wadsworth will be celebrating her
146 ninetieth birthday on April 13th and congratulated her on this milestone. He also exclaimed
147 “Having spent most of your life in Upton, I am sure you have seen much change in the town.
148 Your numerous contributions and acts of volunteerism are to be admired through the years and
149 have not gone unnoticed. The Board of Selectmen at their meeting on Tuesday April 7th
150 commended you for your leadership roles in the 225 Anniversary Celebration, Council on Aging
151 and in the VFW Post; your membership with the Historical Society, your participation in the
152 American Red Cross, Women’s Club, Congressional Church, and Order of the Easter Star; your
153 experience as a business owner (Draper News, Upton Hardware, G.S. Millwrights) and past
154 employment at Memorial School and the hat factory.”

155
156 **EXECUTIVE SESSION**

157
158 **Motion #8:** At 7:45pm Chairman Fleming opened the Executive Session under MGL c.30A, S.
159 21 exceptions #3: to discuss strategy sessions with respect to collective bargaining if the chair
160 declares an open meeting will have a detrimental effect on the Town’s bargaining position.

161
162 Poll taken: James Brochu, aye, Kenneth Picard, aye, Robert Fleming aye.

163
164 **ADJOURN MEETING**

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166 **Motion #9:** At 8:45pm motion was made by Selectman Brochu to adjourn the regular meeting.

167
168 Second: Selectman Picard, Unanimous: Chairman Fleming

169
170 Respectfully submitted,

171
172 Sandra Hakala
173 Executive Assistant