

**BOARD OF
SELECTMEN
MEETING
MINUTES**

February 7, 2023

Chair Brett Simas; Select member Stephen A. Matellian; Select member Maureen Dwinnell; Town Manager Joseph Laydon; Executive Assistant Sandra Hakala.

1 **CALL MEETING TO ORDER/ PLEDGE OF ALEGENCE**

2 **Chair Simas** opened the regular meeting at 7:04 PM an lead the pledge of allegiance.

3
4 **MINUTES**

5 **Maureen Dwinnell MOVED** that the Board of Selectmen approve the minutes of January 10,
6 2023.

7 **Second: Select member Matellian, Unanimous, Chair Simas.**

8
9 **PUBLIC HEARINGS**

10 **Pole Hearing – 3 & 4 Shore Drive, Massachusetts Electric Company/Verizon New England,**
11 **Applicants**

12 **Mr. Simas opened the public meeting at 7:05**

13 **Ms. Dwinnell aye, Mr. Matellian aye, Mr. Simas aye**

14
15 **Pole Hearing – 3 Shore Drive, National Grid, Applicant**

16 Please be advised that the Board of Selectmen the Board of Selectmen will be reviewing the
17 petitions of Massachusetts Electric Company and Verizon New England, Inc., requests
18 permission to locate poles, wires, and fixtures, including the necessary sustaining and
19 protecting fixtures, along and across the following public way: **Shore Dr**

20
21 National Grid respectfully request permission to install new JO utility Pole 3-S0 approximately
22 110 feet NE of existing Pole 3 on the opposite side of street. This is necessary to increase height
23 of present electric and communication facilities due to the long span between pole 3 and 4
24 shore Dr.

25
26 Wherefore they pray that after due notice and hearing as provided by law, it be granted joint or
27 identical locations for and permission to erect and maintain poles and wires, together with such
28 sustaining and protecting fixtures as they may find necessary, said poles to be erected
29 substantially in accordance with the plan filed herewith marked: MASSACHUSETTS ELECTRIC
30 COMPANY and VERIZON NEW ENGLAND, INC.

31
32 Plan No. 28517745 Dated: 6/24/2019

33
34 Also, for permission to lay and maintain underground laterals, cables and wires in the above or
35 intersecting public ways for the purpose of making connections with such poles and buildings as
36 each of said petitioners may desire for distributing purposes.

37 Your petitioners agree to reserve space for one cross arm at a suitable point on each of said
38 poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality
39 and used by it exclusively for municipal purposes.

40
41 It was noted that Shore Drive is private and therefore the Board may not be able to act on the
42 petition request. Chapter 166 section 22 states the board of selectmen need not grant any
43 approval. Michael Parent from National Grid stated that he will need to bring back to find a way
44 to meet with property owner.

45
46 No action taken.

47
48 **Mr. Simas closed the public meeting at 7:15**
49 **Ms. Dwinnell aye, Mr. Matellian aye, Mr. Simas aye**

50
51 **DEPARTMENT/BOARD UPDATES AND REQUESTS**
52 **DPW Director – FY2023 Snow and Ice Update**

53 Mr. Westgate relayed the following:
54 As of today, the DPW responded to 8 separate snow & ice events with 1 storm requiring
55 assistance from hired contractors. A total of roughly 13.25 inches of snow has fallen with the
56 majority of the events being sleet/freezing rain and/or black ice events. Below is a recap of the
57 dates and types of precipitation as well as the services that were provided by the Upton DPW.
58 In addition, an accounting of the finances is listed below:

59

<u>Date</u>	<u>Type of Event</u>	<u>Services Provided</u>
60 12/11/22	Light Snow – 2”	Treated Road
61 12/23/22	Wind/Sleet/Snow/Freezing Rain – 2.75”	Treated Roads
62 1/6/23	Light Snow – 1”	Treated Roads
63 1/12/23	Moderate Snow – 1”	Treated Roads
64 1/15/23	Moderate Snow – 1”	Treated Roads
65 1/16/23	Sleet/Freezing Rain – 1”	Treated Roads
66 1/20/23	Sleet/Freezing Rain – 1”	Treated Roads
67 1/23/23	Heavy Snow – 3.5”	All Plows In/Treated Roads

68
69
70 **Snow & Ice Accounting:**
71 Salt - \$59,002.31
72 *As a note, last year’s salt bid price was \$62.89/ton. This year’s salt bid price is \$76.04/ton.

73
74 DPW Labor - \$13,803.72
75 *This represents DPW labor only.
76
77 Hired Contractors - \$5,013.75
78 *This represents outside contractors only.

79 Misc - \$26,664.69

80 *This includes snow & Ice related expenses other than the ones listed above, such as – liquid
81 calcium chloride, pelletized de-icing bags, plow blades, fuel, weather service subscription,
82 heavy equipment & truck repair parts, road repairs due to snow & ice damage, structure repairs
83 due to snow & ice damage, etc.

84

85 Total Snow & Ice Budget - \$260,000

86 Total Spent This Year - \$104,484.47 (this number is approximate, as there remains some
87 snow/ice related expenses pending)

88

89 **DPW Director – MassWorks Infrastructure Contract Execution**

90 The Board reviewed Tighe & Bond’s submission of a proposal for engineering services for water
91 and sewer infrastructure in Milford Road and in support of work authorized and funded under
92 the MassWorks Infrastructure Program. In November 2022, the Town was awarded \$275,000
93 for engineering services.

94

95 **Steve Matellian MOVED** that the Board vote to authorize the Town Manager to execute a
96 contract with Tighe & Bond for the engineering and design services for water and sewer
97 infrastructure in Milford Road and in support of the Town’s award under the MassWorks
98 Infrastructure Program in the amount of \$275,000, as outlined in the Proposal for Engineering
99 Services – Governor’s Landing Design dated February 1, 2023.

100

101 **Second: Select member Matellian, Unanimous, Chair Simas.**

102 **Maureen Dwinnell aye, Steve Matellian aye, Brett Simas aye.**

103

104 **Finance Director – Worcester Regional Retirement System - Consideration and Approval of 105 2% COLA**

106 The Board of Selectmen is being asked by the Worcester Regional Retirement Service (WRRS) to
107 approve an additional one time 2% COLA for Fiscal Year 2023 to system retirees. The increase,
108 as calculated by our Finance Director, the 2% increase retroactive to July 1, 2022 equated to
109 \$320 to each Town retiree and beneficiary. A 3% COLA was already approved.

110

111 Governor Baker had signed a law on November 16, 2022, authorizing an additional 2% cost-of-
112 living adjustment but it requires approval of 2/3rds of Chief Executive authorities from member
113 towns. The additional 2% COLA is only based on the first \$16,000 paid to retirees.

114

115 **Steve Matellian MOVED** that the Board vote to deny the additional 2% cost-of-living
116 adjustment as requested by the Worcester Regional Retirement System (WRRS), pursuant to
117 Chapter 269 of the Acts of 2022, and authorize the Town Manager to prepare a letter notifying
118 WRRS of the Board’s vote.

119

120 **Second: Select member Dwinnell, Majority Action.**
121 **Maureen Dwinnell aye, Steve Matellian aye, Brett Simas nay.**

122

123 **TOWN MANAGER REPORT/ UPDATE**

124

125 Mr. Laydon thanked Chief Marchand, Chief Bradley, and EES Director Maggie Gundersen for
126 opening a warming center for residents at the senior center when many lost power in
127 unprecedented cold weather.

128

129 Treasurer Collector: Water/Sewer bills will be mailed the week of February 13th. Payments will
130 be collected by Lockbox, a banking service the Town uses for property and excise taxes. This
131 will simplify and streamline receipt of payments. A summary of the change will be included the
132 bill. Staff will start the VADAR cloud conversion. Excise tax bills are going out Feb 24th and will
133 be due 30 days later in March.

134

135 Conservation: Working with 5-Forks Farm on an irrigation pond to support their operation.
136 Worked with Code Dept on complaints received concerning 190 Milford Road, owner was
137 clearing land and removing stone/ledge for parking of equipment, work will be under 1 acre
138 and will not trigger stormwater bylaw. Residents had been complaining about noise due to
139 rock hammering.

140

141 DPW: Staff is taking advantage on lack of snow, doing some deferred maintenance/ repairs
142 and doing tree removal activities. Staff continues to fill potholes, two to three times a week,
143 due to rain and cold temperatures. For complaints, people should call DPW. Today, Staff is
144 picking up litter.

145

146 Town Clerk: Processing Town Census Forms and Dog Licenses. Nomination papers are available,
147 18 seats are open. Office Staff will be working to coordinate ethics and open meeting training.
148 The State has a new portal for members and employees to do training.

149

150 Assessor: The abatement period ended Feb 1st. A total of 62 abatements were received,
151 representing 1.8% of town parcels. Board of Assessors will be meeting with each applicant to
152 review submissions.

153

154 Elder and Social Services/ COA: Staff is continuing to work on assistance requests. Staff is
155 preparing for the department's move sometime in April. Director had opened the Center on
156 Saturday as a warming center due to power outages in town.

157

158 Police/ Fire: Police Department is nearly fully staffed, awaiting one last officer to join the
159 department who is currently in the police academy. Fire Department continues to have
160 challenges filling paramedic positions. This leads to higher overtime use and/or shifts are not
161 fully staffed. On Saturday the Fire Station had pipes freeze and they are working with
162 contractors to conduct repairs.

163 Code: Department continues to be very busy, continue to receive and investigate complaints.
164 Staff sent MassDOT a letter regarding outstanding ADA compliance issues with the TIP project.

165
166 Recreation: Kids at Play Registration is now open, added a summer theater program and field
167 trips. Staff met with WooSox to discuss community outreach and mascot visits to town events.
168 Staff will work with WooSox to coordinate a 2024 Upton Take Over Day.

169
170 Board of Health: Coordinating a covid clinic on March 4th and the State is looking to increase
171 booster participation by giving out \$75 gift certificates. Upton was identified in an area of low
172 booster rates. More information will be posted soon.

173
174 Library: Attention is shifting to prepare for the move to the new Community Center. Work is
175 being done to finish the interiors by the end of the month and furniture will start arriving in
176 March.

177
178 Planner: The Planning Board has requested an update on the community center as it relates to
179 their approval. Staff is working complying with MBTA Communities. Staff submitted paperwork
180 for interim compliance, including an action plan. Create a district for multifamily dwellings to
181 be created by right in one or more districts. Working to submit for Housing Choice Designation,
182 will arrange for a presentation to the BoS.

183
184 Human Resources: Working to bring on board the department specialist to support planning,
185 conservation. In the process of hiring drivers for COA Van. Working with Recreation to start the
186 Kids at Play hiring process.

187
188 **PUBLIC INPUT/BOARD MEMBERS' UPDATES**

189 Laurie Wodin discussed the email she sent the board earlier regarding citizens petition that is
190 on the ATM warrant.

191
192 “In regard to the Citizen's Petition for Annual Town Meeting, we are aware that it needs to be
193 amended to allow for places in Upton where there is poor or no cell service. It is our hope that
194 the required hearing with the Planning Board will provide opportunity to bring it into form
195 where an amendment can be made.....There is a growing body of evidence about the negative
196 impacts of increased radiation from advanced wireless technologies based on outdated FCC
197 standards. There is concern that town officials are compelled to use these outdated FCC
198 standards that were determined 27 years ago, in 1996, when making decisions about the
199 placement of wireless data transfer facilities.”

200
201 **COMMITTEE/ BOARD APPOINTMENT/RESIGNATION**

202 **Appointment - Cultural Council**

203 **Maureen Dwinell MOVED** that the Board of Selectmen vote to appoint Shelly Glassman as a
204 Full Member on the Cultural Council for the remainder of the one (1) year term to expire June
205 30, 2023.

206

207 **Second: Select member Matellian, Unanimous, Chair Simas.**

208 **Maureen Dwinell aye, Steve Matellian aye, Brett Simas aye.**

209

210 **BOARD OF SELECTMEN DISCUSSION**

211

212 **Review of Draft Annual Town Meeting Warrant and Article Meeting Schedule**

213 The town manager reviewed the list of articles slated for the May 4th Annual Town Meeting
214 Warrant.

215

216 **Upton Route 140 TIP Project – Project 608490 – Main Street/ Milford Road/ Upton Center**

217 The Town Manager provided an update a summary of the Public Hearing held on January 26th.

218 The Town Manager is working on a draft letter for the Board’s consideration in sending as
219 formal comment on behalf of the Town. Comments are received for 30 days, and they can
220 provide an update to the DOT. Some elements that may have significant impacts would include
221 parking – reconstructing parking areas, and ADA compliance is maintained.

222

223 **Order of Taking – Summers Circle**

224 The Board must execute the Order of Taking that to allow for Town Counsel to record the
225 Layout Plan and finalize the acceptance of the way.

226

227 **Steve Matellian MOVED** that the Select Board vote to execute the document entitled Order of
228 Taking for the way known as Summer Circle, as shown on a plan entitled “Layout Plan of
229 Summers Circle, Upton, Mass.” dated August 17, 2020, prepared by Guerrier & Halnon, Inc.,
230 which plan is recorded with the Worcester District Registry of Deeds on January 10, 2017 as
231 Book 924 Plan 58 and as accepted by the November 1, 2022 Special Town Meeting.

232

233 **Second: Select member Dwinell, Unanimous, Chair Simas.**

234 **Maureen Dwinell aye, Steve Matellian aye, Brett Simas aye.**

235

236 **EXECUTIVE SESSION**

237 **Brett Simas MOVED** that the Select Board vote to enter into executive session MGL c.30A, §21
238 (a)(2) 1B and MGL c. 4, S. 7, To conduct strategy in preparation for negotiations with nonunion
239 personnel (Director of Public Works).

240

241 **Ms. Dwinell aye, Mr. Matellian aye, Mr. Simas aye**

242

243 The Board will adjourn directly from Executive Session and not reconvene in open session.

244 **ADJOURNMENT**

245 **Steve Matellian MOVED** to adjourn the meeting of February 7, 2023, at 8:50 PM.

246 **Second: Select member Dwinnell, Unanimous, Chair Simas.**

247

248 Respectfully submitted,

249 Sandra Hakala, Executive Assistant