

**BOARD OF  
SELECTMEN  
MEETING  
MINUTES**

**May 16, 2023**

Chair Brett Simas; Select member Maureen Dwinnell; Select member Laura Hebb; Town Manager Joseph Laydon; Executive Assistant Sandra Hakala.

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

Chair Simas opened the regular meeting at 7:00 PM.

**REORGANIZATION OF THE BOARD**

Chair Simas asks for a motion to appoint Executive Assistant, Sandra Hakala, as temporary Chair for the purpose of reorganization of the Board.

**Motion #1:** Member Dwinnell motioned to appoint Executive Assistant Sandra Hakala as temporary Chair for the purpose of reorganizing the Board of Selectmen.

Second: Member Hebb, Unanimous Member Simas.

Temporary Chair Hakala opens the nominations for Chair of the Board of Selectmen and asked if there are any nominations.

**Motion # 2:** Member Hebb motioned to nominate Maureen Dwinnell, Chair of the Board of Selectmen.

Temporary Chair Hakala, asks if there are any other nominations.

Hearing none, Temporary Chair Hakala then closes nominations.

Temporary Chair Hakala states there is a motion and second of the floor to nominate Select member Dwinnell as Chair of the Board of Selectmen. Motion seconded by Select member Simas.

Hebb aye, Simas aye, Dwinnell aye.

**Motion # 3:** Chair Dwinnell motioned to rescind the former motion appointing Executive Assistant Sandra Hakala as Temporary Chair for the purpose of reorganizing the Board.

Second: Member Hebb, Unanimous Member Simas.

Chair Dwinnell thanks Mr. Simas for his service to the Town and returns to regular business of the Board of Selectmen.

37 **DEPARTMENT/BOARD UPDATES AND REQUESTS**

38 **Maple Ave Sidewalk Project – Scope of Work and ARPA Commitment – DPW Director**

39 The town manager reviewed a memorandum dated April 13, 2023 prepared by Tighe & Bond  
40 for providing engineering, permitting, and design services for the Maple Ave Sidewalk Project.  
41 Work includes natural resource area delineation, survey and base plan development,  
42 preparation of preliminary designs, environmental permitting, right of way services, and final  
43 plans, and construction costs.

44  
45 The Maple Ave Sidewalk Project was discussed by the Board of Selectmen at its April 18, 2023  
46 meeting.

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48 **Brett Simas MOVED** the Board of Selectmen vote to authorize up to \$280,000, from the Town’s  
49 APRA allocation, to engage Tighe & Bond for engineering, permitting, and design services for  
50 the Maple Ave Sidewalk Project as proposed in the April 13, 2023, memorandum.

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52 The motion was not seconded.

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54 **Site Eligibility for 40B at 45-51 Main Street, Lobisser Building Corp, Applicant – Director of**  
55 **Land Use & Inspectional**

56 The Board reviewed an email and letter from Katherine Miller with MassHousing providing  
57 notice to the Town of Upton of the submission of a site eligibility application for a 68-unit rental  
58 housing project located at 45-51 Main Street. The application was submitted by Lobisser  
59 Building Corp.

60  
61 The site approval process is one of the first steps in the submission of a Comprehensive Permit  
62 under Chapter 40B. A site visit is scheduled for Friday, May 19<sup>th</sup>. The Town has an opportunity  
63 to provide comments on the application and the deadline for rescript of comments is Thursday,  
64 June 8, 2023.

65  
66 Director of Land Use & Inspectional Services Michael Antonellis discussed the process with the  
67 Board and will be coordinating department reviews for the Board to consider at its June 6, 2023  
68 meeting to finalize a letter to MassHousing.

- 69  
70
- 71 • MassHousing Project Eligibility
  - 72 • MGL Chapter 40B – provides for the Comprehensive Permit process that allows  
73 applicants to file for approval with the local Zoning Board of Appeals if a town has less  
74 than 10% of its housing stock formally dedicated as “low to moderate income housing”  
75 or “affordable housing.”
    - 76 ○ Per DHCD as of March 9 the town has 6.7%. that’s 189 units out of the required  
282. A deficit of 93 units as of the 2010 census.

- 77                   ○ 2,995 total housing units per 2020 Decennial Census. That’s a deficit of 111.  
78
- 79       • Received notice from MassHousing letter dated May 9
  - 80       • The applicant is undergoing the Site Approval process in order to receive “project  
81       eligibility’ determination from MassHousing.
    - 82           ○ To receive project eligibility:
      - 83           (a) The Applicant shall be a public agency, a nonprofit organization, or a Limited  
84           Dividend Organization.
      - 85           (b) The Project shall be fundable by a Subsidizing Agency under a Low- or Moderate-  
86           Income Housing subsidy program; and
      - 87           (c) The Applicant shall control the site.
  - 88
  - 89       • Site Eligibility application contains the following elements:
    - 90           (a) **the name and address of the Applicant.**
    - 91           (b) **the address of the site and site description.**
    - 92           (c) **a locus map** identifying the site within a plan of the neighborhood, accompanied by  
93           photographs of the surrounding buildings and features that provide an  
94           understanding of the physical context of the site.
    - 95           (d) **a tabulation of proposed buildings** with the approximate number, size (number of  
96           bedrooms, floor area), and type (ownership or rental) of housing units proposed.
    - 97           (e) **the name of the housing program** under which Project Eligibility is sought.
    - 98           (f) **relevant details of the particular Project** if not mandated by the housing program  
99           (including percentage of units for low- or moderate-income households, income  
100           eligibility standards, the duration of restrictions requiring Low- or Moderate-Income  
101           Housing, and the limited dividend status of the Applicant); 760 CMR: DEPARTMENT  
102           OF HOUSING AND COMMUNITY DEVELOPMENT 56.04: continued
    - 103           (g) **conceptual design drawings of the site plan and exterior elevations** of the  
104           proposed buildings, along with a summary showing the approximate percentage of  
105           the tract to be occupied by buildings, by parking and other paved vehicular areas,  
106           and by open areas, the approximate number of parking spaces, and the ratio of  
107           parking spaces to housing units.
    - 108           (h) **a narrative description of the approach to building massing**, the relationships to  
109           adjacent properties, and the proposed exterior building materials.
    - 110           (i) **a tabular analysis comparing existing zoning requirements to the Waivers**  
111           **requested for the Project;** and
    - 112           (j) **evidence of control of the site.** In the case of a Local Initiative Project (LIP), the  
113           application shall be submitted by the Chief Executive Officer of the Municipality.
  - 114
  - 115       • The project as proposed will contain 68 apartment unit.
  - 116

- 117 • The town is now within the Review and Comment process, by which we have 30 days to  
118 respond with comments. During which time a site visit has been scheduled pursuant to  
119 760 CMR 56.04 (3) which can include local boards and staff.  
120
- 121 • The town has until **June 8** to provide comments back to MassHousing.  
122
- 123 • Until that time MassHousing can receive comments from local boards, usually in the  
124 form of a letter by the BOS, and by “other interested parties”;  
125
- 126 • Project Eligibility to produce findings.  
127
- 128 (a) **that the proposed Project appears generally eligible under the requirements of the**  
129 **housing subsidy program, subject to final approval under 760 CMR 56.04(7).**
- 130 (b) **that the site of the proposed Project is generally appropriate for residential**  
131 **development**, taking into consideration information provided by the municipality or  
132 other parties regarding municipal actions previously taken to meet affordable  
133 housing needs, such as inclusionary zoning, multifamily districts adopted under  
134 M.G.L. c. 40A, and overlay districts adopted under M.G.L. c. 40R (such finding, with  
135 supporting reasoning, to be set forth in reasonable detail);
- 136 (c) **that the conceptual project design is generally appropriate for the site on which it**  
137 **is located**, taking into consideration factors that may include proposed use,  
138 conceptual site plan and building massing, topography, environmental resources,  
139 and integration into existing development patterns (such finding, with supporting  
140 reasoning, to be set forth in reasonable detail);
- 141 (d) **that the proposed Project appears financially feasible** within the housing market in  
142 which it will be situated (based on comparable rentals or sales figures);
- 143 (e) **that an initial pro forma has been reviewed**, including a land valuation  
144 determination consistent with the Department’s guidelines, and the Project appears  
145 financially feasible and consistent with the Department’s guidelines for Cost  
146 Examination and Limitations on Profits and Distributions (if applicable) on the basis  
147 of estimated development costs.
- 148 (f) **that the Applicant is a public agency, a non-profit organization, or a Limited**  
149 **Dividend Organization**, and it meets the general eligibility standards of the housing  
150 program; and
- 151 (g) **that the Applicant controls the site**, based on evidence that the Applicant or a  
152 related entity owns the site, or holds an option or contract to acquire such interest  
153 in the site, or has such other interest in the site as is deemed by the Subsidizing  
154 Agency to be sufficient to control the site. The Subsidizing Agency shall provide  
155 copies of its written determination of Project Eligibility to the Department, the Chief  
156 Executive Officer of the municipality, and the Board.

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- Assuming MassHousing makes positive findings, they will issue a Project Eligibility letter which the developer will use to file a local Comprehensive Permit.
  - Upon receipt of the local application, all local board will be notified and provided the opportunity to comment to the ZBA.
  - The local Comprehensive Permit is like any other public hearing process except that the ZBA provide a one-stop for all local board approvals.
  - The ZBA will notify abutters of the application and advertise in local paper noting date and time of the meeting.
  - The ZBA will conduct public hearings through its decision. Assuming an approval the applicant will work with MassHousing to obtain Final Approval, which is basically a reaffirmation of all their previous application findings.

Many residents were in attendance to voice their concerns regarding the project and the impact on the community.

### LEGISLATIVE UPDATE AND DISCUSSION

Rep. David Muradian and Sen Ryan Fattman updated the Board on the State’s budget.

#### **MassWorks Grant Submission Authorization - Director of Land Use & Inspectional Services**

On October 26, 2022, Governor Charlie Baker announced \$100 Million in grant awards to 60 communities to fund economic development projects across the state. The Town of Upton received \$275,000 to extend water and sewer infrastructure from Upton Center east along Route 140 to support mixed use and commercial development.

The funds received under the MassWorks Grant have allowed the Town Upton to start the engineering and design work associated with the extension of water and sewer infrastructure east from Upton Town Center along Route 140. Staff, the developer, and our engineering consultants are working to prepare 25% design plans to submit as part of a new MassWorks grant application to pay for construction of the roadway, water, and sewer improvements.

**Brett Simas MOVED** the Board vote to authorize the Town Manager to apply for funding under the One Stop for Growth - MassWorks Grant Program for the construction of roadway, water, and sewer improvements in Milford Street.

**Second: Member Hebb, Unanimous Chair Dwinnell.**

#### **Lindquist/Maloney APR Document Signatures and Notarization – Town Manager**

Passed over.

### TOWN MANAGER REPORT/ UPDATE

The following is the Town Manager’s Report for the May 16, 2023 Board of Selectmen Meeting.

198 Town Website Redesign – A staff committee met to finalize layout and color template of mock  
199 pages. Work is ongoing. This month staff will be working with EDC on an Economic  
200 Development focused page.

201  
202 Town Hall Bathrooms – Replacement of toilet fixtures is complete. No issues have been  
203 observed since repair. Staff are awaiting quotes for hand drier units so the next phase of the  
204 repairs can be conducted.

205  
206 Electrical Aggregation - The Town of Upton is continuing it work to finalize its electric  
207 aggregation program but currently it is not available. Colonial Power, our aggregation  
208 consultant, was recently contacted and they stated there has been no update from the State on  
209 the status of our aggregation plan.

210  
211 Risteen Building Ramp - Handicap ramp and access hardware has been installed. Next step of  
212 the project is to restripe the parking lot due to change in configuration.

213  
214 Massachusetts Office of Disability Grant/ ADA Improvements – Town Hall ADA work has been  
215 completed. Work is progressing on Police and Fire Station Doors.

216  
217 Housing Production Plan – Work continues the Housing Production Plan. The next meeting is  
218 scheduled for May 18<sup>th</sup>. Discussion of goals and strategies for affordable housing and possible  
219 locations is on the agenda.

220  
221 DPW – Line painting has been completed. Street Sealcoating is occurring this week. Hydrant  
222 flushing is occurring this month and will end May 31<sup>st</sup>.

223  
224 Economic Development Earmark – In December 2022 the Town received a \$125,000 earmark to  
225 support economic development initiatives of the Town. EDC recently met and is working on  
226 preparing a priority list of projects to review with the Board of Selectmen at an upcoming  
227 meeting in June. Once the Board of Selectmen approves a final list of projects, the Town and  
228 State will execute a contract to access the funds.

229  
230 Route 140 – Main Street Improvement Project – Staff recently attended a working session with  
231 MassDOT staff and engineers to review concepts for reintroducing parking within the Upton  
232 Center area. Initial concepts included having parking on one side of the road and a bike lane on  
233 the other. Staff and highway officials will be scheduling another working session to review  
234 comments.

235  
236 Municipal Fiber Network Project – On June 2, 2022, the Town of Upton received \$237,500 to  
237 connect various town and school facilities under the first year of the Municipal Fiber Grant  
238 program. While the contract was executed in mid-2022 but due to supply constraints, the

239 contractor only recently received material to start the project. The work is scheduled to start  
240 tomorrow, May 17<sup>th</sup>.

241  
242 Kids@Play – Registration is Now Open Visit Town of Upton Recreation Website for more  
243 information.

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245 **APPOINTMENTS/RESIGNATIONS**

246 **Acceptance of Resignation from Affordable Housing Trust**

247 **Brett Simas MOVED** the Board of Selectmen vote to accept the resignation of Traci Higgins  
248 from the Affordable Housing Trust, with regrets.

249 **Second: Member Hebb, Unanimous Chair Dwinnell**

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251 **DPW Building Committee Appointments**

252 **Laura Hebb MOVED** the Board of Selectmen vote to appoint Paul Flaherty as members DPW  
253 Building Committee for a term to expire upon the completion of the building project or the  
254 dissolution of the committees by the Board of Selectmen.”

255 **Second: Member Simas, Unanimous Chair Dwinnell**

256  
257 **BOARD OF SELECTMEN DISCUSSION**

258 **MUEF Spooky Run 5K - Road Race Application – Mendon-Upton Education Foundation**

259 **Laura Hebb MOVED** the Select Board vote to approve the road race application submitted by  
260 the Mendon-Upton Education Foundation to be held on Sunday, October 29, 2023 at 10:00 am.

261 **Second: Member Simas, Unanimous Chair Dwinnell**

262  
263 **Execution of Classification and Compensation Plan Update**

264 Following the approval of Article 32 – Classification and Compensation Plan Update, the Town  
265 Manager and HR Director are seeking to start work. They sought proposals for the update and  
266 have selected GovHR for the work. The Town Manager is working to finalize the contract using  
267 the Town’s standard contract form. A draft contract will be distributed to the Board on  
268 Monday.

269  
270 This item is being brought before the Board because under the Town of Upton Town Manager  
271 Act, contracts over \$25,000 must first be approved by the Board of Selectmen.

272  
273 **Brett Simas MOVED** the Board of Selectmen vote to authorize the Town Manager to finalize  
274 and execute a contract with GovHR for the update of the Classification and Compensation Plan.

275 **Second: Member Hebb, Unanimous Chair Dwinnell**

276  
277 **Board Meeting Schedule**

278 The Board of Selectmen typically meets the 1<sup>st</sup> and third Tuesday of the month. The Board did  
279 vote to schedule regular meetings on June 6<sup>th</sup> and June 20<sup>th</sup>.

280 Due to July 4<sup>th</sup> falling on our regular meeting date, and staff vacations, the town manager  
281 proposed shifting the meetings.

282  
283 The town manager suggested a workshop meeting be set up to discuss goals for the upcoming  
284 year, but that does not need to be on a regular meeting date.

285  
286 **Brett Simas MOVED** the Board vote to schedule regular meetings for July 11, 25, August 22,  
287 September 5, 19, 2023.

288 **Second: Member Hebb, Unanimous Chair Dwinnell**

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#### 290 **MINUTES**

291 **Brett Simas MOVED** to approve the regular session meeting minutes of May 2, 2023.

292 **Second: Chair Dwinnell, Majority Action.**

293

#### 294 **ADJOURNMENT**

295 **Laura Hebb MOVED** to adjourn the meeting of May 16, 2023, at 8:20PM.

296 **Second: Select Member Simas, Unanimous, Chair Dwinnell.**

297

298 **Laura Hebb MOVED** to rescind the motion to adjourn the meeting.

299 **Second: Select Member Simas, Unanimous, Chair Dwinnell.**

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#### 301 **PUBLIC INPUT**

302 Tom Bair presented to the Board ways in which the Risteen Building could be utilized by the  
303 Historical Society.

304

#### 305 **ADJOURNMENT**

306 **Laura Hebb MOVED** to adjourn the meeting of May 16, 2023, at 8:40 PM.

307 **Second: Select Member Simas, Unanimous, Chair Dwinnell.**

308

309 Respectfully submitted,

310 Sandra Hakala, Executive Assistant