

# BOARD OF SELECTMEN MEETING MINUTES

**May 17, 2022**

Chair Maureen Dwinnell; Selectman Stephen A. Matellian; Selectman Brett A. Simas; Executive Assistant, Sandra Hakala; Acting Town Manager Dennis Westgate

**Virtual**

## 1 **Call Meeting to Order**

2 **Motion #1:** Select member Matellian moved to open the regular meeting at 7:02 PM.  
3 Second: Select member Simas, Unanimous, Chair Dwinnell.

## 5 **Public Comment (any topic)**

6 **None.**

## 7 **Board Discussion Items (no public comment)**

### 8 Reorganization of the Board

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

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13 **Motion #2:** Member Simas motioned to appoint Executive Assistant Sandra Hakala as  
14 temporary Chair for the purpose of reorganizing the Board of Selectmen.

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16 Second: Member Matellian, Unanimous Member Dwinnell.

17  
18 Temporary Chair Hakala opens the nominations for Chair of the Board of Selectmen and asked  
19 if there are any nominations.

20  
21 **Motion # 3:** Member Dwinnell motioned to nominate Brett Simas, Chair of the Board of  
22 Selectmen.

23  
24 Select member Dwinnell and Select member Simas discuss their reasoning for nominating and  
25 seconding Selectmen Simas as Chair.

26  
27 Ms. Dwinnell stated the Board has a lot of issues coming forth in the town that are time  
28 sensitive. She referenced the year that Mr. Matellian was Chair and said there were a lot of  
29 discussion items that never got put on the agenda. They were pushed out, they dropped off,  
30 one of them being our financial policy where they formally requested a meeting for discussion  
31 and wants to keep the town moving forward.

32  
33 Mr. Matellian stated he didn't think a 10 percent financial reserve policy was needed and  
34 doesn't believe that presupposes being not qualified to be Chair. Mr. Simas also felt frustration  
35 of having the expectation that any item that's presented to the Board, and particularly to the  
36 Chair for discussion, be put on an agenda, particularly when a majority of the Board wishes to  
37 have that public discussion. He states he is committed to serving in that capacity to help

facilitate conversations amongst the Board for anything that any individual Board member thinks is relevant or necessary to be brought before the community for public discussion.

Simas assured Matellian that, as Chair, he would be willing to discuss anything Matellian wanted to put on the agenda.

Temporary Chair Hakala, asks if there are any other nominations

**Motion # 4:** Select member Matellian made a motion to nominate Select member Matellian as Chair. Temporary Chair Hakala asks for a second. This motion was not seconded thus nomination of Select member Matellian as Chair did not move forward.

Temporary Chair Hakala then closes nominations.

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

**Motion # 5:** Chair Simas motioned to rescind the former motion appointing Executive Assistant Sandra Hakala as Temporary Chair for the purpose of reorganizing the Board.

Second: Member Matellian, Unanimous Member Dwinnell.

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

### **Approval of Meeting Minutes**

**Motion #6:** Motion made by Select member Matellian to approve minutes of April 7, 12, 19, May 3, and add the motion to approve to execute the Technical Assistance Grant 9 40B Application - 27 James Road to the May 5 minutes.

Second: Select member Simas, Unanimous, Chair Dwinnell

### **Guest Presentations**

7:05 [PUBLIC HEARING](#)

**Motion #7:** Ms. Dwinnell opened the public hearing to consider whether the Town will exercise its first refusal option pursuant to the G.L., c. 61B, §9 regarding the purchase of parcels of land located off Mechanic and Fowler Streets that are classified under G.L. c. 61B, which parcels contain 94.22 acres, more or less, and are described on Assessors Map 14, Parcels 55 and 48, (the "Premises"). The Premises are owned by Richard J. Henderson Sr., and Edward L. Gorman, Trustees of the Mechanic Street Realty Trust.

Second: Select member Matellian, Unanimous, Chair Simas.

Attorney Katharine Lord Klein of KP Law explained that the town has 120 days from the time it received the notice of intent for the purchase of the property by developer Saxon Partners to exercise its right of refusal. The notice was dated February 14, so the town was required to act by June 14. The next steps, per Klein, will be to “record what’s called a notice of exercise at the Registry of Deeds and an affidavit indicating that we have notified the owner of the decision of the town.”

**Motion #8:** I Steve Matellian move that the Board of Selectmen exercise its statutory right of first refusal pursuant to Chapter 61B, Section 9 to purchase approximately 94.22 acres of land, located at Mechanic Street and Fowler Street, Upton (Assessor’s Map 14, Lots 48 and 55), owned by Richard J. Henderson, Sr. and Edward L. Gorman, Trustees of the Mechanic Street Realty Trust, and authorize the Chair of the Board of Selectmen to execute any and all documents necessary or convenient in connection with the acquisition of said property, including, but not limited to, a Notice of Exercise and Purchase and Sale Agreement.

Select member Dwinnell, Unanimous, Chair Simas.  
Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye

**Motion #9:** Motion made by Select member Matellian to close the public hearing.

Second: Select member Dwinnell, Unanimous, Chair Simas.

### **Housing Authority - Joint Election**

Applicant – [Brittany Besler](#)

**Motion #10:** Motion made by Select member Matellian to appoint Brittany Bessler to the Housing Authority.

Second: Select member Dwinnell, Unanimous, Chair Simas.

Rena Richard aye, Richard Kennedy aye, Linda Jones aye, Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye

### **Board Discussion Items (no public comment)**

**Discuss Men’s Club – [Request for Funding/Fireworks](#)**

**Motion #11:** Motion made by Select member Dwinnell to expend \$7275.00 from the William Knowlton Trust Fund.

Second: Select member Matellian, Unanimous, Chair Simas.

### **Discuss Licensing Applications**

**Entertainment License - [Men’s Club](#)**

**Motion #12:** Motion made by Select member Dwinnell to approve a one-day entertainment license to Men's Club on June 11<sup>th</sup> at Kiwanis Beach.

Second: Select member Matellian, Unanimous, Chair Simas.

#### **One Day Liquor Licenses – [Rushford and Sons](#)**

**Motion #13:** Motion made by Select member Dwinnell to approve a one-day liquor license to Rushford and Sons on June 11<sup>th</sup> at Kiwanis Beach to serve at the Upton Men's Club Cornhole Tournament 11-8pm.

Second: Select member Matellian, Unanimous, Chair Simas.

**Motion #14:** Motion made by Select member Dwinnell to approve a one-day liquor license with two drink minimum to Rushford and Sons at the VFW on May 31, June 14, June 28, July 12, July 26, August 9, August 23

Second: Select member Matellian, Unanimous, Chair Simas.

Additional applications will be reviewed at the next meeting.

#### **Common Victualler - [Nipmuc Rod and Gun Club](#)**

**Motion #15:** Motion made by Select member Dwinnell to approve a Common victualler license at the Nipmuc Rod and Gun Club contingent upon successful required inspections.

Second: Select member Matellian, Unanimous, Chair Simas.

#### **Motion to Execute**

##### **[2021-2024 Upton DPW Hourly CBA](#)**

**Motion #16:** Motion made by Select member Dwinnell to execute the 2021-2024 Upton DPW Hourly CBA.

Second: Select member Matellian, Unanimous, Chair Simas.

##### **[2021-2024 Upton DPW Supervisor's CBA](#)**

**Motion #17:** Motion made by Select member Dwinnell to execute the 2021-2024 Upton DPW Supervisor's CBA.

Second: Select member Matellian, Unanimous, Chair Simas.

#### **[Town Manager Report/Updates](#)**

#### **Annual Street Sweeping**

The DPW's annual street sweeping began recently. They are hopeful to have it completed in the next few weeks, weather permitting.

#### **0 Grove Street**

Mr. Westgate executed a contract with Sherman & Frydryk Land Surveying & Engineering regarding Lots 58 & 59 Grove Street. The objective is to prepare a Form A subdivision plan to clear up supposed unintended transfer of land in conjunction with assessor's map 201 parcels 58 book 63958-page 135 Town of Upton and assessor's map 201 parcel 59 deed book 62466-page 251 Goodman Property Holdings, LLC (parcel 2)

#### **Water/Sewer Rates**

Mr. Westgate will come before the board in the next several weeks with the new water & wastewater rates.

#### **Gas Leak at GURR**

Last Wednesday, a construction company working at the GURR accidentally struck a gas line causing Upton's emergency services to respond and ensure public safety. The leak was contained quickly and Eversource was able to complete the repair.

#### **Adjourn Meeting**

**Motion #18** At 8:45 PM Select member Matellian made motion to adjourn.

Second: Select member Dwinnell, Unanimous, Chair Simas.

Respectfully submitted,

Sandra Hakala, Executive Assistant