

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.

4

5 **Public Comment (any topic)**

6 **None.**

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

8 Reorganization of the Board

9

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.

12

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.

15

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

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

40
41 Simas assured Matellian that, as Chair, he would be willing to discuss anything Matellian
42 wanted to put on the agenda.

43
44 Temporary Chair Hakala, asks if there are any other nominations

45
46 **Motion #4:** Select member Matellian made a motion to nominate Select member Matellian as
47 Chair. Temporary Chair Hakala asks for a second. This motion was not seconded thus
48 nomination of Select member Matellian as Chair did not move forward.

49
50 Temporary Chair Hakala then closes nominations.

51
52 Temporary Chair Hakala states there is a motion and second of the floor to nominate Select
53 member Simas as Chair of the Board of Selectmen. Motion seconded by Select member Simas.
54 Dwinnell, aye, Simas aye, Matellian nay.

55
56 **Motion #5:** Chair Simas motioned to rescind the former motion appointing Executive Assistant
57 Sandra Hakala as Temporary Chair for the purpose of reorganizing the Board.

58
59 Second: Member Matellian, Unanimous Member Dwinnell.

60
61 Chair Simas thanks Ms. Dwinnell for her service to the Town and returns to regular business of
62 the Board of Selectmen.

63

64 **Approval of Meeting Minutes**

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

68
69 Second: Select member Simas, Unanimous, Chair Dwinnell

70 **Guest Presentations**

72 **7:05 PUBLIC HEARING**

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

79
80 Second: Select member Matellian, Unanimous, Chair Simas.

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

87
88 ***Motion #8:*** I Steve Matellian move that the Board of Selectmen exercise its statutory right of
89 first refusal pursuant to Chapter 61B, Section 9 to purchase approximately 94.22 acres of land,
90 located at Mechanic Street and Fowler Street, Upton (Assessor’s Map 14, Lots 48 and 55),
91 owned by Richard J. Henderson, Sr. and Edward L. Gorman, Trustees of the Mechanic Street
92 Realty Trust, and authorize the Chair of the Board of Selectmen to execute any and all
93 documents necessary or convenient in connection with the acquisition of said property,
94 including, but not limited to, a Notice of Exercise and Purchase and Sale Agreement.

95
96 Select member Dwinnell, Unanimous, Chair Simas.

97 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye

98
99 ***Motion #9:*** Motion made by Select member Matellian to close the public hearing.

100
101 Second: Select member Dwinnell, Unanimous, Chair Simas.

102
103 **Housing Authority - Joint Election**

104 Applicant – [Brittany Besler](#)

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

107
108 Second: Select member Dwinnell, Unanimous, Chair Simas.

109
110 Rena Richard aye, Richard Kennedy aye, Linda Jones aye, Brett Simas, aye, Maureen Dwinnell,
111 aye, Steve Matellian, aye

112
113 **Board Discussion Items (no public comment)**

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

115
116 ***Motion #11:*** Motion made by Select member Dwinnell to expend \$7275.00 from the William
117 Knowlton Trust Fund.

118
119 Second: Select member Matellian, Unanimous, Chair Simas.

120
121 **Discuss Licensing Applications**

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

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

125
126 Second: Select member Matellian, Unanimous, Chair Simas.
127

128 **One Day Liquor Licenses – Rushford and Sons**

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

133
134 Second: Select member Matellian, Unanimous, Chair Simas.
135

136 **Motion #14:** Motion made by Select member Dwinnell to approve a one-day liquor license with
137 two drink minimum to Rushford and Sons at the VFW on May 31, June 14, June 28, July 12, July
138 26, August 9, August 23

139
140 Second: Select member Matellian, Unanimous, Chair Simas.
141

142 Additional applications will be reviewed at the next meeting.
143

144 **Common Victualler - Nipmuc Rod and Gun Club**

145
146 **Motion #15:** Motion made by Select member Dwinnell to approve a Common victualler license
147 at the Nipmuc Rod and Gun Club contingent upon successful required inspections.

148
149 Second: Select member Matellian, Unanimous, Chair Simas.
150

151 **Motion to Execute**

152 **2021-2024 Upton DPW Hourly CBA**

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

155
156 Second: Select member Matellian, Unanimous, Chair Simas.
157

158 **2021-2024 Upton DPW Supervisor's CBA**

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

161
162 Second: Select member Matellian, Unanimous, Chair Simas.
163

164 **Town Manager Report/Updates**

165 **Annual Street Sweeping**

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

168 **0 Grove Street**

169 Mr. Westgate executed a contract with Sherman & Frydryk Land Surveying & Engineering
170 regarding Lots 58 & 59 Grove Street. The objective is to prepare a Form A subdivision plan to
171 clear up supposed unintended transfer of land in conjunction with assessor's map 201 parcels
172 58 book 63958-page 135 Town of Upton and assessor's map 201 parcel 59 deed book 62466-
173 page 251 Goodman Property Holdings, LLC (parcel 2)

174 **Water/Sewer Rates**

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

177 **Gas Leak at GURR**

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

181 **Adjourn Meeting**

182

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

184 Second: Select member Dwinnell, Unanimous, Chair Simas.

185

186 Respectfully submitted,
187 Sandra Hakala, Executive Assistant