

# BOARD OF SELECTMEN MEETING MINUTES

April 19, 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 Chair Dwinnell opened the regular meeting at 7:02 PM and reviewed the agenda.

3

4 **Public Comment (any topic)**

5 **Approval of Meeting Minutes**

6 Passover

7

8 **Guest Presentations**

9 **Technology Committee Update**

10 Steve Rakitin presented an overview of the priorities of the technology committee.

11

12 **Town Planner Update**

13 CMRPC Multi-family Housing Presentation

14 Gabe Trevor, Assistant Planner, Central MA Regional Planning Commission presented -  
15 Compliance Under Section 3A of the Zoning Act:

16

- 17 • House No. 5250, An Act Enabling Partnerships for Growth (also known as the Economic  
18 Development Bill) passed the Massachusetts Legislature in December 2020 and was  
19 signed by Governor Baker in January 2021 •
- 20 • Bill included a range of housing provisions including lowering the threshold for Town  
21 Meeting vote for certain zoning provisions
- 22 • Section 18 of the Economic Development Bill includes section 3A which encourages  
23 designated MBTA communities to adopt zoning districts where multi-family zoning is  
24 permitted by-right, plus meet other requirements set forth in the statute

27  
28 **Board Discussion Items (no public comment)**

29 **Motion to Execute Annual Town Election Warrant**

30 **Motion #1:** Motion made by Selectman Simas to Execute Annual Town Election Warrant.

31

32 Second: Selectman Matellian, Unanimous, Chair Dwinnell

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

34

35 **Motion to Execute**

36 **2021-2024 Upton DPW Hourly CBA**

37 **2021-2024 Upton DPW Supervisor's CBA**

38 Passover.

39

40 **Discussion on Men's Club Request for Funding for Town Traffic Island Plantings**

41 **Motion #2:** Motion made by Selectman Simas to fund Men's Club Request for Funding for Town  
42 Traffic Island Plantings from the Risteen Beautification Trust Fund.

43

44 Second: Selectman Matellian, Unanimous, Chair Dwinnell

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

46

47 **Motion to Authorize Library to Spend Up to \$800 From the Lora Dearth Trust Fund to  
Purchase Books in FY22**

48 **Motion #3:** Motion made by Selectman Matellian to Authorize the Library to Spend Up to \$800  
49 From the Lora Dearth Trust Fund to Purchase Books in FY22.

50

51 Second: Selectman Simas, Unanimous, Chair Dwinnell

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

53

54 **Motion to Accept Various Donations**

55 **COA**

56 **Motion #4:** Motion made by Selectman Matellian accept \$250 from Brett Simas to be used  
57 towards the Senior Prom being held on April 22.

58

59 Second: Chair Dwinnell, Majority Action

60 Maureen Dwinnell, aye, Steve Matellian, aye

61

62 **Recreation**

63 **Motion #5:** Motion made by Selectman Matellian accept the generation donations of  
64 two kayaks, two kayak paddles, one croquet set, around 20 various types of sport balls, and  
65 four life vests from Lynn Mulhern.

66

67 Second: Selectman Simas, Unanimous, Chair Dwinnell

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

69

70 **Discussion on Various Appointments**

71 **CPC – Member**

72 **Motion #6:** Motion made by Selectman Simas to appoint Brittany Bessler to the CPC.

73

74 Second: Selectman Matellian, Unanimous, Chair Dwinnell

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

76

77 **Discussion on Crockett Road Easement**

78 A resident on Crockett road has a failed septic system. Many homes on Crockett road are  
79 situated along the pond and have very little square footage of property. This particular house

81 happens to own land on the other side of the road they have applied for a title 5 system to be  
82 located across the road, require a private entity (being the homeowner) crossing the public  
83 way. The town would be required to provide an easement, where other homes on this street  
84 have already done this without having an easement. This is not unique according to KP. The  
85 only hiccup in this particular situation is timing. The homeowner is ready to sell the property  
86 and town meeting must approve this which would be in the Fall.

87  
88 The DPW director is recommending working with KP to produce a legal document that requires  
89 the next owner of the property to follow through.

90  
91 **Motion to Designate Surplus to Auction**

92 DPW - Ford Motor Serial #17175c-12-HC/Model 300 GFV-6001-ER with a Rockford Power Take-  
93 Off serial #544780, Model PTA-31153C2J2-7275A.

94 **Motion #7:** Motion made by Selectman Simas to Designate Surplus to Auction Ford Motor Serial  
95 #17175c-12-HC/Model 300 GFV-6001-ER with a Rockford Power Take-Off serial #544780,  
96 Model PTA-31153C2J2-7275A.

97  
98 Second: Selectman Matellian, Unanimous, Chair Dwinnell  
99 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye

100  
101 **Town Manager Report/Updates**

102 **Snow & Ice Update**

103 As of today, our snow & ice expenses total \$94,629.51 beyond the annual appropriation. As  
104 you are aware, Article 10 of the FY23 Annual Town Meeting addresses the snow & ice deficit  
105 with an anticipated overage amount of \$125,000. The number above was calculated  
106 internally and remains to be reconciled with the Finance Director.

107 **Ch90 Update**

108 On February 17, Upton received the annual commitment letter from Gov. Baker informing  
109 the town of our annual Ch90 contract. It is anticipated that Upton will receive \$314,650. In  
110 addition, word from our delegates suggest a supplemental appropriation is in the works  
111 with Upton potentially receiving an additional \$215,654 bringing our FY23 Ch90 allocation  
112 to \$530,304.

113 **GURR Update**

114 My Wastewater Superintendent and I recently met with Michael Milanoski of the GURR to  
115 revisit our conversations regarding the town's wastewater line that runs through the  
116 railyard. As a reminder to the board, there town maintains a very old 15" clay pipe via a  
117 granted utility easement. The railroad has indicated in past years of their intent to add rail  
118 spurs in several locations that will travel over the sewer line. Our conversations with the  
119 railroad halted about 2 years ago when we notified the railroad of our concerns for the  
120 condition of the pipe and the potential consequences of increasing activity over such old  
121 infrastructure. At that time, we hired Truax Co. to video the line and document its  
122 condition. The video showed both intrusions and sags within the line.

123 Our conversation picked up where it left off with Mr. Milanoski except there now appears  
124 to be a desire for the railroad to assist the town with rehabbing the old clay line. Our  
125 conversation indicated the GURR would be willing to consider potentially paying for the  
126 rehab provided the town assist with the design and as built. We are working on scheduling a  
127 subsequent meeting with additional staff from both sides in an attempt to more accurately  
128 define costs and responsibilities at which time, we will have something more concrete to  
129 present to the BOS for consideration.

130 **TIP Update**

131 The construction associated with phase II of the TIP project began on Monday. During the  
132 winter, the signalization contractor was able to continue working on the signals at 140.  
133 Although not complete, the new lights were installed and are operational. There is still  
134 much to be done in phase II and there remains a punch list of outstanding issues in phase I.  
135 Now that work has resumed, I will be meeting with the state and contractor to review the  
136 remaining issues in phase I as well as the work schedule for phase II.

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

139 **Motion to Execute Town Manager Contract**

140 **Motion #8:** Motion made by Selectman Matellian to execute an employment agreement with  
141 Joseph T. Laydon, Town Manager.

143 Second: Selectman Simas, Unanimous, Chair Dwinnell

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

146 **Adjourn Meeting**

148 **Motion #9** At 8:45 PM Selectman Matellian made motion to adjourn.

149 Second: Selectman Simas, Unanimous, Chair Dwinnell

150 Respectfully submitted,

152 Sandra Hakala, Executive Assistant