

BOARD OF SELECTMEN MEETING MINUTES

June 7, 2022

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

Virtual

1 CALL MEETING TO ORDER

2 ***Motion # 1:*** Select member Matellian moved to open the regular meeting at 7:00 PM.

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

5 DEPARTMENT/BOARD UPDATES AND REQUESTS

6 A. Board of Health – Execution of E. L. Harvey Contract

7 The existing curbside collection of refuse and recyclables contract ends June 30, 2022. The
8 Board of Health published an RFQ for collection services and reviewed the responses at their
9 February 4, 2022 meeting. The Board voted at that meeting to select E. L. Harvey and to
10 prepare a new three-year contract commencing July 1, 2022.

11
12 ***Motion # 2:*** Select member Matellian made the motion that the Board of Selectmen vote to
13 authorize the Town Manager to execute the contract with E. L. Harvey for curbside collection of
14 refuse and recyclables from July 1, 2022 through June 30, 2025 in the amount of \$1,422,000 for
15 three years plus the cost of recycling at \$21.00 per ton and associated work stated in the
16 Contract and Specifications.

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

19 B. MURSD IT Department – Execute MOU

20 The IT Committee and MURSD have prepared the attached Memorandum of Understanding
21 (MOU) that outlines the sharing of an IT Employee of the school district to provide IT Support
22 for the Town. The IT Committee discussed the proposed resources sharing at the Board's April
23 19th meeting. The IT Committee stated the current IT Managed Services contract expires June
24 2022 and town has been informed cost to renew with current company will double. The shared
25 IT employee will control costs while increasing the amount of IT support to 18.5 hours per
26 week.

27
28 ***Motion # 3:*** Select member Matellian made the motion that the Board of Selectmen vote to
29 authorize the Town Manager to execute the Memorandum of Understanding with the Mendon
30 Upton Regional School District (MURSD) for the purpose of sharing an IT Employee.

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

33 C. Cultural Council Program – Execution of Contract

34 The Massachusetts Cultural Council provides annual allocations to the various Cultural Councils
35 throughout the state. The attached document relates to Upton's allocation for Fiscal Year 2022.
36 While the value is under the threshold that would require the Board of Selectmen to approve

37 the contract, the Board's authorization is being sought so that we don't delay sending back the
38 executed document while we look to see if this could be executed by the Town Manager.

39 ***Motion # 4:*** Select member Matellian made the motion that the Board of Selectmen vote to
40 authorize the Town Manager to execute the contract with the Massachusetts Cultural Council
41 for the Town of Upton Cultural Council's FY 2022 Allocation of \$6,200.

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

44 **PUBLIC INPUT/BOARD MEMBERS' UPDATES**

45 Katherine Robertson, spoke on behalf local residents who have worked to raise the funds
46 necessary to offset the amount that Community Preservation Act (CPA) funds. They have
47 received donations from about 120 people from throughout the town and raised \$149,983.49,
48 She also thanked town planner, Paul Dell'Aquila for his help.

50 **APPOINTMENTS/RESIGNATIONS**

51 **A. Accept Resignations from Conservation Commission, Community Preservation 52 Committee, Disability Commission, Economic Development Committee, Historic 53 Commission, and Upton Housing Authority.**

54 The Town Manager's Office received a number of resignations from members of various boards
55 and committees. The Board of Selectmen must first vote to accept the resignations in order to
56 proceed with filling vacancies.

57 ***Motion # 5:*** Select member Dwinnell made the motion that the Board of Selectmen vote to
58 accept the resignations of Mary Overholt from the Conservation Commission, Maureen Byrne
59 from the Historic Commission, Bob Carnegie, from the Disability Commission, Donna Desjardins
60 from the EDC, and Rena Richard from the Housing Authority.

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

64 **B. Annual Re-Appointment**

65 **C. Annual New Appointments**

67 [Annual Appointments](#)

69 **TOWN COUNSEL**

70 ***Motion #6:*** Motion made by Select member Matellian to appoint KP Law for one year.

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

74 **CENTRAL MA REGIONAL PLANNING DELEGATE**

75 ***Motion #7:*** Motion made by Select member Matellian to appoint James Bates one year.

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

79 **Motion #8:** Motion made by Select member Matellian for a one-year appointment:

80 BUILDING COMMITTEE

81 James Brochu (posthumously)

82 Paul Flaherty

83 Steve Rakitin

84 Dee Hakala

85 Michael Howell

86 Justin Pollard

87

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

89

90 **Motion #9:** Motion made by Select member Dwinnell for a one-year appointment:

91 DISABILITY AFFAIRS GRIEVANCE COORDINATOR

92 Janice Read Nowicki

93

94 **Second: Select member Matellian, Unanimous, Chair Simas**

95

96 DPW BUILDING COMMITTEE

97 **Passover**

98

99 **Motion #10:** Motion made by Select member Matellian for a one-year appointment:

100 ECONOMIC DEVELOPMENT COMMITTEE

101 Steven Rakitin

102 Eugene Bernat

103 Pierre Cote

104 David Brooks

105 Dave Ross

106 Craig Weinfuss

107 Katherine Worsham

108

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

110

111 **Motion #11:** Motion made by Select member Dwinnell for a one-year appointment:

112 GREEN COMMUNITY COMMITTEE

113 William Taylor

114 Phil Kazlauskas

115 Dominique Ross

116

117 **Second: Select member Matellian, Unanimous, Chair Simas**

118

119 **Motion #12:** Motion made by Select member Matellian for a one-year appointment:

120

121 LAKE/POND COMMITTEE

122 Recreation Commission Member Debbie Amorelli

123 Conservation Committee Member Mike Penko
124 DPW Member Bill Taylor
125 Resident Ed Bergman
126 Resident Gary Strichartz
127

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

129
130 **Motion #13:** Motion made by Select member Dwinnell for a one-year appointment:
131 LAND STEWARDSHIP COMMITTEE SUBCOMMITTEE OF CONSERVATION
132 Eric Reustle
133 Scott Heim
134 Michael Penko
135 Bill Taylor
136 Mary Overholt
137 Marcella Stassa
138 Libba Moore
139

140 **Second: Select member Matellian, Unanimous, Chair Simas**

141
142 **Motion #14:** Motion made by Select member Matellian for a one-year appointment:
143 MOSQUITO CONTROL BOARD
144 BoH Member Ted Briggs
145 Bos Member Brett Simas
146 Conservation Committee Member Chris Scott
147 Sustainable Upton Member Marcella Stasa
148 Gavin Jones
149 Alisa Bernat
150 Gary Strichartz
151

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

153
154 **Motion #15:** Motion made by Select member Dwinnell for a one-year appointment:
155 Open Space Committee subcommittee of Conservation
156 Mike Penko
157 Christine Scott
158 Bill Taylor
159 Cheryl McIndoe
160 Todd Dodd
161 Alan Miano
162

163 **Second: Select member Matellian, Unanimous, Chair Simas**

164
165 **Motion #16:** Motion made by Select member Matellian for a one-year appointment:

166 **RECORDS ACCESS OFFICER**

167 Kelly McElreath

168 Michael Bradley

169

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

171

172 ***Motion #17:*** Motion made by Select member Dwinnell for a one-year appointment:

173 **TECHNOLOGY COMMITTEE**

174 Charles Borghetti

175 John Bouthiette

176 David Brooks

177 Rob Bruno

178 Steven Rakitin

179 David Lane

180 John Daly

181

182 **Second: Select member Matellian, Unanimous, Chair Simas**

183

184 ***Motion #18:*** Motion made by Select member Matellian for a one-year appointment:

185 TREE WARDEN

186 Dennis Westgate

187

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

189

190 ***Motion #19:*** Motion made by Select member Matellian for a two-year appointment:

191 AFFORDABLE HOUSING TRUST

192 Kathy Robertson

193 Al Holman

194 BOS CHAIR

195 Jane Snellman

196 Traci Higgins

197

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

199

200 ***Motion #20:*** Motion made by Select member Dwinnell for a one-year appointment:

201 CAPITAL BUDGET COMMITTEE

202 Kristi Moen

203 Justin Pollard

204

205 **Second: Select member Matellian, Unanimous, Chair Simas**

206 ***Motion #21:*** Motion made by Select member Matellian for a three-year appointment:

207 COMMUNITY PRESERVATION COMMITTEE

208 Brittney Bessler

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

210
211 **Motion #22:** Motion made by Select member Dwinnell for a three-year appointment:
212 CONSERVATION COMMISSION

213 Tom Jango
214 Sandra Lajoie
215 Marcella Stasa

216
217 **Second: Select member Matellian, Unanimous, Chair Simas**

218
219 **Motion #23:** Motion made by Select member Matellian for a three-year appointment:
220 COUNCIL ON AGING
221 Linda Sanders
222 Myra Bigelow
223 Josephine McLaughlin

224
225 **Second: Select member Dwinnell, Unanimous, Chair Simas.**

226
227 **Motion #24:** Motion made by Select member Matellian for a three-year appointment:
228 CULTURAL COUNCIL
229 Dawn Piekarski

230
231 **Second: Select member Dwinnell, Unanimous, Chair Simas.**

232
233 **Motion #25:** Motion made by Select member Matellian for a two-year appointment:
234 FIRE & EMS ADVISORY COMMITTEE
235 Mathew Kerr Paid-on-call firefighter representative
236 Ed Bergman Citizen representative

237
238 **Second: Select member Dwinnell, Unanimous, Chair Simas.**

239
240 **Motion #26:** Motion made by Select member Dwinnell for a three-year appointment:
241 FOREST FIRE WARDEN
242 Chief Marchand

243
244 **Second: Select member Matellian, Unanimous, Chair Simas**

245
246 **Motion #27:** Motion made by Select member Matellian for a three-year appointment:
247 HISTORICAL COMMISSION
248 Donna Kempton
249 Russell Wood
250 Craig Weinfuss (associate member)

252 **Second: Select member Dwinnell, Unanimous, Chair Simas.**
253
254 ***Motion #28:*** Motion made by Select member Dwinnell for a two-year appointment:
255 OPEB TRUST COMMISSIONERS TRUST
256 Kenny Costa Town Accountant
257 Chair BOS
258
259 **Second: Select member Matellian, Unanimous, Chair Simas**
260
261 ***Motion #29:*** Motion made by Select member Matellian for a three-year appointment:
262 PERSONNEL BOARD
263 Michelle Rivers
264 John Westerling
265
266 **Second: Select member Dwinnell, Unanimous, Chair Simas.**
267
268 ***Motion #30:*** Motion made by Select member Dwinnell for a three-year appointment:
269 REGISTRAR OF VOTERS
270 Cynthia Robertson
271
272 **Second: Select member Matellian, Unanimous, Chair Simas**
273
274 ***Motion #31:*** Motion made by Select member Dwinnell for a three-year appointment:
275 TRENCH PERMITTING AUTHORITY
276 Patrick Roche
277 Steve Johnson
278
279 **Second: Select member Matellian, Unanimous, Chair Simas**
280
281 ***Motion #32:*** Motion made by Select member Dwinnell for a three-year appointment:
282 ZONING APPEAL BOARD
283 Bill Andrews
284
285 **Second: Select member Matellian, Unanimous, Chair Simas**
286
287 **LICENSING**
288 **A. Rushford & Son – One Day Liquor License**
289 The Board's reviewed five one-day license applications for Wine & Malt Beverages only to be
290 held on the dates of June 25, 2022, July 9, 2022, July 23, 2022, August 6, 2022, and August 20,
291 2022 at Red Farm Golf, located at 119 Fowler Street, Upton, MA. The applications were
292 originally discussed at the Board's May 17, 2022 meeting and the Board deferred action.
293

294 **Motion # 33:** Select member Dwinnell made the motion that the Board of Selectmen vote to
295 approve the application submitted by Rushford & Sons,; Owner/Operator Brian Goodman for a
296 special 1-day Wine & Malt only (pouring) license for an five (5) events to be held on the dates of
297 June 25, 2022, July 9, 2022, July 23, 2022, August 6, 2022, and August 20, 2022 and alcohol
298 sales during the hours of 11:00 AM to 8:00 PM); under M.G.L. c.138 §14; all to be held at Red
299 Farm Golf, located at 119 Fowler Street, Upton, MA.

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

301 **BOARD OF SELECTMEN DISCUSSION**

302 **A. Formation of Housing Production Plan Advisory Committee**

303 The Town of Upton will be retaining the services of the Central Mass Regional Planning
304 Commission to prepare an updated Housing Production Plan (HPP). Given the recent MBTA
305 Communities Legislation, it is expected that the HPP will examine and develop strategies for
306 complying with the legislation. To assist the process, Staff recommends creating an advisory
307 committee. Such a committee could be comprised of a representative from the Select Board,
308 Planning Board, Conservation Commission, Economic Development Commission, and the
309 Affordable Housing Trust. In addition, the Board could consider adding one or two resident-at-
310 large seats to the committee.

311
312 **Motion # 34:** Select member Dwinnell made the motion that the Board of Selectmen vote to
313 create an advisory committee comprised of a representative from the Select Board, Planning
314 Board, Conservation Commission, Economic Development Commission, and the Affordable
315 Housing Trust and two resident-at-large seats.

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

317 **B. Liaison Assignments**

318
319 **Motion # 35:** Select member Matellian made the motion that the Board of Selectmen vote to
320 maintain the current list of Liaison Assignments.

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

322 **C. Summer Meeting Schedule**

323 The Board of Selectmen typically meets the 1st and third Tuesday of the month. If the typical
324 schedule was to be followed, meetings over the summer through September would be July 5th
325 and 19th, August 2nd and 16th, and September 6th and 20th. Furthermore, there are other
326 dates that the Board will need to be aware of in setting its schedule for the summer and into
327 the fall. It is anticipated that the warrant would be open on STM is currently being considered
328 to be scheduled for Tuesday, November 1st. Staff anticipated reviewing this schedule with the
329 Board on June 21st.

330
331
332
333

334 Due to the holiday of July 4th and potential vacations, I would propose that the Board consider
335 scheduling meetings on the following dates: July 12th, August 2nd, and August 16th. Meetings
336 in September can be discussed as part of the scheduling of Special Town Meeting.

337

338 **Motion # 36:** Select member Dwinnell made the motion that the Board of Selectmen vote to
339 meet on June 21, July 21, July 26, August 2 and August 16.

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

341

342 **D. Scheduling of Board of Selectmen/Town Manager Goal Setting Retreat**

343 **Motion # 37:** Select member Dwinnell made the motion that the Board of Selectmen vote to
344 meet on July 15th at 1pm.

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

346

347 **E. Review of Legislation for Home Rule Petition for DPW Director Contract**

348 Fall Special Town Meeting, Article 15 proposed amending special Chapter 263 of the 1989 Acts
349 and Resolves “An Establishing a Department of Public Works in the Town of Upton” to increase
350 the contract length for the DPW Director from 3 to 5. Attached is the article language.

351 Representative Muradian’s office has been working with Legal Counsel with the House and they
352 are recommending the legislation to be edited as follows:

353 *An Act relative to the employment contract for the director of public works in the town of
354 Upton.*

355 *The first paragraph of section 1 of chapter 263 of the acts of 1989, as amended by chapter 77
356 of the acts of 2017, is hereby further amended by striking out the figure “3” and inserting in
357 place thereof the following figure: - 5.*

358 Town Counsel has reviewed the proposed changes and has approved them as being within the
359 scope of the article. Per the vote of Town Meeting, the Board of Selectmen must approve
360 clerical and editorial changes prior to the legislation being filed.

361 **Motion # 38:** Select member Dwinnell made the motion that the Board of Selectmen vote to
362 approve the edits to the Home Rule Petition Legislation as presented and request that the
363 special legislation be filed with the General Court.

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

365

366 **MINUTES**

367 **A. Approve the minutes of May 5**

368 **Motion # 39:** Select member Dwinnell made the motion that the Board of Selectmen vote to
369 approve the minutes of May 5, 2022.

370

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

372 **EXECUTIVE SESSION**

373 A. **MGL c.214, S. 1B and MGL c. 4, S. 7, Clause 220 26c to discuss financial assistance to**
374 **residents in need.**

375 B. **MGL c.30A, S. 21(a)(2): to conduct contract negotiations with non-union personnel-**
376 **Town Clerk/Asst to the TM**

377

378 **ANTICIPATED ADJOURNMENT**

379 ***Motion # 40:*** Select member Dwinnell made the motion that the Board of Selectmen vote to
380 adjourn the meeting of June 7, 2022 at 9:35 PM.

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

382

383 Respectfully submitted,

384 Sandra Hakala, Executive Assistant