

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

CALL MEETING TO ORDER

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

Second: Select member Dwinnell, Unanimous, Chair Simas.

DEPARTMENT/BOARD UPDATES AND REQUESTS

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

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

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

Second: Select member Dwinnell, Unanimous, Chair Simas.

B. MURSD IT Department – Execute MOU

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

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

Second: Select member Dwinnell, Unanimous, Chair Simas.

C. Cultural Council Program – Execution of Contract

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

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

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

Second: Select member Dwinnell, Unanimous, Chair Simas.

PUBLIC INPUT/BOARD MEMBERS' UPDATES

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

APPOINTMENTS/RESIGNATIONS

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

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

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

Second: Select member Matellian, Unanimous, Chair Simas.

B. Annual Re-Appointment

C. Annual New Appointments

Annual Appointments

TOWN COUNSEL

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

Second: Select member Dwinnell, Unanimous, Chair Simas.

CENTRAL MA REGIONAL PLANNING DELEGATE

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

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.**

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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**

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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)
 251

Second: Select member Dwinnell, Unanimous, Chair Simas.

Motion #28: Motion made by Select member Dwinnell for a two-year appointment:
OPEB TRUST COMMISSIONERS TRUST
Kenny Costa Town Accountant
Chair BOS

Second: Select member Matellian, Unanimous, Chair Simas

Motion #29: Motion made by Select member Matellian for a three-year appointment:
PERSONNEL BOARD
Michelle Rivers
John Westerling

Second: Select member Dwinnell, Unanimous, Chair Simas.

Motion #30: Motion made by Select member Dwinnell for a three-year appointment:
REGISTRAR OF VOTERS
Cynthia Robertson

Second: Select member Matellian, Unanimous, Chair Simas

Motion #31: Motion made by Select member Dwinnell for a three-year appointment:
TRENCH PERMITTING AUTHORITY
Patrick Roche
Steve Johnson

Second: Select member Matellian, Unanimous, Chair Simas

Motion #32: Motion made by Select member Dwinnell for a three-year appointment:
ZONING APPEAL BOARD
Bill Andrews

Second: Select member Matellian, Unanimous, Chair Simas

LICENSING

A. Rushford & Son – One Day Liquor License

The Board's reviewed five one-day license applications for Wine & Malt Beverages only to be held on the dates of June 25, 2022, July 9, 2022, July 23, 2022, August 6, 2022, and August 20, 2022 at Red Farm Golf, located at 119 Fowler Street, Upton, MA. The applications were originally discussed at the Board's May 17, 2022 meeting and the Board deferred action.

Motion # 33: Select member Dwinnell made the motion that the Board of Selectmen vote to approve the application submitted by Rushford & Sons,; Owner/Operator Brian Goodman for a special 1-day Wine & Malt only (pouring) license for an five (5) events to be held on the dates of June 25, 2022, July 9, 2022, July 23, 2022, August 6, 2022, and August 20, 2022 and alcohol 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 Farm Golf, located at 119 Fowler Street, Upton, MA.

Second: Select member Matellian, Unanimous, Chair Simas.

BOARD OF SELECTMEN DISCUSSION

A. Formation of Housing Production Plan Advisory Committee

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

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

Second: Select member Matellian, Unanimous, Chair Simas.

B. Liaison Assignments

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

Second: Select member Dwinnell, Unanimous, Chair Simas.

C. Summer Meeting Schedule

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

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

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

Second: Select member Matellian, Unanimous, Chair Simas.

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

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

Second: Select member Matellian, Unanimous, Chair Simas.

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

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

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

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

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

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

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

Second: Select member Matellian, Unanimous, Chair Simas.

MINUTES

A. Approve the minutes of May 5

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

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