

BOARD OF SELECTMEN MEETING MINUTES

October 20, 2020

Virtual Meeting

Chairman Brett A. Simas; Selectman Maureen Dwinnell; Selectman Stephen A. Matellian; Town Manager, Derek S. Brindisi; Executive Assistant, Sandra Hakala

1 CALL MEETING TO ORDER

2
3 **6:00PM** Swearing in Ceremony for New and Promoted Public Safety Officers

4 Location – Town Common

5
6 Over the past several months, several personnel changes followed a series of retirements. Due
7 to COVID-19 restrictions, traditional ceremonies were postponed. Tonight, a swearing in
8 ceremony was held on the Town Common for newly appointed officers and recently promoted
9 sergeants.

10
11 Congratulations to Detective Michael Benjamin and Officer Paul Mansfield who were promoted
12 to the rank of Sergeant, and to Corey Eugster, Michael Goncalves, Mason Brown & Javier
13 Valdivieso who were appointed as Officers.

14
15 Recess

16
17 **7:00PM** Reconvene to Virtual Meeting

18
19 Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open
20 Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition
21 on strict limitations on the number of people that may gather in one place, meetings in the
22 Town of Upton are being conducted via remote participation to the greatest extent possible. No
23 in-person attendance of members of the public will be permitted, but every effort will be made
24 to ensure that the public can adequately access the proceedings as provided for in the Order.

25
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27 Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition
28 on strict limitations on the number of people that may gather in one place, meetings in the
29 Town of Upton will be conducted via remote participation to the greatest extent possible. We
30 will strive to provide access to such meetings via a link to call in, or other similar option. In the
31 event we are unable to accommodate the same, despite best efforts, we will post recorded
32 sessions of the meeting as soon as possible following the same.

33
34 As a preliminary matter, this is Brett Simas – Chair, Board of Selectmen. Permit me to confirm
35 that all members and persons anticipated on the agenda are present and can hear me.

36
37 • Members, when I call your name, please respond in the affirmative. *Stephen Matellian,*
38 *aye, Maureen Dwinnell, aye,*

39 • Staff, when I call your name, please respond in the affirmative. Derek Brindisi, Town
40 Manager aye, *State each staff members' name.*
41 • Anticipated Speakers on the Agenda, please respond in the affirmative. *None*
42

43 **REVIEW MEETING AGENDA/APPROVAL OF PREVIOUS MEETING MINUTES**

44 **Motion #1:** Motion made by Chairman Simas to accept the Regular Meeting Minutes – August
45 18, September 2,8,22, October 6

46 Second: Selectman Matellian, Unanimous, Selectman Dwinnell
47 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye
48

49 **INVITED GUESTS**

50 Dennis Westgate – DPW Director & [Tighe & Bond Water Waste Water Comprehensive
Assessment Presentation](#)

51 **DISCUSSION ITEMS**

52 [Discuss Cultural Council Volunteer Application](#)

53 **Motion #2:** Motion made by Selectman Matellian to Appoint Robin Jokela to the Cultural
54 Council

55 Second: Selectman Dwinnell, Unanimous, Chairman Simas
56 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye
57

58 [Discuss Request to Install Park Bench](#)

59 **Motion #3:** Motion made by Selectman Matellian to accept the donation of a park bench to
60 replace a broken down one at the boat launch on Pratt Pond in memory of their son.
61

62 Second: Selectman Dwinnell, Unanimous, Chairman Simas
63 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye
64

65 [Motion to Approve the Refunding of 2013 Town Hall Bonds](#)

66 [S&P Rating Report](#)

67 The Finance Department refunded the Town Hall's debt; in order to do so, Upton had to complete
68 a bond rating process through Standard & Poor's (S&P). One of the things S&P look at is how
69 towns manage their finances and what are in their reserve accounts, such as stabilization. Over
70 the last two years, Upton has placed \$1 million in stabilization, which bodes well for the
71 community.

72 S&P also reviewed the town's financial policies, including a reserve policy, passed by the Board
73 of Selectmen recently, that commits to building and maintaining Upton's reserve accounts
74 including stabilization, retained earnings, overlay surplus, and free cash. After the review
75

82 process was completed, S&P gave the town an AA+ Stable rating, which is the second highest
83 rating a municipality can receive; the highest being AAA.

84
85 The AA+ rating permitted Upton to go out to bid for a lower interest rate, ultimately securing a
86 1.5 percent rate versus the 3.62 percent it had previously been paying.

87
88 ***Motion #4 by Mr. Matellian:*** That in order to reduce interest costs, the
89 Treasurer is authorized to issue refunding bonds, at one time or from time to time,
90 pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other
91 enabling authority, to refund a portion of the Town's (i) \$3,397,000 General Obligation
92 Water Bonds dated October 1, 2012 maturing on June 1 in the years 2023 through 2033
93 (inclusive), and (ii) \$4,524,100 General Obligation Town Hall Bonds dated August 28,
94 2013 maturing on December 1 in the years 2022 through 2033 (inclusive) (collectively,
95 the "Refunded Bonds") and that the proceeds of any refunding bonds issued pursuant
96 to this vote shall be used to pay the principal, redemption premium and interest on the
97 Refunded Bonds and costs of issuance of the refunding bonds.

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

100
101 ***Motion #5 by Mr. Matellian:*** that the sale of the \$5,530,000 General Obligation
102 Refunding Bonds (Interest Subject to Federal and Massachusetts Taxation) of the Town
103 dated November 2, 2020 (the "Bonds"), to BNY Mellon Capital Markets LLC at the price
104 of \$5,532,796.21 and accrued interest, if any, is hereby approved and confirmed. The
105 Bonds shall be payable on December 1 of the years and in the principal amounts and
106 bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2020	\$ 80,000	2.00%	2026	\$ 445,000	1.00%
2021	210,000	2.00	2027	450,000	1.25
2022	425,000	1.50	2028	455,000	1.30
2023	430,000	1.50	2029	465,000	1.55
2024	435,000	1.50	2030	465,000	1.60
2025	440,000	1.00	2033	1,230,000	1.75

108
109 Further Voted: that the Bonds maturing on December 1, 2020 (a "Term Bond")
110 shall be subject to mandatory redemption or mature as follows:

<u>Year</u>	<u>Amount</u>
2031	\$470,000
2032	475,000
2033*	285,000

112
113

***Final Maturity**

114 Second: Selectman Dwinnell, Unanimous, Chairman Simas
115 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye

116 ***Motion #6 by Ms. Dwinnell:*** that in connection with the marketing and sale of
117 the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official
118 Statement dated October 8, 2020, and a final Official Statement dated October 15, 2020
119 (the “Official Statement”), each in such form as may be approved by the Town
120 Treasurer, be and hereby are ratified, confirmed, approved and adopted.

121
122 Second: Selectman Matellian, Unanimous, Chairman Simas
123 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye

125 ***Motion #7 by Ms. Dwinnell:*** that the Bonds shall be subject to redemption, at
126 the option of the Town, upon such terms and conditions as are set forth in the Official
127 Statement.

129 Second: Selectman Matellian, Unanimous, Chairman Simas
130 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye

132 ***Motion #8 by Ms. Dwinnell:*** to authorize the execution and delivery of a
133 Refunding Escrow Agreement to be dated November 2, 2020, between the Town and
134 U.S. Bank National Association as Refunding Escrow Agent.

136 Second: Selectman Matellian, Unanimous, Chairman Simas
137 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye

139 ***Motion #9 by Ms. Dwinnell:*** that the Town Treasurer and the Board of
140 Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure
141 undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by
142 bond counsel to the Town, which undertaking shall be incorporated by reference in the
143 Bonds for the benefit of the holders of the Bonds from time to time.

145 Second: Selectman Matellian, Unanimous, Chairman Simas
146 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye

148 ***Motion #10 by Ms. Dwinnell:*** that we authorize and direct the Treasurer to
149 establish continuing disclosure procedures in such form as the Treasurer and bond
150 counsel deem sufficient, or if such procedures are currently in place, to review and
151 update said procedures, in order to comply with applicable securities laws.

153 Second: Selectman Matellian, Unanimous, Chairman Simas
154 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye

155
156 ***Motion #11 by Ms. Dwinnell:*** that any certificates or documents relating to the
157 Bonds (collectively, the “Documents”), may be executed in several counterparts, each of
158 which shall be regarded as an original and all of which shall constitute one and the same
159 document; delivery of an executed counterpart of a signature page to a Document by
160 electronic mail in a “.pdf” file or by other electronic transmission shall be as effective as
161 delivery of a manually executed counterpart signature page to such Document; and
162 electronic signatures on any of the Documents shall be deemed original signatures for
163 the purposes of the Documents and all matters relating thereto, having the same legal
164 effect as original signatures.

165
166 Second: Selectman Matellian, Unanimous, Chairman Simas
167 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye

168
169 ***Motion #12 by Ms. Dwinnell:*** that each member of the Board of Selectmen, the
170 Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all
171 such actions, and execute and deliver such certificates, receipts or other documents as
172 may be determined by them, or any of them, to be necessary or convenient to carry into
173 effect the provisions of the foregoing votes.

174
175 Second: Selectman Matellian, Unanimous, Chairman Simas
176 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye

177
178 *Motion to Execute IMA with the Town of Boylston*

179
180 ***Motion #13:*** Motion made by Selectman Dwinnell to support and enter in a 3-year contract
181 with Boylston for EDC/Town Planner shared services.

182
183 Second: Selectman Matellian, Unanimous, Chairman Simas
184 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye

185
186 ***Execute STM Warrant***

187 Article 1 is a request from the Economic Development Committee to purchase a gravel parking
188 lot on Grove St. for \$210,000; \$150,000 is to purchase the lot while the remaining \$60,000 is for
189 a “buffer or allowance for any remediation that may need to happen. The location of the Grove
190 St. lot is part of the town’s revitalization plan

191
192 ***Motion #14 by Ms. Dwinnell*** to support Article 1
193 Second: Chairman Simas, Majority Action of the Board
194 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, nay

195
196 Article 2A is seeking \$15,000 of CPA funding for a water hook up located at the Upton
197 Community Garden, Mechanic Street.

199 ***Motion #15 by Mr. Matellian*** to support Article 2a
200 Second: Selectman Dwinnell, Unanimous, Chairman Simas
201 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye
202
203 Article 2B is to utilize \$296,575 from CPA funding to pay the eighth-year payment of debt on
204 the Town Hall Renovations bonds.
205
206 ***Motion #16 by Ms. Dwinnell*** to support Article 2b
207 Second: Selectman Matellian, Unanimous, Chairman Simas
208 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye
209
210 Article 2C is to purchase and permanently protect 66 acres of land off of East St. which are part
211 of the Peppercorn Hill Conservation area. The cost of the four parcels is \$320,000. The results of
212 a land grant that would purchase one of the four parcels, would reduce the price for the
213 remaining parcels to \$210,000.
214
215 ***Motion #17 by Ms. Dwinnell*** to support Article 2c
216 Second: Selectman Matellian, Unanimous, Chairman Simas
217 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye
218
219 Article 3 is to fund back pay as part of the Fire Union's collective bargaining agreement totaling
220 \$20,000.
221
222 ***Motion #18 by Ms. Dwinnell*** to support Article 3
223 Second: Selectman Matellian, Unanimous, Chairman Simas
224 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye
225
226 ***Motion #19 by Ms. Dwinnell*** to execute the STM Warrant to be held at Nipmuc High School on
227 November 10, 2020
228 Second: Selectman Matellian, Unanimous, Chairman Simas
229 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye
230
231 *Motion to Accept Azalea Lane as a Public Way*
232
233 ***Motion #20:*** Motion made by Selectman Dwinnell to accept Azalea Lane as a Public Way.
234
235 Second: Selectman Matellian, Unanimous, Chairman Simas
236 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye
237
238 *Discuss November BoS Meeting Dates*
239
240 The next regular meeting will be held November 17th and a joint meeting with the Finance
241 Committee will be considered on November 24.
242

243 **ADJOURN MEETING**

244 ***Motion #21:*** At 10:08pm Selectman Dwinnell made motion to adjourn.

245

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

247

248 Respectfully submitted,

249 Sandra Hakala, Executive Assistant