

# BOARD OF SELECTMEN MEETING MINUTES

March 30, 2021

Virtual Meeting

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

## **CALL MEETING TO ORDER**

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

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, meetings in the Town of Upton will be conducted via remote participation to the greatest extent possible. We will strive to provide access to such meetings via a link to call in, or other similar option. In the event we are unable to accommodate the same, despite best efforts, we will post recorded sessions of the meeting as soon as possible following the same.

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

- Members, when I call your name, please respond in the affirmative. *Stephen Matellian, aye, Maureen Dwinnell, aye,*
- Staff, when I call your name, please respond in the affirmative. Derek Brindisi, Town Manager aye, *State each staff members' name.*
- Anticipated Speakers on the Agenda, please respond in the affirmative. *None*

## **Public Comment**

None

## **Approval of Meeting Minutes (March 2)**

***Motion #1:*** Motion made by Selectman Dwinnell to approve the [minutes March 2, 2021.](#)

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

## **Guest Presentations**

[Fiscal Year 2020 Annual Audit Report](#) - Roselli, Clark & Associates  
Terenzio Volpicelli, CPA — Partner presented the [2020 Post-Audit Conference](#)

40 "The COVID-19 outbreak shaped much of the discussion of the Town's operations for the second half of  
41 fiscal year 2020 and its effects are expected to materially affect most of fiscal year 2021. The  
42 Commonwealth of Massachusetts provided budgetary guidance to the 351 cities and towns within the  
43 state in early fiscal year 2021 indicating that it expects to level-fund state aid for fiscal year 2021. Upon  
44 final passage of the Commonwealth's budget, the Town's expected net state aid remained relatively  
45 consistent with the prior year at approximately \$792,000. Fortunately, the Town's state aid revenue  
46 estimates used in its fiscal year 2021 budget were built on the fiscal year 2020 levels.

47  
48 The Town implemented a number of cost-saving initiatives in response to COVID-19 including the  
49 deferral, reduction and/or elimination of many discretionary spending. The Town expects that many  
50 revenue sources dependent on user fees and charges as well as certain excise taxes may be materially  
51 affected in fiscal year 2021 and possibly into fiscal year 2022.

52  
53 The Town was awarded approximately \$706,000 in federal Coronavirus Aid, Relief and Economic  
54 Security Act ("CARES Act") funding. These funds are administered by the Commonwealth's Executive  
55 Office for Administration and Finance. Under the CARES Act, these funds are limited in their use for  
56 COVID-19 necessary expenditures and may not be used to substitute lost revenue.

57  
58 The Town's financial condition continues to be good, as measured by the budgetary flexibility in its  
59 general fund. Budgetary flexibility is often measured by comparing the assigned and unassigned fund  
60 balances in the general fund to the current year's total general fund expenditures. Credit rating bureaus  
61 often refer to this as a "reserve ratio." At June 30, 2020, the Town's reserve ratio was approximately  
62 22% versus 20% in the prior year. Credit rating bureaus would consider the Town's reserve ratio to be  
63 very strong. Standards & Poor's Financial Services LLC ("S&P") assigns the Town an AA+ credit rating on  
64 its long-term general obligation bonds, which is one rating lower than AAA, its highest credit rating.  
65 This high credit rating enables the Town to enjoy very favorable terms in the municipal bond market.

66  
67 In its governmental funds financial statements, which most closely resembles the Town's statutory  
68 accounting records, the Town's unassigned fund balance in its general fund exceeded \$5.2 million at  
69 June 30, 2020 and its total fund balance totaled over \$7.2 million. The Town's general fund balance has  
70 been steadily growing. A five-year trend of the Town's total fund balances is presented in the table at  
71 right; over the past five years, the total general fund balance has increased approximately 15.7%  
72 annually.

73  
74 The Town's most significant long-term liabilities pertain to its net pension and net other  
75 postemployment benefit liabilities, which total approximately \$16.4 million in the aggregate at June 30,  
76 2020. The Town is a participating employer in the Worcester Regional Retirement System, or WRRS. The  
77 WRRS has ninety-nine individual contributing entities including the Town, whose proportionate share of  
78 the WRRS net pension liability was nearly \$9.2 million at June 30, 2020. The WRRS expects annual  
79 appropriations to increase greater than 4% annually for the foreseeable future. The Town's net other  
80 postemployment benefit liability amounted to approximately \$7.2 million at June 30, 2020. The Town's  
81 OPEB trust is estimated to be approximately 8.8% funded at June 30, 2020, which is slightly better than  
82 the Massachusetts median for communities of the Town's size and budget.

83 The Town's long-term debt load is very manageable. The Town's total long-term debt at June 30, 2020 is  
84 \$6,735,000."

85  
86 **Board Discussion Items**

87 [Discuss Temporary Expanded Alcohol Licensed Premise Application \(Rushford and Sons Brewery\)](#)

88

89 **Motion #2:** Motion made by Selectman Dwinnell Pursuant to the Governor's Covid-19 Order  
90 No. 35 approval was granted for a temporary alteration of licensed premise to add 2500 sf  
91 outdoor front paved lot Saturday 11AM-8PM and Sunday 11 AM-5PM. On-premises  
92 consumption must provide seated food service with the sale of alcohol. The food must be  
93 prepared on-site and under a retail food permit issued by a local licensing authority pursuant to  
94 105 CMR 590.00. The amended license as a result of this order shall automatically revert back  
95 to its status prior to the approval of the change for expansion when the Governor's Order is  
96 rescinded.

97

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

100

101 *Motion to Authorize the Town Manager to Execute the Amendment to the Town of UPTON's ADA Plan*

102 As a result of the additional sites, CMRPC requires an additional \$2,400 to cover costs related to  
103 contracted field assessments and reporting. This brings the total cost for the ADA Plan to thirty-  
104 one thousand two hundred and seventy-five dollars (\$31,275).

105

106 **Motion #3:** Motion made by Selectman Matellian to expend one thousand two hundred and  
107 seventy-five dollars from the Willian Knowlton Trust Fund to cover the cost of the additional  
108 work.

109

110 Second: Selectman Dwinnell, Unanimous, Chairman Simas  
111 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye

112

113 *Motion to Appoint Cultural Council Member*

114 **Motion #4:** Motion made by Selectman Dwinnell appoint Alice Gentili to a three-year term to  
115 the Cultural Council

116

117 Second: Selectman Matellian, Unanimous, Chairman Simas  
118 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye

119

120 *Discuss and Motion to Execute Annual Town Meeting Warrant*

121 The BoS discussed the three changes to the warrant. They are waiting for more information on  
122 the override article, which will clarify the ballot question, agreed to Article 12F (to purchase a  
123 granite bench in honor of Barbara Burke) has been added at the request of CPC, and agreed to  
124 replace Article 18 (tree cutting) with the North Street property transferring care and custody to  
125 the Selectman from the Treasurer collector.

126

127 A suggestion to consider moving the ATM outdoors in anticipation of a large turnout and  
128 concerns during a pandemic to Saturday May 8 with a rain date of May15.

129

130 **Motion #5:** made by Selectman Dwinnell to close the annual town meeting warrant and to  
131 change the dates from May 6 to May 8th and a rain date of May 15 and include updates  
132 discussed earlier.

133  
134 Second: Selectman Matellian, Unanimous, Chairman Simas  
135 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye  
136

137 [Motion to Accept Gravel Donation](#)

138 The Board accepted the generous donation of gravel used to backfill the hole that was created  
139 from the 50 yards of excavation over at 0 Grove Street and moved the remaining material to  
140 the DPW.

141  
142 **Motion #6:** Motion made by Selectman Matellian to accept the donation from Earthworks  
143 Gravel valued at \$2750.

144  
145 Second: Selectman Dwinnell, Unanimous, Chairman Simas  
146 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye  
147

148 [Discussion to Waive Tent Permit Fee](#)

149 The Board entertained Jay Byer's request to waive a \$25 tent permit fee on behalf of the  
150 MURSD. The Board agreed it was a ridiculous, extraordinary, and a shocking request. They  
151 could not understand the intent of the message or the time that was taken to write a letter for  
152 \$25.00.

153  
154 **Motion #7:** Motion made by Selectman Dwinnell to deny waiving the \$25.00 fee.

155  
156 Second: Selectman Matellian, Unanimous, Chairman Simas  
157 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye  
158

159 [Discuss and Vote Ballot Questions on Town Election Warrant](#)

160 The Town Manager continues to work with Town Counsel drafting language for the two  
161 questions to go to the ballot, one would be for the debt exclusion and the second for the  
162 override. The motion should include the language that has been drafted, and that allows the  
163 Town Clerk to place the two questions on the ballot.

164  
165 **Motion #8:** Motion made by Selectman Dwinnell accept the ballot questions for the debt  
166 exclusion for the community center, and the override question for the schools.

167  
168 Second: Selectman Matellian, Unanimous, Chairman Simas  
169 Brett Simas, aye, Maureen Dwinnell, aye, Steve Matellian, aye  
170

171 **Town Manager Report**

172

173     ● The town was awarded, the Rapid Recovery Planning Grant which will include visits with

174       some key stakeholders in the community to get a better sense of what are some of the

175       needs for the businesses here in town.

176     ● Last day to submit your dog license application is tomorrow.

177     ● Met with Mike Malinowski UGRR for a walkthrough of the facility to get a better sense

178       of the expansion. Silos are up, and the inside of the building is near completion.

179       Approval to make the water connections has been received.

180     ● Upton is now categorized as a yellow community.

181     ● Fire department continues to work with the board of health and the public health

182       nurses.

183     ● Pulte is expecting to issue one occupancy permit per week starting the spring.

184     ● The library is going to hold the book sale on Saturday, May 1.

185     ● The Building Committee has closed the comment period on March 26th, and they

186       received upwards of 30 comments.

187

188 **Adjourn Meeting**

189

190 ***Motion #9:*** At 9:09 Selectman Dwinnell made motion to adjourn.

191

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

193

194     Respectfully submitted,

195     Sandra Hakala, Executive Assistant