

**BOARD OF
SELECTMEN
MEETING
MINUTES**

December 3, 2019

Town Hall

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

CALL MEETING TO ORDER

Chairman Matellian opened the meeting at 7:00 p.m. lead the pledge of allegiance and reviewed the agenda.

MINUTES

Motion #1: Motion made by Selectman Simas to approve the Regular Session Meeting minutes November 12, 2019.

Second: Selectman Dwinnell, Unanimous: Chairman Matellian.

INVITED GUESTS

7:05 Public Hearing to Review Application for Wines and Malt Beverages – Silenus' Cellar 62 Main Street

Chairman Matellian opened the public meeting:

Notice is hereby given, under Chapter 138, Section 15A, of the MGLs that a Public Hearing will be held on Tuesday, December 3, at 7:05PM at the Town Hall 1 Main Street, Upton, MA on the application of Silenus' Cellar, 23 Pleasant Street, Upton, MA for an Off Premises §15 Package Store Wines and Malt Beverages License. The description of the premises is as follows: Ground floor space of 650 square feet, in a mixed-use building at 62 Main Street, Upton. The space is in the rear of the building and is currently three rooms but will be remodeled into a more open space. Upstairs storage space of approximately 250 square feet will be provided.

Proper notification to abutters was given. The LLA determined that the premises are not detrimental to the educational and spiritual activities of church or school.

Motion #2: Motion made by Selectman Matellian to grant Silenus' Cellar, 23 Pleasant Street, Upton, MA for an Off Premises §15 Package Store Wines and Malt Beverages License

Second: Selectman Dwinnell, Unanimous, Selectman Simas.

DISCUSSION ITEMS

Motion to Approve Host Community Agreement

Grow Rite, LLC wishes to locate a Tier 1, 5,000 square foot Marijuana Cultivator for the cultivation, processing and packaging of marijuana, and the delivery of marijuana or transfer of marijuana to other marijuana establishments, but not to consumers, (the “Establishment”) at 162

43 Milford Street, Upton, MA, Map 025 lot 061 in accordance with and pursuant to applicable state
44 laws and regulations, including, but not limited to G.L. c.94G and 935 CMR 500.00, and such
45 approvals as may be issued by the Town in accordance with its Zoning Bylaw and other
46 applicable local regulations.

47
48 **Motion #3:** Motion made by Selectman Dwinnell to approve the Host Community Agreement
49 With Grow Rite, LLC.

50 Second: Selectman Simas, Unanimous, Chairman Matellian.

51
52 *Discussion on Trash Bag Storage*

53 Rescheduled to next meeting.

54
55 *Review Application to Capital Budget Committee*

56
57 **Motion #4:** Motion made by Selectman Simas to appoint Justin Pollard to the Capital Budget
58 Committee.

59 Second: Selectman Dwinnell, Unanimous, Chairman Matellian.

60
61 *Discuss Formation of Building Committee*

62 The BoS will accept applications to form a building committee in accordance with Chapter 17 of
63 the General Bylaws... *"This Building Committee should include five members who have expertise
64 in architecture, construction, accounting, engineering and/or other related fields; if possible, it
65 should also include members who are familiar with and are concerned with the Town's historic
66 and environmental character."*

67
68 *Discuss Formation of Community Center Committee aka Feasibility Committee*

69 The Board agreed to change the name of the Municipal Feasibility Committee and to the
70 Community Center Steering Committee and discuss the mission and charge at their next
71 meeting:

72 Mission:

73 The Community Center Steering Committee (hereinafter Committee) has been tasked by the
74 Board of Selectmen with facilitating the design and construction of a new municipal facility to
75 deliver various community services, including library, elder and social services. Over a period
76 of nine to eighteen months, the Committee will refine existing designs, coordinate with town
77 departments and community groups, make recommendations for the operation and services of
78 the new facility, and provide publicity to keep the general public informed of the project's
79 progress. The Committee will recommend to the Building Committee any space needs and
80 design considerations related to providing services, and will recommend to the Board of
81 Selectmen, Library Trustees and Council on Aging any policies, procedures and memorandums
82 of understanding for operation of the departments.

89 The committee will consider quality and variety of services, efficient use of space and financial
90 resources, needs of all departments and the residents of Upton, and Architectural Access Board
91 (AAB) requirements.

92 **Background:**

93 1. The Town has appropriated funds for conceptual and schematic design and the construction
94 bid process for a new municipal facility of approximately 14,000 square feet located on the
95 town-owned land at 13 Milford Street (Playground site)

96 2. The preliminary conceptual designs approved by the voters show a facility to house Library,
97 Elder and Social Services, along with sufficient parking and a re-designed playground on the
98 site.

99 3. A Building Committee will be appointed in accordance with the general bylaws of the town.
100 The Building Committee will be responsible for selecting an OPM, a designer and managing the
101 design and construction bid phases of the project.

102 4. The Building Committee will need recommendations on the specific design considerations
103 needed to accommodate the desired services.

104 5. As the project moves forward, Town departments, boards and committees will need
105 recommendations on how to effectively combine their services in the new facility.

106 6. At the conclusion of the construction bid phase, the residents of the town will need to make an
107 informed decision whether or not to proceed with the full construction and project costs.

108 **Composition:**

109 The Committee will consist of seven (7) members: Ad Hoc non-voting members are the Director
110 of Elder and Social Services and the Library Director. Five (5) voting members appointed by the
111 Board of Selectmen should include members of the Library Trustees, Council on Aging and the
112 general public.

113 A quorum shall consist of 3 voting members.

114 **Tasks:**

115 The Committee shall meet regularly, and complete its tasks in a timely fashion, as needs and
116 opportunities are time sensitive. Recommendations should be available to the governing bodies
117 with sufficient time to evaluate and take action.

118 The specific tasks of the Community Center Steering Committee are as follows:

119 1. Post all meetings as prescribed by law.

120 2. Elect officers.

121 3. Record the minutes of each meeting.

122 4. Determine any planning funds required and request such funds if necessary.

123 a. Investigate grant opportunities and apply if directed by the governing bodies.

124 b. Seek donations of furnishings and equipment.

125 5. Regularly meet with the Building Committee to provide recommendations about space needs
126 and design considerations.

127 6. Contact community groups and organizations to solicit feedback and input about the project.

128 7. Use multiple avenues, such as public informational sessions, Town websites, print
129 publications and social media to keep the general public informed of the project.

135 8. Determine the feasibility of including additional services in the facility, including but not
136 limited to Historical Society.
137 9. Investigate options for future preservation of the Knowlton Risteen building stained glass
138 window.
139 10. Develop a plan for the operation of the facility, including but not limited to the following:
140 a. Make recommendations on what services should be offered at the facility
141 b. Make recommendations on spaces, equipment and infrastructure required.
142 c. Make recommendations on appropriate staffing levels for each department.
143 11. If directed by the governing bodies, create draft policies, procedure manuals or
144 memorandums of understanding with internal and external stakeholders.
145 12. Present all recommendations and documents to the governing boards and the general public.
146 13. Review comments and modify documents as directed by the governing boards.

147
148 **BVT – BoS collective bargaining representative**

149
150 ***Motion #5:*** Motion made by Selectman Dwinnell to appoint Steve Matellian as the BoS
151 collective bargaining representative

152
153 Second: Selectman Simas, Unanimous, Chairman Matellian.

154
155 **Discuss Dissolution of E-voting Committee**

156
157 The Warrant Article presented at the STM to introduce electronic voting at town meeting was defeated
158 The BoS thanked the committee members for their work in presenting this option to the voters.

159
160 ***Motion #6:*** Motion made by Selectman Simas to dissolve the E-voting committee.

161
162 Second: Selectman Dwinnell, Unanimous, Chairman Matellian.

163
164 **Spooky Run 2020**

165
166 ***Motion #7:*** Motion made by Selectman Simas to approve the Spooky Run organized by MEUF
167 on October 25, 2020.

168
169 Second: Selectman Dwinnell, Unanimous, Chairman Matellian.

170
171 **Harvest Ride**

172
173 ***Motion #8:*** Motion made by Selectman Simas to approve the Lisnow Respite Center's request to
174 hold a Harvast Ride on September 26, 2020

175
176 Second: Selectman Dwinnell, Unanimous, Chairman Matellian.

177
178 **Motion to Approve Annual Renewal of Licenses**

179 The Board reviewed the application of Class II licensees to sell used cars and Common
180 Victualler licensees to sell prepared foods for renewal. The spreadsheet showed the status of all

181 the various licenses that are up for renewal and the Board was advised of those needing
182 conditional approval until certain items are resolved before the license is issued.

183
184 **Motion #9:** Motion made by Selectman Dwinnell to renew/approve the licenses under Class I, II
185 or III as submitted on the renewal checklist with the specification that all conditions are met
186 before any licenses or renewals are released:

187
188 Lakeside Machine Inc.
189 Matellian Motors
190 McQ Sales
191 MGM Auto
192 Motuzas Automotive Inc.
193 NALA Equip. Corp, Inc.
194 Patrick Davidson
195 Precision Auto Center
196 Upton Truck & Auto
197 Upton Foreign Auto Service
198 Upton Getty, Inc.
199 Wilson Tire & Auto Inc.
200 Alantes Inc. dba Western Motors

201
202 Precision Auto Center presented the abutters notification and owner were present to answer
203 questions. They thanked the Board for their consideration.

204
205 Second: Selectman Simas, Majority Action of the Board.

206
207 Mr. Matellian recused himself from the motion

208
209 **Motion #10:** Motion made by Selectman Simas to renew the following Alcohol, Common
210 Victualler and Entertainment licensing respectively as submitted on the renewal checklist with
211 the specification that all conditions are met before any licenses or renewals are released.

212
213 Country Club Sooper - Retail Pkg Wine & Malt - Common Victualler
214 Colonial Liquor - Retail Pkg All
215 Liquor Plus - Retail Pkg All
216 Nipmuc Rod & Gun Club - All Alcohol - Common Victualler - 1 Pool Table - Entertainment
217 Red Rock Grill & Bar - All Alcohol - Common Victualler - Entertainment
218 KB Holdings - Common Victualler

219
220 Second: Selectman Dwinnell, Unanimous: Chairman Matellian.

221
222 **Motion #11:** Motion made by Selectman Dwinnell to renew the following Common Victualler
223 applications as submitted on the renewal checklist with the specification that all conditions are
224 met before any licenses or renewals are released:

225
226 Main Street Pizza
227 C&N Food Service, Inc.

228 Dick Kelly's Farm Stand
229 Honey Farms, Inc.
230 J&J's Ice Cream Shoppe
231 Kevin Lu, Inc
232 SBD, Inc
233 Upton House of Pizza
234 BVT
235 Gasco Energy
236 VFW
237 Breakfast at Stephanie's
238
239 Second: Selectman Simas, Unanimous: Chairman Matellian.
240
241 **Motion #12:** Motion made by Selectman Simas to renew KCLC, Inc. (Rose Garden) - All
242 Alcohol - Common Vic -Auto Amusement Coin Op 1 - Pool Table – Entertainment contingent to
243 payments received accepted and adherence to the payment agreement.
244
245 Second: Selectman Dwinnell, Unanimous: Chairman Matellian.
246
247 *Motion to Approve 2020 License Fee Schedule*
248
249 **Motion #13:** Motion made by Selectman Dwinnell to approve the 2020 License Fee Schedule
250 which now includes a \$100 late filing fee.
251
252 Second: Selectman Simas, Unanimous: Chairman Matellian.
253
254 *Motion to Approve One day Liquor License Application*
255
256 Mr. Simas is recused himself from the discussion and was present to answer questions only. He
257 is hosting the event on NYE which is under consideration. Ms. Dwinnell stated her disfavor in
258 allowing alcohol to be served at town hall which is currently allowed in the liquor license policy
259 and town hall use policy. She requested a review of the policies be a future discussion item on
260 the Board's agenda. Mr. Matellian agreed to further this discussion at a latter date.
261
262 **Motion #14:** Motion made by Selectman Dwinnell to approve the One Day Liquor License on
263 December 31, 2019 to William Ference Catering, LLC.
264
265 Second: Selectman Matellian, Majority Action of the Board.
266
267 *Open Warrant for Annual Town Meeting December 10 and to Close February 7*
268
269 **Motion #15:** Motion made by Selectman Simas to open the warrant for Annual Town Meeting
270 on December 10 and to close it on February 7.
271
272 Second: Selectman Dwinnell, Unanimous: Chairman Matellian.
273
274

275 **PUBLIC COMMENT**

276
277 Mr. Pond expressed his concerns over his tax bill. Staff will reach out to community support
278 services for assistance.

279
280 Mr. Limas sought direction from the Board on his Eagle Scout project. Bill Taylor offered
281 assistance and will set up a meeting with him.

282
283 **ADJOURN MEETING**

284 ***Motion #16:*** At 9:00pm Selectman Simas made motion to adjourn.

285
286 Second: Selectman Dwinnell, Unanimous: Chairman Matellian

287
288 Respectfully submitted,

289
290 Sandra Hakala
291 Executive Assistant