

# BOARD OF SELECTMEN MEETING MINUTES

August 16, 2022

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

1    **CALL MEETING TO ORDER**

2    **Maureen Dwinnell MOVED** to open the regular meeting at 7:00 PM.

3    to open the regular meeting at 7:00 PM.

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

5

6    **Alfred "Al" Holman**

7    The Board recognized the passing of Alfred (Al) Holman and remembered his many  
8    contributions serving the Town on a number of Boards and Committees.

9

10    **Public Safety Personnel**

11    Police Chief/Director of Public Safety Michael Bradly joined to Board and together recognized  
12    the efforts of Town of Upton Public Safety Personnel who responded to the August 6th accident  
13    on Glenview Road.

14

15    Police

16    Lt. Michael Benjamin – initial response and police command

17    Officer Erik Mager – initial response and incident investigation

18    Sgt. Paul Mansfield – medical facility response, investigation, family liaison

19    Chief Michael Bradley – Investigation and scene supervisor

20

21    Fire

22    Captain Dan Lazar – Fire Command

23    Lt. Doug Cook

24    Lt. David Cialdea

25    Lt. Shaun Marchand

26    FF/EMT-Paramedic Tom Norton – Accident scene triage

27    FF/EMT Anthony Cervassi

28    FF/EMT James Hill

29    FF Matt Kerr

30    FF/EMT Conner Shults

31    FF/EMT Tim Wagner

32    FF/EMT Scott Young

33    FF Davide Moreira

34

35    Mutual Aid Partners – Hopkinton, Westborough, Northbridge, Mendon & Milford Community  
36    EMS

37 **DEPARTMENT/BOARD UPDATES AND REQUESTS**

38 **DPW – Declaration of Drought - Water Shortage**

39 Dennis Westgate, Director of Public Works was in attendance to request the Board designate a  
40 water shortage.

41  
42 **Steve Matellian MOVED** that the Board, as Upton's Water Commissioners, vote to authorize  
43 and implement further restrictions, in compliance with the Executive Office of Energy and  
44 Environmental Affairs (EEA) declaration of a Level 3 Critical Drought, for all properties on the  
45 municipal water system to minimize overall water use during all hours and to stop all non-  
46 essential outdoor watering during all hours.

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

48  
49 **DPW – Award of Crack Sealing and Paving Contracts**  
50 Dennis Westgate was in attendance to discuss the request for authorizing the Town Manager to  
51 sign contracts for crack sealing and paving. Bids are due to be opened on August 17th. Chapter  
52 30B requires the contracts go to the lowest responsible bidder. Evaluation of the bids and  
53 determination of the successful bidder will not be completed until the end of the week. To  
54 ensure that work can be commenced as soon as possible, the Director of Public Works and  
55 Town Manager are requesting authorization from the Board to execute contracts.

56  
57 **Maureen Dwinnell MOVED** that the Board vote to authorize the Town Manager to sign  
58 contracts for crack sealing and paving that are to be awarded in accordance with Chapter 30B.  
59 **Second: Select member Matellian, Unanimous, Chair Simas.**

60  
61 **IT Committee – Community Center AV Contract**

62 The Board reviewed the cost estimate prepared by Sunset Sound.

63  
64 **Steve Matellian MOVED** that the Board of Selectmen vote to authorize the Town Manager to  
65 finalize and execute the contract with Sunset Sound for purchase and installation of audio and  
66 visual equipment at the new Community Center in the amount of \$44,815.

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

68  
69 **Town Manager – Lindquist-Malone Land – Waiver of 120 Day Notice**

70 The Massachusetts Department of Agricultural Resources is requesting the Board of  
71 Selectmen's approval to waive the public notice period and reduce the time from 120 days to  
72 60 days.

73  
74 **Maureen Dwinnell MOVED** that the Board of Selectmen vote to reduce the 120-day public  
75 notification period to 60 days for notifying the public of the proposed acquisition of an  
76 agricultural preservation restriction on property owned by Johnny Lindquist and Carol Malone

77 off Williams Street by the Commonwealth of Massachusetts, acting by and through the  
78 Department of Agricultural Resources.

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

80  
81 **HEARINGS**

82 **7:30 PM – Public Hearing – Entertainment License – Rushford and Sons**

83 Mr. Simas opened the public hearing for the application for entertainment license for outdoor  
84 entertainment to be conducted at 8 Grove Street, Upton MA.

85  
86 **Maureen Dwinnell MOVED** that the Select Board vote to approve the outdoor entertainment  
87 license submitted by Rushford & Sons Brewhouse at 8 Grove Street, Upton through October.

88 **Second: Chair Simas, Majority Action of the Board.**

89  
90 Roll call vote: Maureen Dwinnell aye, Brett Simas, aye, Steve Matellian, nay.

91  
92 **7:35 PM – Public Hearing – Road Layout Hearing – Summer Circle**

93 Included in the Board's packet are documents supporting the layout hearing.

94  
95 Town Meeting previously voted to accept Summers Circle on May 5th, 2022. In examining  
96 whether the Board of Selectmen noticed and held a layout hearing, the town manager not able  
97 to verify that this was done. Unfortunately, it appeared that in the transition period for the  
98 Town Manager, this was missed. Mr. Laydon consulted with Town Counsel and the lack of a  
99 layout hearing is a fatal flaw in the acceptance process and therefore the road was not officially  
100 accepted.

101  
102 Following the vote of BoS to accept the layout, Summers Circle will be placed on the warrant for  
103 Special Town Meeting to be held November 1st.

104  
105 **Steve Matellian MOVED** that the Select Board vote to approve the layout of the way known as  
106 Summer Circle, as shown on a plan entitled "Layout Plan of Summers Circle, Upton, Mass."  
107 dated August 17, 2020, prepared by Guerrier & Halnon, Inc., which plan is recorded with the  
108 Worcester District Registry of Deeds on January 10, 2017 as Book 924 Plan 58 and to  
109 recommend acceptance at the November 1, 2022 Special Town Meeting.

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

111  
112 **APPOINTMENTS/RESIGNATIONS**

113 Appointments - Historical Commission

114  
115 The Selectmen reviewed the application from Patrick Rosendale for appointment to the  
116 Historical Commission.

117 **Maureen Dwinnell MOVED** that the Board of Selectmen vote to appoint Patrick Rosendale as a  
118 Full Member on the Historical Commission to expire June 30, 2023.

119 **Second: Chair Simas, Majority Action of the Board.**

120  
121 Resignations - Personnel Board  
122

123 Maria Glynn submitted her resignation from the Personnel Board.

124  
125 **Maureen Dwinnell MOVED** that the Board of Selectmen vote to accept the resignation of Maria  
126 Glynn from the Personnel Board, with regrets.

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

128  
129 Board of Health – Request to fill vacant seat  
130 The Town Manager’s Office received an email from the Board of Health notifying the Board of  
131 Selectmen of the vacancy on the board. Since the Board of Health is an elected body, the  
132 vacancy must be filled in accordance with M.G.L. Chapter 41 Section 11. The Board of Health  
133 subsequently submitted a letter acknowledging vacancy caused by the passing of member Al  
134 Holman and requesting assistance to fill the vacancy.

135  
136 **Maureen Dwinnell MOVED** that the Board of Selectmen vote to advertise the vacancy on the  
137 Board of Health and schedule a joint meeting with the remaining members of the Board of  
138 Health on September 6, 2022 to fill the vacancy until the 2023 Municipal Election.

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

140  
141 **BOARD OF SELECTMEN DISCUSSION**  
142 **Acceptance and Signing Over of Grove Street Deeds**

143  
144 The Board reviewed a survey plan showing the results of the Town’s surveying consultant’s  
145 examination into 0 Grove Street. It was determined that to correct the ownership issue with  
146 Grove Street properties, Goodman Property Holdings must sign over the deed for Lot 1 as  
147 shown on the included plan and that the Town must sign over the deed for Parcel 3, excluding  
148 Parcel 4, to Goodman Property Holdings. Town Counsel joined the Board to assist execute  
149 necessary document.

150  
151 **Steve Matellian MOVED** that the Board vote to accept the deed for Lot 1 from Goodman  
152 Property Holding as shown on the Plan entitled “Property Survey, Grove Street” dated August 3,  
153 2022.

154  
155 And

156 **MOVED** that the Board execute the deed for transferring Parcel 3, with the exclusion of Parcel  
157 4, to the Goodman Property Holding Grove Street as shown on the Plan entitled "Property  
158 Survey, Grove Street" dated August 3, 2022.

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

160

161 **Mechanic Street Parel – Signing of Deed**

162 Included in the Board's packet is the document to be signed by the Board to allow for the  
163 acquisition of the land on Mechanic Street/ Fowler Street that was approved by Town Meeting  
164 on May 5, 2022. Town Counsel will join the Board to assist execute necessary document.

165

166 **Maureen Dwinnell MOVED** that the Board execute the deed acceptance and approval  
167 document for the acquisition of the Mechanic Street/ Fowler Street property.

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

169

170 **Men's Club – Amphitheater Discussion**

171 The Board continued its discussion of the request to create an Amphitheater Committee that  
172 was proposed at the July 26th meeting. No action was taken.

173

174 **MINUTES**

175 Passed over.

176

177 **EXECUTIVE SESSION**

178 MGL c.214, S. 1B and MGL c. 4, S. 7, Clause 220 26c to discuss financial assistance to  
179 residents in need.

180

181 **ANTICIPATED ADJOURNMENT**

182 **Maureen Dwinnell MOVED** to adjourn the meeting of August 16, 2022 at 9:45 PM.

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

184

185 Respectfully submitted,

186 Sandra Hakala, Executive Assistant