

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.

CALL MEETING TO ORDER

Maureen Dwinnell MOVED to open the regular meeting at 7:00 PM.
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Second: Select member Matellian, Unanimous, Chair Simas.

Alfred "Al" Holman

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

Public Safety Personnel

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

Police

Lt. Michael Benjamin – initial response and police command
Officer Erik Mager – initial response and incident investigation
Sgt. Paul Mansfield – medical facility response, investigation, family liaison
Chief Michael Bradley – Investigation and scene supervisor

Fire

Captain Dan Iazar – Fire Command
Lt. Doug Cook
Lt. David Cialdea
Lt. Shaun Marchand
FF/EMT-Paramedic Tom Norton – Accident scene triage
FF/EMT Anthony Cervassi
FF/EMT James Hill
FF Matt Kerr
FF/EMT Conner Shults
FF/EMT Tim Wagner
FF/EMT Scott Young
FF Davide Moreira

Mutual Aid Partners – Hopkinton, Westborough, Northbridge, Mendon & Milford Community 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-Maloney 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 Maloney

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

Second: Select member Matellian, Unanimous, Chair Simas.

HEARINGS

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

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

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

Second: Chair Simas, Majority Action of the Board.

Roll call vote: Maureen Dwinneil aye, Brett Simas, aye, Steve Matellian, nay.

7:35 PM – Public Hearing – Road Layout Hearing – Summer Circle

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

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

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

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

Second: Select member Dwinneil, Unanimous, Chair Simas.

APPOINTMENTS/RESIGNATIONS

Appointments - Historical Commission

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

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

Second: Chair Simas, Majority Action of the Board.

Resignations - Personnel Board

Maria Glynn submitted her resignation from the Personnel Board.

Maureen Dwinneil MOVED that the Board of Selectmen vote to accept the resignation of Maria Glynn from the Personnel Board, with regrets.

Second: Select member Matellian, Unanimous, Chair Simas.

Board of Health – Request to fill vacant seat

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

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

Second: Select member Matellian, Unanimous, Chair Simas.

BOARD OF SELECTMEN DISCUSSION

Acceptance and Signing Over of Grove Street Deeds

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

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

And

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

Second: Select member Dwinnell, Unanimous, Chair Simas.

Mechanic Street Parel – Signing of Deed

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

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

Second: Select member Matellian, Unanimous, Chair Simas.

Men's Club – Amphitheater Discussion

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

MINUTES

Passed over.

EXECUTIVE SESSION

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

ANTICIPATED ADJOURNMENT

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

Second: Select member Matellian, Unanimous, Chair Simas.

Respectfully submitted,

Sandra Hakala, Executive Assistant