

# BOARD OF SELECTMEN MEETING MINUTES

March 21, 2023

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/ PLEDGE OF ALEGENCE**

2 Chair Simas opened the regular meeting at 7:00 PM and lead the pledge of allegiance.

3

## 4 **DEPARTMENT/BOARD UPDATES AND REQUESTS**

### 5 **Special Municipal Employee Designation for Town Moderator and Historical Commission – 6 Town Manager**

7 Massachusetts General Laws Section 20(a) limits employees of a municipality to also hold a  
8 public office without being designated as a Special Municipal Employee. Since the designation  
9 is for a position and not a person, it is recommended that the Board of Selectmen designate the  
10 Town Moderator position and the Historical Commission as a special municipal employee. This  
11 designation allows David Loeper, who is elected as Town Moderator, to work for the Elder and  
12 Social Services Department as a driver.

13

14 **Steve Matellian MOVED** that the Board vote to authorize the Town Manager to sign the  
15 Disclosure by Municipal Employee of Financial Interest in a Municipal Contract as required by G.  
16 L. c. 268A, § 20(b) by designating The Town Moderator and members of the Upton Historical  
17 Commission as Special Municipal Employees and to allow David Loeper, an existing employee,  
18 to take a second position with the Town as a driver for the Elder and Social Services  
19 Department.

20

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

22

### 23 **Agricultural Preservation Restriction, Authorize Town Manager to Sign – Town Manager**

24 The Board reviewed an email from William Taylor recommending language for authorizing the  
25 Town Manager to sign necessary documents associated with the acquisition of a preservation  
26 restriction. Mass Department of Agricultural Resources is requesting documentation that the  
27 town is supporting the acquisition.

28

29 **Maureen Dwinnell MOVED** that the Board vote to authorize the Town Manager to sign  
30 documents relating to the acquisition of an Agricultural Preservation Restriction from Carol  
31 Maloney and Johnny Lindquist for land on Williams Street by the Massachusetts Department of  
32 Agricultural Resources and the Town of Upton.

33

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

35

36 **Emergency Repair of Fire Station HVAC System – Public Safety Director**

37 Due to the extreme weather events, pipes and pumps associated with the Fire Station's HVAC  
38 system were damaged. Chief Bradley described the damage and recommendations for repair.

39  
40 **Steve Matellian MOVED** that the Board vote to authorize the Town Manager to sign  
41 contract documents relating to the repair of the Fire Station HVAC.

42  
43 **Second: Select member Dwinnell, Unanimous, Chair Simas.**

44  
45 **\*Pratt and Mill Pond Water Quality Study Contract Authorization – Town Manager**

46 The Lakes and Ponds Committee met on Wednesday to select a consultant to perform the Pratt  
47 and Mill Pond Water Quality and Sediment Study. The committee selected to engage the  
48 services of TRC, of Waltham at a cost of \$39,900. A contract will be developed based on the  
49 RFP that was produced to solicit responses for the project. The Town's standard contract will  
50 be used to include the project scope.

51  
52 Maureen Dwinnell MOVED that the Board vote to authorize the Town Manager to sign  
53 contractual documents associated with the hiring of a consultant to perform the Pratt and Mill  
54 Pond Water Quality and Sediment Study.

55  
56 **Second: Select member Matellian, Unanimous, Chair Simas.**

57  
58 **TOWN MANAGER REPORT/ UPDATE**

59 The following is the Town Manager's Report for the March 21, 2023 Board of Selectmen  
60 Meeting.

61  
62 **Town Website Redesign** – A staff committee met with the Civic Plus design team to identify  
63 preferred design elements, page layout, and color schemes. Next step is approval of layout and  
64 color template to facilitate development of mock pages. Project is on track for end of June  
65 2023 launch.

66  
67 **Town Hall Bathrooms** – FinCom approved a request for funding to repair bathrooms. The first  
68 part of the repair, polishing the wastewater lines, has been completed. Replacement toilet  
69 fixtures have been ordered and are anticipated to be in stock by March 27<sup>th</sup>. Work will be  
70 scheduled once the toilets are delivered. Town Hall use remains restricted, and completion of  
71 repairs are anticipated to be completed by April 1<sup>st</sup>. For board and committees that are meeting  
72 in Town Hall, Staff supporting those meetings check bathrooms prior to leaving to make sure  
73 nothing is bubbling out of floor drains or toilets.

74  
75 **Electrical Aggregation** - The Town of Upton is continuing its work to finalize its electric  
76 aggregation program but at this time it is not available. Colonial Power, our aggregation  
77 consultant, notified the Town Manager on March 21<sup>st</sup> of the request for documentation from

78 the Department of Public Utilities. Colonial is working to provide the documentation to DPW.  
79 No update on approval of the aggregation plan has been provided.

80  
81 **Excise Tax** - Excise tax bills due March 27<sup>th</sup>.

82  
83 **Risteen Building Ramp** - Handicap ramp has been partially installed at the Risteen Building.  
84 Final adjustments will be made to finalize installation on Friday, March 24<sup>th</sup>. Door company  
85 visited the site to provide a quote for installation of handicap access buttons internal and  
86 external to the door. DPW Director is working with consultant engineer to layout parking  
87 spaces and required handicap parking spaces.

88  
89 **Massachusetts Office of Disability Gran/ ADA Improvements** – Met with contractor to review  
90 ADA improvements to be funded through MOD Grant. Grant will cover repair to Police Station  
91 public access doors, new door opening mechanism, and installation of handicap access buttons;  
92 Town Hall door adjustments and replacement of handicap access button; Fire Station ADA  
93 access improvements consisting of door mechanisms and handicap access buttons. A new ADA  
94 compliant ramp is part of the project, and a site visit will occur on March 24<sup>th</sup> to prepare a  
95 quote for work.

96  
97 **Housing Production Plan** – On Thursday, March 16<sup>th</sup> the Housing Production Plan Steering  
98 Committee and Central Mass Regional Planning held a public forum to solicit input from the  
99 community to support the development of the update to the Housing Production Plan. Visit  
100 the Town of Upton YouTube channel to view the video.

101 <https://www.youtube.com/watch?v=JWBeHXT5X4>

102  
103 **PUBLIC INPUT/BOARD MEMBERS' UPDATES**

104 None.

105  
106 **COMMITTEE/ BOARD APPOINTMENT/RESIGNATION**

107 **Appointment of Tenant Seat – Upton Housing Authority**

108 The Board reviewed five applications and spoke to 4 of the applicants: Richard Provost,  
109 Charlene Williams, Evelyn Squadrille, and David Negrotti applying for the vacant Tenant Board  
110 Member seat. Jim Collins was not in attendance. Brett Lambert, Executive Director of the Upton  
111 Housing Authority was also in attendance.

112  
113 **Maureen Dwinnell MOVED** that the Board of Selectmen vote to appoint Charlene Williams as  
114 the Upton Housing Authority Tenant Board Member.

115  
116 **Second: Select member Matellian, Unanimous, Chair Simas.**

119 **MINUTES**

120 **Steve Matellian MOVED** that the Board of Selectmen vote to approve the executive session  
121 meeting minutes for February 16th and March 7th, 2023.

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

125 **Maureen Dwinnell MOVED** that the Board of Selectmen vote to approve the regular session  
126 meeting minutes for February 16th & 21st and March 7<sup>th</sup>, 2023.

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

130 **BOARD OF SELECTMEN DISCUSSION**

131 **Discussion of Upton Community Center Dedication Ceremony**

132 The Board determined that the dedication ceremony would be held outdoors on June 14<sup>th</sup>,  
133 2023 at 6:30 in the evening. The rain date is TBD.

135 **Men's Club 2023 Fireworks Festival Funding Request**

136 The Board's discussed a letter from the Upton Men's Club requesting funding for the  
137 2023 Upton Fireworks Festival. The festival is being planned for June 24, 2023 and will be  
138 held at Blackstone Valley Regional Vocational Technical High School (BVT).

140 The Board requested a spending analysis to make a more informed decision on whether to  
141 continue with this funding source (Knowlton Trust Fund) and will revisit this request at a future  
142 meeting.

144 **Reopen Annual Town Meeting Warrant and Insert Article(s)**

145 Since the close of the Annual Town Meeting Warrant, it has been determined that there will be  
146 a deficit of \$64,055 in the waste removal - curbside services account and a deficit of \$11,150 in  
147 the waste removal - disposal account for a total projected deficit of \$75,205. To address the  
148 deficit, it was determined that an article was needed to appropriate the deficit from Free Cash.  
149 The Board of Health had renegotiated the contract in 2022, however no contractors would limit  
150 the per ton cost of recyclables. The Town has been charged a significantly higher amount than  
151 was projected for the FY23 Budget. Costs were between \$105 and \$112 per ton. The Board of  
152 Health does have money in its bulk item revolving fund, but that cannot be used to cover the  
153 deficit. The excess revolving funds can be closed to the General Funds and will be available in  
154 FY24 as Free Cash.

156 **Steve Matellian MOVED** that the Board vote, pursuant to MGL C.39, §10, to re-open the  
157 warrant for the Monday, May 4, 2023 Annual Town Meeting, to insert the following article on  
158 the Annual Town Meeting Warrant, as may be amended by Town Counsel, and to immediately  
159 close said warrant:

160  
161 To see if the Town will vote to raise and appropriate or transfer from available funds the  
162 sum of Seventy-Five Thousand Three Hundred (\$75,300), or any other sum, for use by  
163 the Board of Health to pay for deficits associated with Waste Removal - Curbside  
164 Services (0100-433-52005296) and Waste Removal – Disposal (0100-433-5200-5293), or,  
165 to take any other action relative thereto.

166  
167 **Second: Select member Dwinnell, Unanimous, Chair Simas.**

168  
169 **JOINT MEETING WITH FINANCE COMMITTEE**

170 **Review of Board & Committee Articles on Annual Town Meeting Warrant**

171 Both boards reviewed the Articles that are being presented by the Historical Commission, Lands  
172 and Ponds Committee, and the Economic Development Committee.

173  
174 Ed Philips, Chair of the Historical Commission reviewed the three Articles sponsored by the  
175 commission. Regarding Article 18 Rick McGuire questioned the use of CPC funds for a private  
176 facility. Both agreed that this could be accomplished with a deed restriction. It would preserve  
177 the historic nature of the property. A concern if this renovation would trigger ADA and any  
178 other code or zoning issues was raised. The Board of Selectmen agreed to include this article in  
179 the warrant.

180  
181 The Board of Selectmen agreed to include article 17 and 19 in the warrant.

182  
183 Mr. Penko and Ms. Stassa reviewed article 20 and 21.

184  
185 The EDC was in support of pulling article 35 as there is a 125k earmark that can provide  
186 alternative funding.

187  
188 **Review of Remaining Articles**

189 The Town Manager reviewed the remaining articles 2, 3, 8, 9, 10, and 39 with the Board of  
190 Selectmen. Excluded were standard financial articles such as operating budget, water and  
191 wastewater budgets, Conservation Commission's supplemental funding, and Board of Assessor  
192 Certification.

193  
194 **Update on FY 2024 Town Manager's Budget Recommendation**

195 The Town Manager provided the Board of Selectmen and Finance Committee with an  
196 update on finalizing the FY 2024 Town Manager's Budget Recommendation. Mendon Upton  
197 Regional School District held a public hearing on Monday, March 20th. Blackstone Valley Tech  
198 will be holding their budget public hearing on March 23<sup>rd</sup>. Due to the delay in the release in the  
199 Governor's FY24 Budget, budgets for MURSD and BVT have coming out later than last year.

201 **Review and approval of May 4, 2023 Annual Town Meeting Warrant**

202 The Board reviewed the most recent version of the Annual Town Meeting Warrant  
203 identified as Draft 9. The draft reflects changes to article that were discussed at the March 7th  
204 joint meeting between the Board of Selectmen and Finance Committee. The draft does not  
205 reflect any discussions that occurred as part of Agenda item 6.A, 6.B, or 7.B for the March 21,  
206 2023 meeting.

207  
208 **Steve Matellian MOVED** that the Board vote to place articles 1 through 41 as  
209 presented/amended pulling 20 22 31 35 37 and number accordingly.

210  
211 **Second: Select member Dwinnell, Unanimous, Chair Simas.**

212  
213 **ADJOURNMENT**

214 **Steve Matellian MOVED** to adjourn the meeting of March 21, 2023, at 9:14 PM.

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

216  
217 Respectfully submitted,

218 Sandra Hakala, Executive Assistant