

BOARD OF SELECTMEN MEETING MINUTES

June 21, 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

Motion # 1: Select member Dwinnell moved to open the regular meeting at 7:00 PM.

Second: Select member Matellian, Unanimous, Chair Simas.

DEPARTMENT/BOARD UPDATES AND REQUESTS

A. Community Center Building Committee Update

The Community Center Building Committee provided the Board of Selectmen with an [update of the Community Center building project](#) presented by Steve Kirby, the Town's Owner's Project Manager (OPM) Vertex.

B. Finance Department Update by Kenny Costa, Finance Director

Kenny Costa, Finance Director/ Town Accountant provided an update of the Finance Department.

C. Technology Committee – FY 2023 Retrofit Contract

The Technology Committee reviewed the quote of services submitted by Retrofit for services to be performed for FY 2023. With the approval of a shared IT position between the Town and School District, the Town's contract with Retrofit was revised to cover 24-hour networking and off-hour support. At the Technology Committees meeting on Thursday, June 16, 2022, the Committee recommended to the Town Manager to approve the scope of services pending corrections to the budget submitted with the scope of work and with language that allows the Town to cancel specific line items in the contract if deemed necessary. The Town Manager will be working to finalize the contract language to satisfy the Committee's recommendations and is seeking authorization to execute the contract in order to make sure that services will be in place on July 1st.

The revised Retrofit Scope of Work will be distributed once it is received.

Motion # 2: Select member Matellian made the motion that the Board of Selectmen vote to authorize the Town Manager to finalize and execute the contract with Retrofit for network monitoring and IT service in the amount of \$41,000 for the period of July 1, 2022 through June 30, 2023.

Second: Select member Dwinnell, Unanimous, Chair Simas.

D. Technology Committee – Fiber Optic Municipal Area Network Contract

The Technology Committee reviewed the quote of services submitted by Comm-Trac Corp. for services to install the fiber optic municipal area network. The work is being funded under

the recently awarded Community Compact Cabinet Municipal Fiber Grant program. CommTrac is on the state bid list, therefore complying with procurement requirements.

At the Technology Committees meeting on Thursday, June 16, 2022, the Committee voted to recommended to the Town Manager to approve the scope of services and the preparation of a contract. The Town Manager will work with the MURSD IT Director to finalize the contract language to satisfy the Committee's recommendations

Motion # 3: Select member Dwinnell made the motion that the Board of Selectmen vote to authorize the Town Manager to finalize and execute the contract with Comm-Tract Corp for the installation of the fiber optic municipal area network in the amount of approximately \$150,000.

Second: Select member Matellian, Unanimous, Chair Simas.

E. Conservation Commission – Mechanic and Fowler Land Survey Contract

In order to finalize the process to acquire the Mechanic Street/ Fowler Street purchase pursuant to Article 22 of Annual Town Meeting and the recently executed Purchase and Sale Agreement, a survey of the property is required to be done.

The contract includes setting 10 monuments, and should there be additional monumentation needed, each shall cost \$500.

Motion # 4: Select member Dwinnell made the motion that the Board of Selectmen vote to authorize the Town Manager to execute the contract with WDA Design Group for a boundary survey of land as shown as parcel 48 and 55 on Upton Assessors Map 14 in the amount of \$28,500, plus \$500 for each additional monument.

Second: Select member Matellian, Unanimous, Chair Simas.

TOWN MANAGER REPORT/ UPDATES

A. Town Manager Report

DPW

- Hydrant flushing and street sweeping has been completed
- Catch Basin cleaning will be completed by July 1st.
- Sewer lining project is nearing completion and all work is anticipated to be complete by mid-July.
- DPW Staff is painting stop lines and road striping will be done over the summer prior to the start of school
- Tree removal occurring at North Cemetery
- Paving bids will be going out soon and a list of the roads will be distributed in a few weeks

- Consumer Confidence Report on Upton's Water Quality will be distributed soon.

Police

- Massachusetts Police Accreditation Commission voted to award the Upton Police Department with its 4th straight accreditation. Congratulations to Chief Bradley and everyone in the Upton Police Department for their hard work.

Fire

- Fireworks are scheduled for this Saturday, June 25th at BVT.
- The department received a new gator, the vehicle will allow for the town to meet the need for patient transports in the Upton State Forest and accessing other areas in town difficult to access by truck
- The town's Emergency and Community Notification system, known as RAVE, has been updated to allow for localized notification, allowing for alerts to go out to specific areas or neighborhoods rather than to the whole town.

Town Clerk

- Town Clerk's last day will be July 8th.
- Last week, the Massachusetts House and Senate passed a compromise election reform bill that makes many of the temporary pandemic related election changes permanent. With these changes that include changes to voter registration deadline and mail-in ballots, it is anticipated that this will be a busy summer and fall for the Town Clerk's Office. The state primary is September 6th and state election on November 8th.

Library

- Registration is now live for Children Summer Programs

Board of Health

- Health Office will be getting a new supply of Covid Test kits. Board of Health will release information on how residents can pick up free tests once the tests arrive.
- Hazardous Waste Day will be held on July 9th at the DPW facility.
- Undertaking beach testing and results are going well.

Recreation

- Beach is now open 7 days a week
- Examining different payment options for the gate house
- Day 2 of Kids @ Play
- Concert series starts June 29th

Human Resources

- A number of positions are open. Positions are advertised on Indeed, MMA, industry specific sites, and LinkedIn. Given job environment, best options may be through networking and from prompting from within.

PUBLIC INPUT/BOARD MEMBERS' UPDATES

None.

APPOINTMENTS/RESIGNATIONS

A. Acceptance of Resignation from Cemetery Commission

The Town Manager's Office received an email from Edward Phillips notifying that he will be resigning from the Cemetery Commission effective June 30, 2022. Since the Cemetery Commission is an elected body, the vacancy must be filled in accordance with M.G.L. Chapter 41 Section 11. The Cemetery Commission subsequently submitted a letter acknowledging the resignation of Mr. Phillips and requesting assistance to fill the vacancy. Both Mr. Phillips' resignation email and the Cemetery Commission's letter are included in the Board's packet.

Motion # 5: Select member Matellian made the motion that the Board of Selectmen vote to accept the resignations of Edward Phillips from the Cemetery Commission effective June 30, 2022, to advertise the vacancy, and schedule a joint meeting with the Cemetery Commission on July 12, 2022 to fill the vacancy until the 2023 Municipal Election.

Second: Select member Dwinnell, Unanimous, Chair Simas.

B. DPW Building Committee Appointments

The Board previously voted to appoint Daniel Lazarz, Andrew Leonard, Jonathan Moen, David O'Brien, Rick McGuire, John Westerling to the DPW Building Committee at its March 15, 2022 meeting. However, Town By-law Ch. 12 Section 1 requires the Board of Selectmen, Town Moderator, and Department Head, each having one vote for a total of three votes, to appoint a building committee. The committee applications are included in the Board's packet.

The Bylaw states that Building Committee "should include five members who have expertise in architecture, construction, accounting, engineering and/or other related fields; if possible, it should also include members who are familiar with and are concerned with the Town's historic and environmental character." While the By-law says the committee "should include five members," the bylaw does allow flexibility to appoint a different number.

At the Board's June 7th meeting, the Board questioned the length of the term for the Community Center Building Committee. Since this question comes up as part of the

appointment of the DPW Building Committee, I reached out to Town Counsel for clarification. Town Counsel responded as follows:

In our experience, committee members are typically appointed for the duration of the project, which makes sense. Your bylaw does not specify whether appointments are for a one-year term or for the life of the project, so the Board can make the appointments annually, if so desired, or make them for the life of the building project.

If the Board vote was for one year, then the Board would need to vote the appointments again. The Board wouldn't be required to reappoint all the same members if they were one-year appointments, but continuity is generally an important factor for building committees. In our opinion, for continuity purposes, appointments are generally made for the duration of the project.

Relating to this building committee, the town manager recommends that the Board consider appointing members to serve on the committee until the project is completed. I also recommend that the motion includes language that says the Board could vote to dissolve the committee so that should the project hit a dead end, the committee could be dissolved.

As Town Counsel opined, the bylaw is not specific enough in defining terms of building committees. To remove ambiguity, I recommend we provide more clarity to the by-law and prepare an amendment for consideration by 2023 Annual Town Meeting.

Motion # 6: Select member Matellian made the motion that the Board of Selectmen vote to vote to appoint Daniel Lazarz, Andrew Leonard, Jonathan Moen, David O'Brien, Rick McGuire, John Westerling as members of the DPW Building Committee for a term to expire upon the completion of the building project or the dissolution of the committees by the Board of Selectmen."

Second: Select member Dwinnell, Unanimous, Chair Simas.

Motion # 7: Select member Dwinnell made the motion that the Board of Selectmen and the town moderator vote to appoint Daniel Lazarz, Andrew Leonard, Jonathan Moen, David O'Brien, Rick McGuire, John Westerling as members of the DPW Building Committee for a term to expire upon the completion of the building project or the dissolution of the committees by Select member Matellian aye, Chair Simas aye, Select member Dwinnell aye, town moderator aye.

C. Annual Appointments

1. ZBA Associate Member to Full Member- Eric Reustle

2. ZBA Associate Member – Reappointment - Robert Humes

196 **3. Conservation Commission Associate to Full Member - David Szczebak**

197 Eric Reustle currently serves as an Associate Member on the ZBA and requests to be
198 appointed to fill the vacant full member position on the ZBA. David Szczebak currently serves
199 as an Associate Member on the Conservation Commission and requests to be appointed to
200 fill the vacant full member position on the Commission. Also included is an email from Robert
201 Humes requesting reappointment as Associate Member on the Zoning Board of Appeals.
202

203 **Motion # 8:** Select member Matellian made the motion that the Board of Selectmen vote to
204 reappoint Robert Humes as Associate Member on the Zoning Board of Appeals for a 3 year
205 term, to appoint Eric Reustle as a full member of the Zoning Board of Appeals for a 3 year term,
206 and to appoint David Szczebak as full member of the Conservation Commission for a 2 year term.

207 **Second: Select member Dwinnell, Unanimous, Chair Simas.**
208

209 **BOARD OF SELECTMEN DISCUSSION**

210 **A. 0 Grove Street Update**

211 Passed over
212

213 **B. Approval of Housing Production Plan Advisory Committee Charge**

214 At the Board's June 7th meeting, the Board supported the preparation of a charge creating the
215 Housing Production Plan Steering Committee.
216

217 Town of Upton Housing Production Plan Steering Committee Purpose: The purpose of the
218 committee is to create a Housing Production Plan (HPP), which will serve as Upton's proactive
219 strategy for the planning and development of housing and present the Plan to the Planning
220 Board and Board of Selectmen for submission to the Massachusetts Department of Housing and
221 Community Development (DHCD) in compliance with Massachusetts General Law Chapter 40B.
222

223 Charge: The committee is charged with overseeing the Town's process of working with Central
224 Massachusetts Regional Planning Commission (CMRPC) to evaluate affordable housing needs,
225 goals, and strategies, including compliance with MBTA Community Legislation. The Committee,
226 with technical support by CMRPC and Town Staff, guide the development of the Housing
227 Production Plan through the collection and analyzing of data, engaging the public, and
228 development of recommendations. The Committee will work with Town Staff and CMRPC to
229 make information associated with the creation of the HPP available on the Town's Website. The
230 Committee shall hold meetings and public forums to review and solicit public input to support
231 the development of the plan.
232

233 Membership: The Board of Selectmen shall appoint a committee of seven members, including a
234 member or representative of the Board of Selectmen and representatives appointed by the
235 Affordable Housing Trust, Conservation Commission, Economic Development Committee,
236 Planning Board, and two members from the community at large. The Committee shall appoint a

chair, vice-chair, and clerk from its membership. Town Staff shall serve as non-voting ex-official members. Committee meetings are open to the public and minutes shall be maintained and filed with the Town Clerk.

Term: Appointed Members shall serve on the committee for a period of eighteen months from the time the Committee is approved, or until such time as the final Housing Production Plan is presented to the Planning Board and Board of Selectmen for submission to the DHCD, whichever is occurs first. The Board of Selectmen may extend the Committee's Term by an additional 6 months. Should vacancies occur, they shall be filled in accordance with appointment to the Committee.

Motion # 9: Select member Matellian made the motion that the Board of Selectmen vote to create the Housing Production Plan Steering Committee as proposed; to request the Affordable Housing Trust, Conservation Commission, Economic Development Committee, Planning Board to designate representatives to serve on the committee; and to advertise the two resident at-large committee opening for appointment at a future meeting.

Second: Select member Dwinnell, Unanimous, Chair Simas.

C. Authorization for Community Center Contracts for Furniture and Finishings

The Community Center Building Committee has retained the services of Stefura Associates to coordinate the procurement and award of various elements of the Community Center building project. Recently the firm provided recommendations for awarding various contracts for the provision of fixtures and furnishings for the new building. Since two of these contracts are in excess of \$25,000, the Board must first authorize signing of the contracts.

Motion # 10: Select member Dwinnell made the motion that the Board of Selectmen vote to authorize the Town Manager execute the contracts with Creative Office Resources in the amount of \$49,183.54 and with Tucker Library Interior in the amount of \$96,877.55 for fixtures and furnishings at the Upton Community Center.

Second: Select member Matellian, Unanimous, Chair Simas.

D. Review of 2022/2023 Town Meetings and FY2024 Budget Calendar

The Board's review is the draft 2022/2023 Town Meeting and FY 2024 Budget Calendar. Dates from the prior calendar were updated to maintain similar timelines associated with the preparation of the Fall 2022 Special Town Meeting, the preparation of the FY24 budget, and the preparation of the 2023 Annual Town Meeting.

MINUTES

Passed over

EXECUTIVE SESSION

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

279
280 **ANTICIPATED ADJOURNMENT**

281 **Motion # 11:** Select member Dwinnell made the motion that the Board of Selectmen vote to
282 adjourn the meeting of June 21, 2022 at 8:35 PM.

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

284
285 Respectfully submitted,

286 Sandra Hakala, Executive Assistant