

# 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.

## 1 CALL MEETING TO ORDER

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

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

## 5 DEPARTMENT/BOARD UPDATES AND REQUESTS

### 6 A. Community Center Building Committee Update

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

### 11 B. Finance Department Update by Kenny Costa, Finance Director

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

### 15 C. Technology Committee – FY 2023 Retrofit Contract

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

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

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

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

### 35 D. Technology Committee – Fiber Optic Municipal Area Network Contract

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

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

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

44

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

48

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

50

51 **E. Conservation Commission – Mechanic and Fowler Land Survey Contract**

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

55

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

58

59 **Motion # 4:** Select member Dwinnell made the motion that the Board of Selectmen vote to  
60 authorize the Town Manager to execute the contract with WDA Design Group for a boundary  
61 survey of land as shown as parcel 48 and 55 on Upton Assessors Map 14 in the amount of  
62 \$28,500, plus \$500 for each additional monument.

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

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66 **TOWN MANAGER REPORT/ UPDATES**

67 **A. Town Manager Report**

68 DPW

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- Hydrant flushing and street sweeping has been completed
- Catch Basin cleaning will be completed by July 1<sup>st</sup>.
- 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

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

79

80    Police

81       • Massachusetts Police Accreditation Commission voted to award the Upton Police  
82       Department with its 4<sup>th</sup> straight accreditation. Congratulations to Chief Bradly and  
83       everyone in the Upton Police Department for their hard work.

84    Fire

85       • Fireworks are scheduled for this Saturday, June 25<sup>th</sup> at BVT.

86       • The department received a new gator, the vehicle will allow for the town to meet the  
87       need for patient transports in the Upton State Forest and accessing other areas in town  
88       difficult to access by truck

89       • The town's Emergency and Community Notification system, known as RAVE, has been  
90       updated to allow for localized notification, allowing for alerts to go out to specific areas  
91       or neighborhoods rather than to the whole town.

92

93    Town Clerk

94       • Town Clerk's last day will be July 8<sup>th</sup>.

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

100

101   Library

102       • Registration is now live for Children Summer Programs

103

104   Board of Health

105       • Health Office will be getting a new supply of Covid Test kits. Board of Health will release  
106       information on how residents can pick up free tests once the tests arrive.

107       • Hazardous Waste Day will be held on July 9<sup>th</sup> at the DPW facility.

108       • Undertaking beach testing and results are going well.

109

110   Recreation

111       • Beach is now open 7 days a week

112       • Examining different payment options for the gate house

113       • Day 2 of Kids @ Play

114       • Concert series starts June 29<sup>th</sup>

115

116 Human Resources

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

120

121 **PUBLIC INPUT/BOARD MEMBERS' UPDATES**

122 None.

123

124 **APPOINTMENTS/RESIGNATIONS**

125 **A. Acceptance of Resignation from Cemetery Commission**

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

133

134 **Motion # 5:** Select member Matellian made the motion that the Board of Selectmen vote to  
135 accept the resignations of Edward Phillips from the Cemetery Commission effective June 30,  
136 2022, to advertise the vacancy, and schedule a joint meeting with the Cemetery Commission on  
137 July 12, 2022 to fill the vacancy until the 2023 Municipal Election.

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

139

140 **B. DPW Building Committee Appointments**

141 The Board previously voted to appoint Daniel Lazarz, Andrew Leonard, Jonathan Moen,  
142 David O'Brien, Rick McGuire, John Westerling to the DPW Building Committee at its March  
143 15, 2022 meeting. However, Town By-law Ch. 12 Section 1 requires the Board of Selectmen,  
144 Town Moderator, and Department Head, each having one vote for a total of three votes, to  
145 appoint a building committee. The committee applications are included in the Board's packet.

146

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

152

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

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

157

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

162

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

168

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

173

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

177

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

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

184

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

191

### 192 **C. Annual Appointments**

#### 193 **1. ZBA Associate Member to Full Member- Eric Reustle**

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#### 195 **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

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

240  
241 Term: Appointed Members shall serve on the committee for a period of eighteen months from  
242 the time the Committee is approved, or until such time as the final Housing Production Plan is  
243 presented to the Planning Board and Board of Selectmen for submission to the DHCD,  
244 whichever is occurs first. The Board of Selectmen may extend the Committee's Term by an  
245 additional 6 months. Should vacancies occur, they shall be filled in accordance with  
246 appointment to the Committee.

247  
248 **Motion # 9:** Select member Matellian made the motion that the Board of Selectmen vote to  
249 create the Housing Production Plan Steering Committee as proposed; to request the Affordable  
250 Housing Trust, Conservation Commission, Economic Development Committee, Planning Board  
251 to designate representatives to serve on the committee; and to advertise the two resident at-  
252 large committee opening for appointment at a future meeting.

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

254  
255 **C. Authorization for Community Center Contracts for Furniture and Finishings**

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

261  
262 **Motion # 10:** Select member Dwinnell made the motion that the Board of Selectmen vote to  
263 authorize the Town Manager execute the contracts  
264 with Creative Office Resources in the amount of \$49,183.54 and with Tucker Library Interior  
265 in the amount of \$96,877.55 for fixtures and furnishings at the Upton Community Center.

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

267  
268 **D. Review of 2022/2023 Town Meetings and FY2024 Budget Calendar**

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

273  
274 **MINUTES**

275 Passed over

276 **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