

**BOARD OF
SELECTMEN
MEETING
MINUTES**

December 3, 2019

Town Hall

Chairman Stephen A. Matellian; Selectman Brett A. Simas; Selectman
Maureen Dwinnell, Town Manager, Derek S. Brindisi; Executive
Assistant, Sandra Hakala

CALL MEETING TO ORDER

Chairman Matellian opened the meeting at 7:00 p.m. lead the pledge of allegiance and reviewed the agenda.

MINUTES

Motion #1: Motion made by Selectman Simas to approve the Regular Session Meeting minutes November 12, 2019.

Second: Selectman Dwinnell, Unanimous: Chairman Matellian.

INVITED GUESTS

7:05 Public Hearing to Review Application for Wines and Malt Beverages – Silenus' Cellar 62 Main Street

Chairman Matellian opened the public meeting:

Notice is hereby given, under Chapter 138, Section 15A, of the MGLs that a Public Hearing will be held on Tuesday, December 3, at 7:05PM at the Town Hall 1 Main Street, Upton, MA on the application of Silenus' Cellar, 23 Pleasant Street, Upton, MA for an Off Premises §15 Package Store Wines and Malt Beverages License. The description of the premises is as follows: Ground floor space of 650 square feet, in a mixed-use building at 62 Main Street, Upton. The space is in the rear of the building and is currently three rooms but will be remodeled into a more open space. Upstairs storage space of approximately 250 square feet will be provided.

Proper notification to abutters was given. The LLA determined that the premises are not detrimental to the educational and spiritual activities of church or school.

Motion #2: Motion made by Selectman Matellian to grant Silenus' Cellar, 23 Pleasant Street, Upton, MA for an Off Premises §15 Package Store Wines and Malt Beverages License

Second: Selectman Dwinnell, Unanimous, Selectman Simas.

DISCUSSION ITEMS

Motion to Approve Host Community Agreement

Grow Rite, LLC wishes to locate a Tier 1, 5,000 square foot Marijuana Cultivator for the cultivation, processing and packaging of marijuana, and the delivery of marijuana or transfer of marijuana to other marijuana establishments, but not to consumers, (the "Establishment") at 162

Milford Street, Upton, MA, Map 025 lot 061 in accordance with and pursuant to applicable state laws and regulations, including, but not limited to G.L. c.94G and 935 CMR 500.00, and such approvals as may be issued by the Town in accordance with its Zoning Bylaw and other applicable local regulations.

Motion #3: Motion made by Selectman Dwinnell to approve the Host Community Agreement With Grow Rite, LLC.

Second: Selectman Simas, Unanimous, Chairman Matellian.

Discussion on Trash Bag Storage

Rescheduled to next meeting.

Review Application to Capital Budget Committee

Motion #4: Motion made by Selectman Simas to appoint Justin Pollard to the Capital Budget Committee.

Second: Selectman Dwinnell, Unanimous, Chairman Matellian.

Discuss Formation of Building Committee

The BoS will accept applications to form a building committee in accordance with Chapter 17 of the General Bylaws... *"This 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."*

Discuss Formation of Community Center Committee aka Feasibility Committee

The Board agreed to change the name of the Municipal Feasibility Committee and to the Community Center Steering Committee and discuss the mission and charge at their next meeting:

Mission:

The Community Center Steering Committee (hereinafter Committee) has been tasked by the Board of Selectmen with facilitating the design and construction of a new municipal facility to deliver various community services, including library, elder and social services. Over a period of nine to eighteen months, the Committee will refine existing designs, coordinate with town departments and community groups, make recommendations for the operation and services of the new facility, and provide publicity to keep the general public informed of the project's progress. The Committee will recommend to the Building Committee any space needs and design considerations related to providing services, and will recommend to the Board of Selectmen, Library Trustees and Council on Aging any policies, procedures and memorandums of understanding for operation of the departments.

The committee will consider quality and variety of services, efficient use of space and financial resources, needs of all departments and the residents of Upton, and Architectural Access Board (AAB) requirements.

Background:

1. The Town has appropriated funds for conceptual and schematic design and the construction bid process for a new municipal facility of approximately 14,000 square feet located on the town-owned land at 13 Milford Street (Playground site)

2. The preliminary conceptual designs approved by the voters show a facility to house Library, Elder and Social Services, along with sufficient parking and a re-designed playground on the site.

3. A Building Committee will be appointed in accordance with the general bylaws of the town. The Building Committee will be responsible for selecting an OPM, a designer and managing the design and construction bid phases of the project.

4. The Building Committee will need recommendations on the specific design considerations needed to accommodate the desired services.

5. As the project moves forward, Town departments, boards and committees will need recommendations on how to effectively combine their services in the new facility.

6. At the conclusion of the construction bid phase, the residents of the town will need to make an informed decision whether or not to proceed with the full construction and project costs.

Composition:

The Committee will consist of seven (7) members: Ad Hoc non-voting members are the Director of Elder and Social Services and the Library Director. Five (5) voting members appointed by the Board of Selectmen should include members of the Library Trustees, Council on Aging and the general public.

A quorum shall consist of 3 voting members.

Tasks:

The Committee shall meet regularly, and complete its tasks in a timely fashion, as needs and opportunities are time sensitive. Recommendations should be available to the governing bodies with sufficient time to evaluate and take action.

The specific tasks of the Community Center Steering Committee are as follows:

1. Post all meetings as prescribed by law.

2. Elect officers.

3. Record the minutes of each meeting.

4. Determine any planning funds required and request such funds if necessary.

a. Investigate grant opportunities and apply if directed by the governing bodies.

b. Seek donations of furnishings and equipment.

5. Regularly meet with the Building Committee to provide recommendations about space needs and design considerations.

6. Contact community groups and organizations to solicit feedback and input about the project.

7. Use multiple avenues, such as public informational sessions, Town websites, print publications and social media to keep the general public informed of the project.

- 135 8. Determine the feasibility of including additional services in the facility, including but not
136 limited to Historical Society.
137 9. Investigate options for future preservation of the Knowlton Risteen building stained glass
138 window.
139 10. Develop a plan for the operation of the facility, including but not limited to the following:
140 a. Make recommendations on what services should be offered at the facility
141 b. Make recommendations on spaces, equipment and infrastructure required.
142 c. Make recommendations on appropriate staffing levels for each department.
143 11. If directed by the governing bodies, create draft policies, procedure manuals or
144 memorandums of understanding with internal and external stakeholders.
145 12. Present all recommendations and documents to the governing boards and the general public.
146 13. Review comments and modify documents as directed by the governing boards.

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148 BVT – BoS collective bargaining representative
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150 **Motion #5:** Motion made by Selectman Dwinnell to appoint Steve Matellian as the BoS
151 collective bargaining representative
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153 Second: Selectman Simas, Unanimous, Chairman Matellian.
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155 Discuss Dissolution of E-voting Committee
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157 The Warrant Article presented at the STM to introduce electronic voting at town meeting was defeated
158 The BoS thanked the committee members for their work in presenting this option to the voters.
159

160 **Motion #6:** Motion made by Selectman Simas to dissolve the E-voting committee.
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162 Second: Selectman Dwinnell, Unanimous, Chairman Matellian.
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164 Spooky Run 2020
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166 **Motion #7:** Motion made by Selectman Simas to approve the Spooky Run organized by MEUF
167 on October 25, 2020.
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169 Second: Selectman Dwinnell, Unanimous, Chairman Matellian.
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171 Harvest Ride
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173 **Motion #8:** Motion made by Selectman Simas to approve the Lisnow Respite Center's request to
174 hold a Harvast Ride on September 26, 2020
175

176 Second: Selectman Dwinnell, Unanimous, Chairman Matellian.
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178 Motion to Approve Annual Renewal of Licenses
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179 The Board reviewed the application of Class II licensees to sell used cars and Common
180 Victualler licensees to sell prepared foods for renewal. The spreadsheet showed the status of all

the various licenses that are up for renewal and the Board was advised of those needing conditional approval until certain items are resolved before the license is issued.

Motion #9: Motion made by Selectman Dwinnell to renew/approve the licenses under Class I, II or III as submitted on the renewal checklist with the specification that all conditions are met before any licenses or renewals are released:

Lakeside Machine Inc.
Matellian Motors
McQ Sales
MGM Auto
Motuzas Automotive Inc.
NALA Equip. Corp, Inc.
Patrick Davidson
Precision Auto Center
Upton Truck & Auto
Upton Foreign Auto Service
Upton Getty, Inc.
Wilson Tire & Auto Inc.
Alantes Inc. dba Western Motors

Precision Auto Center presented the abutters notification and owner were present to answer questions. They thanked the Board for their consideration.

Second: Selectman Simas, Majority Action of the Board.

Mr. Matellian recused himself from the motion

Motion #10: Motion made by Selectman Simas to renew the following Alcohol, Common Victualler and Entertainment licensing respectively as submitted on the renewal checklist with the specification that all conditions are met before any licenses or renewals are released.

Country Club Sooper - Retail Pkg Wine & Malt - Common Victualler
Colonial Liquor - Retail Pkg All
Liquor Plus - Retail Pkg All
Nipmuc Rod & Gun Club - All Alcohol - Common Victualler - 1 Pool Table - Entertainment
Red Rock Grill & Bar - All Alcohol - Common Victualler - Entertainment
KB Holdings - Common Victualler

Second: Selectman Dwinnell, Unanimous: Chairman Matellian.

Motion #11: Motion made by Selectman Dwinnell to renew the following Common Victualler applications as submitted on the renewal checklist with the specification that all conditions are met before any licenses or renewals are released:

Main Street Pizza
C&N Food Service, Inc.

Dick Kelly's Farm Stand
Honey Farms, Inc.
J&J's Ice Cream Shoppe
Kevin Lu, Inc
SBD, Inc
Upton House of Pizza
BVT
Gasco Energy
VFW
Breakfast at Stephanie's

Second: Selectman Simas, Unanimous: Chairman Matellian.

Motion #12: Motion made by Selectman Simas to renew KCLC, Inc. (Rose Garden) - All Alcohol - Common Vic -Auto Amusement Coin Op 1 - Pool Table – Entertainment contingent to payments received accepted and adherence to the payment agreement.

Second: Selectman Dwinnell, Unanimous: Chairman Matellian.

Motion to Approve 2020 License Fee Schedule

Motion #13: Motion made by Selectman Dwinnell to approve the 2020 License Fee Schedule which now includes a \$100 late filing fee.

Second: Selectman Simas, Unanimous: Chairman Matellian.

Motion to Approve One day Liquor License Application

Mr. Simas is recused himself from the discussion and was present to answer questions only. He is hosting the event on NYE which is under consideration. Ms. Dwinnell stated her disfavor in allowing alcohol to be served at town hall which is currently allowed in the liquor license policy and town hall use policy. She requested a review of the policies be a future discussion item on the Board's agenda. Mr. Matellian agreed to further this discussion at a latter date.

Motion #14: Motion made by Selectman Dwinnell to approve the One Day Liquor License on December 31, 2019 to William Ference Catering, LLC.

Second: Selectman Matellian, Majority Action of the Board.

Open Warrant for Annual Town Meeting December 10 and to Close February 7

Motion #15: Motion made by Selectman Simas to open the warrant for Annual Town Meeting on December 10 and to close it on February 7.

Second: Selectman Dwinnell, Unanimous: Chairman Matellian.

275 **PUBLIC COMMENT**

276

277 Mr. Pond expressed his concerns over his tax bill. Staff will reach out to community support
278 services for assistance.

279

280 Mr. Limas sought direction from the Board on his Eagle Scout project. Bill Taylor offered
281 assistance and will set up a meeting with him.

282

283 **ADJOURN MEETING**

284 ***Motion #16:*** At 9:00pm Selectman Simas made motion to adjourn.

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286 Second: Selectman Dwinnell, Unanimous: Chairman Matellian

287

288 Respectfully submitted,

289

290 Sandra Hakala

291 Executive Assistant