

BOARD OF SELECTMEN MEETING MINUTES

March 16, 2020

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 5:13 p.m. lead the pledge of allegiance and reviewed the agenda.

Situational Update – Town Manager

Discussion regarding implementing emergency measures to mitigate the transmission of COVID-19 (Corona Virus)

EMERGENCY DECLARATION

Motion #1: Motion made by Selectman Dwinnell to Vote that, in light of the rapidly evolving instances of COVID-19 in the Commonwealth and the burdens it will place on local government, that the Board of Selectmen vote to adopt the following declaration of emergency:

WHEREAS, the 2019 Novel Coronavirus (COVID-19) is a highly contagious and potentially fatal respiratory disease, the prevalence of which is increasing rapidly throughout the world, inclusive of the United States and the Commonwealth of Massachusetts; and

WHEREAS, on March 11, 2020 the World Health Organization designated the COVID-19 outbreak a Pandemic Health Emergency; and

WHEREAS, on March 10, 2020, the Governor of the Commonwealth of Massachusetts issued a Declaration of a State of Emergency to Respond to COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States announced a national declaration of emergency; and

WHEREAS, on March 15, 2020, Governor Baker announced emergency actions to respond to the evolving COVID-19 public health emergency impacting the Commonwealth, including prohibitions on public gatherings of twenty-five or more people and prohibiting on-premises consumption of food or drink at bars and restaurants from March 17, 2020 until April 6, 2020, as well as suspension of elementary and secondary school educational operations from March 17, 2020 until April 6, 2020; and

WHEREAS, the Board of Selectmen and its Board of Health, in consultation with the Massachusetts Department of Public Health has determined that COVID-19 presents a major disaster which poses an immediate threat to public health, safety, and general welfare of people residing both within and outside of the Town of Upton; and

WHEREAS, the Upton Board of Selectmen and its Board of Health have determined that immediate public action is needed in order to prevent or minimize the spread of COVID-19 by and among the people of Upton; and

WHEREAS, it is critical to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of the people of Upton; and

WHEREAS, declaring a state of emergency will facilitate and expedite the use of resources to protect persons from the impacts of COVID-19, including but not limited to emergency expenditures pursuant to Massachusetts General Laws, Chapter 44, Section 31 and limitations on operating hours and access to public buildings; and

WHEREAS, the Board of Selectmen recommended that a state of emergency be declared in the town of Upton.

NOW THEREFORE, we, the Board of Selectmen in consultation with the Board of Health of the Town of Upton Massachusetts, hereby declare that as of March 16, 2020 a state of emergency exists in the Town of Upton. This declaration of emergency shall remain in effect until further notice is given, pursuant to our judgment that the conditions leading to this declaration no longer exist.

Pursuant to these powers, the Board of Selectmen recognizes that the Town Manager shall from time to time issue recommendations, directives, and orders as necessary to mitigate this emergency.

This proclamation of a state of emergency is effective immediately and shall remain in effect until notice is given, that the state of emergency no longer exists.

Second: Selectman Dwinnell, Unanimous: Chairman Matellian.

REMOTE PARTICIPATION

Motion #2: Motion made by Selectman Simas to Vote that the Board of Selectmen, as the Chief Executive Officer of the Town, allow the use by all boards and committees in the Town of remote participation in accord with the requirements of 940 CMR 29.10; and, further, to authorize all boards and committees to utilize remote participation in the manner authorized by the Governor in the March 12, 2020 Executive Order Suspending Certain Provisions of the Open Meeting Law.

Second: Selectman Dwinnell, Unanimous: Chairman Matellian.

OPEN MEETING LAW

Motion #3: Motion made by Selectman Simas to Vote Move that the Open Meeting Law notices posted by boards and committees of the Town under G.L. c.30A, §§18 and 20 including language similar to the following:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, meetings in the Town of Upton will be conducted via remote participation to the greatest extent possible. We will strive to provide access to such meetings via a link to call in, or other similar option. In the event we are unable to accommodate the same, despite best efforts, we will post recorded sessions of the meeting as soon as possible following the same. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings.

And, further move that a statement similar to the following be made at the beginning of each meeting:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, meetings in the Town of Upton are being conducted via remote participation to the greatest extent possible. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.

And, further, to remind the Town's boards and committees that any meeting where remote participation is used must include the taking of roll call votes, and, as always, detailed minutes.

Second: Selectman Dwinnell, Unanimous: Chairman Matellian.

MITIGATION MEASURES

Motion #4: Motion made by Selectman Simas to Vote that the Board of Selectmen encourage boards and committees to undertake only what needs to be done for the next three weeks while schools are closed and there is a Governor-declared state of emergency prohibiting gatherings of 25 or less; that meeting agendas be minimized, and that non-critical business matters be delayed so as to avoid, to the extent possible, extensive decision making at meetings not otherwise open to the public; that boards and committees with pending deadlines seek extensions from applicants for a period of 90 days or less for the purpose of ensuring that such matters, if not emergent in nature, do not divert resources from the Town's emergency response; and, further,

That the Town Hall, Library and Senior Center be closed to the public for the same amount of time that schools are closed, with staff working, practicing social distancing and the like; and, further, that all residents are requested to "call ahead" for any matter for which they need help. This system will allow Town staff an opportunity to ensure that we can meet their needs in the most protective manner for the Town employee and the public generally.

128 Second: Selectman Dwinnell, Unanimous: Chairman Matellian.

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130 **ADJOURN MEETING**

131 ***Motion #5:*** At 11:20 pm Selectman Simas made motion to adjourn.

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133 Second: Selectman Dwinnell, Unanimous: Chairman Matellian

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135 Respectfully submitted,

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137 Sandra Hakala

138 Executive Assistant

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