

**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

1 CALL MEETING TO ORDER

2 Chairman Matellian opened the meeting at 5:13 p.m. lead the pledge of allegiance and
3 reviewed the agenda.

5 Situational Update – Town Manager

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

10 EMERGENCY DECLARATION

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

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

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

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

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

29 WHEREAS, on March 15, 2020, Governor Baker announced emergency actions to respond to the
30 evolving COVID-19 public health emergency impacting the Commonwealth, including
31 prohibitions on public gatherings of twenty-five or more people and prohibiting on-premises
32 consumption of food or drink at bars and restaurants from March 17, 2020 until April 6, 2020, as
33 well as suspension of elementary and secondary school educational operations from March 17,
34 2020 until April 6, 2020; and

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

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

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

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

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

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

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

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

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69 Second: Selectman Dwinnell, Unanimous: Chairman Matellian.

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71 **REMOTE PARTICIPATION**

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

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80 Second: Selectman Dwinnell, Unanimous: Chairman Matellian.

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82 **OPEN MEETING LAW**

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

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

97
98 And, further move that a statement similar to the following be made at the beginning of each
99 meeting:

100 Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open
101 Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition
102 on strict limitations on the number of people that may gather in one place, meetings in the
103 Town of Upton are being conducted via remote participation to the greatest extent possible. No
104 in-person attendance of members of the public will be permitted, but every effort will be made
105 to ensure that the public can adequately access the proceedings as provided for in the Order.
106 And, further, to remind the Town's boards and committees that any meeting where remote
107 participation is used must include the taking of roll call votes, and, as always, detailed minutes.

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109 Second: Selectman Dwinnell, Unanimous: Chairman Matellian.

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111 **MITIGATION MEASURES**

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

122
123 That the Town Hall, Library and Senior Center be closed to the public for the same amount of
124 time that schools are closed, with staff working, practicing social distancing and the like; and,
125 further, that all residents are requested to "call ahead" for any matter for which they need help.
126 This system will allow Town staff an opportunity to ensure that we can meet their needs in the
127 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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