

BOARD OF SELECTMEN MEETING MINUTES

September 6, 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 **Maureen 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 **Department of Public Works – Execution of Crockett Road Agreement**

7 The agreement between William and Lauren Montenegro of 105 Crockett Road, Upton and the
8 Town of Upton was reviewed by the Board. The Montenegro's seek approval to cross Crockett
9 Road to install as septic system. The Board had previously discussed this on April 19, 2022;
10 town meeting approval to grant an easement for crossing Crockett Road will be required.

11
12 **Steve Matellian MOVED** that the Board vote to execute the agreement between William and
13 Lauren Montenegro of 105 Crockett Road, Upton and the Town of Upton to cross Crockett Road
14 to allow for the installation of a Title 5 compliant "Septic System" and the granting of an
15 easement to cross Crockett Road from the Town, pending Town Meeting approval.

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

18 **Special Municipal Employee Designation – Upton Land Stewardship Committee**

19 Massachusetts General Laws Section 20(a) limits employees of a municipality to also hold a
20 public office without being designated as a Special Municipal Employee. Since the designation
21 is for a position and not a person, it is recommended that the Board of Selectmen designate the
22 Upton Land Stewardship Committee as a special municipal employee. This designation allows
23 Mary Overholt, who was recently hired as the Town's Conservation Administrator, to continue
24 to serve on the Land Stewardship Committee.

25
26 **Maureen Dwinnell MOVED** that the Board vote to authorize the Town Manager to sign the
27 Disclosure by Municipal Employee of Financial Interest in a Municipal Contract as required by G.
28 L. c. 268A, § 20(b) by designating members of the Upton Land Stewardship Committee as
29 Special Municipal Employees and to allow Mary Overholt, an existing employee, to take a
30 second position with the Town on the Upton Land Stewardship Committee.

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

33 **HR Department - Fire Department - Wellness Grant Application**

34 The MIIA Wellness Grant Application for fitness equipment proposed by the Fire Department
35 and coordinated by the HR Director was reviewed by the Board.

Steve Matellian MOVED that the Board vote to authorize the Town Manager to submit the MIIA Wellness grant application for fitness equipment as proposed by the Fire Department.
Second: Select member Dwinnell, Unanimous, Chair Simas.

Town Manager – Lindquist-Maloney Land – Set Hearing Date for APRDPW –

At the Board's August 16th meeting, the Board of Selectmen voted to approve the reduction of the public notice period from 120 days to 60 days. The Department of Agriculture followed up with staff that a date for a public hearing must also be set. Staff is working to get guidance on whether the hearing date needs to be set by the Board of Selectmen.

PUBLIC INPUT/BOARD MEMBERS' UPDATES

Christine Scott asked the Board to consider a hidden driveway sign near her residence.

HEARINGS

Three licenses were submitted by Agucate Grill LLC, dba Rose Garden Restaurant and Lounge at 16 Milford Street, Upton: All-Alcohol Beverages License §12 On-Premises Transfer from KCLC, Inc. dba Rose Garden Restaurant & Lounge; Common Victualler's License to Cook, Prepare, and Serve Food; and the Outdoor Entertainment License.

7:30 PM – Public Hearing – Transfer of Alcohol License – Rose Garden

Chair Simas opened the public hearing at 7:37pm.

Steve Matellian MOVED that the Select Board vote to approve the All-Alcohol Beverages License §12 On-Premises Transfer from KCLC, Inc. dba Rose Garden Restaurant & Lounge submitted by Agucate Grill LLC, dba Rose Garden Restaurant and Lounge at 16 Milford Street, Upton, license issuance contingent upon satisfactory inspections and submission of all required documents, fees, and payments of municipal charges.

Second: Select member Dwinnell, Unanimous, Chair Simas.

The Public Hearing was closed at 7:46pm

7:35 PM – Public Hearing – Common Victualler License – Rose Garden

Chair Simas opened the public hearing at 7:46pm.

Steve Matellian MOVED that the Select Board vote to approve the Common Victualler's License to Cook, Prepare and Serve Food submitted by Agucate Grill LLC, dba Rose Garden Restaurant and Lounge at 16 Milford Street, Upton, license issuance contingent upon satisfactory inspections and submission of all required documents, fees and payments of municipal charges.

Second: Select member Dwinnell, Unanimous, Chair Simas.

The Public Hearing was closed at 7:50pm

7:40 PM – Public Hearing – Entertainment – Rose Garden

Chair Simas opened the public hearing at 7:50pm.

Steve Matellian MOVED that the Select Board vote to approve the Outdoor Entertainment License submitted by Agucate Grill LLC, dba Rose Garden Restaurant and Lounge at 16 Milford Street, Upton, license issuance contingent upon satisfactory inspections and submission of all required documents, fees, and payments of municipal charges.

Second: Select member Dwinnell, Unanimous, Chair Simas.

The Public Hearing was closed at 7:53pm

JOINT MEETING WITH ECONOMIC DEVELOPMENT COMMITTEE

Discussion of Town Center Development Request for Proposal (RFP)

The Board reviewed the most recent draft of the Town Center Development Request for Proposals (RFP) presented by Dave Ross and will be forwarded to town counsel for legal review. The BoS wants to meet with EDC before posting RFP scheduled for later this month.

Warren Street Parklet Update

Discussions are focused on the environmental qualities of the site (wetlands and riverfront) as well as logistic issues with the town parking lot reconfiguration, the roundabout, and the discontinuation of Warren Street. An article to discontinue Warren Street for the reconfiguration of the parking lot will be submitted at the STM.

APPOINTMENTS/RESIGNATIONS

Resignations – Board of Assessors

The Board reviewed a letter from Kelly McElreath submitting her resignation from the Board of Assessors. The Board of Assessors also submitted a letter to the Board of Selectmen notifying of vacancies on the Board due to the passing of James Earl and the resignation of Kelly.

Steve Matellian MOVED that the Board of Selectmen vote to accept the resignation of Kelly McElreath from the Board of Assessors, with regrets.

Second: Select member Dwinnell, Unanimous, Chair Simas.

Appointment - Board of Health

There were two applications for consideration for appointment: Laura Hebb and Alan Rosenfield.

The now vacated three-year term and is set to expire at the 2024 Annual Town Election. The appointee's term will run through the 2023 Annual Town Election and the remaining one (1) year of term will be placed on the 2023 Annual Town Election Ballot.

Mr. Desjardins MOVED to appoint Alan Rosenfield to fill a vacancy on the Board of Health for a term expiring May 2023.

Second: Mr. Briggs

Mr. Matellian MOVED to appoint Laura Hebb to fill a vacancy on the Board of Health for a term expiring May 2023.

Second: Ms. Dwinnell

Ms. Dwinnell aye, Mr. Matellian aye, Mr. Simas aye.

BOARD OF SELECTMEN DISCUSSION

Street Sign Request

A Street Sign Request for a Blind Drive/ Dangerous Curve was submitted by the resident at 39 Christian Hill Road. The request was being reviewed by the Police Chief and the DPW Director and approved.

Mr. Matellian MOVED that the Select Board vote to approve the request for a Blind Drive to be installed near 39 Christian Hill Road and that it be installed as directed by the DPW Director.

Second: Select member Dwinnell, Unanimous, Chair Simas.

149 Main Street – Regulatory and Use Agreement - Local Initiative Program

Material submitted by Kevin Lobisser, manager for 149 Main Street LLC supporting the request to execute a Regulatory and Use Agreement and a "Springing" Agreement, both required by DHCD. A new Regulatory and Use Agreement is required because of the change in the Subsidizing Agency from MassHousing to DHCD now that it is a Local Initiative Project (LIP). The existing Regulatory and Use Agreement will be released by MassHousing immediately prior to the recording of the new Regulatory Agreement.

Mr. Matellian MOVED that the Board vote to approve entering into that Regulatory and Use Agreement under the Massachusetts Department of Housing and Community Development (DHCD) Local Initiative Program (LIP) for the 40B development known as 149 Main and located at 149 Main Street in Upton, MA and to authorize the Chairman to execute such Regulatory Agreement on behalf of the Town, and in the requisite number of duplicate originals as required by DHCD; and authorize the Chairman to submit a confirmatory letter to DHCD of such vote and authorization together with a certified copy of the vote as prepared by the Clerk.

And

To authorize the Chair of the Upton Board of Selectmen to execute the DHCD-approved form of the Local (Springing) Regulatory Agreement subject to review and modification, as needed, by Town Counsel.

Second: Select member Dwinnell, Unanimous, Chair Simas.

Special Town Meeting Draft Warrant Articles

Staff that are sponsoring an article will be in attendance at the next scheduled meeting of the Board.

MINUTES

Passed over.

EXECUTIVE SESSION

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

M.G.L. Ch. 30A, § 21 (a)(3) To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the governmental body. 104 Westboro Road– Upton Board of Health, et al. v. Cristino, Central Housing Court Docket No. 18H85CV000436

ANTICIPATED ADJOURNMENT

Maureen Dwinnell MOVED to adjourn the meeting of September 6, 2022 at 9:45 PM.

Second: Select member Matellian, Unanimous, Chair Simas.

Respectfully submitted,

Sandra Hakala, Executive Assistant