

# BOARD OF SELECTMEN MEETING MINUTES

February 7, 2023

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/ PLEDGE OF ALEGENCE

2 Chair Simas opened the regular meeting at 7:04 PM an lead the pledge of allegiance.

## 4 MINUTES

5 Maureen Dwinnell MOVED that the Board of Selectmen approve the minutes of January 10,  
6 2023.

7 Second: Select member Matellian, Unanimous, Chair Simas.

## 9 PUBLIC HEARINGS

10 Pole Hearing – 3 & 4 Shore Drive, Massachusetts Electric Company/Verizon New England,  
11 Applicants

12 Mr. Simas opened the public meeting at 7:05

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

15 Pole Hearing – 3 Shore Drive, National Grid, Applicant

16 Please be advised that the Board of Selectmen the Board of Selectmen will be reviewing the  
17 petitions of Massachusetts Electric Company and Verizon New England, Inc., requests  
18 permission to locate poles, wires, and fixtures, including the necessary sustaining and  
19 protecting fixtures, along and across the following public way: Shore Dr

21 National Grid respectfully request permission to install new JO utility Pole 3-S0 approximately  
22 110 feet NE of existing Pole 3 on the opposite side of street. This is necessary to increase height  
23 of present electric and communication facilities due to the long span between pole 3 and 4  
24 shore Dr.

26 Wherefore they pray that after due notice and hearing as provided by law, it be granted joint or  
27 identical locations for and permission to erect and maintain poles and wires, together with such  
28 sustaining and protecting fixtures as they may find necessary, said poles to be erected  
29 substantially in accordance with the plan filed herewith marked: MASSACHUSETTS ELECTRIC  
30 COMPANY and VERIZON NEW ENGLAND, INC.

32 Plan No. 28517745 Dated: 6/24/2019

34 Also, for permission to lay and maintain underground laterals, cables and wires in the above or  
35 intersecting public ways for the purpose of making connections with such poles and buildings as  
36 each of said petitioners may desire for distributing purposes.

37 Your petitioners agree to reserve space for one cross arm at a suitable point on each of said  
38 poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality  
39 and used by it exclusively for municipal purposes.

40  
41 It was noted that Shore Drive is private and therefore the Board may not be able to act on the  
42 petition request. Chapter 166 section 22 states the board of selectmen need not grant any  
43 approval. Michael Parent from National Grid stated that he will need to bring back to find a way  
44 to meet with property owner.

45  
46 No action taken.

47  
48 **Mr. Simas closed the public meeting at 7:15**

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

50  
51 **DEPARTMENT/BOARD UPDATES AND REQUESTS**

52 **DPW Director – FY2023 Snow and Ice Update**

53 Mr. Westgate relayed the following:

54 As of today, the DPW responded to 8 separate snow & ice events with 1 storm requiring  
55 assistance from hired contractors. A total of roughly 13.25 inches of snow has fallen with the  
56 majority of the events being sleet/freezing rain and/or black ice events. Below is a recap of the  
57 dates and types of precipitation as well as the services that were provided by the Upton DPW.  
58 In addition, an accounting of the finances is listed below:

<b><u>Date</u></b>	<b><u>Type of Event</u></b>	<b><u>Services Provided</u></b>
12/11/22	Light Snow – 2"	Treated Road
12/23/22	Wind/Sleet/Snow/Freezing Rain – 2.75"	Treated Roads
1/6/23	Light Snow – 1"	Treated Roads
1/12/23	Moderate Snow – 1"	Treated Roads
1/15/23	Moderate Snow – 1"	Treated Roads
1/16/23	Sleet/Freezing Rain – 1"	Treated Roads
1/20/23	Sleet/Freezing Rain – 1"	Treated Roads
1/23/23	Heavy Snow – 3.5"	All Plows In/Treated Roads

69  
70 **Snow & Ice Accounting:**

71 Salt - \$59,002.31

72 \*As a note, last year's salt bid price was \$62.89/ton. This year's salt bid price is \$76.04/ton.

73  
74 DPW Labor - \$13,803.72

75 \*This represents DPW labor only.

76  
77 Hired Contractors - \$5,013.75

78 \*This represents outside contractors only.

79 Misc - \$26,664.69

80 \*This includes snow & ice related expenses other than the ones listed above, such as – liquid  
81 calcium chloride, pelletized de-icing bags, plow blades, fuel, weather service subscription,  
82 heavy equipment & truck repair parts, road repairs due to snow & ice damage, structure repairs  
83 due to snow & ice damage, etc.

84  
85 Total Snow & Ice Budget - \$260,000

86 Total Spent This Year - \$104,484.47 (this number is approximate, as there remains some  
87 snow/ice related expenses pending)

88  
89 **DPW Director – MassWorks Infrastructure Contract Execution**

90 The Board reviewed Tighe & Bond's submission of a proposal for engineering services for water  
91 and sewer infrastructure in Milford Road and in support of work authorized and funded under  
92 the MassWorks Infrastructure Program. In November 2022, the Town was awarded \$275,000  
93 for engineering services.

94  
95 **Steve Matellian MOVED** that the Board vote to authorize the Town Manager to execute a  
96 contract with Tighe & Bond for the engineering and design services for water and sewer  
97 infrastructure in Milford Road and in support of the Town's award under the MassWorks  
98 Infrastructure Program in the amount of \$275,000, as outlined in the Proposal for Engineering  
99 Services – Governor's Landing Design dated February 1, 2023.

100  
101 **Second: Select member Matellian, Unanimous, Chair Simas.**

102 **Maureen Dwinnell aye, Steve Matellian aye, Brett Simas aye.**

103  
104 **Finance Director – Worcester Regional Retirement System - Consideration and Approval of  
105 2% COLA**

106 The Board of Selectmen is being asked by the Worcester Regional Retirement Service (WRRS) to  
107 approve an additional one time 2% COLA for Fiscal Year 2023 to system retirees. The increase,  
108 as calculated by our Finance Director, the 2% increase retroactive to July 1, 2022 equated to  
109 \$320 to each Town retiree and beneficiary. A 3% COLA was already approved.

110  
111 Governor Baker had signed a law on November 16, 2022, authorizing an additional 2% cost-of-  
112 living adjustment but it requires approval of 2/3rds of Chief Executive authorities from member  
113 towns. The additional 2% COLA is only based on the first \$16,000 paid to retirees.

114  
115 **Steve Matellian MOVED** that the Board vote to deny the additional 2% cost-of-living  
116 adjustment as requested by the Worcester Regional Retirement System (WRRS), pursuant to  
117 Chapter 269 of the Acts of 2022, and authorize the Town Manager to prepare a letter notifying  
118 WRRS of the Board's vote.

120 **Second: Select member Dwinnell, Majority Action.**

121 **Maureen Dwinnell aye, Steve Matellian aye, Brett Simas nay.**

123 **TOWN MANAGER REPORT/ UPDATE**

125 Mr. Laydon thanked Chief Marchand, Chief Bradley, and EES Director Maggie Gundersen for  
126 opening a warming center for residents at the senior center when many lost power in  
127 unprecedented cold weather.

129 Treasurer Collector: Water/Sewer bills will be mailed the week of February 13<sup>th</sup>. Payments will  
130 be collected by Lockbox, a banking service the Town uses for property and excise taxes. This  
131 will simplify and streamline receipt of payments. A summary of the change will be included the  
132 bill. Staff will start the VADAR cloud conversion. Excise tax bills are going out Feb 24<sup>th</sup> and will  
133 be due 30 days later in March.

134 Conservation: Working with 5-Forks Farm on an irrigation pond to support their operation.  
135 Worked with Code Dept on complaints received concerning 190 Milford Road, owner was  
136 clearing land and removing stone/ledge for parking of equipment, work will be under 1 acre  
137 and will not trigger stormwater bylaw. Residents had been complaining about noise due to  
138 rock hammering.

140 DPW: Staff is taking advantage on lack of snow, doing some deferred maintenance/ repairs  
141 and doing tree removal activities. Staff continues to fill potholes, two to three times a week,  
142 due to rain and cold temperatures. For complaints, people should call DPW. Today, Staff is  
143 picking up litter.

145 Town Clerk: Processing Town Census Forms and Dog Licenses. Nomination papers are available,  
146 18 seats are open. Office Staff will be working to coordinate ethics and open meeting training.  
147 The State has a new portal for members and employees to do training.

150 Assessor: The abatement period ended Feb 1st. A total of 62 abatements were received,  
151 representing 1.8% of town parcels. Board of Assessors will be meeting with each applicant to  
152 review submissions.

153 Elder and Social Services/ COA: Staff is continuing to work on assistance requests. Staff is  
154 preparing for the department's move sometime in April. Director had opened the Center on  
155 Saturday as a warming center due to power outages in town.

157 Police/ Fire: Police Department is nearly fully staffed, awaiting one last officer to join the  
158 department who is currently in the police academy. Fire Department continues to have  
159 challenges filling paramedic positions. This leads to higher overtime use and/or shifts are not  
160 fully staffed. On Saturday the Fire Station had pipes freeze and they are working with  
161 contractors to conduct repairs.

163 Code: Department continues to be very busy, continue to receive and investigate complaints.  
164 Staff sent MassDOT a letter regarding outstanding ADA compliance issues with the TIP project.

165  
166 Recreation: Kids at Play Registration is now open, added a summer theater program and field  
167 trips. Staff met with WooSox to discuss community outreach and mascot visits to town events.  
168 Staff will work with WooSox to coordinate a 2024 Upton Take Over Day.

169  
170 Board of Health: Coordinating a covid clinic on March 4<sup>th</sup> and the State is looking to increase  
171 booster participation by giving out \$75 gift certificates. Upton was identified in an area of low  
172 booster rates. More information will be posted soon.

173  
174 Library: Attention is shifting to prepare for the move to the new Community Center. Work is  
175 being done to finish the interiors by the end of the month and furniture will start arriving in  
176 March.

177  
178 Planner: The Planning Board has requested an update on the community center as it relates to  
179 their approval. Staff is working complying with MBTA Communities. Staff submitted paperwork  
180 for interim compliance, including an action plan. Create a district for multifamily dwellings to  
181 be created by right in one or more districts. Working to submit for Housing Choice Designation,  
182 will arrange for a presentation to the BoS.

183  
184 Human Resources: Working to bring on board the department specialist to support planning,  
185 conservation. In the process of hiring drivers for COA Van. Working with Recreation to start the  
186 Kids at Play hiring process.

187  
**PUBLIC INPUT/BOARD MEMBERS' UPDATES**

188 Laurie Wodin discussed the email she sent the board earlier regarding citizens petition that is  
189 on the ATM warrant.

190  
191 “In regard to the Citizen's Petition for Annual Town Meeting, we are aware that it needs to be  
192 amended to allow for places in Upton where there is poor or no cell service. It is our hope that  
193 the required hearing with the Planning Board will provide opportunity to bring it into form  
194 where an amendment can be made.....There is a growing body of evidence about the negative  
195 impacts of increased radiation from advanced wireless technologies based on outdated FCC  
196 standards. There is concern that town officials are compelled to use these outdated FCC  
197 standards that were determined 27 years ago, in 1996, when making decisions about the  
198 placement of wireless data transfer facilities.”

199  
**COMMITTEE/ BOARD APPOINTMENT/RESIGNATION**

200  
201 **Appointment - Cultural Council**

203 **Maureen Dwinnell MOVED** that the Board of Selectmen vote to appoint Shelly Glassman as a  
204 Full Member on the Cultural Council for the remainder of the one (1) year term to expire June  
205 30, 2023.

206

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

208 **Maureen Dwinnell aye, Steve Matellian aye, Brett Simas aye.**

209

## 210 **BOARD OF SELECTMEN DISCUSSION**

211

### 212 **Review of Draft Annual Town Meeting Warrant and Article Meeting Schedule**

213 The town manager reviewed the list of articles slated for the May 4th Annual Town Meeting  
214 Warrant.

215

### 216 **Upton Route 140 TIP Project – Project 608490 – Main Street/ Milford Road/ Upton Center**

217 The Town Manager provided an update a summary of the Public Hearing held on January 26th.  
218 The Town Manager is working on a draft letter for the Board's consideration in sending as  
219 formal comment on behalf of the Town. Comments are received for 30 days, and they can  
220 provide an update to the DOT. Some elements that may have significant impacts would include  
221 parking – reconstructing parking areas, and ADA compliance is maintained.

222

### 223 **Order of Taking – Summers Circle**

224 The Board must execute the Order of Taking that to allow for Town Counsel to record the  
225 Layout Plan and finalize the acceptance of the way.

226

227 **Steve Matellian MOVED** that the Select Board vote to execute the document entitled Order of  
228 Taking for the way known as Summer Circle, as shown on a plan entitled "Layout Plan of  
229 Summers Circle, Upton, Mass." dated August 17, 2020, prepared by Guerrier & Halnon, Inc.,  
230 which plan is recorded with the Worcester District Registry of Deeds on January 10, 2017 as  
231 Book 924 Plan 58 and as accepted by the November 1, 2022 Special Town Meeting.

232

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

234 **Maureen Dwinnell aye, Steve Matellian aye, Brett Simas aye.**

235

## 236 **EXECUTIVE SESSION**

237 **Brett Simas MOVED** that the Select Board vote to enter into executive session MGL c.30A, §21  
238 (a)(2) 1B and MGL c. 4, S. 7, To conduct strategy in preparation for negotiations with nonunion  
239 personnel (Director of Public Works).

240

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

242

243 The Board will adjourn directly from Executive Session and not reconvene in open session.

244 **ADJOURNMENT**

245 **Steve Matellian MOVED** to adjourn the meeting of February 7, 2023, at 8:50 PM.

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

247

248 Respectfully submitted,

249 Sandra Hakala, Executive Assistant