

# BOARD OF SELECTMEN MEETING MINUTES

May 2, 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 7:00 PM.

## 3 EXECUTIVE SESSION

4 **Brett Simas MOVED** to enter MGL c.214, S. 1B and MGL c. 4, S. 7, Clause 220 26c to discuss financial assistance to residents in need, and MGL c. 30A, sec. 21 exceptions #2: to conduct strategy sessions in preparation for contract negotiations with non-union personnel (town manager)

5 **Second: Select member Dwinnell, Unanimous, Select member Matellian**

6 Chair Simas reopened the regular meeting at 7:55 PM and led the pledge of allegiance.

## 7 DEPARTMENT/BOARD UPDATES AND REQUESTS

### 8 **Grove Street Bridge – ARPA Commitment – DPW Director**

9 At the Board's April 18, 2023 meeting, the Town's engineering consultant presented updated bridge concepts and construction cost estimates. ARPA Funding was discussed for the project, but no vote was taken at that time.

10 **Maureen Dwinnell MOVED** that the Board of Selectmen vote to authorize up to \$575,000, from the Town's APRA allocation, to supplement funds authorize by the November 1, 2022 Special Town Meeting for the construction of the Grove Street Bridge project.

11 **Second: Chair Simas, Majority Action of the Board.**

12 **Maureen Dwinnell yay, Brett Simas yay, Steve Matellian nay**

## 13 LICENSING

### 14 **One Day Liquor Licenses – Rushford & Sons Brewhouse – Kiwanis Beach Summer Concert Series**

15 The Board's reviewed the supportive information for the license submitted by Rushford & Sons; Owner/Operator Brian Goodman for one (1) day Wine and Malt pouring licenses for events at the Kiwanis Beach Summer Concert Series for seven dates starting June 28th and ending August 9th.

16 **Steve Matellian MOVED** to approve the application submitted by Rushford & Sons; Owner/Operator Brian Goodman for a special 1-day Wine & Malt only (pouring) license for

37 events to be held on June 28, July 5, July 12, July 19, July 26, August 2, and August 9, 2023  
38 under M.G.L. c.138 §14; to be held at Kiwanis Beach, Upton, MA.

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

40

41 **Rushford & Sons Brewhouse - Application for Entertainment License**

42 **Maureen Dwinnell MOVED** to approve the renewal of the outdoor entertainment license  
43 submitted by Rushford & Sons Brewhouse at 8 Grove Street, Upton

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

45

46 **TOWN MANAGER REPORT/ UPDATE**

47

48 The Town Manager reviewed the following topics:

49

50 Annual Town Meeting Resources – In addition to the Town Manager’s FY 24 Budget  
51 Recommendation, the Finance Committee FY 24 Report and the Annual Report are available  
52 online. A Town Meeting Preview Video was recorded to be played on our access channel and  
53 our YouTube channel.

54

55 Town Hall Bathrooms – Replacement Toilets have been installed and waste lines were  
56 inspected and appeared to be clear. An email went to town departments and  
57 boards/committees that the restriction of Town Hall has been rescinded.

58

59 Town Website – A subcommittee of town staff recently reviewed a mock-up of the website and  
60 provided feedback to the consultant to revise the mockup for approval.

61

62 **Treasurer Collector:** Employee Forward, the Town’s employee portal, is live and employees can  
63 get their paystubs electronically. Elected Official stipends were processed and sent out. After  
64 Town Meeting, prior year stipends for five will be processed. The Town is implementing  
65 electronic onboarding, starting with Recreation’s seasonal employees.

66

67 **Assessor:** 118 Main Street closed and sold the business. A new restaurant will open in a month  
68 or two, though no date has been scheduled. There is new legislation proposed for land that is  
69 developed for solar fields. If land is taken out of Ch. 61, the Town has a first right of first  
70 refusal. If the Town does not exercise that right, and it is then developed for solar there is a 10  
71 year look back on taxes. The Department is working on the valuation of the GURR.

72

73 **Conservation:** The Commission is finishing up their review of Governors Landing. The  
74 Commission is also working with 162 Main Street on encroachment of endangered species and  
75 Rivers Act.

77 **Town Clerk:** Two vacant board positions are on the ballot; one Finance Committee and one  
78 Planning Board. She heard of someone organizing a write-in campaign for the Planning Board  
79 vacancy. The deadline for absentee voting is Monday at noon. Third Graders will be visiting  
80 Town Hall on June 6th.

81  
82 **Fire:** Three recruits are going to the Call Fire Academy in June. They are self-paying, and one  
83 has EMT experience. The Dept. completed their second inspection of 6 Milford Street. The  
84 building owner is undertaking safety improvements, but still more work needs to be done. The  
85 Dept. got through burning season, there were higher costs associated with brush season than  
86 was anticipated. Increase will be offset by reduction in expenses.

87  
88 **Police:** The Dept. purchased 4 radar speed signs to be installed by DPW in June. Two will be  
89 deployed at either side of Upton Center. Officer Bianca graduated from the Lynnfield Police  
90 Academy and a swearing in ceremony will be scheduled for an upcoming Board of Selectmen  
91 meeting.

92  
93 **Board of Health:** Hazardous Waste Day scheduled for July 15th including shredding.

94  
95 **Library:** 162 people participated in the book walk on Saturday. The Spring Library Book sale is  
96 Saturday May 13th. Library is also going to be selling trash bags once they are available at the  
97 Community Center.

98  
99 **Elder & Social Services/COA:** With moving into the UCC, new fitness programs are being  
100 offered and the department welcomed two new bus drivers. The ESS Dept will be hosting a  
101 training from Mass Office of the Blind on the use of phones and technology. They will schedule  
102 a similar program for the hearing impaired. This week a pediatrician will be coming to the  
103 Community Center for a clinic.

104  
105 **Building:** Code visited the Community Center for an inspection and a few things remain that  
106 need to be addressed. The Dept. continues to deal with a lot of zoning issues and enforcement  
107 actions.

108  
109 **Planning:** The Dept. is working with the owners of 33 Milford Street that had started un-  
110 permitted demolition. Staff is working with them to get permitting in place. A zoning question  
111 from a resident about solar farms and is citing case law that they can be built anywhere in  
112 town. Legal assistance will be needed. The James Road 40B decision is being prepared to  
113 finalize that project this month. Potential for the decision for Governors Landing to be  
114 approved next month. Planning Board voted to support Article proposing the increase in ZBA  
115 membership but not to support the 5G article. Staff is working on the MassWorks Grant  
116 application, which will cover water and sewer extension to Governor's Landing, The deadline is  
117 June 2nd.

118 **TM Office/Human Resources:** Open enrollment for health insurance and benefits is now open  
119 and closes May 25. Currently hiring for ESS/COA department specialist. Preparing for  
120 dedication of the UCC on June 14, 2023.

121

## 122 **PUBLIC INPUT/BOARD MEMBERS' UPDATES**

123 None.

124

## 125 **BOARD OF SELECTMEN DISCUSSION**

### 126 **Discussion of Upton Community Center Room and Reservation Policies**

127 The Board considered the Great Room & Program Room Policy and the Kitchen Use Policy. The  
128 policies have been reviewed by Staff. Since the Community Center falls under the Board of  
129 Selectmen as a Town Building, the proposed policy must be approved by the Board. The board  
130 discussed alcohol use in a municipal building and by majority vote denied the use of alcohol.

131

132 **Maureen Dwinnell MOVED** to adopt the Great Room & Program Room Policy and the Kitchen  
133 Use Policy as proposed/amended by deleting - *In the event that a one-day license for the sale  
134 of alcohol is approved by the Board of Selectmen, a Police detail will be required.*

135 **Second: Select member Matellian, Majority Action of the Board**

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137 **Maureen Dwinnell yay, Steve Matellian yay, Brett Simas nay.**

138

### 139 **Year End Transfers – Finance Director**

140 Below is a spreadsheet indicating Year End Transfers in the amount of \$83,000.

GENERAL FUND	AMOUNT	FROM	ACCOUNT #	TO	ACCOUNT #	JUSTIFICATION
TRANSFER #1	\$7,500	Tax Title Auction Expense	0100-158-5400-5421	Finance Department - TC Exp.	0100-133-5400-5422	Deficit due to the transition of the Finance Department - Treasurer/Collector's Office. Transfer is within the Finance Department. The financial consulting services performed in FY2023 were necessary to close FY2022.
TRANSFER #2	\$20,000	Tax Titles Foreclosures	0100-158-5700-5782	Finance Department - TC Exp.	0100-133-5400-5422	Deficit due to the transition of the Finance Department - Treasurer/Collector's Office. Transfer is within the Finance Department. The financial consulting services performed in FY2023 were necessary to close FY2022.
TRANSFER #3	\$12,500	Town Counsel Expense	0100-151-5200-5302	Finance Department - TC Exp.	0100-133-5400-5422	Deficit due to the transition of the Finance Department - Treasurer/Collector's Office. The financial consulting services performed in FY2023 were necessary to close FY2022.
TRANSFER #4	\$9,000	Police Building Maintenance	0100-210-5200-5241	Police Utilities	0100-210-5200-5210	Unanticipated increase in utility bills for FY23
TRANSFER #5	\$10,000	Fire-EMS Vehicle Maintenance	0100-220-5400-5482	Fire-EMS Wages	0100-220-5100-5100	Inability to hire qualified replacement Paramedic
TRANSFER #6	\$10,000	Fire-EMS New Equipment	0100-220-5800-5852	Fire-EMS Wages	0100-220-5100-5100	Inability to hire qualified replacement Paramedic
TRANSFER #7	\$14,000	Selectmen - Wages	0100-122-5100-5100	Finance Department - Wages	0100-133-5100-5100	Deficit due to the transition of the Finance Department - Assessor's and Treasurer/Collector's Office

141 **TOTAL** **\$83,000**  
142 As FY 2023 comes to a close, there are a number of individual accounts that require transfers to  
143 eliminate deficits. The transfer of \$40,000 is required to cover a Treasurer Collector Expense  
144 line deficit associated with retaining Strategic Municipal Solutions to provide office support

145 while the Assistant Treasurer and Treasurer Collector were hired. A portion of the transfer will  
146 also cover other anticipated costs for the remainder of the fiscal year. A transfer of \$14,000 is  
147 required to cover Finance Department wages, specifically in the Assessors and Treasurer  
148 Collector offices. A transfer of \$9,000 is required for Police Utility costs and a transfer of  
149 \$20,000 is required to cover Fire-EMS wages.

150

151 The Board of Selectmen will consider these transfers at their May 4th meeting.

152

153 **Town Manager Performance Review**

154 **Chair Simas MOVED** to approve a performance-based merit increase in accordance with the  
155 town manager employment contract Section 5B.

156 **Second: Select member Dwinnell, Unanimous, Select member Matellian.**

157

158 **MINUTES**

159 **Maureen Dwinnell MOVED** to approve the regular session meeting minutes of April 4, 18,  
160 2023.

161 **Second: Chair Simas, Majority Action of the Board**

162 **Steve Matellian abstained.**

163

164 **ADJOURNMENT**

165 **Steve Matellian MOVED** to adjourn the meeting of May 2, 2023, at 9:40 PM.

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

167

168 Respectfully submitted,

169 Sandra Hakala, Executive Assistant