



# TOWN OF UPTON, MASSACHUSETTS

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## Town Clerk Office

### **CERTIFICATION OF PROCEEDINGS THE COMMONWEALTH OF MASSACHUSETTS**

#### **TOWN OF UPTON SPECIAL TOWN MEETING Nipmuc Regional High School November 7, 2023**

Called to order at 7:00 pm by Moderator David Loeper.

Board of Selectmen Chair Maureen Dwinnell led the audience in the Pledge of Allegiance.

Kathleen Bern, Maria Cherubino and Amy Bonina checked in 102 voters, exceeding the necessary quorum of 40 voters.

By unanimous vote to accept, guests present were Joseph Laydon, Town Manager; Dennis Westgate, DPW Director; Michael Antonellis, Land Use & Inspectional Services Director; Maria Cherubino, Recreation Director; Brian Maser, Town Counsel; Jessica Gomez, Collector/Treasurer; Paul Marchand and Kenny Costa, Finance Director.

Upon check-in each voter was provided with a green card & a red card. The Moderator explained that he will call for all those in-favor of a motion to hold up a green card and then he will call for those opposed to hold up a red card. If at any time he cannot determine the vote a standing vote will be required.

#### **Prior Year Bills**

##### **ARTICLE 1:**

Upon motion of Laura Hebb, it was moved the Town vote to transfer the sum of \$2,034.86 from Free Cash to pay unpaid bills from the Fiscal Year 2023 as follows: Toshiba Financial Services in the amount of \$1,385.69; Net-Tel-One in the amount of \$529.41; and Ready Fresh in the amount of \$119.76.

Moderator declared 9/10<sup>th</sup> vote required

Favorable recommendation from Finance Committee

**Moderator declared the motion passed unanimously**

## **Amend FY2024 Operating Budget**

### **ARTICLE 2:**

Upon motion of Laura Hebb, it was moved the Town vote to amend the Town's Operating Budget for Fiscal Year 2024 commencing on July 1, 2023 by transferring Sixty-Five Thousand Nine Hundred and Seventy Six Dollars and Zero Cents (\$65,976.00) from Account 0100-300-5200-5621, entitled Mendon-Upton Operating Expenses, as follows: Fifteen Thousand Dollars and Zero Cents (\$15,000) to Account 0100-122-5100-5100, entitled Selectmen Wages, and the Twenty Thousand Dollars and Zero Cents (\$20,000.00) to Account 0100-152-5100-5110, entitled Personnel - Wages, for the purpose of cemetery and facilities department reorganization; and Thirty Thousand Nine Hundred Seventy-Six Dollars and Zero Cents (\$30,976) to Account 0100-192-5400-5421, entitled Town Building Expenses.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

## **Milford Street Pumping Station – Permanent Easement**

### **ARTICLE 3:**

Upon motion of Brett Simas, it was moved the Town vote to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, for general municipal purposes, including, but not limited to, for a pumping station, a permanent easement upon a parcel of land, containing 5,625 square feet, more or less, as shown on a plan, on file with the Town Clerk, on property located at 41 Milford Street (Assessor's Map 021-121), and to transfer the sum of \$57,600 from Free Cash, including all costs incidental and related thereto, to fund said acquisition; and further to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition, on such terms and conditions as the Board of Selectmen shall, in its discretion, deem reasonable, and to take all related actions necessary or appropriate to effectuate such acquisition.

Moderator declared 2/3 majority vote required

Favorable recommendation from Finance Committee

Favorable recommendation from Capital Budget Committee

**Moderator declared the motion passed by 2/3 majority**

## **Grove Street Bridge – Permanent Easement**

### **ARTICLE 4:**

Upon motion of Brett Simas, it was moved the Town vote to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, for general municipal purposes, including, but not limited to, for a pedestrian bridge, a permanent easement upon a parcel of land, containing 228 square feet, more or less, as shown on a plan, on file with the Town Clerk, on property located at 8 Grove Street (Assessor's Map 201-059), and to transfer the sum of \$3,800 from Free Cash, including all costs incidental and related thereto, to fund said acquisition; and further to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry

out this acquisition, on such terms and conditions as the Board of Selectmen shall, in its discretion, deem reasonable, and to take all related actions necessary or appropriate to effectuate such acquisition.

Moderator declared 2/3 majority vote required

Favorable recommendation from Finance Committee  
Favorable recommendation from Capital Budget Committee

**Moderator declared the motion passed by 2/3 majority**

### **Cemetery Professional and Administrative Services**

#### **ARTICLE 5:**

Upon motion of Maureen Dwinnell, it was moved the Town vote to transfer the sum of One Hundred and Fourteen Thousand Dollars and Zero Cents (\$114,000.00) from Free Cash to fund professional and administrative services to support the migration of existing physical and electronic cemetery records to a new cemetery management software, reconciliation of records with physical burial plots, and other associated research and administrative services that may be deemed necessary by the Director of Public Works, in consultation with the Cemetery Commission.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed majority**

#### **Speed Sign Installation ARTICLE 6:**

Upon motion of Laura Hebb, it was moved the Town vote to transfer the sum of Twenty-Seven Thousand Dollars and Zero Cents (\$27,000.00) from Free Cash to be used to install four (4) solar powered permanently mounted speed radar signs, including all expenses incidental and related thereto.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

### **Road Speed Studies**

#### **ARTICLE 7:**

Upon motion of Laura Hebb, it was moved the Town vote to transfer the sum of Fifty Thousand Dollars and Zero Cents (\$50,000.00) from Free Cash to be used to conduct engineering studies, reports, audits, and design plans to mitigate speeding on local roads, including all expenses incidental and related thereto.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

## **Funds for Exterior Maintenance of Risteen Building and Holy Angels**

### **ARTICLE 8:**

***Prior to reading the motion the Board of Selectmen (article sponsor) amended Article 8 by splitting it into 2 motions, one for each building. Motions as read follow:***

#### **Motion 1 – Holy Angels**

Upon motion of Brett Simas, it was moved the Town vote to transfer the sum of Sixty-Two Thousand One Hundred and Fifty Dollars and Zero Cents (\$62,150.00) from Free Cash for the purpose of cleaning, painting, maintaining, and repairing the exterior of the Holy Angels, including all expenses incidental and related thereto.

Favorable recommendations from Finance Committee, Capital Budget Committee, Historical Commission and Economic Development Commission

**Moderator declared the motion passed by majority**

#### **Motion 2 – Risteen Building**

Upon motion of Brett Simas, it was moved the Town vote to transfer the sum of Forty-Seven Thousand Eight Hundred and Fifty Dollars and Zero Cents (\$47,850) from Free Cash for the purpose of cleaning, painting, maintaining, and repairing the exterior of the Risteen Building, including all expenses incidental and related thereto.

Favorable recommendations from Finance Committee, Capital Budget Committee, Historical Commission and Economic Development Commission

**Moderator declared the motion passed by majority**

## **Authorization to Lease Knowlton Risteen Building**

### **ARTICLE 9:**

Upon motion of Maureen Dwinnell, it was moved the Town vote to authorize the Board of Selectmen to lease, in accordance with the provisions of M.G.L. Chapter 30B, the first floor of the building known as the Knowlton Risteen Building, located at 2 Main Street, shown as Assessor's Map 201-073, for such sum or sums and upon such conditions determined by the Board of Selectmen to be in the best interests of the Town, and to authorize the Board of Selectmen to execute any and all instruments, including leases or other agreements, and take all other actions necessary or appropriate to effectuate the vote taken hereunder.

Favorable recommendation from Finance Committee  
Favorable recommendation from Economic Development Committee

**Moderator declared the motion passed by majority**

## **CPA Funds to Affordable Housing Trust**

### **ARTICLE 10:**

Upon motion of Maureen Dwinnell, it was moved the Town vote to transfer One Hundred Thousand Dollars and Zero Cents (\$100,000.00) from the CPA Affordable Housing Reserve account to the Upton Affordable Housing Trust, with such funds to be used in accordance with the CPA statutes and guidelines for community housing.

Favorable recommendation from Finance Committee

Favorable recommendation from Community Preservation Committee

**Moderator declared the motion passed by majority**

## **Community Preservation Plan**

### **ARTICLE 11:**

Upon motion of Paul Carey, it was moved the Town vote to appropriate Fifteen Thousand Dollars and Zero Cents (\$15,000.00) from the Community Preservation Undesignated Fund for the purpose of creating the Community Preservation Plan, including all expenses incidental and related thereto.

Favorable recommendation from Finance Committee

Favorable recommendation from Community Preservation Committee

**Moderator declared the motion passed by majority**

## **Affordable Housing Trust Action Plan**

### **ARTICLE 12:**

Upon motion of Maureen Dwinnell, it was moved the Town vote to appropriate Fifteen Thousand Dollars and Zero Cents (\$15,000.00) from the Community Preservation Community Housing Fund for the purpose of creating an Affordable Housing Trust Action Plan, including all expenses incidental and related thereto.

Favorable recommendation from Finance Committee

Favorable recommendation from Community Preservation Committee

**Moderator declared the motion passed by majority**

## **Preparation of Pratt Pond and Mill Pond Management and Water Quality Plan**

### **ARTICLE 13:**

Upon motion of Gary Strichartz, it was moved the Town vote to appropriate the sum of Fifty Thousand Dollars and Zero Cents (\$50,000.00) from Community Preservation Act Open Space Reserve Account to the Lakes and Ponds Committee for preparation of a management and water quality monitoring plan for Pratt Pond and Mill Pond.

Favorable recommendation from Finance Committee

Favorable recommendation from Community Preservation Committee

**Moderator declared the motion passed by majority**

**Warren Brook Trail Bridge**

**ARTICLE 14:**

Upon motion of Marcella Stasa, it was moved the Town vote to appropriate the sum of Five Thousand Dollars and Zero Cents (\$5,000.00) from Community Preservation Act Open Space Reserve Account to the Land Stewardship Committee to repair a trail bridge at the Warren Brook Watershed Conservation Area, including all expenses incidental and related thereto.

Favorable recommendation from Finance Committee

Favorable recommendation from Community Preservation Committee

**Moderator declared the motion passed unanimously**

**Funding for Water Quality Sampling and Equipment Testing**

**ARTICLE 15:**

Upon motion of Gary Strichartz, it was moved the Town vote to appropriate the sum of Four Thousand Five Hundred Dollars and Zero Cents (\$4,500.00) from the Community Preservation Act Open Space Reserve Account to the Lakes and Ponds Committee for purchase of water quality sampling and testing equipment and analytical services for water quality samples.

Favorable recommendation from Finance Committee

Favorable recommendation from Community Preservation Committee

**Moderator declared the motion passed unanimously**

**Replace “Board of Selectmen” with “Select Board” – General and Zoning Bylaw Amendments**

**ARTICLE 16:**

Upon motion of Brett Simas, it was moved the Town vote to amend the General and Zoning By-laws by replacing “Board of Selectmen” with “Select Board” as printed in the warrant.

Moderator declared 2/3 majority vote required

**Moderator declared the motion passed by 2/3 majority**

**Replace “Board of Selectmen” with “Select Board” – Special Act Amendments**

**ARTICLE 17:**

Upon motion of Brett Simas, it was moved the Town vote to authorize the Board of Selectmen to petition the General Court for the enactment of special legislation entitled “An Act Amending Special Acts of the Town of Upton to change the name of the Upton Board of Selectmen to the Upton Select Board” as printed in the warrant.

**Moderator declared the motion passed by majority**

## **No Solicitation Registry – General Bylaw Amendment**

### **ARTICLE 18:**

Upon motion of Laura Hebb, it was moved the Town vote to amend the General Bylaw, Chapter 235 entitled Soliciting, Canvassing, and Peddling to include a “No Solicitation Registry” as printed in the warrant.

**Moderator declared the motion passed by majority**

## **Upton Wetlands Protection Bylaw Amendments (General Bylaw)**

### **ARTICLE 19:**

Upon motion of Mary Overholt, it was moved the Town vote to amend the Town of Upton Wetlands Protection Bylaw Chapter 280 as printed in the warrant.

The Moderator declared the green/red card count too close to call thus a standing count was required.

**Moderator declared the motion passed by majority**

## **Amendments to Table of Principal Uses Within Upton Center Business District (UCBD) (Zoning Bylaw)**

### **ARTICLE 20:**

Upon motion of Kathy Robertson, it was moved the Town vote to amend Chapter 300, Section 300-3.1, Table of Principal Uses, of the Town of Upton Zoning Bylaws, as printed in the warrant.

Moderator declared 2/3 majority vote required

Favorable recommendation by the Planning Board

**Moderator declared the motion passed by 2/3 majority**

## **Large-Scale Ground-Mounted Solar Photovoltaic Installation Amendments (Zoning Bylaw)**

### **ARTICLE 21:**

Upon motion of Margaret Carroll, it was moved the Town vote to amend the Town of Upton Zoning Bylaws, Chapter 300, § 300-3.1, Table of Principal Uses and Chapter 300, § 300-6.6, Large-Scale Ground-Mounted Solar Photovoltaic Installations, as set forth in the warrant with the following further amendments:

1. The phrase in proposed § 300-6.6.I.(3) that reads “no less than 130,680 square feet” shall be deleted and replaced with “no less than 120,000 square feet” and
2. The phrase in proposed § 300-6.6.I.(3) that reads “and a maximum lot size of ten (10) acres in size (no more than 435,860 square feet)” shall be deleted and replaced with “and a maximum lot size of 20 acres (no more than 800,000 square feet)” and
3. Proposed § 300-6.6.I.(4) that reads “The portion of the parcel used for all Large-Scale Ground-Mounted Solar Photovoltaic Installations within the AR zoning district must have been previously cleared from trees for a period of at least give (5) years prior

to the submission of the project for approval" shall be deleted and replaced with  
"The portion of the parcel used for all Large-Scale Ground Mounted Solar  
Photovoltaic Installations within the AR zoning district must be substantially cleared  
from trees over two (2) inch caliper for a period of at least five (5) years prior to the  
submission of the project for approval"

***Friendly amendment by the Planning Board to amend bullet #2 by removing "20  
acres"; should now read "and a maximum lot size of no more than 800,000 square  
feet".***

Moderator declared 2/3 majority vote required

Favorable recommendation by the Planning Board

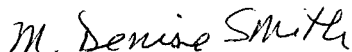
**Moderator declared the motion did not pass by 2/3 majority**

Upon motion of Kathy Robertson, it was moved to dissolve this warrant and adjourn the Special  
Town Meeting at 8:52 pm.

**Motion passed unanimously**

A True Copy.

Attest:



M. Denise Smith  
Town Clerk