



**CERTIFICATION OF PROCEEDINGS  
THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF UPTON  
ANNUAL TOWN MEETING  
May 2, 2024**

Called to order at 7 pm by Moderator David Loeper.

Kathleen Bern and Amy Bonina checked in 163 voters to the meeting which was held in the auditorium at Nipmuc Regional Middle/High School. The necessary quorum of 40 voters was exceeded.

The Pledge of Allegiance was recited. A moment of silence was held in honor of members of the community who passed away this past year.

Accepted guests were: Dennis Westgate, DPW Director; Michael Fitzpatrick, Superintendent BVT; Joseph Laydon, Town Manager; Brian Maser & Stephen Johnson of KP Law, Town Counsel; Michael Antonellis, Director of Land Use & Inspectional Services; Jessica Gomez, Treasurer/ Collector; Maureen Cohen, Superintendent MURSD; Matthew Bachtold, Library Director; Matthew Fear, resident; Anthony Steel, Ass't Superintendent BVT; James Willitts, resident; Kenny Costa, Finance Director; Paul Marchand, Town Employee; Grace Brownell, Town Employee; Jay Byer, MURSD; and Tania Paparazzo, Director of Elder & Social Services.

Moderator David Loeper detailed procedures and protocols for the Town Meeting.

**Consent Calendar:** Upon motion of David Loeper, it was moved the Town vote by unanimous consent the following Articles that have not been requested "hold"; those (consent calendar) Articles being: 1, 4, 5, 6, 7, 10, 11, 14, 15A, 15C, and 26.

**Moderator declared the motion passed by unanimous consent**

**Reports of Town Officers and Appointed Committees**

**ARTICLE 1: Unanimous consent**, the Town voted to approve Article 1 and accept reports of all Town Officers and Appointed Committees.

**Prior Years Bills**

**ARTICLE 2:** Upon motion of Brett Simas, it was moved the Town vote to transfer the sum of \$1,078.42 from Free Cash to pay unpaid bills from the Fiscal Year 2021 and 2023 as follows: RetroFit Technologies in the amount of \$756.00; Net-Tel-One in the amount of \$63.00; Health Equity in the amount of \$114.34; and WB Mason in the amount of \$145.08.

Favorable recommendation by the Finance Committee

**Moderator declared the motion passed unanimously**

## **FY2025 Annual Town Operating Budget**

**ARTICLE 3:** Upon motion of Paul Flaherty, it was moved the Town vote to fix the salaries and compensation of all officers of the Town as provided by M.G.L. Chapter 41, Section 108, as amended, and to raise and appropriate \$28,634,283 to defray expenses of the Town Departments for the ensuing year, as set forth in items identified as "Total Budget to be Voted" within the document entitled "Finance Committee Report, Town of Upton, Massachusetts, Fiscal Year 2025 Budget Recommendation" and not requested "hold", and as amended, if applicable, by vote of Town Meeting for those items requested "hold".

Favorable recommendation by the Finance Committee

The following line items were held:

- 122—Select Board Wages
- 152—Personnel - Human Resources Wages
- 210—Police Wages
- 210—Police Utilities
- 292—Animal Control Wages
- 292—Animal Control Expenses

**Moderator declared the motion passed unanimously EXCEPT for held line items**

Upon motion of Paul Flaherty, it was moved to raise and appropriate the sum of \$224,154 for line item 122—Select Board Wages

Favorable recommendation by Finance Committee

**Moderator declared the motion passed by majority**

Upon discussion of line item 152—Personnel - Human Resources Wages a motion was made by Steve Rakitin to reduce the line item to \$0 (zero dollars). Additional discussion was held.

Upon motion of David Loeper, it was moved to close the discussion and move the question

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

Upon prior motion of Steve Rakitin, it was moved to reduce line item 152—Personnel - Human Resources Wages to \$0 (zero dollars)

**Moderator declared the motion lost**

Upon motion of Paul Flaherty, it was moved to raise and appropriate the sum of \$105,500 for line item 152—Personnel - Human Resources Wages

**Moderator declared vote was too close to determine, a standing vote was called**

**Upon standing vote, the Moderator declared the motion passed by majority**

Upon motion of Michael Bradley, it was moved to raise and appropriate the sum of \$1, 826,211 for line item 210—Police Wages

Favorable recommendation by the Finance Committee

**Moderator declared the motion passed by majority**

Upon motion of Paul Flaherty, it was moved to raise and appropriate the sum of \$45,000 for line item 210—Police Utilities

Favorable recommendation by the Finance Committee

**Moderator declared the motion passed by majority**

Upon motion of Paul Flaherty, it was moved to raise and appropriate the sum of \$25,390 for line item 292—Animal Control Wages; and to raise and appropriate the sum of \$3,700 for line item 292—Animal Control Expenses

Favorable recommendation by the Finance Committee

**Moderator declared the motion passed by majority**

#### **FY2025 Water Enterprise Fund**

**ARTICLE 4: Unanimous consent**, the Town voted to approve Article 4 as set forth in the warrant, raising and appropriating the total sum of \$1,014,543 to operate the Water Enterprise Fund for FY 2025.

That the following sums be appropriated for the Water Enterprise Fund:

Wages & Salaries	\$367,302
Expenses	\$363,707
Capital Outlay	- 0 -
Debt	\$233,534
Extra/Unforeseen	\$50,000
<b>Total</b>	<b>\$1,014,543</b>

And that **\$1,014,543** be raised for such purposes as follows:

Department receipts	\$897,776
Retained Earnings	-0-
*Tax Levy	\$116,767

\*(NOTE: As raised and appropriated under Article 3)

#### **FY2025 Wastewater Enterprise Fund**

**ARTICLE 5: Unanimous consent**, the Town vote to approve Article 5 as set forth in the warrant, raising and appropriating the total sum of \$756,311 to operate the Wastewater Enterprise Fund for FY 2025.

That the following sums be appropriated for the Wastewater Enterprise Fund:

Wage & Salaries	\$358,297
Expenses	\$350,194
Capital Outlay	-0-
Debt	\$17,820
Extra/Unforeseen	\$30,000
<b>Total</b>	<b>\$756,311</b>

And that **\$756,311** be raised for such purposes as follows:

Department receipts	\$ 756,311
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### **FY2024 Revolving Funds Spending Limits**

**ARTICLE 6: Unanimous consent**, the Town voted to approve Article 6 as set forth in the warrant, establishing annual spending limits for FY 2025 for revolving funds established in § 36-14 of the General Bylaws and for the Treasurer/Collector Tax Title Revolving Fund, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes otherwise.

*Printed in Warrant:*

<b>Authorized Revolving Funds (G.L. c.44, §53E ½)</b>	<b>Fiscal Year Expenditure Limit</b>
Upton Community Center Revolving Fund	\$15,000
Board of Health "Curbside Waste and Recycling Fund"	\$15,000
Board of Health "Title V Fund"	\$15,000
Conservation Commission "Wetlands Revolving Fund"	\$20,000
Conservation Commission "Storm Water By- Law Fund"	\$7,000
Elder & Social Service Programming	\$10,000
Land Stewardship Committee "Community Garden Fund"	\$2,000
Land Stewardship Committee "Land Stewardship Fund"	\$10,000
Town Library Fund	\$6,000
Recreation Commission	\$270,000
<b>Authorized Revolving Fund (G.L. c.60, §15B)</b>	<b>Fiscal Year Expenditure Limit</b>
Treasurer/Collector Tax Title	\$15,000

### **FY2025 Upton Cable Fund**

**ARTICLE 7: Unanimous consent**, I move that the Town vote to approve Article 7 as set forth in the warrant, raising and appropriating the total sum of \$77,200 to operate the PEG Access and Cable Related Fund for FY 2025.

That the following sums to be appropriated for the Peg Access and Cable Related Fund:

Wage & Salaries	\$44,000
Expenses	\$ 3,200
Capital Outlay	\$20,000
<u>Extra/Unforeseen</u>	<u>\$10,000</u>
<b>Total</b>	<b>\$77,200</b>

And that **\$77,200** to be raised for such purposes as follows:

Department receipts	\$77,200
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### **Transfer to Stabilization Fund**

**ARTICLE 8:** Upon motion of Laura Hebb, it was moved that the Town vote to transfer from Free Cash the sum of One Hundred and Sixty Thousand dollars (\$160,000) into the General Stabilization Account.

Favorable recommendation from Finance Committee  
**Moderator declared the motion passed unanimously**

**Transfer to Capital Stabilization Fund**

**ARTICLE 9:** Upon motion of Laura Hebb, it was moved that the Town vote to transfer from Free Cash the sum of Three Hundred Thousand dollars (\$300,000) into the Capital Stabilization Account.

Favorable recommendation from Finance Committee  
**Moderator declared the motion passed unanimously**

**Transfer to Other Post-Employment Benefits (OPEB)**

**ARTICLE 10: Unanimous consent,** the Town voted to transfer from Free Cash the sum of One Hundred Thousand dollars (\$100,000) into the Other Post-Employment Benefits Liability Trust Fund.

**Chapter 90 Acceptance**

**ARTICLE 11: Unanimous consent,** the Town voted to approve Article 11 as set forth in the warrant, providing for the acceptance and expenditure of so-called Chapter 90 funds.

**Road Construction Appropriation**

**ARTICLE 12:** Upon motion of Brett Simas, it was moved that the Town vote to raise and appropriate the sum of One Hundred Thousand dollars (\$100,000) and transfer from Free Cash the sum of Five Hundred Thousand dollars (\$500,000) for a total of Six Hundred Thousand dollars (\$600,000) to be used for the construction and/or improvement of Town Roads to supplement those provided for under the Commonwealth of Massachusetts M.G.L. Chapter 90 Program, including all expenses incidental and related.

Favorable recommendation from Finance Committee  
**Moderator declared the motion passed unanimously**

**FY2024 Snow & Ice Deficit Appropriation**

**ARTICLE 13:** Upon motion of Laura Hebb, it was moved that the Town vote to pass over Article 13.

**Moderator declared the motion passed unanimously**

**Conservation Fund Additional Funding**

**ARTICLE 14: Unanimous consent,** the Town voted to transfer from Free Cash the sum of Five Thousand dollars (\$5,000), to supplement the Town's "Conservation Fund".

**Community Preservation Fund Reserve Account**

**ARTICLE 15 A: Unanimous consent,** the Town voted to transfer from the fund balance of the Community Preservation Fund the following sums to the specified Community Preservation Fund reserve accounts to meet the requirements of M.G.L. Chapter 44B, §6, for FY24:

- Historic Resources Account - \$102,080
- Open Space Account - \$102,080
- Community Housing Account - \$102,080

and to place any remaining FY2024 CPA Trust Fund matching revenues in a so-called “FY2024 Undesignated Budgeted Reserve.”

#### **Community Preservation Administrative Budget**

**ARTICLE 15 B:** Upon motion of Paul Carey, it was moved that the Town vote to act on the report of the Community Preservation Committee on the FY 2025 community preservation budget and appropriate the sum of \$25,000 from the Community Preservation Fund FY 2025 estimated annual revenues to the Community Preservation Committee Administrative Expense Account for all necessary and proper administrative expenses of the Committee for FY 2025.

Favorable recommendation from Finance Committee

Favorable recommendation from CPC

**Moderator declared the motion passed unanimously**

#### **Community Preservation Town Hall Renovation Bonds**

**ARTICLE 15 C: Unanimous consent,** the Town voted to transfer the sum of Two Hundred Sixty-Six Thousand and Eight Hundred Forty-One dollars (\$266,841) from the Community Preservation Fund, Undesignated Account to meet the tenth-year payment of debt service owed on the General Obligation Town Hall Renovation Bonds.

#### **CPC – ACQUISITION OF LAKE WILDWOOD LAND**

**ARTICLE 16:** Upon motion of Bill Taylor, it was moved that the Town vote to pass over Article 16.

**Moderator declared the motion passed unanimously**

#### **CPC ACQUISITION OF LAND OFF MECHANIC STREET**

**ARTICLE 17:** Upon motion of Bill Taylor, it was moved that the Town vote to transfer from the Community Preservation Act Open Space Reserve Account the sum of Twelve Thousand Five Hundred dollars (\$12,500) to the Open Space Committee for survey, engineering, Conservation Restriction baseline report, and legal costs associated with the acquisition of approximately 15 acres on Mechanic Street, the easterly section of an approximately 22-acre parcel located on Mechanic Street, being Upton Assessors Map 14, Parcel 71, which will be acquired for conservation and passive recreation purposes.

Favorable recommendation from Finance Committee

Favorable recommendation from CPC

**Moderator declared the motion passed by majority**

#### **BVT Debt Authorization**

**ARTICLE 18:** Upon motion of Brett Simas, it was moved that the Town vote to approve the \$10,000,000.00 borrowing authorized by the Blackstone Valley Vocational Regional School District (“District”) School Committee on February 15, 2024, and amended by its actions of March 14, 2024, for the purpose of paying costs of roof reconstruction and the replacement to energy efficient rooftop HVAC units at the Blackstone Valley Regional Vocational Technical High School, located at 65 Pleasant Street, Upton, MA, including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the Blackstone Valley Regional Vocational School Committee;

with the understanding that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities, and that any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) the MSBA-determined percentage of eligible, approved Project costs, or (2) the total maximum grant amount determined by the MSBA; and provided that the Town's approval of the borrowing is contingent upon the District's ability to secure grant approval from the MSBA; and provided further, however, that the approval of the District's borrowing by this vote shall be subject to and contingent upon an affirmative vote of the Town to exempt its allocable share of the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2 ½ ); and that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA.

Favorable recommendation from Finance Committee  
**Moderator declared the motion passed by majority**

#### **FISKE AVENUE RECONSTRUCTION**

**ARTICLE 19:** Upon motion of Laura Hebb, it was moved that the Town vote to transfer from Free Cash the sum of Five Hundred Thousand dollars (\$500,000) to be used for the permitting, bid document preparation, and construction costs associated with the reconstruction of Fiske Avenue; including construction oversight and all costs incidental and related.

Favorable recommendation from Finance Committee  
**Moderator declared the motion passed by majority**

#### **HIGHWAY DEPARTMENT 1-TON TRUCK REPLACEMENT**

**ARTICLE 20:** Upon motion of Laura Hebb, it was moved that the Town vote to transfer from Free Cash the sum of One Hundred Fifty Thousand dollars (\$150,000) to purchase a replacement 1-ton dump truck with plow and sander for the Highway Division, including all costs incidental and related.

Favorable recommendation from Finance Committee  
Favorable recommendation from Capital Budget Committee  
**Moderator declared the motion passed unanimously**

#### **WATER/SEWER DEPARTMENT 1-TON TRUCK**

**ARTICLE 21:** Upon motion of Laura Hebb, it was moved that the Town vote to transfer the sum of Seventy-Five Thousand dollars (\$75,000) from Water Retained Earnings and Seventy-Five Thousand dollar (\$75,000) from Wastewater Retained Earnings, for a total of One Hundred Fifty Thousand dollars (\$150,000), for the purpose of purchasing a service truck for the Water and Wastewater Divisions, including all costs incidental and related.

Favorable recommendation from Finance Committee  
Favorable recommendation from Capital Budget Committee  
**Moderator declared the motion passed unanimously**

**POLICE DEPARTMENT VEHICLE REPLACEMENT****ARTICLE 22:** Upon motion of Michael Bradley, it was moved that the Town vote to transfer from Free Cash the sum of Sixty-Five Thousand dollars (\$65,000) to purchase a replacement patrol cruiser for the police department, including all costs incidental and related.

Favorable recommendation from Finance Committee

Favorable recommendation from Capital Budget Committee

**Moderator declared the motion passed by majority**

#### **FIRE DEPARTMENT – ENGINE 1 REFURBISHMENT**

**ARTICLE 23:** Upon motion of Michael Bradley, it was moved that the Town vote to transfer from Free Cash the sum of One Hundred Thousand dollars (\$100,000) for the refurbishment of Engine 1, including all costs incidental and related.

Favorable recommendation from Finance Committee

Favorable recommendation from Capital Budget Committee

**Moderator declared the motion passed by majority**

#### **MESSAGE BOARD REPLACEMENT**

**ARTICLE 24:** Upon motion of Michael Bradley, it was moved that the Town vote to transfer from Free Cash the sum of Forty-One Thousand dollars (\$41,000) for the replacement of two emergency message boards, including all costs incidental and related.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

#### **KIWANIS BEACH SAND REPLENISHMENT**

**ARTICLE 25:** Upon motion of Brett Simas, it was moved that the Town vote to transfer from Free Cash the sum of Forty-Five Thousand dollars (\$45,000) for the replenishment of beach sand at Kiwanis Beach, including all costs incidental and related.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

#### **BOARD OF ASSESSOR RECERTIFICATION**

**ARTICLE 26: Unanimous consent,** the Town voted to raise and appropriate the sum of Ten Thousand dollars (\$10,000) for use by the Board of Assessors for recertification work required to comply with state law; including all costs incidental and related.

#### **FEASIBILITY STUDY FOR BURIAL OF UTILITIES IN UPTON CENTER**

**ARTICLE 27:** Upon motion of Paul Flaherty, it was moved that the Town vote to pass over Article 27.

**Moderator declared the motion lost**

Upon motion of Laura Hebb, it was moved that the Town vote to transfer from Free Cash the sum of Twenty-five Thousand dollars (\$25,000) to be used to engage an engineering consultant to examine and determine the feasibility of burying utility lines within Upton Center, including all costs incidental and related.



Unfavorable recommendation from Finance Committee  
**Moderator declared the motion passed by majority**

#### **RAISE DEMAND FEES**

**ARTICLE 28:** Upon motion of Laura Hebb, it was moved that the Town vote to authorize the Select Board to set and adjust the fee charged for each written demand issued by the Collector, not to exceed the limit set by Massachusetts General Law Chapter 60, Section 15 as set forth in the warrant.

Favorable recommendation from Finance Committee  
**Moderator declared the motion passed by majority**

#### **POST CONSTRUCTION STORMWATER MANAGEMENT REGULATIONS**

**ARTICLE 29:** Upon motion of Mary Overholt, it was moved that the Town vote to amend the Town of Upton's Stormwater Bylaws, as filed with the Town Clerk, and as reproduced in the handout entitled "Article 29 – STORMWATER BYLAW AMENDMENTS.

**Moderator declared the motion passed by majority**

#### **ACCEPTANCE OF AZALEA LANE**

**ARTICLE 30:** Upon motion of Brett Simas, it was moved that the Town vote to accept as a public way the roadway known as Azalea Lane, as heretofore laid out by the Select Board and shown on a plan of land entitled "Easement Plan Azalea Lane 'J.R. Estates' Upton, Mass.," dated April 28, 2021, prepared by Guerriere & Halnon, Inc., and on file with the Town Clerk, and authorize the Select Board to acquire, by gift, purchase, and/or eminent domain, the fee to and/or easements in Azalea Lane for all purposes for which public ways are used in the Town of Upton and any drainage, utility and/or other easements related thereto, as printed in the warrant.

Favorable recommendation from the Planning Board  
**Moderator declared the motion passed unanimously**

#### **INCLUSIONARY ZONING BYLAW**

**ARTICLE 31:** Upon motion of Kathy Robertson, it was moved that the Town vote to amend the Town of Upton Zoning By-laws by adding a new Section 300-7.7 Inclusion of Affordable Housing as printed in the warrant.

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

#### **SOLAR OVERLAY DISTRICT BYLAW**

**ARTICLE 32:** Upon motion of Margaret Carroll, it was moved that the Town vote to amend the Town of Upton Zoning By-laws and Zoning Map of Upton, Massachusetts by adding a Solar Overlay District to the Zoning Map, by amending Zoning By-laws Sections 300-2.1 and 300-3.1 and by adding a new Section 300-6.8 Solar Overlay District to the Zoning By-laws, as printed in the warrant.

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

**AMEND ZONING BYLAW SECTION 300-3.1 TABLE OF PRINCIPAL USES WITHIN THE UPTON CENTER BUSINESS DISTRICT (UCBD)**

**ARTICLE 33:** Upon motion of Kathy Robertson, it was moved that the Town vote to amend the Town of Upton Zoning By-laws, Section 300-3.1 Table of Principle, note #9; with additions indicated by underline and deletions indicated by strikethrough, as printed in the warrant.

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

**AMEND ZONING BYLAWS FOR PERSONAL WIRELESS FACILITIES**

**ARTICLE 34:** Upon motion of Kathy Robertson, it was moved the Town vote to pass over Article 34.

**Moderator declared the motion passed unanimously**

Upon motion of Katherine Robertson, it was moved to dissolve the warrant and adjourn the Annual Town Meeting at 9:44 pm.

**Moderator declared the motion passed unanimously**

A True Copy.

Attest:

A handwritten signature in black ink, appearing to read "M. Denise Smith".

M. Denise Smith  
Town Clerk