



# 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 12, 2024**

The meeting was called to order at 7:00 pm by Town Clerk M. Denise Smith. Ms. Smith explained that Moderator David Loeper would not be present for this meeting. Ms. Smith further explained that pursuant to G.L. c. 39, § 14 in the Moderators absence a Temporary Moderator would need to be approved to preside over the meeting.

Ms. Smith stated that the warrant had been properly posted and that the quorum of 40 voters had been exceeded. Kathleen Bern, Lyn Haggerty and Amy Bonina checked in 149 voters.

Accept guests present were: Joseph Laydon, Town Manager; Dawn Anderson, Grafton Town Moderator, Dennis Westgate, DPW Director; Sue Brouwer, Executive Assistant to the Town Manager; Michael Antonellis, Land Use & Inspectional Services Director; Jared Collins, KP Law (Town Counsel); Jessica Gomez, Collector/Treasurer; Kenny Costa, Finance Director; Matthew Bachtold, Library Director; Colleen Roy, Grafton; Anita Sandberg; Peter McGowan, Interim Police Chief; Tanya Paparazzo, Elder & Social Services Director. Paul Marchand, Bill Boardman and Tom Kelly were also present.

Ms. Smith stated that Dawn Anderson, the Grafton Town Moderator, had graciously offered to perform the duties of the Moderator for this meeting. Ms. Smith asked for the nomination of Dawn Anderson to act as Temporary Moderator for the purposes of this meeting. A motion was made to nominate Dawn Anderson, and it was seconded. No additional nominations were made. Upon no other nominations or objections Ms. Smith declared that Dawn Anderson was the sole nominee for Temporary Moderator. She then called for a motion to authorize the Chair of the Select Board to cast one ballot to elect Dawn Anderson. Motion was moved and second. Ms. Smith called for a vote on the motion that the Chair of the Select Board cast one ballot using a green card for a yes vote and a red card for a no vote. Motion was approved and Laura Hebb, Select Board Chair, cast one ballot to elect Dawn Anderson as Temporary Town Moderator for the purpose of this meeting. Denise Smith, Town Clerk, thanked Ms. Anderson and administered the Oath of Office. The meeting was then turned over to Ms. Anderson.

Select Board Chair Laura Hebb led the audience in the Pledge of Allegiance.

Upon check-in each voter was provided with a green card & a red card. The Moderator explained that a green card is in-favor and red card is opposed to a motion.

**M. Denise Smith, Town Clerk**  
One Main Street • Suite 11 • Upton, MA 01568  
T: 508.529.3565 • F: 508.529.1010  
dsmith@uptonma.gov

#### **ARTICLE 1: PRIOR YEAR BILLS**

Upon motion of Laura Hebb, it was moved the Town vote to appropriate the sum of Fifty Dollars and Zero Cents (\$50.00) from the Police Department's FY 2025 Appropriation Police Expense Account to pay a FY 2023 bill from T-Mobile and to appropriate the sum of Seventy-Nine Dollars and Eighty-Two Cents (\$79.82) from the Management Information Systems' FY 2025 Appropriation Management Information Systems Expense Account to pay prior year bills from FY 2017 through FY2023.

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

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by required 9/10<sup>th</sup> majority**

#### **ARTICLE 2: AMEND FY2025 OPERATING BUDGET AND WATER/WASTEWATER ENTERPRISE FUNDS FOR COLLECTIVE BARGAINING AGREEMENTS**

Upon motion of Laura Hebb, it was moved the Town vote to fund and implement the cost items for the first fiscal years of the collective bargaining agreements the Town has with Teamsters Local 170, such agreements for a term beginning July 1, 2024, and ending on June 30, 2027, by appropriating the total of amount of Ninety-Six Thousand Three Hundred Ten Dollars and Zero Cents (\$96,310.00), as follows:

transfer the sum of \$20,000 from FY 2025 Appropriation Personnel – Wages Account (0100-152-5100-5110) to DPW Parks Forestry & Cemetery budget appropriated under Article 3 of the May 2, 2024, Annual Town Meeting;

raise and appropriate the sum of \$3,374 to the DPW Parks Forestry & Cemetery budget appropriated under Article 3 of the May 2, 2024, Annual Town Meeting;

raise and appropriate the sum of \$1,617.00 to the Town Public Buildings budget appropriated under Article 3 of the May 2, 2024, Annual Town Meeting;

raise and appropriate the sum of \$38,590 to the Department of Public Works budget appropriated under Article 3 of the May 2, 2024, Annual Town Meeting;

raise and appropriate the sum of \$750 to the Department of Public Works Highway Construction Maintenance budget appropriated under Article 3 of the May 2, 2024, Annual Town Meeting;

increase the Water Enterprise budget voted under Article 4 of the May 2, 2024, Annual Town Meeting by \$16,395, which shall be funded by water retained earnings; and

increase the Wastewater Enterprise Budget voted under Article 5 of the May 2, 2024, Annual Town Meeting by \$15,584, which shall be funded by wastewater retained earnings.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

#### **ARTICLE 3: AMEND FY2025 OPERATING BUDGET**

Upon motion of Laura Hebb, it was moved the Town vote to raise and appropriate the sum of Forty-Five Thousand Four Hundred Thirty-Two Dollars and Zero Cents (\$45,432.00) to fund the approved compensation plan for various non-union municipal employees for FY 2025.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

#### **ARTICLE 4: FUNDING FOR STREET LIGHT CONVERSION**

Upon motion of Maureen Dwinnell, it was moved the Town vote to raise and appropriate the sum of Three Thousand Seven Hundred Ninety-Six dollars and Three Cents (\$3,796.03) to be used as the Town's match in the purchase and conversion of streetlights to LED fixtures, including all expenses incidental and related thereto.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

#### **ARTICLE 5: FUNDING FOR RADIO SYSTEM INFRASTRUCTURE UPGRADES**

Upon motion of Maureen Dwinnell, it was moved the Town vote to transfer the sum of One Hundred and Fourteen Thousand Five Hundred and Eighty-Two Dollars and Zero Cents (\$114,582.00) from Free Cash to upgrade the Police Department's radio system infrastructure by replacing current repeaters and installing repeaters at two new sites (Pearl Street Water Tank Tower and Hopedale Water Tank Tower), including all expenses incidental and related thereto.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

#### **ARTICLE 6: FUNDING FOR POLICE STATION CAMERA SYSTEM - WITHDRAWN**

#### **ARTICLE 7: FUNDING FOR POLICE DEPARTMENT DRONE**

Upon motion of Maureen Dwinnell, it was moved the Town vote to transfer the sum of Ten Thousand Nine Hundred Fifty-Three Dollars and Zero Cents (\$10,953.00) from Free Cash to be used to purchase and equip a replacement drone system to be used by the Upton Police Department, including all expenses incidental and related thereto.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

#### **ARTICLE 8: FUNDING FOR ENGINE 3 VALVE REPAIRS**

Upon motion of Brett Simas, it was moved the Town vote to transfer the sum of Nineteen Thousand Four Hundred Fifty-One Dollars and Zero Cents (\$19,451.00) from Free Cash to be used to replace non-serviceable control valves and related parts on the Upton Fire Department's Engine 3, including all expenses incidental and related thereto.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

#### **ARTICLE 9: AMENDMENT TO 2018 STM ARTICLE 7 FOR FIRE STATION ROOF REPAIRS TO CONDUCT FLOORING AND OTHER IMPROVEMENTS**

Upon motion of Brett Simas, it was moved the Town vote to amend the vote taken under Article 7 of the November 13, 2018 Special Town Meeting, which authorized funding for roof repairs at the Upton Fire Station, to use the sum of Twenty Six Thousand Three Hundred Seventy-Five Dollars and Zero Cents (\$26,375.00) of the remaining funds to repair flooring in the first floor lobby and to install UV protective

film to eliminate UV damage to the lobby, office space, EOC and back stairway, including all expenses incidental and related thereto.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

**ARTICLE 10: RESURFACING AND RECONFIGURATION OF TOWN HALL PARKING LOT**

Upon motion of Brett Simas, it was moved the Town vote to transfer the sum of One Hundred Thousand Dollars and Zero Cents (\$100,000.00) from Free Cash to fund the resurfacing and reconfiguration of the Town Hall Parking Lot, including all expenses incidental and related thereto.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

**ARTICLE 11: FUNDING FOR COMMUNITY MESSAGE BOARD**

Upon motion of Laura Hebb, it was moved the Town vote to transfer the sum of Forty-Seven Thousand Three Hundred and Forty-Seven Dollars and Zero Cents (\$47,347.00) from Free Cash to be used for refurbishment and/or installation of a new community message board with LED panel, including all expenses incidental and related thereto.

Favorable recommendation from Finance Committee

**Moderator declared the motion was defeated by the required majority**

**ARTICLE 12: FUNDING FOR OPERATION AND MAINTENANCE PLANS FOR WASTEWATER FACILITIES**

Upon motion of Laura Hebb, it was moved the Town vote to transfer the sum of Ninety-Five Thousand Dollars and Zero Cents (\$95,000.00) from Wastewater Retained Earnings, for the purpose of complying with the DEP's requirements in the latest NPDES permit associated with updating the Upton Wastewater Treatment Plant's Operation & Maintenance Manual and developing a Capacity Management Operations Manual for the entire system including all infrastructure and pump stations, including all costs incidental and related thereto.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

**ARTICLE 13: FUNDING FOR MILFORD STREET WATER/WASTEWATER DESIGN**

Upon motion of Maureen Dwinnell, it was moved the Town vote to transfer the sum of Thirty One Thousand Dollars and Zero Cents (\$31,000.00) from Water Retained Earnings and transfer the sum of Thirty One Thousand Dollars and Zero Cents (\$31,000.00) from Wastewater Retained Earnings, for a total of Sixty Two Thousand Dollars and Zero Cents (\$62,000.00) for the purpose of funding the remaining design, permitting, costs, and fees associated with the expansion of water and wastewater infrastructure on Milford Street, including all costs incidental and related thereto.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

**ARTICLE 14: FUNDING FOR LANDSCAPE DESIGN SERVICES FOR ROUTE 140/MAIN STREET TIP PROJECT**

Upon motion of Maureen Dwinnell, it was moved the Town vote to transfer the sum of Twenty-Three Thousand Dollars and Zero Cents (\$23,000.00) from Free Cash to be used to retain professional services

for lighting and streetscape design in support of the ongoing design of improvements along Route 140 in Upton, including all expenses incidental and related thereto.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

#### **ARTICLE 15: FUNDING FOR COMPOSTING PROGRAM**

Upon motion of Dominique Ross, it was moved the Town vote to raise and appropriate the sum of One Thousand Five Hundred Dollars and Zero Cents (\$1,500.00) for the purpose of printing and mailing a townwide notice of the pilot composting program, including all expenses incidental and related thereto.

Favorable recommendation from Finance Committee

**Moderator called for standing vote as card vote was too close to call**

**Moderator declared the motion passed by majority: YES – 86 NO --40**

#### **ARTICLE 16: ACCEPTANCE OF DONATION FROM HARVEY J TRASK TRUST**

Upon motion of Maureen Dwinnell, it was moved the Town vote to authorize the Select Board to accept, on behalf of the Town of Upton, a monetary donation from the Harvey J Trask Trust to be used in accordance with the Harvey J Trask Trust Agreement Clause Eleventh.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

#### **ARTICLE 17: DISCONTINUANCE OF PORTION OF STODDARD STREET**

Upon motion of Maureen Dwinnell, it was moved the Town vote to approve Article 17 as printed in the warrant.

Text from warrant:

*To see if the Town will vote, pursuant to G.L. c. 82, §21, to discontinue as a Town way a portion of the roadway known as Stoddard Street, being an approximately 16' by 61' parcel of land, shown as "Discontinuance Area," containing approximately 1,002 sq. ft on a plan entitled "Discontinuance Plan of A Portion of Stoddard St. Upton MA," dated August 29, 2024, prepared by HS&T Group, Inc., a copy of which is on file with the Town Clerk, and to transfer the care, custody and control of said discontinued portion from the Select Board for public way purposes to the Select Board for general municipal purposes and/or for the purpose of conveyance, and further to authorize the Select Board to convey and/or release all the Town's right, title and interest in said discontinued portion of Stoddard Street on such terms and conditions, and for such consideration, as the Select Board deems appropriate, and to execute any and all documents to carry out the purposes of this article, or take any other action related thereto.*

**Moderator declared the motion passed by majority**

#### **ARTICLE 18: CONVEYANCE OF EASEMENTS AT CROCKETT ROAD FOR UTILITIES**

Upon motion of Brett Simas, it was moved the Town vote to authorize the Select Board to grant and convey easements, for the purpose of locating a portion or portions of utilities, including, without limitation, Title 5 compliant subsurface septic systems, water supply systems and electric facilities, across a public way known as Crockett Road, on such terms and conditions as the Select Board deems

appropriate, and further to authorize the Select Board to enter into such agreements and execute such documents and instruments as may be necessary to effectuate the purposes of this article.

**Moderator declared the motion passed by majority**

**ARTICLE 19: CHANGE CEMETERY COMMISSION FROM ELECTED TO APPOINTED**

Upon motion of Brett Simas, it was moved the Town vote, pursuant to the provisions of G.L. c. 41, § 1B, to make the elected position of Cemetery Commissioner an appointed position of Cemetery Commissioner, and further, to authorize the Select Board to provide for the appointment of such office for a term not to exceed three years, unless otherwise provided by law; provided, however, that any such change be subject to approval by the voters of the Town at the next Annual Town Election in accordance with the provisions of G.L. c. 41, § 1B, and provided that this vote be taken at least sixty (60) days prior to said Annual Town Election.

**Moderator declared the motion passed by majority**

**ARTICLE 20: PETITION GENERAL COURT TO AMEND UPTON TOWN MANAGER ACT**

Upon motion of Brett Simas, it was moved the Town authorize the Select Board to petition the General Court for special legislation amending Chapter 391 of the Acts of 2008 entitled "An Act Establishing the Office of Town Manager in the Town of Upton" as amended by Chapter 250 of the Acts of 2020, in the form of the proposed special act as set forth in the document dated September 26, 2024 containing the full text of Article 20 which is filed with the Town Clerk; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approve amendments to the bill before enactment by the General Court, and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

**Moderator declared the motion passed by majority**

**ARTICLE 21: AMEND COMMUNITY PRESERVATION COMMITTEE MEMBERSHIP**

Upon motion of Rick Porter, it was moved the Town vote to approve Article 21 as printed in the warrant.

Text from warrant:

*To see if the Town will vote to amend Division I, Part I, Chapter 18, Section §18-1 of the General Bylaws of the Town of Upton, as provided below, with additions indicated by underline and deletions indicated by ~~strikethrough~~, or take any other action related thereto.*

**§ 18-1. Establishment.**

*There is hereby established in the Town of Upton a Community Preservation Committee, consisting of up to nine voting members pursuant to MGL c. 44B.*

A. *The composition of the Committee, the appointment authority and the term of office for the Committee members shall be as follows:*

*(1) One member of the Conservation Commission as designated by the Commission for a term of three years.*

*(2) One member of the Historical Commission as designated by the Commission for a term of three years.*

*(3) One member of the Planning Board as designated by the Board for a term of three years.*

*(4) One member of the Recreation Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.*

*(5) One member of the Housing Authority as designated by the Authority for an initial term of two years and thereafter for a term of three years.*

*(6) One member of the Open Space Committee as designated by the Committee for an initial term of one year and thereafter for a term of three years.*

*(7) One member of the Affordable Housing Trust as designated by the Trust for a term of three years.*

*(78) ~~Three~~ Two members to be appointed by the Select Board, one member to be appointed for a term of one year and thereafter for a term of three years and one member to be appointed for a term of one year and thereafter for a term of three years ~~and one member to be appointed for a term of three years.~~*

**Moderator declared the motion passed by majority**

## **ARTICLE 22: AUTHORIZE THE USE AND AMEND GENERAL BYLAW CHAPTER 100 TOWN MEETINGS AND ELECTIONS FOR THE USE OF ELECTRONIC TABULATORS AT TOWN MEETING**

Upon motion of Laura Hebb, it was moved the Town vote to approve Article 22 as printed in the warrant.

### Text from warrant:

*To see if the Town will vote to approve the tabulation of votes at future Town Meetings utilizing electronic voting devices and amend Section 100-11 entitled "Determination of vote" as provided below, with additions indicated by underline and deletions indicated by ~~strike through~~, or take any other action related thereto.*

### *§ 100-11 Determination of vote.*

*Town Meeting shall utilize electronic tabulations and electronic devices to tabulate Town Meeting votes.  
If electronic tabulation is not available or votes by Town Meeting not to be used, the determination of vote shall be as follows. When a question is put, the sense of the meeting shall be determined by the voices thereon, and the Moderator shall declare the vote as it appears to him. If the Moderator is unable to decide the vote of the article or matter by sound of the voices, he shall determine the vote by ordering a show of hands or standing vote and may appoint tellers to make and return the count. A roll call shall be ordered by the Moderator if 20 members shall by rising to their places favor such motion. A ballot vote shall be taken at a regular or special Town Meeting when a motion is made and seconded by seven voters and is carried by a majority vote.*

Upon Motion of Bill Andrews, it was moved to question

**Moderator declared that a 2/3 majority is required**

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

**Moderator declared the motion passed by majority**

**ARTICLE 23: FUND THE USE OF ELECTRONIC TABULATORS AT TOWN MEETING**

Upon motion of Laura Hebb, it was moved the Town vote to pass over Article 23.

**Moderator declared the motion passed by majority**

**ARTICLE 24: ZONING BYLAW – SMALL CELL ZONING BYLAW**

Upon motion of Margaret Carroll, it was moved the Town vote to amend the Town of Upton Zoning By-laws, by amending the Town of Upton Zoning By-laws Section 300-10.1 Definitions, 300-3.1 Table of Principal Uses, 300-3.2 Accessory uses and structures, and Section 300-6.2 Wireless Data Transfer Facilities to regulate small wireless facilities and make related changes , with additions indicated by underline and deletions indicated by strike through and to authorize the Town Clerk to make any necessary non-substantive corrections including renumbering to incorporate these changes into the Zoning By-laws, as printed in the Article 24 handout provided at Town Meeting.

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

**ARTICLE 25: ZONING BYLAW – MBTA COMMUNITIES**

Upon motion of Kathy Robertson, it was moved the Town vote to amend the Town of Upton Zoning By-laws by amending the Zoning Map of Upton, Massachusetts, to add the proposed “MCMOD (MBTA) District,” being an overlay district, and to amend the Town of Upton Zoning By-laws Section 300-2.1 Establishment, Section 300-2.2 Map and Section 300-5.10.B (parking) and to add a new Section 300-8.2 MBTA Communities Multifamily Overlay District (MCMOD), to add a new Section K before Severability within said new Section 300-8.2 to read as follows:

K. Building Cap. The maximum number of dwelling units permitted to be constructed within the MCMOD is two hundred fifteen (215) dwelling units. This number reflects the minimum density requirement of fifteen (15) dwelling units per acre within the approximately 14.3-acre district.

and to authorize the Town Clerk to make any necessary non-substantive corrections including renumbering to incorporate these changes into the Zoning By-laws and Zoning Map, as printed in the Article 24 handout provided at Town Meeting.

Upon Motion of William Andrews, it was moved to question

**Moderator declared that a 2/3 majority is required**

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

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

**ARTICLE 26: G.L. c. 40A § 3A (MBTA ZONING) USES PERMITTED BY SPECIAL PERMIT AMENDMENT**

Upon motion of Kathy Robertson, it was moved the Town vote to pass over Article 26.

**Moderator declared the motion passed by majority**

**ARTICLE 27: ZONING BYLAW AMENDMENT – SECTION 300-7.6 ACCESSORY DWELLING UNITS**

Upon motion of Kathy Robertson, it was moved the Town vote to amend the Town of Upton Zoning By-laws, by amending the Town of Upton Zoning-Bylaws, Section 300-7.6 Accessory Apartments and Section 300-10.1 Definitions, with additions indicated by underline and deletions indicated by strikethrough, and to authorize the Town Clerk to make any necessary non-substantive corrections



including renumbering to incorporate these changes into the Zoning By-laws, as printed in the Article 24 handout provided at Town Meeting.

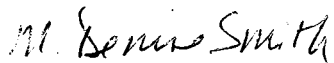
**Moderator declared the motion passed by 2/3 majority**

Upon motion of Kathy Robertson, it was moved to dissolve the warrant and adjourn the Special Town Meeting at 9:08 PM.

**Motion passed unanimously**

A True Copy.

Attest:

A handwritten signature in black ink that reads "M. Denise Smith". The signature is written in a cursive, flowing style.

M. Denise Smith  
Town Clerk