



**CERTIFICATION OF PROCEEDINGS  
THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF UPTON  
ANNUAL TOWN MEETING  
May 8, 2021**

Called to order at 9:00 am by Moderator David Loeper. The meeting was adjourned until 9:15 am.

During this meeting, 386 voters were checked in to the athletic field located at Nipmuc Regional Middle/High School by Tracey Tardy and M. Denise Smith, meeting the necessary quorum of 40 voters.

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

By unanimous vote, guests present were: Derek Brindisi, Town Manager; David Jenkins & Jared Collins, Town Counsel; Janice Nowicki, COA Director; Dennis Westgate, DPW Director; Mark DiFronzo, Fire Chief; Matthew Bachtold, Library Director; Kenny Costa, Town Accountant; Andrew St George, Recreation Director; Paul Dell'Aquila, Town Planner; Joseph Maruszczak, Superintendent, Maureen Cohen, Asst Superintendent MURSD; Michael Fitzpatrick, BVT; Paul Marchand, Town Employee; Peter & Libby Turowski, Architects; Steven Kirby, OPM; Linnea Lof, Lauren Young.

Moderator David Loeper detailed protocols for the Town Meeting. Meeting is being held outside due to COVID-19 protocols. Moderator announced he would be making each of the motions.

*Point of Order:*

Michelle Antinarelli asked some questions in regards to a reconsideration vote and other technical questions.

**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, 3, 4, 6, 8, 12B, and 12C.

**The Moderator declared the motion carried unanimously**

**Approval of Annual Town Report**

**ARTICLE 1: Unanimous consent:** voted the Town to accept reports of all Town Officers and Appointed Committees, as written in the 2019 Town Report.

## **FY2022 Budget**

**ARTICLE 2B:** Upon motion of David Loeper, it was moved the Town vote to fix the salaries and compensation of all officers of the Town as provided by Chapter 41, Section 108, M.G.L. as amended, and to raise and appropriate \$25,352,659.00 as necessary to defray expenses of the Town Departments for the ensuing year, as set forth in the document entitled “Finance Committee Report, Town of Upton, Massachusetts, Fiscal Year 2022 Budget Recommendation” for all those items not requested “hold”, and as amended, if applicable, by vote of Town Meeting for those items requested “hold”.

Favorable recommendation from Finance Committee

Following lines items were held: 433, 990.

**The Moderator declared the motion carried unanimously EXCEPT for held line items**

Upon motion of Paul Flaherty, it was moved to raise and appropriate the sum of \$120,000 for line item 433–Waste Removal - Disposal

**The Moderator declared the motion carried by unanimously**

Upon motion of Paul Flaherty, it was moved to raise and appropriate the sum of \$465,000 for line item 433 – Waste Removal – Curbside Services

**The Moderator declared the motion carried unanimously**

Upon motion of Paul Flaherty, it was moved to raise and appropriate the sum of \$100,000 for line item 990 – Other Financing Uses Transfers Out

**The Moderator declared the motion carried by majority**

## **Water Enterprise Budget**

**ARTICLE 3: Unanimous consent**, the Town voted to approve Article 3 as set forth in the warrant, appropriating funds to operate the Water Enterprise Fund for FY 2022.

Printed in Warrant: That the following sums be appropriated for the Water Enterprise Fund:

Wages & Salaries	\$ 271,350.00
Expenses	377,639.00
Capital Outlay	0.00
Debt	290,081.00
Extra/Unforeseen	50,000.00
<b>Total</b>	<b>\$989,070.00</b>

And that **\$989,070.00** be raised for such purposes as follows:

Department receipts	\$ 794,030.00
Retained Earnings	50,000.00
Tax Levy	145,040.00**
Free Cash	-0-

\*\* (NOTE: As raised and appropriated under Article 2)

## Wastewater Enterprise Budget

**ARTICLE 4** **Unanimous consent**, the Town voted to approve Article 4 as set forth in the warrant, appropriating funds to operate the Wastewater Enterprise Fund for FY 2022.

Printed in the Warrant: That the following sums be appropriated for the Wastewater Enterprise Fund:

Wage & Salaries	\$ 263,760.00
Expenses	364,167.00
Capital Outlay	100,000.00
Debt	10,537.00
Extra/Unforeseen	30,000.00
<b>Total</b>	<b>\$768,464.00</b>

And that **\$768,464** be raised for such purposes as follows:

Department receipts	\$633,196.00
Retained Earnings	130,000.00
Tax levy	5,268.00**
Free cash	-0-

\*\* (NOTE: As raised and appropriated under Article 2)

## Revolving Funds

**ARTICLE 5:** Upon motion of David Loeper, it was moved the Town voted to approve Article 5 as set forth in the warrant, establishing annual spending limits for FY2022 revolving funds established in Section 6 of Title 2, Chapter 25, 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 1/2)</b>	<b>Fiscal Year Expenditure Limit</b>
Board of Health “Curbside Waste and Recycling Fund”	\$15,000
Board of Health “Title V Fund”	\$10,000
Conservation Commission “Wetlands Revolving Fund”	\$20,000
Conservation Commission “Storm Water By- Law Fund”	\$7,000
Council on Aging 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	\$260,000
<b>Authorized Revolving Fund (G.L. c.60, §15B)</b>	<b>Fiscal Year Expenditure Limit</b>
Treasurer/Collector Tax Title	\$15,000

**Moderator declared the motion passed unanimously**

**PEG Access Funding**

**ARTICLE 6: Unanimous consent**, the Town voted to approve Article 6 as set forth in the warrant, raising and appropriating the total sum of \$72,270 to operate the PEG Access and Cable Related Fund for FY 2022.

Wages & Salaries	\$ 44,000.00
Expenses	3,200.00
Capital Outlay	20,000.00
Extra/Unforeseen	10,000.00
<b>Total</b>	<b>\$77,200.00</b>

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

Department receipts	\$77,200.00
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**MURSD Additional Funding**

**ARTICLE 7:** Upon motion of David Loeper, it was moved the Town vote to transfer from Free Cash the sum of Four Hundred Thirty-Six Thousand Four Hundred Ninety-Seven dollars (\$436,497), for the purposes of funding the Town's additional assessment from the Mendon Upton Regional School District for the fiscal year beginning July 1, 2021.

Unfavorable recommendation from Finance Committee

Upon motion of William Andrews, it was moved to question

Moderator declared a 2/3 majority is required

**Moderator declared the motion passed unanimously**

**Moderator declared the motion passed by majority**

**Chapter 90 Approval**

**ARTICLE 8: Unanimous Consent** the Town voted to approve Article 8 as set forth in the warrant, providing for the acceptance and expenditure of so-call Chapter 90 funds.

**ARTICLE 9: Withdrawn**

**ARTICLE 10:** Upon motion of David Loeper, it was moved the Town vote to transfer from

Free Cash the sum of fifty Thousand dollars (\$50,000) to fund the snow and ice deficit for FY 2021.

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

### **Community Center Funding**

**ARTICLE 11A:** Upon motion of David Loeper, it was moved the Town vote to authorize the transfer of \$800,000 from Free Cash and the borrowing of \$11,036,000 to be expended under the direction of the Board of Selectmen for the purpose of paying costs of the project management, site preparation, construction, equipping and furnishing a new Community Center building located at 0 Milford Street Map 201 Lot 053, including the payment of all incidental and related costs and authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum under M.G.L. Chapter 44, and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of the issuance of such bonds or notes, may be applied to payment of costs approved by this vote in accordance with G.L. c. 44 § 20 of the General Laws, thereby reducing the amount to be borrowed to pay such cost by a like amount; and further provided that this appropriation shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. Chapter 59, Section 21C (Proposition 2½).

Favorable recommendation from Finance Committee  
Unfavorable recommendation from Capital Budget

Upon motion of William Andrews, it was moved to question  
Moderator declared a 2/3 majority is required  
**Moderator declared the motion passed unanimously**

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

### **Shared Parking Lot Agreement**

**ARTICLE 11B:** Upon motion of David Loeper, it was moved the Town vote to authorize the Board of Selectmen to enter into a lease agreement or sign any other instruments with the VFW in accordance with the Shared Parking Agreement.

**Moderator declared the motion passed by majority**

### **Playground Funding from CPA**

**ARTICLE 12A:** Upon motion of David Loeper, it was moved the Town vote to transfer up to Five Hundred and Twenty Thousand dollars (\$520,000) from the Community Preservation Undesignated Fund Balance to fund the construction of a new playground with the new Community Center located at 0 Milford Street Map 201 Lot 053; including all expenses incidental and related.

Favorable recommendation from Finance Committee  
Favorable recommendation from Community Preservation Committee  
Favorable recommendation from Capital Budget

Upon motion of William Andrews, it was moved to question  
Moderator declared a 2/3 majority is required  
Moderator declared the motion passed unanimously

**Moderator declared the motion passed by majority**

#### **Reserve Account Funding for CPA**

**ARTICLE 12B: Unanimous consent**, the Town vote 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 FY21:

- Historic Resources Account - \$73,515
- Open Space Account - \$73,515
- Community Housing Account - \$73,515

#### **Administrative Funding for CPA**

**ARTICLE 12C: Unanimous consent**, the Town vote to act on the report of the Community Preservation Committee on the FY 2022 community preservation budget and appropriate the sum of \$15,000 from the Community Preservation Fund FY 2022 estimated annual revenues to the Community Preservation Committee Administrative Expense Account for all necessary and proper administrative expenses of the Committee for FY 2022.

#### **Town Hall Debt Payment**

**ARTICLE 12D: Upon motion of David Loeper**, it was moved the Town vote to transfer the sum of Two Hundred Sixty-Six Thousand Four Hundred Seventy-Eight dollars (\$266,478.00) from the Community Preservation Fund to meet the ninth-year payment of debt service owed on the General Obligation Town Hall Renovation Bonds.

Favorable recommendation from Finance Committee  
Favorable recommendation from Community Preservation Committee

**Moderator declared the motion passed unanimously**

#### **Open Space Reimbursement Funding**

**ARTICLE 12E: Upon motion of David Loeper**, it was moved the Town vote to transfer the sum of two hundred ten thousand two hundred forty-eight dollars (\$210,248) from the CPA Undesignated Fund to the CPA Open Space Reserve Account.

Favorable recommendation from Finance Committee  
Favorable recommendation from Community Preservation Committee

**Moderator declared the motion passed unanimously**

**Barbara Burke Bench CPA Funding**

**ARTICLE 12F:** Upon motion of David Loeper, it was moved the Town vote to transfer the sum of Two Thousand One Hundred dollars (\$2,100) from the CPA Undesignated Fund for the purpose of purchasing and installing a park bench in honor of Barbara Burke at Heritage Park.

Favorable recommendation from Finance Committee

Favorable recommendation from Community Preservation Committee

**Moderator declared the motion passed unanimously**

**Conservation Funding**

**ARTICLE 13:** Upon motion from David Loeper, it was moved the Town vote to transfer from Free Cash the sum of Five Thousand dollars (\$5,000) to supplement the Town's "Conservation Fund.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed unanimously**

**General Bylaws Renumbering**

**ARTICLE 14:** Upon motion of David Loeper, it was moved the Town vote to renumber and recaption the General Bylaws of the Town by (a) assigning a chapter/article number to each of the General Bylaws; (b) renumbering each section of each bylaw accordingly; (c) inserting chapter, article, section and subsection titles; and (d) updating internal references to reflect the new numbering system, all as set forth in the Final Draft of the Code of the Town of Upton dated April 2021, on file with the Town Clerk.

**Moderator declared the motion passed unanimously**

**Zoning Bylaws Renumbering**

**ARTICLE 15:** Upon motion of David Loeper, it was moved the Town vote to renumber and recaption the Zoning Bylaw of the Town by (a) designating the Zoning Bylaw as Chapter 300 of the Code of the Town of Upton; (b) renumbering each section and subsection of the bylaw accordingly; (c) inserting article, section and subsection titles; and (d) updating internal references to reflect the new numbering system, all as set forth in the Final Draft of the Code of the Town of Upton dated April 2021, on file with the Town Clerk.

Favorable recommendation from Planning Board

Moderator declared a 2/3 majority is required

**Moderator declared the motion passed unanimously**

### **Zoning Bylaws Codification Amendments**

**ARTICLE 16:** Upon motion of David Loeper, it was moved the Town vote to amend the Zoning By-law as set forth in the Summary of Zoning By-law Amendments on file with the Town Clerk.

Favorable recommendation from Planning Board  
Moderator declared a 2/3 majority is required

**Moderator declared the motion passed unanimously**

### **General Bylaws Codification Amendments**

**ARTICLE 17:** Upon motion of David Loeper, it was moved the Town vote to amend the General By-laws as set forth in the Summary of General By-law Amendments on file with the Town Clerk.

**Moderator declared the motion passed unanimously**

### **North St Property to BOS Authority**

**ARTICLE 18:** Upon motion of David Loeper, it was moved the Town vote to transfer the care, custody, management and control of the property shown below from the Town Treasurer for tax title purposes including sale at auction to the Board of Selectmen for general municipal purposes, for the purpose of conservation, and for the purpose of conveyance; and further, to authorize the Board of Selectmen to execute any and all instruments as may be necessary to effectuate the vote taken hereunder.

Description	Map	Lot
0 North Street	2	1
0 North Street	1	10
0 North Street	1	10.01

Moderator declared a 2/3 majority is required

**Moderator declared the motion passed unanimously**

### **Sign Zoning Bylaw Amendment**

**ARTICLE 19:** Upon motion of David Loeper, it was moved the Town vote to amend the Town's Zoning By-laws as printed in the Warrant under Article 19.

Favorable recommendation from Planning Board  
Moderator declared a 2/3 majority is required

**Moderator declared the motion passed unanimously**

**Purchase of DPW Truck**

**ARTICLE 20:** Upon motion of David Loeper, it was moved the Town vote to transfer from Water and Wastewater Retained Earnings the sum of Fifty-Five Thousand dollars (\$55,000), to purchase a replacement pickup including all expenses incidental and related.

Favorable recommendation from Finance Committee

Favorable recommendation from Capital Budget Committee

**Moderator declared the motion passed by majority**

**Purchase of Fire Records Management**

**ARTICLE 21:** Upon motion of David Loeper, it was moved the Town vote to transfer from Free Cash the sum of one Twenty-Four thousand dollars (\$24,000.00), to purchase fire records management system, for the Fire Department including all expenses incidental and related.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed unanimously**

**Purchase of Firefighter Gear**

**ARTICLE 22:** Upon motion of David Loeper, it was moved the Town vote to transfer from Free Cash the sum of Eleven thousand dollars (\$11,500.00), to purchase 3 sets of personal protective firefighter gear, including all expenses incidental and related.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

**Funding for Geese Management**

**ARTICLE 23:** Upon motion David Loeper, it was moved the Town will vote to transfer from Free Cash the sum of Seven Thousand dollars (\$7,000.00), to fund a Canada Geese Management program for Kiwanis Beach recreation area, and all expenses incidental and related.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed unanimously**

**ARTICLE 24:** Upon motion of David Loeper, it was moved to pass over Article 24.

**Moderator declared the motion passed unanimously**

**Azalea Lane Acceptance**

**ARTICLE 25:** Upon motion of David Loeper, it was moved the Town vote to accept as a public way the roadway known as Azalea Lane, shown on a plan entitled “Layout Plan of Azalea Lane ‘J.R. Estates’ Upton, Mass.,” dated August 22, 2019, prepared by Guerriere & Halnon, Inc., and on file with the Town Clerk, and authorize the Board of Selectmen 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.

Favorable recommendation from Planning Board

**Moderator declared the motion passed unanimously**

**Citizen Petition: Funding for Ramp for Risteen Building**

**ARTICLE 26:** Upon motion of David Loeper, it was moved the Town vote to fund from Free Cash and accessible ramp and entrance into the first floor of the Risteen Building in the amount of forty-five thousand dollars (\$45,000) to provide immediate access to the Upton Public Library.

Unfavorable recommendation from Finance Committee

Favorable recommendation from Capital Budget Committee

**Moderator declared the motion passed by majority**

**Citizen Petition: Funding for OPEB**

**ARTICLE 27:** Upon motion of David Loeper, it was moved the Town vote to annually budget and appropriate the Actuarial Determined Employer Amount for the Other Post-Employment Benefits Trust Fund (OPEB), which for FY21 is \$930,620.

Unfavorable recommendation from Finance Committee

Upon motion of Michelle Antinarelli, it was moved to table Article 27

Moderator declared a 2/3 majority is required

**Moderator declared the motion passed unanimously**

**Citizen Petition: Enact Term Limits**

**ARTICLE 28:** Upon motion of David Loeper, it was moved the Town vote to enact term limits on all elected offices for municipal positions, such that any and all elected officials serving terms from the date that this bylaw is enacted, serve no more than three successive terms, at which point the official may not run for or take office through a write-in campaign for the same office for the length of a full term for that same office.

Upon motion of William Andrews, it was moved to question

Moderator declared a 2/3 majority is required

**Moderator declared the motion passed unanimously**

**Moderator declared the motion lost**

**Citizen Petition: Enact Limits on Volunteers for Committees**

**ARTICLE 29:** Upon motion of David Loeper, it was moved the Town vote to enjoin the Board of Selectmen, Moderator and any other appointing authority to proactively prioritize the appointment of new candidates to uncompensated volunteer town committees or commission over reappointment of members who have served three consecutive terms on that same committee or commission.

Upon motion of William Andrews, it was moved to question

Moderator declared a 2/3 majority is required

**Moderator declared the motion passed unanimously**

**Moderator declared the motion lost.**

David Loeper, Town Moderator recited the following in regards from Town Meeting:

“Our town meeting of today is the end product of a continuous evolution in local government which has been going on uninterruptedly for well over 1500 years, of which the last 1000 are reasonably well documented. To understand town meetings fully, we should review this evolution. We will find that the town meeting has been perfected by trial and error over the centuries to become a nearly perfect medium by which individuals may exercise effective control over their immediate environments.”

Upon motion of John Robertson, it was moved to dissolve this warrant and adjourn the Annual Town Meeting at 12:59 pm.

**Motion passed unanimously.**

A True Copy.



Attest:

Kelly A. McElreath

Town Clerk