



# TOWN OF UPTON, MASSACHUSETTS

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## Town Clerk Office

**CERTIFICATION OF PROCEEDINGS  
THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF UPTON  
SPECIAL TOWN MEETING  
November 2, 2021**

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

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

During this meeting, 99 voters were checked in to the Nipmuc Regional Middle/High School by Tracey Tardy and M. Denise Smith meeting the necessary quorum of 40 voters.

By unanimous vote, guests present were: Jared Collins, Town Counsel, Derek Brindisi, Town Manager; Dennis Westgate, DPW Director; Matthew Bachtold, Library Director; Kenny Costa, Town Accountant; Janice Nowicki, COA Director; Paul Dell'Aquila, Town Planner, Brenda Crowell, Town Crier; State Representative David Muradian; Wayne Phipps, Maplewood Cemetery Trustee, Michael and Catherine Dunleavey.

### **Collective Bargaining Agreements Funding**

**ARTICLE 1:** Upon motion of Stephen Matellian, 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 agreement for a term beginning July 1, 2021, and ending on June 30, 2024, and with Mass Coalition of Police Local 162, such agreement for a term beginning July 1, 2021, and ending on June 30, 2024, as follows:

- raise and appropriate the sum of \$ 24,000 to the police department budget appropriated under Article 2B of the 2021 Annual Town Meeting;
- raise and appropriate the sum of \$ 8,238 to the public works department budget appropriated under Article 2B of the 2021 Annual Town Meeting;
- increase the Water Enterprise budget voted under Article 3 of the 2021 Annual Town Meeting by \$ 15,911, which shall be funded by water user fees, and
- increase the Wastewater Enterprise Budget voted under Article 4 of the 2021 Annual Town Meeting by \$15,310, which shall be funded by wastewater user fees.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed unanimously**

### **Acquire Maplewood Cemetery**

**ARTICLE 2A:** Upon motion of Stephen Matellian, it was moved the Town vote to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, for cemetery purposes, the fee simple interest in, a parcel of land, containing 20.2 acres, more or less, together with the buildings and improvements thereon, being Assessor's Map 024-017, located at 0 Maple Ave, described in a deed recorded with the Worcester Registry of Deeds as Plan Book 957 Plan 101, also known as Maplewood Cemetery,; 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.

Finance Committee recommended to move forward

Upon motion of Laura Hebb, it was moved to table the motion

Moderator declared a 2/3 majority is required

**Moderator declared the motion lost**

Upon motion of William Andrews, it was moved to question

Moderator declared a 2/3 majority is required

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

**Moderator declared the motion passed by majority**

### **Maplewood Cemetery Equipment Funding**

**ARTICLE 2B:** Upon motion of Brett Simas, it was moved the Town vote to transfer from Free Cash the sum of \$35,000.00 to fund the purchase and equipping of a 1-ton dump truck for use by the DPW Parks/Forestry/Cemetery Division primarily for, amongst other things, the upkeep and maintenance of Maplewood Cemetery, including all expenses incidental and related.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

### **DPW Personnel Funding for Maplewood Cemetery**

**ARTICLE 2C:** Upon motion of Brett Simas, it was moved the Town vote to raise and appropriate the sum of \$17,000 for the costs of salary and benefits for hiring a new full-time employee in the DPW from April 1, 2022, to June 30, 2022

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

**CPC Funding for Stonewall at Maplewood Cemetery**

**ARTICLE 2D:** Upon motion of Rena Richard, it was moved the Town vote to transfer the sum of \$40,000.00 from the Community Preservation Fund Historic Preservation Reserve Account to fund the repair of the stone wall at Maplewood Cemetery, including all expenses incidental and related.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

**Stabilization Funding**

**ARTICLE 3:** Upon motion of Paul Flaherty to transfer to the Stabilization Fund the sum of \$436,497 from the amounts previously appropriated under Article 7 of the 2021 Annual Town for the Mendon Upton Regional School District annual assessment, which funds are no longer needed for that purpose.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

**Bullet Proof Vest Funding**

**ARTICLE 4:** Upon motion of Maureen Dwinnell, it was moved the Town vote to transfer from Free Cash the sum of \$11,100.00 to purchase 10 bullet-proof vests, including all expenses incidental and related.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed unanimously**

**DPW Facility Design Funding**

**ARTICLE 5:** Upon motion of Richard McGuire, it was moved the Town will vote to transfer from the Capital Stabilization Account the sum of \$200,000 and to transfer an additional \$35,000 from Free Cash, for a total appropriation of \$235,000, to fund the procurement of 25% complete design documents and services (schematic design) for the proposed renovation and addition to the Public Works Facility building, and all incidental and related costs, and further to authorize the Board of Selectmen and appropriate Town officials to take all related actions necessary or appropriate to carry out the vote taken hereunder; such project to be managed by a DPW Building Committee appointed by the Board of Selectmen.

Moderator declared a 2/3 majority is required

Favorable recommendation from Finance Committee

Favorable recommendation from Capital Budget

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

### **Retention Database Funding**

**ARTICLE 10:** Upon motion of Kelly McElreath, it was moved the Town vote to transfer from Free Cash the sum of \$15,000.00 for the purpose of consolidating records at Town Hall and creating a database for retention purposes, including all expenses incidental and related.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

### **Election Funding for Additional Precinct**

**ARTICLE 11:** Upon motion of Kelly McElreath, it was moved the Town vote to transfer from Free Cash the sum of \$8,000.00 for the purchase of a model DS200 Scanner optical scan vote tabulation system, or its equivalent, and for other election materials for the use at Town Elections, including all expenses incidental and related.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

### **Funding for Town Hall Door Access**

**ARTICLE 12:** Upon motion of Kelly McElreath, it was moved the Town vote to transfer from Free Cash the sum of \$5,800 for the purpose of upgrading the door access program for the Town Hall; including all expenses incidental and related.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

### **Funding for Assessment Valuation Services**

**ARTICLE 13:** Upon motion of Kelly McElreath, it was moved that the Town vote to transfer from Free Cash the sum of \$23,585.00 to fund the contract for annual maintenance and reporting, interim year property valuation adjustments and quinquennial update, and certification of real and personal property valuations for the Assessor's office.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

### **Senior Tax Relief Special Legislation**

**ARTICLE 14:** Upon motion of William Taylor, it was moved the Town vote to authorize the Board of Selectmen to petition the General Court for enactment of special legislation to establish a senior citizen property tax exemption, as printed in the warrant under Article 14; provided, however, that the General Court may make

clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed unanimously**

*Printed in Warrant:*

**AN ACT AUTHORIZING THE TOWN OF UPTON TO ESTABLISH A MEANS TESTED SENIOR CITIZEN PROPERTY TAX EXEMPTION**

SECTION 1. With respect to each qualifying parcel of real property classified as class one, residential in the town of Upton, there shall be an exemption from the property tax in an amount to be set annually by the board of assessors of the town, as provided in section 3. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this act, "parcel" shall mean a unit of real property as defined by the board of assessors of the town under the deed for the property and shall include a condominium unit. The exemption provided for in this act shall be in addition to any other exemptions allowed under the General Laws.

SECTION 2. Real property shall qualify for the exemption pursuant to section 1 if: (i) the qualifying real property is owned and occupied by a person whose prior year's income would make the person eligible for the circuit breaker income tax credit pursuant to subsection (k) of section 6 of chapter 62 of the General Laws; (ii) the qualifying real property is owned by a single applicant age 65 or older at the close of the previous year or jointly by persons either of whom is age 65 or older at the close of the previous year, if the joint applicant is 60 years of age or older; (iii) the qualifying real property is owned and occupied by the applicant or joint applicants as their domicile; (iv) the applicant or at least 1 of the joint applicants has been domiciled and owned a home in the town of Upton for at least 10 consecutive years before filing an application for the exemption; (v) the assessed value of the qualifying real property is not greater than the prior year's maximum assessed value for qualification for the circuit breaker income tax credit pursuant to said subsection (k) of said section 6 of said chapter 62, as adjusted annually by the department of revenue; and (vi) the board of assessors has approved the application.

SECTION 3. The board of assessors of the town of Upton shall annually set the exemption amount provided for in section 1; provided that, the amount of the exemption shall match the amount of the circuit breaker income tax credit pursuant to subsection (k) of section 6 of chapter 62 of the General Laws for which the applicant qualified in the previous year. The total amount exempted by this act shall be allocated proportionally within the tax levy on all taxpayers.

SECTION 4. A person who seeks to qualify for the exemption pursuant to section 1 shall, before the deadline established by the board of assessors of the town of Upton, file an application, on a form to be adopted by the board of assessors, with the supporting documentation of the applicant's income and assets as described in the application. The application shall be filed each year for which the applicant seeks the exemption. The board of assessors may deny an application for an exemption pursuant to section 1 if they find the applicant has excessive assets that place the applicant outside the category of intended recipients of the exemption under this act.

SECTION 5. No exemption shall be granted under this act until the department of revenue certifies a residential tax rate for the applicable tax year where the total exemption will come out of the overlay account and borne by all taxpayers.

SECTION 6. The exemption provided for in this act shall expire 3 years after the effective date of this act.

SECTION 7. This act shall take effect upon its passage.

### **DPW Director 5 Year Contract Special Legislation**

**ARTICLE 15:** Upon motion of Maureen Dwinnell, it was moved the Town vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend Chapter 263 of the 1989 Acts and Resolves “An Establishing a Department of Public Works in the Town of Upton”, by amending the first paragraph of section 1 thereby allowing the hiring authority to enter into an employment contract with the director for a period not to exceed 5 years, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen 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 unanimously**

### **10 Wheel Dump Truck Funding**

**ARTICLE 16:** Upon motion of Maureen Dwinnell, it was moved the Town vote to transfer from Free Cash the sum of \$293,875 to fund the purchase and equipping a 10-wheel dump truck with a snowplow/spreader, including all expenses incidental and related.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

### **Road Funding**

**ARTICLE 18:** Upon motion of Brett Simas, it was moved the Town vote to transfer, for the construction and/or improvement of Town roads, the sum of \$169,583 from the amounts previously appropriated under Article 2B of the 2021 Annual Town Meeting for the Mendon Upton Regional School District annual assessment, which funds are no longer needed for that purpose.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

### **Aquatic Weed Control Funding**

**ARTICLE 19:** Upon motion of Stephen Matellian, it was moved the Town vote to transfer from Free Cash the sum of \$38,000 for the inspection, permitting, and aquatic

weed treatment at Lake Wildwood, Pratt, and Taft ponds, including all expenses incidental and related.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed by majority**

Upon motion of Russell Wood, it was moved to dissolve this warrant and adjourn the Special Town Meeting at 8:31 pm.

**Motion passed unanimously.**

A True Copy.

Attest:

A handwritten signature in black ink, appearing to read "Kelly A. McElreath". The signature is written in a cursive style and is contained within a light gray rectangular box.

Kelly A. McElreath  
Town Clerk