



TOWN OF UPTON, MASSACHUSETTS

Town Clerk Office

**CERTIFICATION OF PROCEEDINGS
THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF UPTON
SPECIAL TOWN MEETING
November 5, 2019**

Called to order at 7:00 pm by Moderator David Loeper. Meeting was recessed until 7:15 to allow voters to be checked in.

Board of Selectmen Chair, Steven Matellian, led the audience in the Pledge of Allegiance.

During this meeting, 324 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: Lauren Goldberg, Town Counsel, Derek Brindisi, Town Manager; Dennis Westgate, DPW Director; Matthew Bachtold, Library Director; Kenny Costa, Town Accountant; Janice Nowicki, COA Director; Mark DiFronzo, Fire Chief; Michelle Sanford, Town Crier; State Representative David Muradian; Devan Braun, KP Law; Tim Deschamps, Mosquito Control; Michael & Leigh Fallon, Jim Willitts, Luke Venable, Raymond Martin, Steve Sloan, Brayna Seligman, Gloria Profetto

Conservation Funding

ARTICLE 1: Upon motion of Brett Simas, 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

CPC Funding

ARTICLE 2A: Upon motion of Rena Richard, it was moved the Town vote to transfer from the Community Preservation Fund FY2020 estimated annual revenues the sums set forth below to the following Community Preservation Fund accounts to meet the requirements of M.G.L. c.44B, §6:

- Historic Resources Account \$47,200.
- Open Space Account \$47,200.
- Community Housing Account \$47,200

and to place any remaining FY 2020 estimated annual revenues in a so-called "FY2020 Undesignated Budgeted Reserve".

Favorable recommendation from Finance Committee/Community Preservation Committee

Moderator declared the motion passed unanimously

Town Hall Debt Funding

ARTICLE 2B: Upon motion of Steven Matellian, it was moved the Town vote to transfer the total sum of two hundred ninety-six thousand five hundred seventy-five dollars (\$296,575.00) from the Community Preservation Fund to meet the sixth year payment of debt service owed on the General Obligation Town Hall Renovation Bonds, with forty-seven thousand dollars (\$47,000.00) from the Historic Resources Account and two hundred forty-nine thousand five hundred seventy-five dollars (\$249,575.00) from the Community Preservation Undesignated Account.

Favorable recommendation from Finance Committee/Community Preservation Committee

Moderator declared the motion passed unanimously

Purchase of Conservation Restriction – Mechanic St

ARTICLE 2C: Upon motion William Taylor, it was moved to approve Article 2C as set forth in the warrant, and, as funding therefor, and for the cost and expenses associated with the acquisition, to transfer from the Community Preservation Fund Open Space Reserve the sum of \$410,715 provided, however, that the funds appropriated hereunder shall not be expended unless the Town is allotted a LAND grant from the Massachusetts Division of Conservation Services, or other grant program, or receives donations, totaling no less than \$234,429.

Unfavorable recommendation from Finance Committee/Capital Budget

Favorable recommendation from Community Preservation Committee

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 - Yes 187 / No 102

Purchase of 6 Main St

ARTICLE 3: Upon motion of Maureen Dwinnell, it was moved the Town vote to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, for general municipal purposes, a parcel of land, containing 0.17 acres, more or less, together with the buildings and improvements thereon, being Assessor's Map 201-074, located at 6 Main Street, and, transfer from Free Cash the sum of One Hundred Ninety-Five Thousand Dollars (\$195,000) for such purposes and all incidental and related expenses, including but not limited to demolition and site preparation; and further to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out the vote taken hereunder.

Favorable recommendation from Finance Committee/Capital Budget
Moderator declared a 2/3 majority is required

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

Municipal Community Center Bid Documents Funding

ARTICLE 4: Upon motion of Brett Simas, it was moved the Town vote transfer from Free Cash the sum of Seven Hundred Thousand Dollars (\$700,000) to fund the procurement, design development, construction documents and bidding phases of design for the proposed construction of a Municipal Community Center building, and further, that the Building Committee, appointed in accord with the Town Bylaws, under the direction of the Board of Selectmen, will at the conclusion of conceptual and schematic design phase meet with the Economic Development Committee, Finance Committee and Capital Budget Committee for review and recommendation to the Board of Selectmen for progression to the construction/bid document stage.

Favorable recommendation from Finance Committee/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 by 2/3 majority

Moderator declared the motion passed by majority

Upon motion of Michelle Antinarelli and seconded by 6 voters, a standing count was called
Moderator declared the motion passed by majority - Yes 215 / No 72

Purchase of Ambulance Laptops

ARTICLE 6: Upon motion of Steven Matellian, it was moved the Town vote to transfer from Free Cash the sum of Twelve Thousand dollars (\$12,000), to be used for the purchase of two replacement ambulance laptops and related equipment, including all incidental and related expenses.

Favorable recommendation from Finance Committee

Moderator declared the motion passed unanimously

Funding for Treasurer/Collector Personnel

ARTICLE 7: Upon motion of Ken Glowacki, it was moved the Town vote to raise and appropriate the sum of Nine Thousand Five-Hundred dollars (\$9,500), to fund the payroll expenses of a Department Assistant position for the Treasurer/Collector's Office.

Favorable recommendation from Finance Committee

Moderator declared the motion passed unanimously

Prior Year Invoice Payments

ARTICLE 8: Upon motion of Ken Glowacki, the Town vote to raise and appropriate the following sums of money to pay certain unpaid bills of a prior fiscal year:

- Deputy Collector Services- \$221.52
- Public Works Expenses- \$267.27

Favorable recommendation from Finance Committee

Moderator declared the motion passed unanimously

Grant Match for Purchase of Cardiac Monitors

ARTICLE 9: Upon motion of Steven Matellian, it was moved the Town vote to transfer from Free Cash the sum of Three Thousand Seven Hundred Ten dollars (\$3,710), for the purchase of two (2) cardiac monitors/defibrillators, including all incidental and related expenses.

Favorable recommendation from Finance Committee

Moderator declared the motion passed unanimously

IT Additional Funding

ARTICLE 10: Upon motion of Kelly McElreath, it was moved the Town vote to raise and appropriate the sum of Seven Thousand Five-Hundred dollars (\$7,500), for the purpose of providing Information Technology (IT) support services related to the security, support and maintenance of the Town's computers, servers, website, e-mail and related IT infrastructure, including all expenses incidental and related.

Favorable recommendation from Finance Committee

Moderator declared the motion passed unanimously

Funding for additional Personnel – Water/Wastewater Dept

ARTICLE 11: Upon motion of Steven Matellian, it was moved the Town vote to transfer from the Retained Earnings of both the Wastewater Division and of the Water Division, the sum of Thirty Thousand One Hundred Ninety-Two dollars (\$30,192), for a total appropriation of \$60,384, to fund the salary and benefits of one (1) additional operator to be shared between the Water & Wastewater Divisions.

Favorable recommendation from Finance Committee

Moderator declared the motion passed unanimously

Fowler Street Bridge Funding

ARTICLE 13: Upon motion of Maureen Dwinnell, it was moved the Town vote to transfer from the Water Division's Retained Earnings, the sum of One Hundred Twenty-Two Thousand dollars (\$122,000), to fund the Fowler Street Bridge Replacement Water Main Extension and associated work, including all incidental and related expenses

Favorable recommendation from Finance Committee

Moderator declared the motion passed unanimously

Electronic Voting Bylaw Change

ARTICLE 14: Upon motion of Michelle Antinarelli, it was moved the Town vote to amend Title II, Chapter 1, Section 11 of the Town of Upton General Bylaws as set forth in Article 14 of the 2019 Special Town Meeting Warrant.

Unfavorable recommendation from Finance Committee

Upon motion of Michelle Antinarelli, it was moved to address Article 14 by a secret ballot

Moderator declared this motion lost.

Upon motion of William Andrews, it was moved to table question

Moderator declared a 2/3 majority is required

Moderator declared the motion passed by 2/3 majority Yes – 173 / No - 51

Establish PEG Fund

ARTICLE 15: Upon motion of Steven Matellian, it was moved to accept the provisions of General Laws Chapter 44, Section 53F3/4, establishing a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation by Town Meeting to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2021 which begins on July 1, 2020, and, further to transfer any PEG Access and Cable-related receipts on the Town's books as of close of business on June 30, 2020 to said fund.

Favorable recommendation from Finance Committee

Moderator declared the motion passed unanimously

UCBD Zoning Bylaw Change

ARTICLE 16: Upon motion of Eugene Bernat, it was moved vote to amend the Town of Upton Zoning Bylaws and Map to include a new district called the Upton Center Business District ("UCBD") as set forth in the Article 16 handout entitled "Proposed Upton Center Business Center District and Map," dated October 31, 2019, but excluding from the UCBD the two landlocked properties on Grove Street identified as lot #0 and #11. and to amend the following sections of the Zoning By-Laws:

- Section 2.0 – Districts: by establishing a new Zoning District entitled “Upton Center Business District (UCBD)”;
- Section 2.2 Map: by amending the official Upton Zoning Map (1978 revised June 2008) to include the proposed Upton Center Business District.
- Section 3.0 – Use Regulations: by amending Table A – Table of Principal Uses by District and Notes to Table A to include the proposed Upton Center Business District.
- Section 4.0 – Dimensional Regulations: by amending Table C: General Business and Commercial & Industrial District Lots and Notes for Table B through Table D to include the proposed Upton Center Business District.
- Section 5.0 – General Regulations: by adding a new Section 5.10.6 Parking By-law for Upton Center Business District.
- Section 6.5.3 (2): by adding the Upton Center Business District to the list of districts where drive-thru establishments are allowed by Special Permit.
- Section 10 – Definitions; by adding “Mixed-use facility” as set forth in the document entitled, “Proposed Upton Center Business District and Map” dated October 31, 2019, as made available at Special Town Meeting November 5, 2019.

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

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 majority

Moderator declared the motion passed by 2/3 majority Yes – 149 / No – 34

Mosquito Control

ARTICLE 17: Upon motion of Richard Desjardins, it was moved the Town vote to become a member in the Central Massachusetts Mosquito Control Project, pursuant to Massachusetts General Laws Chapter 252, Section 5A, effective July 1, 2020.

Favorable 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 lost

Stabilization Funding

ARTICLE 18: Upon motion of Paul Flaherty, it was moved the Town vote to transfer from Free Cash the sum of five-hundred thousand dollars (\$500,000.00) to the Stabilization Fund.

Favorable recommendation from Finance Committee

Moderator declared the motion passed by majority

General Bylaw Change – Plastic Ban

ARTICLE 19: Upon motion of Marcella Stasa, it was moved the Town to amend the Town of Upton General Bylaws as set forth in Article 19 of the 2019 Special Town Meeting Warrant.

Moderator declared the motion passed by majority

General Bylaw Change – Styrofoam Ban

ARTICLE 20: Upon motion of Marcella Stasa, it was moved the Town vote to amend the Town of Upton General Bylaws as set forth in Article 20 of the 2019 Special Town Meeting Warrant provided however that the date in Section 4.2 should read June 30, 2020.

Moderator declared the motion passed unanimously

Increased Land Stewardship Revolving Spending Limit

ARTICLE 21: Upon motion of Brett Simas, it was moved the Town vote to approve Article 21 as set forth in the warrant, amending the annual spending limit for FY 2020 “Land Stewardship” revolving fund established in Section 7 of Title 2, Chapter 25, of the General Bylaws.

Favorable recommendation from Finance Committee

Moderator declared the motion passed unanimously

Upon motion of John Robertson, it was moved to dissolve this warrant and adjourn the Special Town Meeting at 11:27 pm.

Motion passed unanimously.

A True Copy.

Attest:

Kelly A. McElreath
Town Clerk