



TOWN OF UPTON, MASSACHUSETTS

Town Clerk Office

CERTIFICATION OF PROCEEDINGS THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF UPTON SPECIAL TOWN MEETING November 13, 2018

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

Board of Selectmen Chair, Gary Daugherty, led the audience in the Pledge of Allegiance.

During this meeting, 146 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; Paul Marchand, Town Employee; Dennis Westgate, DPW Director; Matthew Bachtold, Library Directory; Kenny Costa, Town Accountant; Janice Nowicki, COA Director; Mark DiFronzo, Fire Chief; Michelle Sanford, Town Crier; Scott Calzolaio, Milford Dairy News; State Representative David Muradian; Chelsea Westgate; Pamela Goodwin, James Willitts, Tom Smart, Laurey Savick

Funding for Stabilization

ARTICLE 1: 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

CPA Funding for Preservation Accounts

ARTICLE 2A: Upon motion of Rena Richard, it was moved the Town vote to transfer from the Community Preservation Fund FY2019 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 - \$43,488.57
- Open Space Account - \$43,488.57
- Community Housing Account - \$43,488.57

and to place any remaining FY 2019 estimated annual revenues in a so-called “FY2019 Undesignated Budgeted Reserve”.

Favorable recommendation from Finance Committee and Community Preservation Committee

Moderator declared the motion passed unanimously

Funding for Town Hall Renovation Debt Payment

ARTICLE 2B: Upon motion of Rena Richard, it was moved the Town vote to transfer the total sum two hundred ninety-one thousand nine hundred seventy-five dollars (\$291,975.00) 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-three thousand four hundred eighty-eight dollars and fifty-seven cents (\$43,488.57) from the Historic Resources Account and two hundred forty-eight thousand four hundred eighty-six dollars and forty-three cents (\$248,486.43) from the Community Preservation Undesignated Account.

Favorable recommendation from Finance Committee and Community Preservation Committee

Moderator declared the motion passed unanimously

CPA Funding for Historic Resource Administration

ARTICLE 2C: Upon motion of Rena Richard, it was moved the Town vote to transfer the sum of ten thousand dollars (\$10,000.00) from the CPA Historic Resources Reserve Account for costs to professionally document historically significant properties that are 75 years or older, including properties that may be at high risk for demolition; such funds to be expended within five years with any sum remaining at the end of that period to be closed out to the CPA Historic Resources Reserve; with the Upton Historical Commission to submit annual reports to the Community Preservation Committee at the end of each fiscal year.

Favorable recommendation from Finance Committee and Community Preservation Committee

Moderator declared the motion passed by majority

Funding for DPW Supervisor Union Contract

ARTICLE 4: Upon motion of Brett Simas, it was moved the Town vote to raise and appropriate the sum of Five Thousand dollars (\$5,000) to fund and implement the cost items of the first fiscal year of the collective bargaining agreement between the Town of Upton and the Teamsters, Local #170, Department of Public Works Supervisor's contract.

Favorable recommendation from Finance Committee

Moderator declared the motion passed by majority

Funding for Debt Payment

ARTICLE 5: Upon motion of Ken Glowacki, it was moved the Town vote to raise and appropriate the sum of ten thousand two hundred sixty-five dollars (\$10,265), to pay for interest costs associated with the issuance of the \$1.76 million-dollar TIP, Quint and bridge Bond Anticipation Note (BAN).

Favorable recommendation from Finance Committee

Moderator declared the motion passed unanimously

Funding for Police Station Roof Replacement

ARTICLE 6: Upon motion of Steven Matellian, it was moved the Town vote to transfer from Free Cash the sum of four hundred ten thousand dollars (\$410,000.00), for the design, project oversight and replacement of the Upton Police Station roof and HVAC system, including all expenses incidental and related.

Favorable recommendation from Finance Committee and Capital Budget Committee

Moderator declared the motion passed by majority

Funding for Fire Station Roof Repair

ARTICLE 7: Upon motion of Steve Matellian, it was moved the Town vote to raise and appropriate the sum of one hundred thousand dollars (\$100,000.00) for the design, project oversight and repair of the Upton Fire Station roof, including all expenses incidental and related.

Favorable recommendation from Finance Committee and Capital Budget Committee

Moderator declared the motion passed by majority

Moderator allowed attendees to discuss the following 4 articles in regard to Marijuana Zoning bylaws. Presentation was made and questions were asked.

Upon motion of Michael Bradley, it was moved the Town vote to move Article 8C out of order.

Moderator declared the motion passed by majority

Zoning Change – Marijuana Bylaw

ARTICLE 8C: Upon motion of Brett Simas, it was moved that the Town vote to amend the Zoning By-laws to prohibit all types of adult-use (recreational) marijuana establishments in the Town of Upton, by deleting the text and title of said section in its entirety and inserting in place thereof a new Section 6.7, “Adult-Use Marijuana Establishments Prohibited”, and, further, to provide for an extension of the temporary moratorium on such establishments to allow for the required ballot question to be presented to the voters at an election, all as set forth in the handout entitled, “November 13, 2018 Special Town Meeting – Article 8C, Adult-Use Marijuana Establishments Prohibited”.

Planning Board is favorable to zoning action voted by Town Meeting

Moderator declared a 2/3 majority is required

Moderator declared the motion lost

Zoning Change – Marijuana Bylaw

ARTICLE 8A: Upon motion of Brett Simas, it was moved the Town vote to amend Section 6.7 of the Zoning By-laws to prohibit retail sales of adult-use (recreational) marijuana in the Town of Upton, and to create two new Marijuana Overlay Districts allowing certain other types of marijuana establishments, as that term is defined in G.L. c.94G, §1, to be located in the existing C&I districts, and to amend the Zoning Map accordingly, and, further, to provide for an extension of the temporary moratorium on such establishments to allow for the required ballot question to be presented to the voters at an election, all as set forth in the handout entitled, “November 13, 2018 Special Town Meeting – Article 8A, Prohibition of Retail Marijuana Establishments, Creation of Marijuana Overlay Districts, and Regulation of Other Types of Marijuana Establishments”.

Upon motion of Michael Bradley, it was moved to amend the motion to delete zoning of Manufacturing and Laboratories from MOD West Zones and to authorize the Town Clerk to make changes to the text to accomplish this amendment and additionally to make ministerial changes in numbering.

Moderator declared the amendment passed by majority

Upon motion of James Floyd, 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 amended motion passed by 2/3 vote

ARTICLE 8B: Upon motion of Gary Daugherty, it was moved to pass over Article 8B

Moderator declared the motion passed unanimously

ARTICLE 8D: Upon motion of Gary Daugherty, it was moved to pass over Article 8D

Moderator declared the motion passed unanimously

Acceptance of MGL Chapter 59 5N – Veterans Work Off Program

ARTICLE 9: Upon motion of Gary Daugherty, it was moved the Town vote to accept the provisions of M.G.L. Chapter 59, §5N, entitled, “Reduction of Property Tax Obligation of Veteran in Exchange for Volunteer Services” for the purpose of establishing a Veterans Tax Work Off program.

Moderator declared the motion passed unanimously

General Bylaw Change – Street Numbering

ARTICLE 10: Upon motion of Gary Daugherty, it was moved the Town vote to amend Title II

Chapter 14 Street Numbering of the General By law by inserting the underlined and deleting the strikethrough, as set forth in Article 10 of the 2018 Special Town Meeting Warrant.

Moderator declared the motion passed unanimously

General Bylaw Change – Historically Significant Buildings

ARTICLE 11: Upon motion of Don Spargo, it was moved the Town vote to amend Title 8 of the General Bylaws, Preservation of Historically Significant Buildings, as set forth in the handout entitled “November 13, 2018 Special Town Meeting- Amendments to Title 8 Preservation of Historically Significant Buildings”.

Moderator declared the motion passed by majority

General Bylaw Change – Revolving Funds

ARTICLE 12: Upon motion of Steve Matellian, it was moved the Town vote to amend Title II Chapter 25 of the General Bylaws, Revolving Funds, by inserting a new Section 9 as set forth in Article 12 of the 2018 Special Town Meeting Warrant.

Moderator declared the motion passed by majority

Adoption of New Personnel Bylaw

ARTICLE 13: Upon motion of Nate Fischer, it was moved the Town vote to amend the Personnel Bylaw as set forth in the handout entitled, “November 13, 2018 Special Town Meeting -Consolidated Personnel By Law 2018”.

Moderator declared the motion passed by majority

General Bylaw Change – Stipend Elected Official

ARTICLE 14: Upon motion of Nate Fischer, it was moved the Town vote to amend Title II Chapter 2 of the General By-laws by inserting a new Section 2A, entitled, “Compensation of Elected Officials”, as set forth in Article 14 of the 2018 Special Town Meeting Warrant.

Moderator declared the motion passed unanimously

Funding to Continue DPW Feasibility Study

ARTICLE 16: Upon motion of Brett Simas, it was moved the Town vote to raise and appropriate the sum of Twelve Thousand Five Hundred dollars (\$12,500.00), for new design options for an upgraded public works facility, including all expenses incidental and related.

Favorable recommendation from Finance Committee

Moderator declared the motion passed by majority

Funding for New IT Vendor

ARTICLE 18: Upon motion of Don Spargo, it was moved the Town vote to raise and appropriate the sum of Forty Thousand dollars (\$40,000.00), for purpose of providing Information Technology (IT) support services related to the security, support and maintenance of the Town's computers, servers, web site, email and related IT infrastructure, including all expenses incidental and related.

Favorable recommendation from Finance Committee

Moderator declared the motion passed by majority

Funding for Assessor Software

ARTICLE 21: Upon motion of Kelly McElreath, it was moved the Town vote to transfer to raise and appropriate sum of fifteen thousand dollars (\$15,000.00), to purchase the upgrade software for the AssessPro, including all expenses incidental and related.

Favorable recommendation from Finance Committee

Moderator declared the motion passed unanimously

Amendment to Town Manager's Act

ARTICLE 24: Upon motion of Gary Daugherty, it was moved the Town vote to authorize the Board of Selectmen to petition the General Court to amend Sections 3 and 4 of Chapter 391 of the Acts of 2008, entitled, "An Act Establishing the Office of Town Manager in the Town of Upton", as set forth in Article 24 of the 2018 Special Town Meeting Warrant, with strikethrough text to be deleted and underlined text to be inserted; 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 61 Yes – 54 No

Funding for Community Center Feasibility Study

ARTICLE 25: Upon motion of Bill Taylor, it was moved the Town vote to raise and appropriate sum of fifty-thousand dollars (\$50,000.00), for preparation of conceptual designs for a municipal community center to consist of a public library, senior center and, possibly, other municipal services, as well as renderings for a short-term and long-term phased downtown revitalization plan, including all expenses incidental and related.

Favorable recommendation from Finance Committee and Capital Budget Committee

Moderator declared the motion passed by majority

Authorize Selectmen to sell/lease/transfer Risteen Building

ARTICLE 26: Upon motion of Steven Matellian, it was moved the Town vote to authorize the Board of Selectmen to sell or lease or transfer such land or building commonly known as the Risteen Building or Public Library, located at 2 Main Street, and shown as Assessors' Map 201-073, for such sum and upon such conditions determined by the Board of Selectmen, pursuant to G.L. c. 30B, and to authorize the Board of Selectmen to execute any and all instruments, including deeds, leases or other agreements and take all other actions necessary or appropriate to effectuate the vote taken hereunder.

Favorable recommendation from Finance Committee and Capital Budget Committee

Upon motion of John Robertson, it was moved the pending motion be amended by adding the following words after Assessors' map 201-073: "upon the condition that a new library building recommended by the Board of Library Trustees is constructed or relocated and"

Moderator declared the amendment passed by majority

Upon motion of Steven Matellian, it was moved the Town vote to table Article 26.

Moderator declared a 2/3 majority is required

Moderator declared the motion passed by 2/3 majority

ARTICLE 27: Upon motion of Gary Daugherty, it was moved to pass over Article 27

Moderator declared the motion passed by majority

Funding for Water & Wastewater Comprehensive Assessment and Analysis

ARTICLE 28: Upon motion of Gary Daugherty, it was moved the Town will vote to transfer from the Water Enterprise Fund Retained Earnings a sum of One-Hundred One-Thousand Seven Hundred fifty dollars (\$101,750) and from the Waste Water Enterprise Fund Retained Earnings a sum of One-Hundred Eighteen-Thousand Two Hundred Fifty dollars \$118,250 for a total sum of Two Hundred Twenty Thousand dollars (\$220,000), for a Department of Public Works Water & Wastewater Comprehensive Assessment and Analysis, including all expenses incidental and related.

Favorable recommendation from Finance Committee and Capital Budget

Moderator declared the motion passed by majority

Upon motion of Gary Daugherty, it was moved to reconsider Article 27.

Moderator declared the motion passed lost

John Robertson addressed the voters to honor William Young who passed away this past year. Mr. Young would attend Town Meetings and had the primary responsibility to adjourn and dissolve the warrant for every Town Meeting he attended. Moderator asked for a moment of silence.

Upon motion of John Robertson, it was moved to dissolve this warrant and adjourn the Special Town Meeting at 10:37 pm.

Motion passed unanimously.

A True Copy.

Attest:

Kelly A. McElreath
Town Clerk