



TOWN OF UPTON, MASSACHUSETTS

Town Clerk Office

**CERTIFICATION OF PROCEEDINGS
THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF UPTON
SPECIAL TOWN MEETING
November 14, 2017**

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

Board of Selectmen Chair, Robert Fleming, led the audience in the Pledge of Allegiance.

During this meeting, 170 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; Vincent Roy, DPW Director; Matthew Bachtold, Library Director; Kenny Costa, Town Accountant; Janice Nowicki, COA Director; Andrew St. George, Recreation Director; Michelle Sanford, Town Crier; Boy Scouts: Eric Rapiejko, Darnel Fransen, Sean Hurley and Justin Fransen

General Bylaw – Revolving Funds change

ARTICLE 1: Upon motion of Gary Daugherty, it was moved the Town vote to amend Title II Chapter 25 Revolving Funds of the General Bylaws by inserting Section 8 as written on the 2017 Special Town Meeting Warrant.

Moderator declared the motion passed unanimously

Funding for Previous Fiscal Year Bills

ARTICLE 2: Upon motion of Kenneth Glowacki, it was moved the Town vote to transfer from Free Cash the sum of Ten- thousand dollars (\$10,000) to pay bills of a prior fiscal year pursuant to MGL Ch 44, Sec 64.

Favorable recommendation from Finance Committee

Moderator declared the motion passed unanimously

Zoning Moratorium – Recreation Marijuana

ARTICLE 3: Upon motion of Robert Fleming, it was moved the Town vote to amend the Town's Zoning Bylaw by adding a new Section 6.7, TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS as written on the 2017 Special Town Meeting Warrant.

Favorable recommendation from Planning Board

Upon motion of Bill Andrews, it was moved to question
Moderator declared this motion requires a 2/3 majority
Moderator declared this motion failed

Moderator declared this motion requires a 2/3 majority

Moderator declared the motion passed by 2/3 majority

Funding for Breathing Air Compressor

ARTICLE 4: Upon motion of Aaron Goodale, it was moved the Town vote to transfer from Free Cash the sum of Twenty-Eight thousand dollars (\$28,000.00), for the purchase of a breathing air compressor for the Fire Department.

Favorable recommendation from Finance Committee and Capital Budget

Moderator declared the motion passed unanimously

Funding for Planning Services

ARTICLE 5: Upon motion of Gary Bohan, it was moved the Town vote to transfer from Free Cash the sum of Nine-Thousand Seventy Hundred-Fifty dollars (\$9,750.00), for the Planning Board to participate in the Central Massachusetts Regional Planning Commission (CMRPC) Planning Board Assistance Program.

Favorable recommendation from Finance Committee

Moderator declared the motion passed unanimously

Funding for TIP Required Easements

ARTICLE 6: Upon motion of Gary Daugherty, it was moved the Town vote to authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain and upon such terms and conditions as it deems appropriate, such temporary and permanent easements for highway, utility, and other purposes in lands along Hartford Ave North, High Street and Hopkinton Road, as are needed to carry out the proposed reconstruction/improvement of said Hartford Ave North, High Street and Hopkinton Road in the locations more or less shown on the right-of-way plan prepared for such Project, and to transfer from Free Cash the sum of One Hundred and Eighty-One thousand dollars (\$181,000), as may be required for the acquisition of the aforesaid interests.

Favorable recommendation from Finance Committee

Upon motion of Robert Fleming, it was moved to lay the motion on the table
Moderator declared the motion lost

Upon motion of Robert Fleming, it was moved to question
Moderator declared this motion requires at 2/3 majority
Moderator declared this motion passed unanimously

Moderator declared this motion requires a 2/3 majority

Moderator declared the motion passed by 2/3 majority

Funding for Consultant for TIP

ARTICLE 7: Upton Motion of Stephen Matellian, it was moved the Town vote to transfer from Free Cash the sum of Twenty-Five Thousand dollars (\$25,000.00), to hire a consultant including all expenses incidental and related to manage the Transportation Improvement Project.

Favorable recommendation from Finance Committee

Moderator declared the motion passed unanimously

Funding for Library Building Repairs

ARTICLE 8: Upon motion of John Robertson, it was moved the Town vote to transfer from the Library Wages line item the sum Four thousand dollars (\$4,000) to the Maintenance line item to be used for repair and preventative maintenance of the Knowlton-Risteen.

Favorable recommendation from Finance Committee

Moderator declared the motion passed unanimously

CPC Funding of Required Funds

ARTICLE 9: Upon motion of Rena Richards, it was moved the Town vote to transfer from the Community Preservation Fund FY2018 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 \$41,083.67
- Open Space Account \$41,083.67
- Community Housing Account \$41,083.67

and to place any remaining FY 2018 estimated annual revenues in a so-called "FY2018 Undesignated Budgeted Reserve".

Favorable recommendation from Finance Committee and CPC

Moderator declared the motion passed unanimously

Funding for Town Hall Bond Payment

ARTICLE 10: Upon motion of Rena Richards, it was moved the Town vote to transfer the total sum of two hundred ninety-two thousand one hundred seventy-five dollars (\$292,175.00) from the Community Preservation Fund to meet the fifth year payment of debt service owed on the General Obligation Town Hall Renovation Bonds, with forty one thousand eighty-three dollars and sixty-seven cents (\$41,083.67) from the Historic Resources Account and two hundred fifty-one thousand ninety-one dollars and thirty-three cents (\$251,091.33) from the Undesignated Account.

Favorable recommendation from Finance Committee and CPC

Moderator declared the motion passed unanimously

Establishment of Commission of Disability

ARTICLE 11: Upon motion of Gary Daugherty, it was moved the Town vote to accept the provisions of MGL Chapter 40 Section 8J and amend the General Bylaws as printed on the Warrant.

Moderator declared the motion passed unanimously

General Bylaw change of Town Election – Meeting Date

ARTICLE 12: Upon motion of Robert Fleming, it was moved the Town vote to amend Title II, Chapter One of the General By-laws, Town Meetings, by inserting the underlined language and deleting the strikethrough language, as written in the 2017 Special Town Meeting Warrant.

Moderator declared the motion passed unanimously

General Bylaw – Selectmen Accept Land Donations

ARTICLE 13: Upon motion of Stephen Matellian, it was moved the Town vote to authorize the Board of Selectmen to accept gifts of land for such purposes, and upon such terms and conditions, as it deems appropriate; including but not limited to a property to be donated by Mr. Desjardins on Brooks St and Mr. Porter on Shore Dr. and further, to memorialize such general authority, to amend the Town Bylaws by inserting a new section Title 2, Chapter 2, Section 12 for such purposes, as written in the 2017 Special Town Meeting Warrant.

Moderator declared the motion passed unanimously

CPC Funding for Kiwanis Parking ADA Compliant

ARTICLE 14: Upon motion of Rena Richards, it was moved the Town vote transfer Twenty-Five Thousand Dollars (\$25,000) from the Community Preservation Undesignated Fund Balance to make the Kiwanis Recreation area more functional for its intended use, in particular, to make the walkway leading to the upper parking lot adjacent to the soccer field compliant with the Americans with

Disabilities Act and the regulations of the Massachusetts Architectural Access Board.

Favorable recommendation from Finance Committee, Capital Budget and CPC

Moderator declared the motion passed unanimously

CPC Funding for Historic Schoolhouse

ARTICLE 15: Upon motion of Joan Burrill, it was moved Town will vote to transfer Ten-Thousand Dollars \$10,000 from the Community Preservation Open Space Account for the preservation and rehabilitation of the historic Schoolhouse #6 and site thereof located on North Street, including but not limited to the prevention of further damage to the stone foundation and retaining walls by removing trees and snags.

Favorable recommendation from Finance Committee and CPC

Moderator declared the motion passed by majority

Funding for Town Clerk Wage Increase

ARTICLE 16: Upon motion of Gary Daugherty, it was moved the Town vote to vote to raise and appropriate the sum of Fifteen- thousand dollars (\$15,000) to the Town Clerk's wages line item in the FY2018 operating budget for the purposes of restructuring the role and responsibilities of the Town Clerk

Favorable recommendation from Finance Committee

Moderator declared the motion passed by majority

Funding for Conservation Fund

ARTICLE 17: Upon motion of Mike Penko, it was moved the Town vote to transfer from Free Cash the sum the sum of Five-Thousand dollars (\$5,000.00), for a supplemental appropriation to the Conservation Fund.

Favorable recommendation from Finance Committee

Moderator declared the motion passed unanimously

Remove Parcel from Tax Title to Selectmen Control

ARTICLE 18: Upon motion of Stephen Matellian, it was moved the Town vote to transfer the care, custody, management and control of the property shown in the warrant under Article 18 from the Town Treasurer for tax title purposes including for sale at auction to the Board of Selectmen for general municipal purposes and for the purposes of sale and to authorize the Board of Selectmen to sell such land or interests therein; provided, further that said property shall be subject to an easement for public access to pass and repass, from Westborough Road to the

Upton State Forest, identified as 0 Westborough Road and being Assessor's Map 2, Parcel 56; and further to authorize the Board of Selectmen to execute any and all instruments as may be necessary to effectuate the vote taken hereunder.

Upon motion of Glenn Fowler, it was moved to delete the following: *provided, further that said property shall be subject to an easement for public access to pass and repass, from Westborough Road to the Upton State Forest*

Moderator declared amendment lost

Moderator declared the vote as 96 Yes and 35 No

Moderator declared motion passed by 2/3 majority

ARTICLE 19: Upon motion of Robert Fleming, it was moved to pass over Article 19

Moderator declared the motion passed unanimously

Purchase of 3 Milford St (Holy Angels)

ARTICLE 20: Upon motion of Robert Fleming, it was moved the Town to transfer from Free Cash the sum of One-Hundred-Fifty-Two Thousand dollars (\$152,000.00), and transfer the sum of Thirty-Five Thousand dollars from Article 24 of the 2017 Annual Town Meeting, for the purchase of 3 Milford Street for general municipal purposes, and to authorize the Board of Selectmen to execute instruments and take such other action as may be necessary to carry out the vote taken hereunder.

Favorable recommendation from Finance Committee and Capital Budget

Upon motion of Bill Andrews, it was moved to question

Moderator declared this motion requires a 2/3 majority

Moderator declared this motion passed unanimously

Moderator declared the motion passed by 2/3 majority

Change in the Town Manager Act

ARTICLE 21: Upon motion of Dan Lazarz, it was moved the Town will vote to authorize the Board of Selectmen to **petition** the General Court to amend various sections of Chapter 391 of the Acts of 2008 "An act establishing the office of Town Manager in the Town of Upton", as written in the 2017 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.

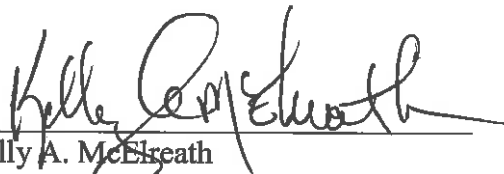
Moderator declared the motion passed unanimously

Upon motion of John Robertson, it was moved to dissolve this warrant and adjourn the Special Town Meeting at 10:20 pm.

Motion passed unanimously.

A True Copy.

Attest:



Kelly A. McElreath
Town Clerk

