



**CERTIFICATION OF PROCEEDINGS
THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF UPTON
SPECIAL TOWN MEETING
NOVEMBER 4, 2025**

The meeting was called to order at 7:00 pm by Moderator David Loeper.

Kathleen Bern, Assistant Town Clerk, managed voter check in, electronic voting devices and visitor registration. Lyn Haggerty and Wendy Moran checked in one hundred sixty-three (163) voters via poll pads. After check-in each voter was provided an electronic voting device. The meeting was held in the auditorium at Nipmuc Regional High School. The necessary quorum of 40 voters was exceeded.

The Pledge of Allegiance was recited.

Accepted visitors were: Dennis Westgate, Interim Town Manager and DPW Director; JP Parnas, Weston & Sampson; Susan Brouwer, Assistant to the Town Manager; Mike Richard, Weston & Sampson; Mike Antonellis, Land Use & Inspectional Services Director; Steve Kirby, Vertex; Brian Winner, Town Counsel; Tony Wespiser, Weston & Sampson; Paul Marchand, Facilities/Custodian; Lauren Graham, Assistant Planner; Nick Palmieri, Police Chief; Matthew Sturz, Vertex.

Moderator David Loeper detailed procedures and protocols for the meeting including instructions for the electronic voting devices.

Article 1 Prior Year Bills

Upon motion of Paul Flaherty, the Town voted to appropriate from the following accounts to pay bills of the prior fiscal year pursuant to MGL Ch44, Sec 64 the sum of Eight Thousand Fifty-Five dollars (\$8,055.00), as follows:

Fire Department account # 0100-220-5200-5241 \$830.00,
Police Department account # 0100-210-5200-5241 \$305.00,
Water Department account # 6000-450-5400-5421 \$1,400.00,
Town Hall account # 0100-192-5400-5421 \$750.00,
Senior Center account # 0100-541-5400-5421, \$180.00,
Planning Board account # 0100-173-5400-5421 \$2,295.00,
Land Use and Inspectional Services account # 0100-241-5400-5421 \$1,147.50,
Select Board Expense account # 0100-122-5400-5421 \$1,147.50.

Favorable recommendation by Finance Committee

Moderator declared the motion passed by 9/10th vote: Yes-136/No-3

Article 2 DPW Expansion/Renovation

Upon motion of Paul Flaherty, the Town voted to borrow the sum of Two Million Five Hundred Two Thousand Seven Hundred Ninety-Four Dollars (\$2,502,794.00), for the purpose of designing and bidding the renovation of the Department of Public Works Facility, including all costs incidental and related thereto, and any funds remaining thereafter shall may be used to pay construction costs relating to the project, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow such amount pursuant to M.G.L. c.44 §§7 or 8, or any other enabling authority, and to issue bonds or notes of the Town therefor; and although such bonds or notes shall be general

obligations of the Town, the annual debt service required as a result of the issuance of such bonds or notes may be repaid from any special purpose fund or revenue source that may be available; and further, that the Select Board is authorized to take such actions and execute such documents and agreements as necessary to effectuate the purpose of this Article including without limitation, applying for and accepting any forms of financial assistance that may be available to the Town on account of the above-referenced project, provided, however, that any amount of such financial assistance applied to the payment of costs approved by this vote shall reduce the amount to be borrowed to pay such costs in a like amount.

Favorable recommendation by Finance Committee

Favorable recommendation by Capital Budget Committee

Moderator declared the motion passed by 2/3rd vote: Yes-111/No-40

Article 3 Hero Act

Upon motion of Bill Taylor, the Town voted to accept the provisions of M.G.L. Chapter 59, Section 5, Clause 22J, and increase the amount of the exemption granted under General Laws Chapter 59, Section 5, by 100%, to be effective for applicable exemptions granted for any fiscal year beginning on or after July 1, 2026, or take any other action relative thereto.

Moderator declared the motion passed by majority: Yes-133/No-11

Article 4 Fire Chief Age Exemption

Upon motion of Laura Hebb, the Town vote to authorize the Select Board and or Town Manager to file with the General Court a petition for special legislation to allow Fire Chief Michael Marchand to work past the mandatory retirement age of 65, substantially as follows:

“Section 1. Notwithstanding any general or special law to the contrary, Michael Marchand, Fire Chief of the Town of Upton, may continue to serve in that position until reaching age 70, the date of his retirement or the date he is relieved of his duties by the Select Board and or Town Manager at its discretion, whichever occurs first; provided, however, that he is mentally and physically capable of performing the duties of his office. The Select Board and or Town Manager may, at the Town’s expense, require that Michael Marchand be examined annually by a physician designated by the Select Board and/or Town Manager to determine such physical and mental capability to perform the duties of his office.

Section 2. No further deductions shall be made from the regular compensation of Michael Marchand pursuant to Chapter 32 of the General Laws for service subsequent to his reaching age 65. Upon his retirement for superannuation, Michael Marchand shall receive a superannuation retirement allowance equal to the allowance that he would have been entitled to receive had he retired upon reaching age 65.

Section 3. This act shall take effect upon its passage.”

provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board and or Town Manager approves amendments to the bill before enactment by the General Court, the Select Board and or Town Manager being hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

Moderator declared the motion passed by majority: Yes-126/No-25

Article 5 Acquisition of 12B & 0 Milford St

Upon motion of Laura Hebb, the Town voted to pass over Article 5.

Moderator declared the motion passed by majority: Yes-112/No-23

Article 6 PD Portable Radios:

Upon motion of Maureen Dwinnell, the Town voted to transfer from free cash, subject to the certification thereof, the sum of Five Thousand Two Hundred Eighty-Three dollars (\$5,283.00), for the purpose of purchasing five portable radios for the Police Department, including all costs incidental and related.

Favorable recommendation by Finance Committee

Moderator declared the motion passed by majority: Yes-141/No-4

Article 7 Repair Trail Bridge:

Upon motion of Marcella Stasa, the Town voted to transfer, the sum of Seventeen Thousand Dollars (\$17,000.00), from the Community Preservation fund Open Space account #2410-300-3590-1000, to be used by the Land Stewardship Committee to repair a trail bridge at the Howarth Glen Conservation Area including all costs incidental and related.

Favorable recommendation by Finance Committee

Favorable recommendation by Community Preservation Committee

Moderator declared the motion passed by majority: Yes-112/No-24

Article 8 Zoning Bylaw Microbrewery:

Upon motion of Kathy Robertson, the Town voted to amend the Town of Upton Zoning-Bylaws, Section 300-3.1 Table of Principal Uses and Section 300-10.1 Definitions, as printed in the warrant.

Favorable recommendation by Planning Board

Favorable recommendation by Economic Development Committee

Moderator declared the motion passed by 2/3 vote: Yes-118/No-28

Article 9 Fire Station Drain Repair:

Upon motion of Brett Simas, the Town voted to transfer from free cash, subject to the certification thereof, the sum of Two Hundred Eighty-Nine Thousand dollars (\$289,000.00), for the purpose of repairing the interior floor drain at the fire station, including all costs incidental and related.

Favorable recommendation by Finance Committee

Favorable recommendation by Capital Budget Committee

Moderator declared the motion passed by majority: Yes-120/No-23

Article 10 First Cemetery Restoration Project:

Upon motion of Ed Phillips, the Town voted to transfer, the sum of One Hundred and Twenty-Five Thousand dollars (\$125,000.00), from the Community Preservation Fund Historic account #2440-300-3590-1000, to repair and restore First Cemetery, including all expenses incidental and related.

Favorable recommendation by Finance Committee

Favorable recommendation by Community Preservation Commission

Favorable recommendation by Capital Budget Committee

Moderator declared the motion passed by majority: Yes-129/No-15

Article 11 School Athletic Field:

Upon motion of Brett Simas, the Town voted to transfer the sum of One Hundred Thousand dollars (\$100,000.00) from Community Preservation funds Open Space account #2410-300-3590-1000, for the Mendon-Upton Regional School District Athletic Fields Project, except for the purchase and installation of an artificial turf surface, including all expenses incidental and related.

Favorable recommendation by Finance Committee

Favorable recommendation by Community Preservation Commission

Moderator declared the motion passed by majority: Yes-106/No-29

Article 12 Town Hall Roof and Building Repairs:

Upon motion of Laura Hebb, the Town voted to borrow, the sum of Three Million Three Hundred Ninety Thousand Dollars (\$3,390,000.00), for the design and replacement of the Town Hall roof, brick and mortar repairs, window glazing repairs, and foundation repairs, including all costs incidental and related thereto and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow such amount pursuant to M.G.L. c.44 §§7 or 8 and M.G.L. c.44B, or any other enabling authority, and to issue bonds or notes of the Town therefor; and although such bonds or notes shall be general obligations of the Town, the annual debt service required as a result of the issuance of such bonds or notes may be repaid from any special purpose fund or revenue source that may be available; and further, that the Select Board is authorized to take such actions and execute such documents and agreements as necessary to effectuate the purpose of this Article including without limitation, applying for and accepting any forms of financial assistance that may be available to the Town on account of the above-referenced projects, provided, however, that any amount of such financial assistance applied to the payment of costs approved by this vote shall reduce the amount to be borrowed to pay such costs in a like amount.

Favorable recommendation by Finance Committee

Favorable recommendation by Community Preservation Commission

Moderator declared the motion passed by 2/3 vote: Yes-106/No-31

Upon motion of Kathy Robertson, it was moved to dissolve the warrant and adjourn the Annual Town Meeting at 8:29 pm.

Moderator declared the motion passed by majority

A True Copy.

Attest:



M. Denise Smith
Town Clerk