



**CERTIFICATION OF PROCEEDINGS  
THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF UPTON  
ANNUAL TOWN MEETING  
May 5, 2022**

Called to order at 7 pm by Moderator David Loeper. The meeting was adjourned until 7:30 pm to allow additional voters to be checked in.

During this meeting, 636 voters were checked in to the athletic field located at Nipmuc Regional Middle/High School by Tracey Tardy, Maria Tonry, Diane Tiernan, and M. Denise Smith, meeting the necessary quorum of 40 voters.

The Pledge of Allegiance was recited. A moment of silence in honor of members of the community who have passed away this past year.

By unanimous vote, guests present were: Brian Mazar and Jared Collins, Town Counsel; Dennis Westgate, DPW Director; Matthew Bachtold, Library Director; Kenny Costa, Town Accountant; Maria Tonry, Recreation Director; Paul Dell'Aquila, Town Planner; Maureen Cohen, Superintendent, Cheryl Kirkpatrick, Asst Superintendent MURSD; Jay Byer, MURSD; Michael Fitzpatrick, BVT; Paul Marchand, Town Employee; Joe Laydon, Incoming Town Manager; Meredith Houghton, SVT; Jason Shepard, Flipp Plotkin, Mariana Movssa

Michelle Antinarelli motioned to adjourn meeting to time certain. This motion was not seconded and thus not considered.

Upon motion of Kathleen Robertson, it was moved to take Article 23 out of order. Moderator declared this motion required a 2/3 majority

**The Moderator declared the motion carried by 2/3 majority**

**Mechanic St Acquisition**

**Article 23:** Upon motion of Marcella Stasa, it was moved the Town vote to acquire, for open space and recreation purposes, approximately 94.22 acres of land on Mechanic Street/Fowler Street in Upton, shown as Assessors' Map 14, Parcels 55 and 48, and described in deeds recorded with the Worcester South District Registry of Deeds in Book 13344, Page 291 and Book 13344, Page 295, and for costs incidental or related thereto, including legal, title, appraisal, engineering, and other costs or fees;

And, further, to fund said acquisition, to appropriate and transfer up to Three Hundred Fifty Three Four Hundred Sixty Two and no/100 Dollars (\$353,462.00) from the

Community Preservation Open Space Unreserved Fund Balance and Three Hundred Eighty Nine Five Hundred Thirty Eight and no/100 Dollars (\$389,538.00) from the Community Preservation Open Space Fund Balance, with the balance of the purchase price being funded by gifts and/or grants, with the expenditure of said Community Preservation monies contingent upon the Town receiving gifts and/or grants in the amount of at least Two Hundred Thousand and No/100 Dollars (\$200,000.00);

And, further, to authorize the Board of Selectmen to acquire said land by purchase, gift, and/or eminent domain, with the care, custody and control of the property to be vested in the Conservation Commission for passive recreation and open space purposes under the provisions of MGL Chapter 40, Section 8C;

And, further, to authorize the Board of Selectmen and/or Conservation Commission to convey a conservation restriction as required by MGL Chapter 44B, Section 12(a), meeting the requirements of MGL Chapter 184, Sections 31-33;

And, further, to authorize the Board of Selectmen or its designee to apply for, accept and expend any funds that may be provided by the Commonwealth of Massachusetts and/or other public or private sources to defray all or a portion of the costs of said acquisition, including, but not limited to, grants and/or reimbursements including, but not limited to, grants and/or reimbursement from the Commonwealth under the Self-Help Act, G.L. Ch. 132A, Section 11 (now, so-called LAND grants), and/or any other state or federal program, said gifts or grants to be deposited in the Community Preservation Fund from which said funds were appropriated hereunder.

Favorable recommendation from Finance Committee and Community Preservation Committee

Moderator declared 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 required**

*(Please note, at this point, many of the checked in voters left the meeting)*

Moderator David Loeper detailed protocols for the Town Meeting

**Consent Calendar:** Upon motion of Maureen Dwinnell, it was moved the Town vote by unanimous consent the following Articles that have not been requested “hold”; those (consent calendar) Articles being: 1, 3, 4, 5, 6, 8, 12A, 12B, 12C and 13.

**Moderator declared the motion carried unanimously**

## **Approval of Annual Town Report**

**ARTICLE 1: Unanimous consent:** voted the Town to accept reports of all Town Officers and Appointed Committees, as written in the 2021 Town Report.

## **FY2023 Budget**

**ARTICLE 2B:** Upon motion of Paul Flaherty, it was moved the Town vote to fix the salaries and compensation of all officers of the Town as provided by Chapter 41, Section 108, M.G.L. as amended, and to raise and appropriate \$26,735,802.00 as necessary to defray expenses of the Town Departments for the ensuing year, as set forth in the document entitled “Finance Committee Report, Town of Upton, Massachusetts, Fiscal Year 2023 Budget Recommendation” for all those items not requested “hold”, and as amended, if applicable, by vote of Town Meeting for those items requested “hold”.

Favorable recommendation from Finance Committee

No line items were held

**The Moderator declared the motion carried unanimously**

## **Water Enterprise Budget**

**ARTICLE 3: Unanimous consent,** the Town voted to approve Article 3 as set forth in the warrant, appropriating funds to operate the Water Enterprise Fund for FY 2022.

Printed in Warrant: That the following sums be appropriated for the Water Enterprise Fund:

Wages & Salaries	\$ 301,717.00
Expenses	386,438.00
Capital Outlay	0.00
Debt	244,675.00
Extra/Unforeseen	50,000.00
<b>Total</b>	<b>\$982,830.00</b>

And that **\$982,830.00** be raised for such purposes as follows:

Department receipts	\$ 860,493.00
Retained Earnings	0.00
Tax Levy	122,337.00**
Free Cash	-0-

\*\* (NOTE: As raised and appropriated under Article 2)

## **Wastewater Enterprise Budget**

**ARTICLE 4 Unanimous consent,** the Town voted to approve Article 4 as set forth in the warrant, appropriating funds to operate the Wastewater Enterprise Fund for FY 2022.

Printed in the Warrant: That the following sums be appropriated for the Wastewater Enterprise Fund:

Wage & Salaries	\$ 293,362.00
Expenses	372,956.00
Capital Outlay	0.00
Debt	19,000.00
Extra/Unforeseen	30,000.00

**Total** **\$715,318.00**

And that **\$715,318** be raised for such purposes as follows:

Department receipts      \$715,318.00

### **Revolving Funds**

**ARTICLE 5: Unanimous consent**, the Town voted to approve Article 5 as set forth in the warrant, establishing annual spending limits for FY2023 revolving funds established in Section 6 of Title 2, Chapter 25, of the General Bylaws and for the Treasurer/Collector Tax Title Revolving Fund, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes otherwise.

*Printed in Warrant:*

<b>Authorized Revolving Funds (G.L. c.44, §53E ½)</b>	<b>Fiscal Year Expenditure Limit</b>
Board of Health “Curbside Waste and Recycling Fund”	\$15,000
Board of Health “Title V Fund”	\$10,000
Conservation Commission “Wetlands Revolving Fund”	\$20,000
Conservation Commission “Storm Water By- Law Fund”	\$7,000
Council on Aging Programming	\$10,000
Land Stewardship Committee “Community Garden Fund”	\$2,000
Land Stewardship Committee “Land Stewardship Fund”	\$10,000
Town Library Fund	\$6,000
Recreation Commission	\$260,000
<b>Authorized Revolving Fund (G.L. c.60, §15B)</b>	<b>Fiscal Year Expenditure Limit</b>
Treasurer/Collector Tax Title	\$15,000

**Moderator declared the motion passed unanimously**

### **PEG Access Funding**

**ARTICLE 6: Unanimous consent**, the Town voted to approve Article 6 as set forth in the warrant, raising and appropriating the total sum of \$72,270 to operate the PEG Access and Cable Related Fund for FY2023.

Wages & Salaries      \$ 44,000.00  
Expenses                      3,200.00

Capital Outlay	20,000.00
Extra/Unforeseen	10,000.00
<b>Total</b>	<b>\$77,200.00</b>

And that \$77,200 be raised for such purposes as follows:

Department receipts	\$77,200.00
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### **Stabilization Funding**

**ARTICLE 7:** Upon motion of Paul Flaherty, it was moved the Town vote to transfer from Free Cash the sum of Sixty-Five Thousand Nine Hundred Twenty-Six (\$65,926) into the Stabilization Account.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed unanimously**

### **Chapter 90 Approval**

**ARTICLE 8: Unanimous Consent** the Town voted to approve Article 8 as set forth in the warrant, providing for the acceptance and expenditure of so-call Chapter 90 funds.

### **Additional Road Funding**

**ARTICLE 9:** Upon motion of Maureen Dwinnell, it was moved the Town vote to raise and appropriate the sum of Two Hundred Eighty-Three Thousand Two Hundred Twenty-Six (283,226) to be used for the construction and/or improvement of Town Roads to supplement those provided for under the Commonwealth of Massachusetts M.G.L. Chapter 90 Program.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed unanimously**

### **Snow & Ice Funding**

**ARTICLE 10:** Upon motion of Paul Flaherty, it was moved the Town vote to transfer from Free Cash the sum of One Hundred Thousand dollars (\$100,000) to fund the snow and ice deficit for FY 2022.

Favorable recommendation from Finance Committee

**Moderator declared the motion passed unanimously**

### **Conservation Funding**

**ARTICLE 11:** Upon motion of Marcella Stasa, 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**

### **Reserve Account Funding for CPA**

**ARTICLE 12A: Unanimous consent**, the Town vote to transfer from the fund balance of the Community Preservation Fund the following sums to the specified Community Preservation Fund reserve accounts to meet the requirements of M.G.L. Chapter 44B, §6, for FY22:

- Historic Resources Account - \$90,586
- Open Space Account - \$90,586
- Community Housing Account - \$90,586

#### **Administrative Funding for CPA**

**ARTICLE 12C: Unanimous consent**, the Town vote to act on the report of the Community Preservation Committee on the FY 2023 community preservation budget and appropriate the sum of \$15,000 from the Community Preservation Fund FY 2022 estimated annual revenues to the Community Preservation Committee Administrative Expense Account for all necessary and proper administrative expenses of the Committee for FY 2022.

#### **Town Hall Debt Payment**

**ARTICLE 12C:** Unanimous consent, it was moved the Town vote to transfer the sum of Two Hundred Sixty-Six Thousand Four Hundred Seventy-Eight dollars (\$266,478.00) from the Community Preservation Fund to meet the ninth-year payment of debt service owed on the General Obligation Town Hall Renovation Bonds.

#### **Board of Assessor Revaluation Funding**

**ARTICLE 13: Unanimous Consent**, the Town vote to raise and appropriate the sum of Ten Thousand dollars (\$10,000) for use by the Board of Assessors for recertification work required to comply with state law; including all expenses incidental and related.

#### **Town Hall Server Funding**

**ARTICLE 14:** Upon motion of Kelly McElreath, it was moved the Town vote to transfer from Free Cash the sum of Sixty Thousand dollars (\$60,000) for the purpose of replacing the Town Hall Server; including all expenses incidental and related.

Favorable recommendation from Finance Committee and Capital Budget Committee

**Moderator declared the motion passed unanimously**

#### **Ambulance Funding**

**ARTICLE 15:** Upon motion of Chief Michael Bradley, the Town vote to transfer from Free Cash the sum of Three Hundred Fifty thousand dollars (\$350,000) for the purpose of replacing the ambulance for the Fire EMS Department; including all expenses incidental and related.

Favorable recommendation from Finance Committee and Capital Budget Committee

**Moderator declared the motion passed unanimously**

**Front End Loader Funding**

**ARTICLE 16:** Upon motion of Maureen Dwinnell, it was moved the Town vote to transfer from Free Cash the sum of Two Hundred Thirty-One Thousand dollars (\$231,000) to be used for the purchase of a new front-end loader; including all costs incidental and related.

Favorable recommendation from Finance Committee and Capital Budget Committee

**Moderator declared the motion passed unanimously**

**Grove St Bridge Design & Engineering**

**ARTICLE 17:** Upon motion of Brett Simas, it was moved the Town vote to vote to transfer from Free Cash sum of Four Hundred Thousand dollars (\$400,000) to be used for the design, permitting, and bid document preparation associated with the replacement of the Grove Street Bridge with accommodations for foot traffic and utilities; including all costs incidental and related.

Favorable recommendation from Finance Committee and Capital Budget Committee

Upon motion of James Forkey, it was moved to table motion

Moderator declared this motion required a 2/3 majority

**The Moderator declared the motion lost**

**Moderator declared the motion passed by majority**

**Water Storage Tanks Funding**

**ARTICLE 18:** Upon motion of Stephen Matellian, it was moved the Town vote to transfer from Water Enterprise Retained Earnings the sum of Five Hundred Fifty Thousand dollars (\$550,000) to be used for purchasing all of the necessary equipment, materials, permitting, engineering, and bidding and construction labor, associated with providing the Town's two water storage tanks to be filled to capacity while maintaining appropriate water pressures throughout the Town's water system; including all costs incidental and related.

Favorable recommendation from Finance Committee and Capital Budget Committee

**Moderator declared the motion passed by majority**

**Backup Generator**

**ARTICLE 19:** Upon motion of Maureen Dwinnell, it was moved the Town vote to transfer from Wastewater Enterprise Retained Earnings the sum of Three Hundred Ten Thousand dollars (\$310,000) to be used for purchasing and installing a new backup generator at the Wastewater Treatment Facility and continuing the multi-

phased I/I program as stipulated in the DEP's acceptance letter; including all costs incidental and related.

Favorable recommendation from Finance Committee and Capital Budget Committee

**Moderator declared the motion passed unanimously**

#### **0 Milford St**

**ARTICLE 20:** Upon motion of David Ross, it was moved the Town vote to authorize the Board of Selectmen to sell, lease or otherwise convey, in accordance with the provisions of M.G.L. Chapter 30B, the land and all improvements thereon, located at 0 Milford Street, shown as Assessor's Map 201-53 for such sum or sums and upon such conditions determined by the Board of Selectmen to be in the best interests of the Town, 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.

**Moderator declared the motion passed unanimously**

#### **Retirement Buyback**

**ARTICLE 21:** Upon motion of Chief Michael Bradley, it was moved the Town vote to accept the provisions of the third sentence of M.G.L. Chapter 32, § 4(2)(b) allowing a reserve or permanent-intermittent police officer or a reserve, permanent-intermittent or call fire fighter retiring from the Town to receive, in addition to the five years of credit allowed pursuant to the preceding sentence of the statute, one day of full-time service credit for each day in any year which is subsequent to the fifth year following said appointment and on which a reserve or permanent-intermittent police officer or a reserve, permanent-intermittent or call fire fighter was assigned to and actually performed duty as a reserve or permanent-intermittent police officer or reserve, permanent-intermittent or call fire fighter; provided, however, that such service as a permanent-intermittent or call fire fighter shall be credited only if such fire fighter was later appointed as a permanent member of the fire department.

**Moderator declared the motion passed by majority**

#### **COA Van Purchase**

**ARTICLE 22:** Upon motion of Stephen Matellian, it was moved the Town vote to transfer from Free Cash the sum of Forty-five Thousand dollars (\$45,000.00) to purchase a 14-passenger minivan including all expenses incidental and related.

Favorable recommendation from Finance Committee and Capital Budget Committee

**Moderator declared the motion passed unanimously**

#### **Large Lot Frontage Zoning Bylaw Amendment**



**ARTICLE 24:** Upon motion of Paul Carey, it was moved the Town vote to amend § 300-7.5.  
Large lot frontage reduction Zoning By-Law as on file with the Town Clerk.  
Favorable recommendation from Planning Board  
Moderator declared 2/3 majority is required

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

**Summer Street Acceptance**

**ARTICLE 25:** Upon motion of Paul Carey, it was moved the Town vote to accept as a public way the roadway known as Summers Circle, as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled “Layout Plan of Summers Circle” dated August 17, 2020, prepared by Guerriere & Halnon, Inc., and on file with the Town Clerk, and authorize the Board of Selectmen to acquire, by gift, purchase, and/or eminent domain, the fee to and/or easements in Summers Circle for all purposes for which public ways are used in the Town of Upton and any drainage, utility and/or other easements related thereto.

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

**Moderator declared the motion passed unanimously**

**Article 26:** Upon motion of Paul Flaherty, it was moved to pass over Article 26.

**Moderator declared the motion passed unanimously**

**Article 27:** Upon motion of Paul Flaherty, it was moved to pass over Article 27.

**Moderator declared the motion passed unanimously**

Upon motion of John Robertson, it was moved to dissolve this warrant and adjourn the Annual Town Meeting at 8:48 pm.

**Motion passed unanimously.**

A True Copy.



Attest:  
Kelly A. McElreath  
Town Clerk

