



# TOWN OF UPTON, MASSACHUSETTS

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## Town Clerk Office

### CERTIFICATION OF PROCEEDINGS THE COMMONWEALTH OF MASSACHUSETTS

#### TOWN OF UPTON SPECIAL TOWN MEETING November 1, 2022

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

Board of Selectmen Chair Brett Simas led the audience in the Pledge of Allegiance.

During this meeting, 93 voters were checked in to the Nipmuc Regional Middle/High School by Kathleen Bern and Amy Bonina meeting the necessary quorum of 40 voters.

By unanimous vote, guests present were Jared Collins, Town Counsel, Joseph Laydon, Town Manager; Dennis Westgate, DPW Director; Kenny Costa, Finance Director; Jessica Gomez, Collector/Treasurer; Paul Marchand; Andre Chauvin, BSA Troop 132; Nicolas Chauvin, Cub Scout; and Mike Belinski.

#### **Discontinue a portion of Warren Street**

**ARTICLE 1:** Upon motion of Maureen Dwinnell, it was moved the Town vote to approve Article 1 as set forth in the warrant, the discontinuation of a portion of Warren Street between Main Street and Nelson Street.

**Moderator declared the motion passed unanimously**

#### **Easement for 105 Crockett Rd**

**ARTICLE 2:** Upon motion of Brett Simas, it was moved the Town vote to approve Article 2 as set forth in the warrant, providing for the grant and conveying of an easement to allow for the crossing of Crockett Road to allow for the construction of a septic system for 105 Crockett Road.

**Moderator declared the motion passed unanimously**

#### **Summers Circle Street Acceptance**

**ARTICLE 3:** Upon motion of Stephen Matellian, 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 the motion passed unanimously**

**Funding for Replacement Cruiser**

**ARTICLE 4:** Upon motion of Maureen Dwinnell, it was moved the Town vote to transfer from Free Cash the sum of fifty-five thousand dollars (\$55,000) to purchase a replacement cruiser for the police department.

Favorable recommendation from Finance Committee

Favorable recommendation from Capital Budget Committee

**Moderator declared the motion passed unanimously**

**Police Dept. Training Funds**

**ARTICLE 5:** Upon motion of Brett Simas, it was moved the Town vote to transfer from Free Cash the sum of twelve thousand dollars (\$12,000) for training funds for the Upton Police Department.

Favorable recommendation from Finance Committee

Favorable recommendation from Capital Budget

**Moderator declared the motion passed majority**

**Funding for Replacement Vehicle for the Fire Chief**

**ARTICLE 6:** Upon motion of Brett Simas, it was moved the Town vote to transfer from Free Cash the sum of fifty-five thousand dollars (\$55,000) to purchase a replacement vehicle for the fire chief.

Favorable recommendation from Finance Committee

Favorable recommendation from Capital Budget

**Moderator declared the motion passed unanimously**

**Funding for Autoload Stretcher for Med 2 Ambulance**

**ARTICLE 7:** Upon motion of Maureen Dwinnell, it was moved the Town vote to transfer from Free Cash the sum of sixty-six thousand, two hundred thirty dollars (\$66,230) to purchase, install, and maintain a ProCare Power-PRO autoload stretcher for the Upton Med 2 ambulance.

Favorable recommendation from Finance Committee  
Favorable recommendation from Capital Budget

**Moderator declared the motion passed unanimously**

**Funding for 14-Passenger Minivan for COA**

**ARTICLE 8:** Upon motion of Stephen Matellian, it was moved the Town vote to transfer from Free Cash the sum of Forty Thousand dollars (\$40,000.00) to purchase a 14-passenger minivan including all expenses incidental and related.

Favorable recommendation from Finance Committee  
Favorable recommendation from Capital Budget

**Moderator declared the motion passed unanimously**

**General Bylaw Amendment Relative to Mandatory Sewer Connections**

**ARTICLE 9:** Upon motion of Stephen Matellian, it was moved the Town vote to amend Section 223-2 of the Town's General Bylaws relative to mandatory sewer connections by adding a new subsection C as shown in ***Bold/Italics*** below:

***C. Notwithstanding the provisions of this Bylaw, the Board of Selectmen may waive or postpone the mandatory sewer connection requirement when the Board determines that the connection is not necessary to prevent or correct an imminent threat to public health or the environment, there is insufficient capacity to accommodate the connection, or such other reason as may be necessary to further the public interest.***

**Moderator declared the motion passed by majority**

**CPA Funding for Pond Study**

**ARTICLE 10:** Upon motion of Maureen Dwinnell, it was moved the Town vote to transfer the sum of \$75,000.00 from the Community Preservation Act Open Space Reserve Account to fund a study of Pratt Pond and Mill Pond, including establishment of a water quality monitoring program and developing a long-term management plan for the ponds; or take any relative thereto.

Favorable recommendation from Community Preservation Committee  
Unfavorable recommendation from Finance Committee

**Upon motion of Gary Strichartz it was moved to amend the motion to reduce the sum to Forty Thousand dollars (\$40,000.00) and to delete the text "developing a long-term management plan for the ponds" and replace it with "sediment testing."**

Favorable recommendation from Community Preservation Committee

Favorable recommendation from Finance Committee

**Moderator declared the amendment passed by majority**

**Moderator declared the amended motion passed by majority**

**Grove Street Bridge Replacement Project**

**ARTICLE 11:** Upon motion of Brett Simas, it was moved the Town vote to appropriate the sum of \$1,330,000 to pay for the costs associated with the design and construction of the Grove Street Bridge replacement project and the design and construction of a footbridge, including the payment of all incidental and related costs, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, 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 and notes shall be general obligations of the Town, the annual debt service required as a result of such bonds or notes may be repaid from any special purpose fund or revenue source that may be available; and further, to authorize the Board of Selectmen to take such actions and execute such documents and agreements as necessary to effectuate the purpose of this Article including without limitation authorization to apply for and accept any forms of financial assistance that may be available to the Town on account of the above-referenced projects, provided 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 from Finance Committee

Favorable recommendation from Capital Budget Committee

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

**Zoning Bylaw Amendment Relative to Lot Frontage**

**ARTICLE 12:** Upon motion Stephen Matellian, it was moved the Town vote to amend § 300-4.3 and § 300-10.1. of Zoning By-Law as on file with the Town Clerk and printed in the warrant, with the further amendment that the words “the owner shall select which” are deleted and replaced with “only one” so § 300-10.1 reads as follows:

§ 300-10.1. Definitions and word usage.

LOT, FRONTAGE OF — A lot line coinciding with the sideline of a street which provides both legal rights of vehicular access and physical vehicular access to the lot, said line to be measured continuously along a single street or along two intersecting streets if their angle of intersection is greater than 120°. When

measuring the frontage of lots along a curved way, the Planning Board shall measure the distance along a straight chord running between lot line intersections.  
For corner lots, or lots fronting on two streets, only one street shall be considered  
"frontage". Frontage along cul-de-sacs shall be considered 70% of the frontage measured along the curve. Vehicular access to a building site on the lot shall be exclusively through the frontage of the lot.

Favorable recommendation from Planning Board

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

Upon motion of Kathy Robertson, it was moved to dissolve this warrant and adjourn the Special Town Meeting at 7:48 pm.

**Motion passed unanimously**

A True Copy.

Attest:



M. Denise Smith

Town Clerk