



TOWN OF UPTON, MASSACHUSETTS

Town Clerk Office

May 10, 2016

Richard Gazoorian, Chairperson
Upton Recreation Commission
Upton MA 01568

Dear Rich:

Please be advised the voters at our Annual Town Election held on Monday, May 2, 2016 failed to elect a person to the 3 year term of the Recreation Commission. As you may be aware, there was not a candidate for this position. Of the 47 write in votes, none of the write in candidates received more votes than any other candidates. Thus, this is considered a failure to elect and creates a vacancy on the Recreation Commission.

The procedure for filling this vacancy, under General Laws, Chapter 41, Section 11, is for the remaining members of the board to give written notice of the vacancy to the Board of Selectmen, who, with the remaining members of this board, shall, after one week's notice, fill such vacancy by paper ballot. Notification of this vacancy must be made to the Board of Selectmen within one month; otherwise the Selectmen shall fill such vacancy.

The person elected to fill this vacancy will serve until the next Town Election.

Sincerely,

Kelly A. McElreath
Town Clerk

Cc: Board of Selectman

**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE VII** CITIES, TOWNS AND DISTRICTS**CHAPTER 41** OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS**Section 11** Appointment to fill vacancy in town office

Section 11. As used in this section, the term “vacancy” includes a failure to elect. If a vacancy occurs in any town office, other than the office of selectman, town clerk, treasurer, collector of taxes or auditor, the selectmen shall in writing appoint a person to fill such vacancy. If there is a vacancy in a board consisting of two or more members, except a board whose members have been elected by proportional representation under chapter fifty-four A, the remaining members shall give written notice thereof, within one month of said vacancy, to the selectmen, who, with the remaining member or members of such board, shall, after one week’s notice, fill such vacancy by roll call vote. The selectmen shall fill such vacancy if such board fails to give said notice within the time herein specified. A majority of the votes of the officers entitled to vote shall be necessary to such election. The person so appointed or elected shall be a registered voter of the town and shall perform the duties of the office until the next annual meeting or until another is qualified.