

TOWN CLERK

Town of Upton



Massachusetts

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**CERTIFICATION OF PROCEEDINGS
THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF UPTON
SPECIAL TOWN MEETING
January 11, 2011**

Called to order at 7:30 pm by Moderator David Loeper.

During this meeting, 520 voters were checked in to the Nipmuc Regional Middle/High School by Barbara Burke, Tracey Tardy, Paula Deiana, and M. Denise Smith meeting the necessary quorum of 40 voters.

By unanimous vote, guests present were Blythe Robinson, Town Manager; Aaron Goodale, Fire Chief; Lauren Goldberg, Town Counsel; Fred Aponte, Accountant; Julie Balise, Milford Daily News; Michelle Sanford, Town Crier; Susan Spencer, Worcester Telegram and Gazette; Christa Collins, Sudbury Valley Trustee; Dennis Mazur, Patrick Doucette, Michael Banks, Dennis and Cynthia Maher, Jose Porter, Yidong Wang, and Xiali He.

ARTICLE 1: Upon motion of Michael Goodwin, it was moved the Town vote to transfer from Free Cash, the sum of Fifteen thousand dollars (\$15,000.00) for a supplemental appropriation to the Veterans Service Expense Account (#01-543-5400-5421) for the remainder of fiscal year 2011.

Favorable recommendation from the Finance Committee

Moderator declared the motion passed unanimously

ARTICLE 2: Upon motion of Ken Picard, it was moved the Town vote to transfer from Free Cash, the sum of Fifty thousand one hundred dollars (\$50,100.00) to be used for Energy Conservation Projects in Municipal Buildings

Favorable recommendation from the Finance Committee

Moderator declared the motion passed by majority

ARTICLE 3: Upon motion of Richard Holmes, it was moved the Town vote to transfer from the Community Preservation Fund FY2011 Estimated Annual Revenues the following sums: \$20,000.00 to the Reserved Fund Balance – Historic Resources; \$20,000.00 to the Reserved Fund Balance - Open Space; \$20,000.00 to the Reserved Fund Balance – Community Housing.

Favorable recommendation from the Community Preservation Committee

Moderator declared the motion passed by majority

ARTICLE 4: Upon motion of Richard Holmes, it was moved the Town vote, pursuant to M.G.L. Chapter 44B, the Community Preservation Act, to:

- (1) authorize the Conservation Commission, pursuant to M.G.L. Chapter 40, Section 8C, to acquire by purchase, give or otherwise for conservation and passive outdoor recreation purposes the fee or lesser interest in land including a parking easement and a trail easement, totaling approximately 87 acres known as the “Sweetwilliam Farm,” located on North Street, owned by Ms. Gail Harrington, and described as Assessors Map 5, Parcels 5-4, 5-16, 5-17, and 5-17.1, with the intent that approximately 60 acres of the property will be owned in fee by the Town and known as the “Whitney Conservation Area”, and approximately 27 acres of the property will remain in private ownership and be protected from future development by a Conservation Restriction, all as shown on a plan entitled “Sweetwilliam Farm Preservation Plan” and dated November 4, 2010; such land to be under the care, custody, management and control of the Conservation Commission in accordance with the provisions of M.G.L. Chapter 40, Section 8C;
- (2) authorize the Conservation Commission to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts under the LAND program, (formerly known as the Self-Help program), M.G.L. Chapter 132A, Section 11, the Federal Land & Water Conservation Fund, P.L. 88-568, 78 Stat 897, and/or any other source(s) which might provide funding for activities falling within the scope and intent of the article;
- (3) authorize the Board of Selectmen to convey to a nonprofit, charitable corporation or foundation a perpetual Conservation Restriction in the land meeting the requirements of M.G. L. Chapter 184 and/or to enter into and record a grant agreement with the Commonwealth of Massachusetts that will restrict the future use and conveyance of the land as required under the LAND program; and
- (4) authorize the Town Manager, Board of Selectmen and/or Conservation Commission, as appropriate, to execute documents and take such other action as may be necessary to effect such acquisition and/or funding the same, such project to be under the management of the Open Space Committee and to be completed within three years; and further, as funding therefore, to transfer the total sum of \$1,188, 500, as follows:
 - a. \$236,730.00 from the Community Preservation Act Fund Designated Open Space account (24-300-3241-1000);
 - b. \$307,166.94 from the Community Preservation Act Fund Undesignated 2006 account (24-300-3320-2006);
 - c. \$372,030.07 from the Community Preservation Act Fund Undesignated 2007 account (24-300-3320-2007),
 - d. \$260,285.10 from the Community Preservation Act Fund Undesignated 2008 account (24-300-3320-2008),
 - e. \$12,287.89 from the Community Preservation Act Fund Undesignated 2009 account (24-300-3320-2009).

provided, however, that the funds appropriated hereunder shall not be expended unless the Town is approved for a LAND grant from the Massachusetts Division of Conservation Services and acquires from this grant and any other source(s) the sum of at least \$574,000 in reimbursements, gifts or grants, to defray the cost of the project; with the upstanding that any portion of this appropriation that is not used, and any amounts received as reimbursements, shall be returned to the Community Preservation Fund.

Favorable recommendation from the Community Preservation Committee

Unfavorable recommendation from the Capital Budget Committee

Power Point Presentation by Open Space Committee

Upon motion of William Andrews, it was moved to question

The Moderator declared the motion passed

Moderator declared the vote to be: Yes 243 No 240

Moderator declared the motion passed by majority

Upon motion of William Young, it was moved to dissolve this warrant and adjourn the Special Town Meeting at 9:55 pm.

Motion passed unanimously

A True Copy,

ATTEST:

Kelly A. McElreath
Town Clerk