

TOWN CLERK

Town of Upton



Massachusetts

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**CERTIFICATION OF PROCEEDINGS  
THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF UPTON  
SPECIAL TOWN MEETING**

**March 9, 2010**

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

During this meeting, 65 voters were checked in to the Nipmuc Regional Middle/High School by Barbara Burke and M. Denise Smith meeting the necessary quorum of 40 voters.

By unanimous vote, guests present were Jon Miguel, Cable Access; Michelle Sanford, Town Crier; Fred Aponte, Accountant; Krista Perry, Milford Daily News; Anthony Ward, Zack Ward, Adam Ober, Russell Poirier, Derek Meager, Brett Nasuti, Boy Scouts.

**ARTICLE 1:** Upon motion of Rena Richard, it was moved that the Town vote to transfer the sum of Six thousand five hundred dollars (\$6,500.00) from the Community Preservation Act Reserve Fund – Historic Resources (#24-300-3242-1000) to repair/replace the works of the Town Owned Clock located in the United Parish Steeple such project to be managed by the 275<sup>th</sup> Town Anniversary Committee and to be completed within two years of Town Meeting approval.

Favorable recommendation from the Community Preservation Committee

**Moderator declared the motion passed by majority**

**ARTICLE 2:** Upon motion of Rena Richard, it was moved that the Town vote to transfer the sum of two thousand dollars (\$2,000.00) from the Community Preservation Act Reserve Fund – Open Space (#24-300-3241-1000) to help purchase the materials required to build a footbridge 72 feet by 5 feet across a wet area in the Warren Brook Watershed. This is an ambitious Eagle Scout project which has the support of the Conservation Commission. The project will be directed and managed by Eagle Scout candidate, Anthony Ward, overseen by Scoutmaster, Bill Andrews, in coordination with the Conservation Commission, such project to be completed within one year.

Favorable recommendation from the Community Preservation Committee

**Moderator declared the motion passed by majority**

**ARTICLE 3:** Upon motion of Kelly McElreath, it was moved that the Town vote to appropriate from available unappropriated funds in the Treasury the sum of One thousand five hundred dollars (\$1,500.00) to supplement the Elections and Town Meetings Account (# 01-113-5400-5421).

Favorable recommendation from the Finance Committee

**Moderator declared the motion passed unanimously**

**ARTICLE 4:** Upon motion of Michael Bradley, it was moved that the Town vote to transfer the sum of four thousand Dollars (\$4,000.00) from the FY10 Police Cruiser Gas Account (#01-210-5400-5481) to the FY10 Police Cruiser Maintenance Account (#01-210-5400-5482).

Favorable recommendation from the Finance Committee

**Moderator declared the motion passed unanimously**

**ARTICLE 5:** Upon motion of Michael Bradford, it was moved that the Town vote to appropriate from available unappropriated funds in the Treasury the sum of One thousand dollars (\$1,000.00) for the purpose of a supplemental appropriation to the Technology Expense Account, Account (# 01-159-5400-5421) to purchase a replacement computer system and server for the Fire & EMS Facility Chief's Office.

Favorable recommendation from the Finance Committee

Upon motion of Robert Snow, it was moved to amend the motion by striking the phrase "for the purpose of a supplemental appropriation to the Technology Expense Account, Account (# 01-159-5400-5421)"

**Moderator declared the amendment passed unanimously**

**Moderator declared the amended motion passed unanimously**

**ARTICLE 6:** Upon motion of Michael Bradford, it was moved that the Town vote to appropriate from available unappropriated funds in the treasury the sum of Eighteen thousand dollars (\$18,000.00) for the purchase of ten (10) sets of Personal Protective Equipment (PPE) for the Fire Department to replace ten (10) sets of worn and non compliant Personal Protective Equipment.

Favorable recommendation from the Finance Committee

**Moderator declared the motion passed unanimously**

**ARTICLE 7:** Upon motion of Ken Picard, it was moved that the Town vote to appropriate from available unappropriated funds in the Treasury the sum of Forty-two thousand six hundred dollars (\$42,600.00) to supplement the DPW Wages Account (# 421-5100-5100).

Favorable recommendation from the Finance Committee

**Moderator declared the motion passed unanimously**

**ARTICLE 8:** Upon motion of Ken Picard, it was moved that the Town vote to transfer from the Water FY10 Wage Account (# 450-5100-5100) the sum of Three thousand one-hundred fifty dollars (\$3,150.00) to the Water FY10 Training Account (# 450-5200-5313).

Favorable recommendation from the Finance Committee

**Moderator declared the motion passed unanimously**

Upon motion of Jonathan Calianos, it was moved to reconsider Article 7.

**Moderator declared the motion passed by majority**

**ARTICLE 7:** Upon motion of Robert Fleming, it was moved to pass over Article 7.

Favorable recommendation from the Finance Committee

**Moderator declared the motion passed unanimously**

Upon motion of Paul Flaherty, it was moved to take Article 10 out of order.

**Moderator declared the motion passed unanimously**

**ARTICLE 10:** Upon motion of Ken Picard, it was moved that the Town vote to appropriate from available unappropriated funds in the Treasury the sum of One thousand fifty dollars (\$1,050.00) as a supplemental appropriation to the DPW FY10 Clothing Allowance Account (# 01-422-5400-5581).

Favorable recommendation from the Finance Committee

**Moderator declared the motion passed unanimously**

**ARTICLE 9:** Upon motion of Ken Picard, it was moved that the Town vote to transfer from the Water FY10 Wage Account (# 450-5100-5100) the sum of Six thousand five-hundred dollars (\$6,500.00) to the FY10 Water Overtime Account (# 450-5100-5111).

Favorable recommendation from the Finance Committee

**Moderator declared the motion passed unanimously**

**ARTICLE 11:** Upon motion of Robert Fleming, it was moved that the Town vote to appropriate from available unappropriated funds in the Treasury the sum of Ten thousand dollars (\$10,000.00) for the purpose of a supplemental appropriation to the Selectmen-Expense Account, Account (# 01-122-5400-5421).

Favorable recommendation from the Finance Committee

**Moderator declared the motion passed unanimously**

**ARTICLE 12:** Upon motion of Seema Kenney, it was moved that the Town vote to remove section I.D of the Personnel By-law as it defines ‘Personnel Coordinator’ and replace it with the paragraph shown below.

**I. D. Personnel Coordinator**

The Town Manager or the Selectmen’s designee, in the absence of the Town Manager, shall act as the Personnel Coordinator. As Personnel Coordinator, this person works under the guidance of the Chairperson of the Personnel Board. The duties the Personnel Coordinator include:

- Maintaining central personnel files for each employee in the Town
- Posting all open positions
- Collecting resumes and applications for employment
- Orienting new employees to Town policies and benefits

Upon motion of Robert Snow, it was moved to amend the motion by replacing the words “under the guidance of” with “in cooperation with.”

**Moderator declared the amendment passed unanimously**

**Moderator declared the amended motion passed unanimously**

**ARTICLE 13:** Upon motion of Michael Goodwin, it was moved that the Town vote to appropriate from available unappropriated funds in the Treasury the sum of One thousand dollars (\$1,000.00) to pay an outstanding invoice and to comply with the Phase I Dam Inspection of “Taft Pond Dam” by the Mass. Department of Dam Safety, by the Town’s Engineer for engineering and design, of same for future repairs and maintenance.

Favorable recommendation from the Finance Committee

**Moderator declared the motion passed unanimously**

**ARTICLE 14:** Upon motion of Ken Picard, it was moved that the Town vote to borrow the sum of Sixty-two thousand three hundred seventy dollars (\$62,370.00) to be used for, a supplemental appropriation (borrowing) to the ATM FY10 A32 Water Mains Replacement Account (#01-500-5010-5432) to pay for additional improvements to the water system (during the project) and to pay for cost over-runs and further, to authorize

the Treasurer with the approval of the Board of Selectmen to issue any bonds or notes that may be necessary for those purposes as authorized by General Laws chapter 44 or any other general or special law thereunto enabling, and that repayment of this borrowing, including interest and principal, be made by the following formula disbursement: 50% to be paid by general taxation, and 50% to be paid by a surcharge to the Water System Users.

Favorable recommendation from the Finance Committee

Moderator declared this motion needs a 2/3 majority

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

**ARTICLE 15:** Upon motion of Michael Goodwin, it was moved that the Town vote to appropriate from available unappropriated funds in the Treasury the sum of Two thousand dollars (\$2,000.00) for a supplemental appropriation to the Telephone Expense Account (#01-122-5200-5341), for the remainder of fiscal year 2010.

Favorable recommendation from the Finance Committee

**Moderator declared the motion passed unanimously**

**ARTICLE 16:** Upon motion of Michael Goodwin, it was moved that the Town vote to appropriate from available unappropriated funds in the Treasury, the sum of Two thousand dollars (\$2,000.00) for a supplemental appropriation to the Street Light Expense Account (#01-424-5200-5210) for the remainder of fiscal year 2010.

Favorable recommendation from the Finance Committee

**Moderator declared the motion passed unanimously**

**ARTICLE 17:** Upon motion of Jonathan Calianos, it was moved that the Town vote to amend Article #24 of the Adjourned Annual Town Meeting of May 6, 1995, and Chapter 9 of the Town's General By-Laws; which established a "Capital Budget Committee" appointed by the Finance Committee and which requires such committee to make recommendations (to Town Meetings) on any Capital Expenditures in excess of ten thousand dollars (\$10,000.00) before any action/vote of Town Meeting is acted upon, **by replacing the sum of \$10,000.00 with the sum of \$100,000.00.**

**Moderator declared the motion passed by majority**

**ARTICLE 18:** Upon motion of Robert Fleming, it was moved that the Town vote to appropriate from available unappropriated funds in the Treasury the sum of Four thousand dollars (\$4,000.00) for a supplemental appropriation to the Town Counsel Expense Account (#01-151-5200-5302) for the remainder of fiscal year 2010.

Favorable recommendation from the Finance Committee

**Moderator declared the motion passed unanimously**

**ARTICLE 19:** Upon motion of Robert Fleming, it was moved that the Town vote to appropriate from available unappropriated funds in the Treasury the sum of Five thousand dollars (\$5,000.00) for a supplemental appropriation to the Town's 275<sup>th</sup> Anniversary Committee Account to help defray the cost of the Town's Anniversary Parade, to be held on Sunday, June 13, 2010.

Favorable recommendation from the Finance Committee

**Moderator declared the motion passed by majority**

**ARTICLE 20:** Upon motion of Ken Glowacki, it was moved that the Town vote to appropriate from available unappropriated funds in the Treasury the sum of Two thousand seven hundred fifty dollars (\$2,750.00) for the purpose of a supplemental appropriation to the Technology Expense Account (# 01-159-5400-5421) to purchase five (5) Xerox DocuMate 152 Scanners, for use in the Town's Building Facilities and in conjunction with the Town's new eDrawer Document Management System.

Favorable recommendation from the Finance Committee

Upon motion of Robert Snow, it was moved to amend the motion by striking the phrase "for the purpose of a supplemental appropriation to the Technology Expense Account (# 01-159-5400-5421)"

**Motion was accepted as a friendly amendment.**

**Moderator declared the amended motion passed unanimously**

**ARTICLE 21:** Upon motion of Michael Goodwin, it was moved that the Town vote to appropriate from available unappropriated funds in the Treasury the sum of Thirteen thousand dollars (\$13,000.00) to fund the FY10 contractual dollar amount for the Upton Fire and EMS Department said amount agreed to under terms of the collective bargaining agreement between the Town of Upton, and Local # 3338A Fire & EMS (full time) Career Members; on February 16, 2010.

Favorable recommendation from the Finance Committee

**Moderator declared the motion passed unanimously**

Upon motion of William Young, it was moved to dissolve this warrant and adjourn the Special Town Meeting at 8:47 pm.

**Motion passed by unanimously.**

A True Copy,  
ATTEST:

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Kelly A. McElreath, Town Clerk