

TOWN CLERK

Town of Upton



Massachusetts

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

**May 5, 2011**

Called to order at 6:45 pm by Moderator David Loeper.

During this meeting, 103 voters were checked in to the Nipmuc Regional Middle/High School by Barbara Burke, Tracey Tardy and M. Denise Smith meeting the necessary quorum of 40 voters.

By unanimous vote, guests present were Fred Aponte, Accountant; Lauren Goldberg, Town Counsel; Michelle Sanford, Town Crier; Julie Balise, Milford Daily News; Susan Spencer, T&G; Dr. Michael Fitzpatrick, BVT; Larry Bombara, DPW Consultant; James Gardner, COA Director; Paul Marchand, Town Employee; Jeanne Loeper; Anita Sandberg & Scott Richardson, Gorman Richardson Lewis Architects.

**ARTICLE 1:** Upon motion of Ken Picard, it was moved that the Town vote to transfer from Free Cash the sum of Thirty-five thousand dollars (\$35,000.00), for a supplemental appropriation to the Insurance Account (#01-945-5700-5743), for the remainder of fiscal year 2011.

Favorable recommendation from the Finance Committee

**Moderator declared the motion passed unanimously**

**ARTICLE 2:** Upon motion of James Brochu, it was moved that the Town vote to transfer from Free Cash the sum of Seventy-five thousand dollars (\$75,000.00), for construction, drainage and road repairs to sections of Westborough and Southborough Roads, including all costs incidental and related thereto.

Favorable recommendation from the Finance Committee

**Moderator declared the motion passed unanimously**

**ARTICLE 3:** Upon motion of Kelly McElreath, it was moved that the Town vote to transfer from Free Cash the sum of One thousand five hundred dollars (\$1,500.00) for a supplemental appropriation to the Town Meetings Elections Account (#01-113-5400-5421) for the remainder of fiscal year 2011.

Favorable recommendation from the Finance Committee

**Moderator declared the motion passed unanimously**

**ARTICLE 4:** Upon motion of Heather Applegate, it was moved that the Town vote to transfer from the School Stabilization Fund the sum of Twenty-six thousand, four hundred forty-six dollars (\$26,446.00) to fund the Town's allocable share, as determined by the Mendon Upton Regional School District (MURSD), of the costs of the Schematic Design phase for repairs to the Miscoe Hill Middle School under the Massachusetts School Building Authority (MSBA) Green Repair Program; provided, however, that it is anticipated that if the MSBA reimburses the Mendon Upton Regional School District for such expenditures, such funds shall be returned to the Town.

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 5:** Upon motion of Ken Picard, it was moved that the Town vote to appropriate the sum of Thirty thousand, nine hundred thirty-one dollars and eighty-four cents (\$30,931.84), of which \$30,000 shall be transferred from the monies appropriated under Article 7 of the Warrant for the June 15, 2010 Special Town Meeting, and \$931.84 shall be transferred from the monies appropriated under Article 14 of the Warrant for the October 17, 2006 Special Town Meeting, to supplement the revenue received by the Water Enterprise Fund to balance the revenues and expenditures in that fund for the current fiscal year.

Favorable recommendation from the Finance Committee

**Moderator declared the motion passed unanimously**

**ARTICLE 6:** Upon motion of Aaron Goodale, it was moved that the Town vote to appropriate the sum of Seven thousand dollars (\$7,000.00) for a supplemental appropriation to the Fire Department Vehicle Fuel Account (#01-220-5400-5481) for the remainder of fiscal year; of which four thousand five hundred dollars (\$4,500.00) shall be transferred from DPW Vehicle Fuel (#01-422-5400-5481) and two thousand five hundred dollars (\$2,500.00) shall be transferred from Free Cash.

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 the sum of Three hundred thousand dollars (\$300,000.00), for the design of the Well field at the third water source, Pumping Station and the West River Street water line as well as associated engineering and legal fees to complete the pre-construction phase of the project, and including all costs incidental and related thereto; and as funding therefor, to authorize the Treasurer, with the approval of the Board of Selectmen to borrow said sum pursuant to G.L. c44, §§7 and 8 or any other enabling authority, and issue bonds and notes therefor; with the intent that while such bonds or notes shall be general obligations of the Town, the principal and interest on the bonds will be repaid from the Water Enterprise Fund and further, to authorize the Board of Selectmen to assess 100% of the project costs as betterments and to determine the method of assessment in accordance with the General Laws.

Favorable recommendation from the Finance Committee

Favorable recommendation from the Capital Budget Committee

Moderator declared this motion needs a 2/3 majority

Upon motion of Robert Snow, it was moved to amend the motion by deleting all the wording following the phrase “and issue bonds and notes therefore,” and place a period after the word ‘therefor’

**Moderator declared the amendment passed by majority**

Upon motion of Jonathan Calianos, it was moved to amend the motion by adding the following wording to the end, “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.”

**Moderator declared the amendment passed by majority**

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

Moderator recessed the Special Town Meeting to open and recess the Annual Town Meeting.

**ARTICLE 8:** Upon motion of Rena Richard, it was moved that the Town vote to transfer the sum of Thirty-one thousand dollars (\$31,000.00) from the Community Preservation Act FY 2012 estimated annual revenues to each of the Reserved Fund Accounts, namely Historic Resources Account (#24-300-3242-1000), Open Space Account (#24-300-3241-1000), and Community Housing Account (#24-300-3243-1000), for a total of Ninety-three thousand dollars (\$93,000.00).

Favorable recommendation from the Community Preservation Committee

**Moderator declared the motion passed unanimously**

**ARTICLE 9:** Upon motion of Rena Ricahrd, it was moved that the Town vote to transfer the sum of Twenty-four thousand, five hundred dollars (\$24,500.00) from the Community Preservation Act Reserved Fund – Historic Resources Account (#24-300-3242-1000) to fund an archeological exploration of the cave located at 18 Elm Street and its immediate surroundings as recommended by the Massachusetts Historical Commission and to restore the stones to their original positions to avoid further damage to the structure and to prevent possible injury.

Favorable recommendation from the Community Preservation Committee

Favorable recommendation from the Finance Committee

**Moderator declared the motion passed by majority**

**ARTICLE 10:** Upon motion of Ken Picard, it was moved that the Town vote to transfer from Free Cash the sum of Nine thousand dollars (\$9,000.00), for the disposal of street sweepings accumulated at the Department of Public Works Highway Garage.

Favorable recommendation from the Finance Committee

**Moderator declared the motion passed by majority**

**ARTICLE 11:** Upon motion of Robert Fleming, it was moved that the Town vote to transfer from Free Cash the sum of One hundred thirty-nine thousand, three hundred forty-four dollars and eighty-three cents (\$139,344.83), for a supplemental appropriation to the Snow/Ice Account (#01-423-5400-5535) for the remainder of fiscal year 2011.

Favorable recommendation from the Finance Committee

**Moderator declared the motion passed unanimously**

**ARTICLE 12:** Upon motion of Ken Picard, it was moved that the Town vote to transfer from Free Cash the sum of Ten thousand dollars (\$10,000.00), for the renovation of Leland Field including all costs incidental and related to.

Favorable recommendation from the Finance Committee

**Moderator declared the motion passed unanimously**

**ARTICLE 13:** Upon motion of Robert Fleming, it was moved that the Town vote to transfer from Free Cash the sum of twenty-five thousand dollars (\$25,000.00), to the School Stabilization Fund.

Favorable recommendation from the Finance Committee

Moderator declared this motion needs a 2/3 majority

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

Upon motion of William Young, it was moved to dissolve this warrant and adjourn the Special Town Meeting at 7:28 pm.

**Motion passed by unanimously.**

A True Copy,  
ATTEST:

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Kelly A. McElreath  
Town Clerk