



Town Clerk

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

November 15, 2012

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

Board of Selectmen Chair, Ken Picard, led the audience in the Pledge of Allegiance.

During this meeting, 440 voters were checked in to the Nipmuc Regional Middle/High School by Kathy Ramsey, Judy Dube, Paula Deiana and M. Denise Smith meeting the necessary quorum of 40 voters.

By unanimous vote, guests present were: Lauren Goldberg, Town Counsel, Jeff Thompson, DPW Directory; Michelle Sanford, Town Crier; Michael Gleason, Milford Daily News; Calvin Hennick, Boston Globe; Fred Aponte, Accountant; Michael Andrews, Gavin Humes, Patrick Ober, Boy Scouts; Paul Marchand, Brenda Picardo Alex Rodrigues, Florence Swartz, Julia Gustavesen.

Upon motion of Donald Taylor, it was moved to reorder the warrant and consider Article 9 out of order.

Moderator declared the motion passed by majority

ARTICLE 9: Upon motion of Donald Taylor, it was moved the Town vote: We, the People of the Town of Upton in the Commonwealth of Massachusetts, of the United States of America, reject the United States Supreme Court's ruling in Citizen's United, and move to amend our Constitution as follows: Section 1 - all rights protected by the Constitution of the United States are the rights of natural persons only. Artificial entities, such as corporations, shall have no rights under this Constitution. Section 2 - The judiciary shall not construe the spending of money to influence elections to be speech under the First Amendment. Section 3 - nothing contained in this amendment shall be construed to abridge the freedom of the press

Moderator declared the motion lost

ARTICLE 1: Upon motion of James Brochu, it was moved the Town vote to transfer from Free Cash the sum of Eighteen thousand dollars (\$18,000.00) for a supplemental appropriation to the Public Works Contracted Services Account (#01-422-5200-5242) for the remainder of fiscal year 2013.

Favorable recommendation from the Finance Committee

Moderator declared the motion passed unanimously

ARTICLE 2: Upon motion of Michael Bradley, it was moved the Town vote to transfer from Free Cash the sum of Eighteen thousand dollars (\$18,000.00) for the purchase of replacement cameras for the Town's police cruisers.

Favorable recommendation from the Finance Committee

Moderator declared the motion passed unanimously

ARTICLE 3: Upon motion of Alfred Holman, it was moved Town vote to transfer from Free Cash the sum of Seventy-five thousand two hundred fifty dollars (\$75,250.00) for the purchase of recycling containers; and further, that the Town authorizes appropriate Town officials to apply for, accept and expend, with the authorization of the Board of Selectmen, all grants that may be available for this purpose, including reimbursement to the Town of the sum of Twenty-one thousand five hundred dollars (\$21,500.00) through the Massachusetts Department of Environmental Protection (DEP) Sustainable Materials Recovery Program (SMRP) Municipal Grant program; provided, however, that the funds appropriated hereunder shall not be expended until the Town has been awarded the grant described above in the amount of \$21,500.00 for such purposes, or a grant in that amount has otherwise been allotted to the Town by the Commonwealth, or other written commitment has been made by the granting agency with respect thereto.

Favorable recommendation from the Finance Committee

Moderator declared the motion passed unanimously

ARTICLE 4: Upon motion of Richard Desjardins, it was moved the Town vote to transfer from Free Cash the sum of Three thousand five hundred dollars (\$3,500.00) for the purchase of a high speed black and white scanner.

Favorable recommendation from the Finance Committee

Moderator declared the motion passed unanimously

ARTICLE 5: Upon motion of Robert Carnegie, it was moved the Town vote to amend the Personnel By-Law by striking the term “probationary period” and replacing it with the term “introductory period” in every instance where it occurs.

Moderator declared the motion passed by majority

ARTICLE 6: Upon motion of Gary Bohan, it was moved to pass over this article.

Moderator declared the motion passed by majority

ARTICLE 7: Upon motion of Ken Picard, it was moved the Town vote pursuant to M.G.L. Chapter 40, Section 5B to raise and appropriate the sum of Thirty thousand dollars (\$30,000.00) to the General Stabilization Fund.

Favorable recommendation from the Finance Committee

Upon motion of Charles Marsden, it was moved the amend Article 7 for the purpose of transferring monies to Stabilization Fund: Town vote pursuant to M.G.L. Chapter 40, Section 5B to transfer from available unappropriated funds in the Town Treasury, specifically “Free Cash”, the sum of Thirty thousand dollars (\$30,000.00) to the General Stabilization Fund.

Unfavorable recommendation from the Finance Committee on the Amendment

Moderator declared the amendment lost

Moderator declared the original motion lost

ARTICLE 8: Upon motion of Robert Fleming, it was moved the Town vote to appropriate from the Community Preservation Fund undesignated fund balance account the sum of Eight hundred seventy-seven thousand dollars (\$877,000.00) for the purpose of acquiring by gift, negotiated purchase, eminent domain or otherwise, including design, engineering and permitting costs, as well as all other costs incidental and related thereto, a parcel of land totaling 69.7 acres, more or less, commonly known as the South Street Gravel Pit, located on South Street, owned by the South Street Realty Trust, and shown as Assessors Map 32, Parcel 1, all as shown on a plan entitled “Plan of Land in the Town of Upton Massachusetts For Henry J. Poirier, Jr. and Pamela M. Campbell Trustees of South Street Realty Trust,” Prepared by Heritage Design Group, on file with the Town Clerk, such land to be acquired for purpose of active recreational use and managed and controlled by the Recreation Commission in accordance with M.G.L. c. 45, §14; and to authorize the Board of Selectmen to acquire said property and to convey a perpetual conservation restriction thereon which shall provide that a portion of said property shall be used for active recreational use and a portion shall be preserved for open space, meeting the requirements of M.G.L. c.184, as required by M.G.L. c.44B, §12(a), the terms of which shall be approved by the Board of Selectmen, and which shall be granted to the Metacomet Land Trust or any other organization qualified and willing to hold such conservation restriction; and further, that the Board of Selectmen be authorized to file on

behalf of the Town of Upton any and all applications for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under the PARC Act (301 CMR 5.00) (former Urban Self-Help Act) or any other applications for funds in any way connected with the scope of this acquisition and associated development costs; and that the Board of Selectmen and/or the Recreation Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Upton to effect said purchase and said conservation restriction grant; provided however that the funds appropriated hereunder shall not be expended until the Town has been awarded a PARC grant in the amount of \$400,000.00 for such purposes, or a grant in that amount has otherwise been allotted to the Town by the Commonwealth, or other written commitment has been made by the granting agency with respect thereto.

Favorable recommendation from the Community Preservation Committee

Favorable recommendation from Capital Budget Committee

Favorable recommendation from Finance Committee

Upon motion of Michelle Goodwin, it was moved to take the vote by secret ballot.

The Moderator declared the motion passed

Upon motion of Daniel Lade, it was moved to question

The Moderator declared the motion passed

Moderator declared the vote to be: Yes 138 No 265
Moderator declared the motion lost

Upon motion of William Young, it was moved to dissolve this warrant and adjourn the Special Town Meeting at 9:51 pm.

Motion passed unanimously.

A True Copy,
ATTEST:

Kelly A. McElreath
Town Clerk