

TOWN CLERK

Town of Upton



Massachusetts

Kelly McElreath
kmcelreath@upton.ma.us
508-529-3565

1 MAIN ST., P.O. BOX 969
UPTON, MASSACHUSETTS 01568

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

November 17, 2009

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

During this meeting, 140 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; Brandon Mager, Michael Andrews Christian Dumas, Boy Scouts; Steven Boudreau, Ben Wright.

ARTICLE 1: Upon motion of Rena Richard, it was moved that the Town vote to transfer the sum of Seventeen thousand dollars (\$17,000.00) from the Community Preservation Act Reserved Fund Balance Undesignated FY2008 to the Reserved Fund Balance – Open Space.

Favorable recommendation from the Community Preservation Committee

Moderator declared the motion passed unanimously

ARTICLE 2: Upon motion of Rena Richard, it was moved that the Town vote to transfer the sum of Seventeen thousand dollars (\$17,000.00) from the Community Preservation Act Reserved Fund Balance Undesignated FY2008 to the Reserved Fund Balance – Historic Reserve.

Favorable recommendation from the Community Preservation Committee

Moderator declared the motion passed unanimously

ARTICLE 3: Upon motion of Rena Richard, it was moved that the Town vote to transfer the sum of Seventeen thousand dollars (\$17,000.00) from the Community Preservation Act Reserved Fund Balance Undesignated FY2008 to the Reserved Fund Balance – Community Housing.

Favorable recommendation from the Community Preservation Committee

Moderator declared the motion passed unanimously

ARTICLE 4: Upon motion of Rena Richard, it was moved that the Town vote to transfer the sum of Forty thousand one hundred sixty four dollars (\$40,164.00), from the Community Preservation Act Fund Balance-Historic Reserve Account #24-300-3242-1000 to replace the sashes in 14 of the Town Hall Windows based upon the recommendation of the Window Evaluation Committee, such project to be under the supervision of the Board of Selectmen, or their designee, and to be completed within three years.

Favorable recommendation from the Community Preservation Committee

Moderator declared the motion passed by majority

ARTICLE 5: Upon motion of Robert Fleming, it was moved that the Town vote to appropriate from available unappropriated funds in the Treasury the sum of Six thousand dollars (\$6,000.00) for the purpose of a supplemental appropriation to the Technology Expense Account (Account # 01-159-5400-5421).

Favorable recommendation from the Finance Committee

Moderator declared the motion passed by majority

ARTICLE 6: Upon motion of Charles Marsden, it was moved that the Town vote to revoke Article 8 of the Special Town Meeting held March 20, 2003 and revoke acceptance of, sections 3 to 7, inclusive, of Chapter 44B of the General Laws, as summarized herein; Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act, establish a dedicated funding source to acquire and preserve land for parks and recreation, open space, and protection of public drinking water supplies, to restore and preserve historic properties, to protect farm land and forests from future development, and to help meet the housing needs of low income families and moderate income seniors. In Upton, the Community Preservation Act is funded by a surcharge of 3% on the annual property tax assessed on real property and by matching funds provided by the State. The additional surcharge excludes the first \$100,000 of value of each parcel of residential real property and was implemented starting in the 2004 fiscal year. A taxpayer receiving a regular property tax abatement or exemption also received a pro rata reduction in the surcharge. A Community Preservation Committee composed of local citizens makes recommendations on the use of the funds, and all expenditures require a vote of Town Meeting and are subject to an Annual Audit. A Town Election ballot is required for this article to be effective. Passage of this Town Meeting article will provide notification for the Town Clerk to place this CPA question on the next Town of Upton Election ballot.

Upon motion of William Andrews, it was moved to question

The Moderator declared the motion passed

Moderator declared the motion lost

ARTICLE 7: Upon motion of Leo Lamanuzzi, it was moved to pass over Article 7.

Favorable recommendation from the Finance Committee

Moderator declared the motion passed unanimously

ARTICLE 8: Upon motion of Michael Bradford, it was moved that the Town vote to appropriate from available unappropriated funds in the Treasury the sum of Three thousand fifty dollars (\$3,050.00) to replace a thirty-one year old air compressor in the Fire and EMS Facility in accordance with the recommendation of the Town's Property Insurance Provider.

Favorable recommendation from the Finance Committee

Moderator declared the motion passed unanimously

ARTICLE 9: 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) to be used for a reserve amount for a classification and compensation plan review and update, as required by the Town's Personnel By-law.

Favorable recommendation from the Finance Committee

Moderator declared the motion passed by majority

ARTICLE 10: Upon motion of Robert Fleming, it was moved to pass over Article 10.

Favorable recommendation from the Finance Committee

Moderator declared the motion passed unanimously

ARTICLE 11: Upon motion of John Robertson, it was moved that the Town vote to appropriate from available unappropriated funds in the Treasury the sum of Twenty thousand dollars (\$20,000.00) to be used for architectural services to evaluate property as a site for the construction of a Library; the services are to include schematic drawings of the building, projected access and parking plans, recommendations relating to the boundaries of the site, the type of construction and any legal, engineering or supervisory requirements; the project is to be managed by the Board of Library Trustees or their designee.

Unfavorable recommendation from the Finance Committee

Moderator declared the motion lost

Upon motion of Matthew Bachtold, it was moved for a standing count

The Moderator declared the count: Yes 33, No 80. The Moderator declared the motion lost

ARTICLE 12: Upon motion of Michael Goodwin, it was moved that the Town vote to appropriate from available unappropriated funds in the treasury the sum of Fifty thousand dollars (\$50,000.00) for the purposes of complying with the subsequent phase of the Phase II National Pollutant Discharge Elimination System (NPDES) Storm Water Program to address, evaluate, and monitor storm water discharges from the Town's existing small municipal separate storm sewer systems (MS4s), and to repair several storm water related issues in Town. The Phase II NPDES storm water requirements are mandated by the United States Environmental Protection Agency (U.S. EPA) and the Massachusetts Department of Environmental Protection (MassDEP).

Favorable recommendation from the Finance Committee

Moderator declared the motion passed by majority

ARTICLE 13: Upon motion of Michael Goodwin, it was moved that the Town vote to transfer from the FY2010 Operating Budget, line item 131 Water Main Breaks and Repair, Fifty thousand dollars (\$50,000.00) into the Water Enterprise Fund Account # 60-450-5400-5532 Maintenance to correct an oversight in Article #3 of the Annual Town Meeting.

Favorable recommendation from the Finance Committee

Moderator declared the motion passed unanimously

ARTICLE 14: Upon motion of Michael Goodwin, it was moved that the Town vote to transfer from the FY2010 Operating Budget, line item 130 Water Operation & Maintenance, Twenty-three thousand five hundred ninety-seven dollars (\$23,597.00) into the Water Enterprise Fund Account # 60-450-5400-5532 Maintenance to correct an oversight in Article #3 of the Annual Town Meeting.

Favorable recommendation from the Finance Committee

Moderator declared the motion passed unanimously

ARTICLE 15: Upon motion of Michael Goodwin, it was moved that the Town vote to transfer from the FY2010 Operating Budget, line item 134 W/W Training, Three thousand one hundred fifty dollars (\$3,150.00) into the Waste Water Enterprise Fund Account # 61-440-5100-5100 General Labor to correct an oversight in Article #3, of the Annual Town Meeting.

Favorable recommendation from the Finance Committee

Moderator declared the motion passed unanimously

ARTICLE 16: Upon motion of Ken Picard, 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), to supplement the DPW Consultant Account (Account # 01-421-5200-5200) for the remainder of the fiscal year 2010.

Favorable recommendation from the Finance Committee

Moderator declared the motion passed unanimously

ARTICLE 17: Upon motion of Michael Goodwin, it was moved that the Town vote to transfer the sum of Two thousand two hundred fifty dollars (\$2,250.00) from the Stabilization Fund-Water (Account # 82-300-3581-3416) and transfer the sum of Two thousand two hundred fifty dollars (\$2,250.00) from the Stabilization Fund-Wastewater (Account # 82-300-3582-3416) for a total of (\$4,500.00) to a new Account (Water/Wastewater District Mapping) for the purpose of Delineating a Town Water and Sewer District, by the Town's Hydrological Engineers.

Favorable recommendation from the Finance Committee

Moderator declared the motion passed unanimously

ARTICLE 18: Upon motion of Robert Fleming, it was moved to pass over Article 18.

Favorable recommendation from the Finance Committee

Moderator declared the motion passed unanimously

ARTICLE 19: Upon motion of Ken Picard, 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) to be used for Energy Conservation Projects in Town Municipal Buildings.

Favorable recommendation from the Finance Committee

Moderator declared the motion passed unanimously

ARTICLE 20: Upon motion of Robert Fleming, it was moved to pass over Article 20.

Favorable recommendation from the Finance Committee

Moderator declared the motion passed unanimously

ARTICLE 21: Upon motion of Robert Fleming, it was moved to pass over Article 21.

Favorable recommendation from the Finance Committee

Moderator declared the motion passed unanimously

ARTICLE 22: Upon motion of Jonathan Calianos, it was moved that the Town vote to revoke and/or rescind 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 required 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.

Upon motion of William Andrews, it was moved to question

The Moderator declared the motion passed

Moderator declared the motion lost

ARTICLE 23: Upon motion of Paul Flaherty, it was moved that the Town vote to transfer from available unappropriated funds in the Treasury the sum of Two hundred thousand dollars (\$200,000.00) to the Town's General Stabilization Fund Account (Account # 82-300-3580-3416).

Favorable recommendation from the Finance Committee

Moderator declared this motion needs a 2/3 majority

Moderator declared the motion passed unanimously

ARTICLE 24: Upon motion of Joan Shanahan, it was moved that the Town vote to transfer from available unappropriated funds in the Treasury the sum of One hundred thousand dollars (\$100,000.00) to the Town's Capital Stabilization Fund Account (Account # 82-300-3583-3416).

Favorable recommendation from the Finance Committee

Moderator declared this motion needs a 2/3 majority

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 9:13 pm.

Motion passed by majority

A True Copy,
ATTEST:

Kelly A. McElreath, Town Clerk