



Town Clerk

Kelly A. McElreath

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

November 17, 2015

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

During this meeting, 106 voters were checked in to the Nipmuc Regional Middle/High School by Tracey Tardy and Lynne Gruber meeting the necessary quorum of 40 voters.

By unanimous vote, guests present were: Lauren Goldberg, Town Counsel, Michelle Sanford, Town Crier; Bill Shaner, Milford Daily News; Janice Nowicki, COA Director; Vincent Roy, DPW Director; Matthew Bachtold, Library Director; Kenny Costa, Town Accountant; John Squadrielle, Peter Magazzu.

The Pledge of Allegiance was led by Board of Selectmen Chairman Ken Picard. Chairman Picard also asked for a moment of silence to remember the victims of the Paris attack this past week.

ARTICLE 1: Upon motion of Ken Picard, it was moved the Town vote to amend the Fiscal Year 2016 operating budget as voted under Article 3 of the 2015 Annual Town Meeting by transferring the total sum of Sixty-two thousand nine hundred seven dollars (\$62,907.00) from the Housing Authority line to the line items and in the amounts as specified in the warrant and as set forth on the screen in the auditorium.

Favorable recommendation from Finance Committee

Upon motion of Robert Snow, it was moved to amend the 2016 Operating Budget by \$68,157 by reducing the Housing Authority appropriation and to further appropriate \$62,907 for Article 1 from free cash.

The Moderator declared the motion lost

The Moderator declared the main motion carried unanimously

ARTICLE 2: Upon motion of Robert Fleming, it was moved the Town vote to amend the votes taken under Articles 4 and 5 of the May 7, 2015 Annual Town Meeting appropriating the Fiscal Year 2016 Water and Wastewater Enterprise Fund

budgets, respectively, to make supplemental appropriations for the remainder of Fiscal Year 2016 as follows:

- Transfer from Water Retained Earnings to Water General Labor the sum of Two thousand two hundred fifty-six dollars and seventy-five cents (\$2,256.75); and
- Transfer from Wastewater Retained Earnings to Wastewater General Labor the sum of Two thousand sixty-one dollars and ten cents (\$2,061.10)

Favorable recommendation from Finance Committee

The Moderator declared the motion carried unanimously

ARTICLE 3: Upon motion of Aaron Goodale, it was moved the Town vote to amend the vote taken under Article 19 of the May 8, 2015 Annual Town Meeting by reducing the amount raised and appropriated by the sum of One hundred seventy-five thousand dollars (\$175,000.00), for the purchase of self-contained breathing apparatus (SCBA) and any related equipment required to utilize this equipment for firefighting operations.

Favorable recommendation from Finance Committee

Audience member Robert Snow recognized the Fire Chief and his staff for their assistance in obtaining this federal grant to assist the Town with this expense.

The Moderator declared the motion carried unanimously

ARTICLE 4: Upon motion of Ken Picard, it was moved the Town vote to raise and appropriate the sum of Twenty-three thousand nine hundred dollars (\$23,900.00), for the purchase and equipping of a vehicle assigned to the Town Manager.

Favorable recommendation from Finance Committee

The Moderator declared the motion carried by majority

ARTICLE 5: Upon motion of Richard Robinson, it was moved the Town vote to raise and appropriate the sum of Twenty thousand dollars (\$20,000.00), for the purchase and equipping of a used vehicle assigned to the Animal Control Officer.

Favorable recommendation from Finance Committee

The Moderator declared the motion carried unanimously

ARTICLE 6: Upon motion of James Brochu, it was moved the Town vote to raise and appropriate the sum of Thirty thousand five hundred dollars (\$30,500.00), for the purchase of a storage trailer and a temporary vehicle garage to be located at the Public Works Garage property including all expenses incidental and related thereto.

Favorable recommendation from Finance Committee

The Moderator declared the motion carried unanimously

ARTICLE 7: Upon motion of James Brochu, it was moved the Town vote to raise and appropriate the sum of Seven thousand five hundred dollars (\$7,500.00), for the painting and equipping of a used Oshkosh truck and the purchase of any related equipment required to retrofit it for use in snow plowing operations.

Favorable recommendation from Finance Committee

The Moderator declared the motion carried unanimously

ARTICLE 8: Upon motion of James Brochu, it was moved the Town vote to raise and appropriate the sum of Ten thousand dollars (\$10,000.00), for the Town of Upton's share to conduct an engineering assessment and budget estimate for repairs to the Fisk Mill Bridge that is jointly owned by the Towns of Milford and Upton.

Favorable recommendation from Finance Committee

The Moderator declared the motion carried unanimously

ARTICLE 9: Upon motion of Aaron Goodale, it was moved the Town vote to raise and appropriate the sum of Seven thousand nine hundred forty dollars and twenty-three cents (\$7,940.23), for the painting and equipping of Fire Department Tanker #2 truck including any expenses incidental and related thereto.

Favorable recommendation from Finance Committee

The Moderator declared the motion carried unanimously

ARTICLE 10: Upon motion of Michael Bradley, it was moved the Town vote to raise and appropriate the sum of Two thousand eight hundred seventy-five dollars (\$2,875.00), for the purchase of armored vests for use by the Police Department.

Favorable recommendation from Finance Committee

Audience member Robert Snow recognized the Police Chief and his staff for their assistance in obtaining this federal grant to assist the Town with this expense.

The Moderator declared the motion carried unanimously

ARTICLE 11: Upon motion of Paul Carey, it was moved the Town vote to raise and appropriate the sum of Nine thousand seven hundred fifty dollars (\$9,750.00), for the Planning Board to participate in the Central Massachusetts Regional Planning Commission (CMRPC) Planning Board Assistance Program.

Favorable recommendation from Finance Committee

The Moderator declared the motion carried unanimously

ARTICLE 12: Upon motion of Marcella Stasa, it was moved the Town vote to raise and appropriate the sum of Two thousand dollars (\$2,000.00), for a supplemental appropriation to the Conservation Fund.

Favorable recommendation from Finance Committee

The Moderator declared the motion carried unanimously

ARTICLE 13: Upon motion of Kelly McElreath, it was moved the Town vote to authorize the Town Manager, with the approval of the Board of Selectmen, pursuant to General Laws Chapter 59, Section 38H(b), or any other enabling authority, to (i) enter into one or more PILOT agreements for payment of taxes related to personal and/or real property associated with the construction and operation of solar renewable energy generation facilities to be installed on privately owned parcels of land in the Town of Upton, shown on Assessor's Map 25 as Parcel 31 and Assessor's Map 29 as Parcel 67, with each agreement being for a term of up to twenty (20) years and on such terms and conditions and for such consideration as the Board of Selectmen deems in the best interests of the Town, and (ii) take any other actions and execute any other documents necessary, convenient, or appropriate to implement and administer such agreements.

The Moderator declared the motion carried majority

ARTICLE 14: Upon motion of Paul Carey, it was moved the Town vote to transfer from the Community Preservation Fund - Undesignated Account sums equal to not less than 10% of the Community Preservation Fund FY2016 estimated annual revenues to the following Community Preservation Fund accounts to meet the requirements of M.G.L. c.44B, §6:

Historic Resources Account - \$53,483.40

Open Space Account - \$53,483.40

Community Housing Account - \$53,483.40;

and to place any remaining FY 2016 estimated annual revenues in a so-called "FY2016 Undesignated Budgeted Reserve".

Favorable recommendation from Finance Committee- Community Preservation Committee

The Moderator declared the motion carried unanimously

ARTICLE 15: Upon motion of Paul Carey, it was moved the Town vote to transfer the total sum of Two Hundred ninety-one thousand seven hundred seventy-five dollars (\$291,775.00) from the Community Preservation Fund to meet the third year payment of debt service owed on the General Obligation Town Hall Renovation

Bonds, with Thirty-five thousand dollars (\$35,000.00) from the Historic Resources Account and Two hundred fifty-six thousand seven hundred seventy-five dollars (\$256,775.00) from the Undesignated Account.

Favorable recommendation from Finance Committee- Community Preservation Committee

The Moderator declared the motion carried unanimously

ARTICLE 16: Upon motion of Paul Carey, it was moved the Town vote to transfer the sum of One hundred fifty-nine thousand dollars (\$159,000.00) from the Community Preservation Fund – Undesignated Account for rehabilitation and capital improvement of land for recreational purposes, specifically for the bidding, construction and construction administration necessary to install a new access road and parking lot adjacent to the upper field at Kiwanis Beach, to be completed under the supervision of the Recreation Commission, such sums to be added to those previously appropriated for such purposes and such project to be completed within three years.

Upon motion of Matthew Connell, it was moved to table Article 16
Moderator declared this motion required a 2/3 majority

Moderator declared the motion lost the 2/3 majority

7 Voters challenged the declaration of the Moderator. A Standing Vote was called

Moderator declared the vote to be: Yes 31 No 52
The Moderator declared the motion to table lost

Upon motion of Bill Andrews, it was moved to question
Moderator declared this motion required a 2/3 majority

Moderator declared the motion to move to question lost

Upon motion of Bill Andrews, it was moved to question
Moderator declared this motion required a 2/3 majority

Moderator declared the motion to move to question carried by 2/3 majority

The Moderator declared the main motion passed by majority

7 Voters challenged the declaration of the Moderator. A Standing Vote was called

Moderator declared the vote to be: Yes 63 No 28
The Moderator declared the main motion carried by majority

ARTICLE 17: Upon motion of Paul Carey, it was moved the Town vote to transfer from the Community Preservation Fund – Open Space Account the sum of Twenty-four thousand dollars (\$24,000.00) for restoration and rehabilitation of land for recreational purposes, specifically for the treatment of Lake Wildwood for the eradication of invasive weeds, such project to be completed within one year.

Favorable recommendation from Finance Committee- Community Preservation Committee

The Moderator declared the motion carried unanimously

ARTICLE 18: Upon motion Paul Carey, it was moved the Town vote to transfer the sum of Seventeen thousand five hundred dollars (\$17,500.00) from the Community Preservation Fund – Open Space Account for engineering services to evaluate access road alternatives and to design an access road at Stefan’s Farm, to be completed under the supervision of the Land Stewardship Committee, such project to be completed within three years.

Favorable recommendation from Finance Committee- Community Preservation Committee

The Moderator declared the motion carried unanimously

ARTICLE 19: Upon motion of Aaron Goodale, it was moved the Town vote to raise and appropriate the sum of Sixty thousand five hundred thirty-four dollars and seventy-seven cents (\$60,534.77), for the payment of principal and interest costs on the 2000 Platform Quint Fire Apparatus authorized for purchase at the May 8, 2014 Annual Town Meeting, Article 24.

Favorable recommendation from Finance Committee

The Moderator declared the motion carried unanimously

ARTICLE 20: Upon motion of Robert Fleming, it was moved the Town vote pursuant to M.G.L. Chapter 40, Section 5B to transfer the sum of Five hundred forty-nine thousand two hundred fifty-two dollars and seventy cents (\$549,252.70), from the MURSD School Stabilization Fund to the General Stabilization Fund.

Favorable recommendation from Finance Committee

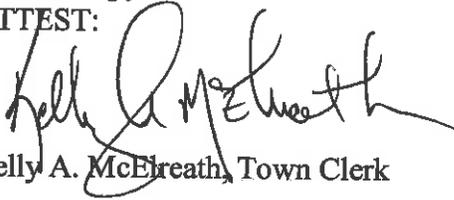
The Moderator declared the motion carried unanimously

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

Motion passed unanimously.

A True Copy,

ATTEST:

A handwritten signature in black ink, appearing to read "Kelly A. McBreath". The signature is written in a cursive style with a large, looping initial "K".

Kelly A. McBreath, Town Clerk

