

## Town of Upton / STM 03 April 2012 / Warrant

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in Elections and in Town affairs, to meet in the Auditorium at the Nipmuc Regional Middle/High School, in Upton on Tuesday, the third day of April 2012, at 7:00 o'clock in the evening, then and there to act on the following Articles:

Article No.	Article	Justification/Submitted By	Recommendation
1	To see if the Town will vote to amend the Zoning Bylaw, Section 4.2, Dimensional Regulations, in order to correct a numbering issue by re-labeling "Note 7", as most recently designated in the Zoning Bylaw amendment approved by the November 15, 2011 Special Town Meeting, as "Note 9", or, to take any other action relative thereto.	To rectify the numbering of a footnote in the Zoning By-law. Public Hearing scheduled for March 27, 2012.  Planning Board	To Be Determined
2	To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow the sum of Thirty two thousand dollars (\$32,000.00), or any other sum, for a supplemental appropriation to the Insurance Account (#01-945-5700-5743), for the remainder of fiscal year 2012, or, to take any other action relative thereto.	Insufficient funding was budgeted for the fiscal year for health insurance due to a rate increase in January, 2012 of 16%.  Board of Selectmen	Favorable Action
3	To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow the sum of Six thousand dollars (\$6,000.00), or any other sum, for a supplemental appropriation to the Technology Expense Account (#01-159-5400-5421), for the remainder of fiscal year 2012, or, to take any other action relative thereto.	To make up a funding shortfall caused by expenses of the August Hurricane & replacement of the Fire Department server.  Board of Selectmen	Favorable Action
4	To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow the sum of Twelve thousand dollars (\$12,000.00), or any other sum, for a supplemental appropriation to the Town Counsel Expense Account (#01-151-5200-5302), for the remainder of fiscal year 2012, or, to take any other action relative thereto.	To make up a funding shortfall due to additional legal work required of the Town Attorney.  Board of Selectmen	To Be Determined

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5	To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow the sum of Thirty thousand dollars (\$30,000.00), or any other sum, for architectural and engineering services to investigate and design repairs to the exterior of the Upton Police Station, including all costs incidental and related thereto, or, to take any other action relative thereto.	To investigate options and design repairs to the exterior of the Upton Police Station  Board of Selectmen	Favorable Action
6	To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow the sum of Twenty thousand dollars (\$20,000.00), or any other sum, for repairs to the Knowlton Risteen Building, 2 Grove Street, Upton, including all costs incidental and related thereto, or, to take any other action relative thereto.	Repairs to the building incl. installation of gutters, removal of oil tanks, energy efficiency.  Board of Selectmen	Favorable Action
7	To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer or borrow the sum of Six thousand dollars (\$6,000.00), or any other sum, for a supplemental appropriation to the Veterans Benefits Account (#01-543-5700-5770), for the remainder of fiscal year 2012, or, to take any other action relative thereto.	To make up a funding shortfall due to benefits for eligible Veterans.  Board of Selectmen	Favorable Action
8	To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer or borrow the sum of Ten thousand dollars (\$10,185.00), or any other sum, for the purchase of SCBA Breathing Apparatus, which appropriation will satisfy the requirement under a FEMA Assistance to Firefighters grant that the Town appropriate 5% of the costs of such equipment, or, to take any other action relative thereto.	To provide matching funds to win a \$203,700 FEMA AFG Grant.  Board of Selectmen	Favorable Action

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9	To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer or borrow the sum of Seven thousand one hundred dollars (\$7,100.00), or any other sum, to replace the furnace in the DPW Highway Garage, 100 Pleasant Street, including all costs incidental and related thereto, or, to take any other action relative thereto.	To replace the 15-year old furnace at the Highway Garage that has a cracked heat exchanger.  Board of Selectmen	To Be Determined
10	To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer or borrow the sum of Eight thousand dollars (\$8,000.00), or any other sum, to upgrade the Town's website and pay the costs of the first year's maintenance and support, including all costs incidental and related thereto, or, to take any other action relative thereto.	To replace the Town's website with a newer format that offers more information and services to residents. Board of Selectmen	Favorable Action
11	To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer from available funds including Community Preservation Funds or borrow the sum of Twelve thousand dollars (\$12,000.00), or any other sum, for aquatic weed control measures at Pratt Pond, or, to take any other action relative thereto.	To treat Pratt Pond in order to eradicate fanwort weeds.  Aquatic Weed Control Comm.	To Be Determined
12	To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow the sum of Seven thousand five hundred dollars (\$7,500.00), or any other sum, for a supplemental appropriation to the DPW Consultant Account (#01-421-5200-5200), for the remainder of fiscal year 2012, or, to take any other action relative thereto.	Additional expenses incurred due to the delayed hiring of the Director of Public Works  Board of Selectmen	Favorable Action
13	To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow the sum of Five thousand dollars (\$5,000.00), or any other sum, for a supplemental appropriation to the Town Meetings/Elections Account	Additional expenses incurred due to the adding of a precinct and an election in June.	Favorable Action

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	(#01-113-5400-5421), for the remainder of fiscal year 2012, or, to take any other action relative thereto.	Town Clerk	
14	To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow the sum of Three thousand dollars (\$3,000.00), or any other sum, for the purchase of antenna cable and connectors needed to mount the public safety repeater system on the communications tower at Pratt Hill on Warren Street, or, to take any other action relative thereto.	To purchase antenna cable and connectors to move the public safety repeater system to the communications tower on Pratt Hill.  Board of Selectmen	Favorable Action
15	To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow the sum of Eighty five thousand dollars (\$85,000.00) to supplement the revenue received by the Wastewater Enterprise Fund to balance the revenues and expenditures in that fund for fiscal year 2012, or, to take any other action relative thereto.	The budgeted wastewater enterprise fund revenue is insufficient for the fiscal year. Transfers from various sources will be used to make up the shortfall. Board of Selectmen	Favorable Action
16	To see if the Town will vote to acquire by gift, purchase or otherwise two easements, one from D&F Afonso Builders, Inc and one from Robert Richard & Jane Richard, Trustees of the Richard Living Trust, both as described on an Easement Plan of Land entitled: "West River Street Water Main" in Upton, Massachusetts", Scale: 1" = 40', Date: December 29, 2011, prepared by Odone Survey & Mapping, 291 Main Street, Northborough, Massachusetts 01532, for utilities and an access road to the future municipal well field #3, and to authorize the Board of Selectmen to acquire said easements and take all additional actions needed to carry out the purposes of this vote, or take any other action relative thereto.	To acquire two easements to be used for utilities and an access road to the future municipal well field #3.  Board of Selectmen	Not Applicable
17	To see if the Town will vote pursuant to M.G.L. Chapter 40, Section 5B to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow the sum of Fifty thousand dollars	To allocate a portion of the 2011 Free Cash to the Capital Stabilization Fund.	Favorable Action

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	(\$50,000.00), or any other sum, to the Capital Stabilization Fund, or, take any other action relative thereto.	Board of Selectmen	
18	To see if the Town will vote pursuant to M.G.L. Chapter 40, Section 5B to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow the sum of One hundred thousand dollars (\$100,000.00), or any other sum, to the General Stabilization Fund, or, take any other action relative thereto.	To allocate a portion of the 2011 Free Cash to the General Stabilization Fund.  Board of Selectmen	Favorable Action
19	To see if the Town will vote to transfer from the Community Preservation Fund Undesignated Fund Balance Account (24-300-3590-1000), or otherwise raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, including the Community Preservation Fund, or transfer or borrow pursuant to M.G.L. Chapter 44B, the Community Preservation Act, or any other enabling authority, the sum of Six hundred seventy-five thousand dollars (\$675,000.00) for the purposes of acquiring by gift, purchase, or otherwise, and including all costs incidental and related thereto, the fee or lesser interest in land totaling 69.7 acres, more or less, 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 Upton Massachusetts, Scale: 1" equals 128', Prepared by Heritage Design Group, 1 Main Street, Whitinsville, Massachusetts 01588 for Henry J. Poirier, Jr. and Pamela M. Campbell, Trustees of the South Street Realty Trust, for general municipal purposes, including conservation and active recreation purposes, to be held under the care, custody, management and control of the Board of Selectmen; provided, however, that after additional work is undertaken with respect to use of the site for conservation and active recreation purposes, a future Town Meeting shall dedicate a portion of the land to conservation purposes, to be held by the Conservation Commission, and a portion of the land to active recreation purposes, to be held by the Recreation Commission; and further, to authorize the Board of Selectmen to acquire said land and authorize appropriate Town officials to take such additional actions as needed carry out the purposes of this vote; and further,	For the acquisition of property on South Street for the future development of an active recreation complex.  Community Preservation Committee	To Be Determined

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	to authorize the Board of Selectmen to convey a permanent deed restriction in said property meeting the requirements of G.L. c.184 and G.L. c.44B, §12, or, to take any other action relative thereto.		
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And you are directed to serve this Warrant, by posting up attested copies thereof at the U.S. Post Office, Town Library and Town Hall, in said Town fourteen days (14) at least before the time of holding said Meeting.

**HEREOF FAIL NOT**, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given under our hands this sixth day of March in the year of our lord two thousand twelve.

**UPTON BOARD OF SELECTMEN**

A true copy, Attest:

\_\_\_\_\_  
**Robert J. Fleming, Chairman**

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**Kenneth E. Picard, Member**

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**James A. Brochu, Member**

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Karen L. Varney, Constable

Date: March \_\_, 2012

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## Constable Attest Page

Worcester, ss.

Pursuant to the within Warrant, I have notified and warned the inhabitants of the Town of Upton by posting up attested copies of the same at the Town Hall Building, Library Building, and the Upton U.S. Post Office at least fourteen days (14), before the date of the meeting, as within directed.

Karen L. Varney  
Constable of Upton  
March \_\_, 2012