

THE COMMONWEALTH OF MASSACHUSETTS

JUNE 12, 2008

WORCESTER, ss. To either of the Constables of the Town of Upton in the County of Worcester:

GREETINGS:

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 Thursday, the Twelfth day of JUNE 2008, at Seven o'clock in the evening, then and there to act on the following Articles:

ARTICLE 1: To see if the Town will vote to transfer the sum of Thirty-two thousand dollars (\$32,000.) from the Community Preservation Act Reserved Fund Balance Undesignated FY2008 to the Reserved Fund Balance – Historic Resources, or, to take any other action relative thereto.

ARTICLE 2: To see if the Town will vote to transfer the sum of Thirty-two thousand dollars (\$32,000.) from the Community Preservation Act Reserved Fund Balance Undesignated FY2008 to the Reserved Fund Balance – Open Space, or, to take any other action relative thereto.

ARTICLE 3: To see if the Town will vote to transfer the sum of Thirty-two thousand dollars (\$32,000.) from the Community Preservation Act Reserved Fund Balance Undesignated FY2008 to the Reserved Fund Balance – Community Housing, or, to take any other action relative thereto.

ARTICLE 4: To see if the Town will vote to appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow the sum of, Two thousand dollars (\$2,000.00), or any other sum, from “free cash” to the Elections and Town Meetings Account, or, to take any other action relative thereto.

ARTICLE 5: To see if the Town will vote pursuant to M.G.L. Chapter 40A, Section 5 to approve the official Zoning Map of the Town of Upton as presented, or to take any other action relative thereto.

A copy of the map is available for review at the Town Clerk’s office.

ARTICLE 6: To see if the Town will vote pursuant to M.G.L. Chapter 40A, Section 5 to amend the Zoning By-Laws by making amendments to the dimensional regulations set forth in the By-Laws or, to take any other action relative thereto.

A complete copy of the proposed amendment is available for review at the Town Clerk’s office.

ARTICLE 7: To see if the Town will vote to transfer, for the purpose of supplementing the FY2008 Overlay account deficit, the total sum of Thirty-three thousand and five hundred dollars (\$33,500.00), from the following accounts as requested; \$15, 000. From Overlay Surplus, \$5,000. From Valuation update account 01-142-5785, \$3,500. From Hardware/Software account 01-141-5242, and \$10,000. From Valuation update account 02-142-5785, to the Fiscal year 2008 Overlay Account, or, to take any other action relative thereto.

ARTICLE 8: To see if the Town will vote to appropriate, appropriate from available unappropriated funds in the Town treasury, or transfer, or borrow the sum of Three thousand eight hundred fifty-three dollars and fifty-four cents (\$3,853.54), or any other sum, to supplement Account 01-911-5172 Worcester Regional Retirement System, for the remainder of FY2008, or, to take any other action relative thereto.

ARTICLE 9: To see if the Town will vote to transfer, the sum of Seventy-five thousand dollars (\$75,000.00) from the General Stabilization Fund Account, to Account 02-440-5852 Pumping Station Improvements, to reverse the actions of a portion of Article #6 of the March 10, 2008 STM, or, to take any other action relative thereto.

ARTICLE 10: To see if the Town will vote to transfer the sum of One thousand eight hundred ninety-eight dollars and forty cents (\$1,898.40), or any other sum, from the Board of Health Hazardous Waste Account to the Board of Health Expense Account, or, to take any other action relative thereto.

ARTICLE 11: To see if the Town will vote to transfer the sum of Seventeen thousand dollars (\$17,000.), or any other sum, from the Waste Removal Disposal Account to the Waste Removal Curbside Services Account, or, to take any other action relative thereto.

ARTICLE 12: To see if the Town will vote to appropriate, appropriate from available unappropriated funds in the treasury, or transfer, or borrow, the sum of Four thousand dollars (\$4,000.), or any other sum, to supplement the Waste Removal Curbside Account for the remainder of fiscal year 2008. Said sum is to cover the overage due to an increase in customers and fuel, or, to take any other action relative thereto.

ARTICLE 13: To see if the Town will vote to appropriate, appropriate from available unappropriated funds in the treasury, or transfer, or borrow, the sum of Four thousand eight hundred nineteen dollars and twenty-four cents (\$4,819.24), or any other sum, to supplement the Board of Health Trash Bags Account for the remainder of FY08, or, to take any other action relative thereto.

ARTICLE 14: To see if the Town will vote to appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow, the sum of Twenty four thousand dollars (\$24,000.00), or any other sum, to be used for Aquatic Weed Control in one or more of the following ponds: Taft Pond, Mill Pond, Pratt Pond, Lake Wildwood, or, to take any action relative thereto.

ARTICLE 15: To see if the Town will vote to appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow, the sum of Five thousand dollars (\$5,000.00) to supplement the Police Cruiser Gas line item account for the remainder of FY2008, Due to the unanticipated increase in fuel prices, the FY08 Cruiser Gas line item will be depleted at the end of May, leaving a zero balance for June's cruiser gas invoice, or, to take any action relative thereto.

ARTICLE 16: To see if the Town will vote to appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow, the sum of Five thousand dollars (\$5,000.00) to supplement the Police Salary line time account for the remainder of FY2008. This request is due to unanticipated salaries and overtime, or, to take any action relative thereto.

ARTICLE 17 To see if the Town will vote to accept the provisions of M.G.L. Chapter 48, §42A, with respect to the appointment of a Fire Chief to manage the Upton Fire and Emergency Medical Services Department. In addition to the provisions of M.G.L. Chapter 48, §42A, a five member Fire & EMS Advisory Committee shall be appointed by and will serve at the pleasure of the Board of Selectmen, or, to take any other action relative thereto.

NOTE: This action shall take effect when the listed conditions above have been satisfied and the acceptance of an employment agreement has been completed.

ARTICLE 18: To see if the Town will vote to amend the Town of Upton General Bylaws, Title 2 **Municipal Government and Finance:** to establish a new Chapter for the creation of a Fire & EMS Department Advisory Committee, or, to take any other action relative thereto

- a. **Composition:** There shall be a Fire & EMS Department Advisory Committee consisting of five members; one full time Firefighter/EMT, one Call member, one EMS member, one Citizen at Large, and the Chief, all appointed by and will serve at the pleasure of the Board of Selectmen.

- b. **Responsibility & Duties:** The FD/EMS Advisory Committee shall make careful studies of resources, and needs of the FD/EMS Department. The committee will make comprehensive recommendations to the Fire Chief setting forth policies to govern the future growth and development of the FD/EMS Department. These recommendations shall be submitted in written form to the Chief for his review. The Chief shall within a reasonable time respond in writing to the Advisory Committee as to their recommendations.

- c. **Administration:** The Board of Selectmen shall adopt reasonable rules and regulations for the administration of the FD/EMS Advisory Committee, which maybe amended from time to time.

NOTE: A copy of the General Laws of Massachusetts, Chapter 48 §42A and the proposed FD/EMS Advisory Committee rules and regulation are available at the Town Clerks office for review.

ARTICLE 19: To see if the Town will vote to appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow, the sum of Twenty-four thousand eighty-two dollars and ninety-nine cents (\$24,082.99) to supplement the Insurance Expense Account (01-945-5742) for the remainder of FY2008. This request is due to unanticipated increases in non-medical insurance, or, to take any action relative thereto.

ARTICLE 20: To see if the Town will vote to appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow, the sum of Twenty-four thousand eighty-two dollars and ninety-nine cents (\$5,550.00) to supplement the Town Buildings Expense Account (01-192-5421) for the remainder of FY2008. This request is due to increases in heating fuel and electricity, or, to take any action relative thereto.

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 Twentieth day of May in the year of our lord Two thousand eight.

UPTON BOARD OF SELECTMEN

Robert J. Fleming, Chairman

Kenneth E. Picard, Member

Michael E. Goodwin, Member

A true copy, Attest:

Constable

Date: May 23, 2008

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.

Constable of Upton