

Town of Upton / STM 14 November 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 Wednesday, the fourteenth day of November 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 raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow, the sum of Eighteen thousand dollars (\$18,000.00), or any other sum, a supplemental appropriation to the Public Works Contracted Services Account (#01-422-5200-5242), for the remainder of fiscal year 2013, or, to take any other action relative thereto.	Funding to complete state mandated inspection and reports of Town-owned dams Board of Selectmen	Favorable Action
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 Eighteen thousand dollars (\$18,000.00), or any other sum, for the purchase of replacement cameras for the Town's police cruisers, or, to take any other action relative thereto.	To replace the cameras in each of the Town's police cruisers that has reached the end of their useful life. 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 Seventy-five thousand two hundred fifty dollars (\$75,250.00), or any other sum, 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, or, to take any other action relative thereto.	To purchase wheeled & lidded recycling containers for all Upton households utilizing the Town service. Board of Health	Favorable Action

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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 Three thousand five hundred dollars (\$3,500.00), or any other sum, for the purchase of a high speed black and white scanner, or, to take any other action relative thereto.	To purchase a scanner to copy and store electronically all Board of Health plans. Board of Health	Favorable Action
5	To see if the Town will 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, or, to take any other action relative thereto.	Amend the wording in the Personnel By-Law to reflect a more appropriate term for newly hired employees of the Town. Personnel Board	Favorable Action
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 various changes to Section 3.1, Table of Principal Uses, Table A - Table of Principal Uses By District. The complete text of the proposed By-Law amendment is available for review at the Town Clerk's office, or, to take any other action relative thereto.	To update the Zoning By-Law Schedule of Principal Use table consistent with Upton Master Plan recommendation. Planning Board	Favorable Action
7	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 fifty thousand dollars (\$150,000.00), or any other sum, to the General Stabilization Fund, or, take any action relative thereto.	To allocate excess capacity in the levy limit to the General Stabilization Fund 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, including the Community Preservation Fund, or transfer or borrow pursuant to M.G.L.c.44B, the Community Preservation Act, or any other enabling authority, the sum of Eight hundred seventy-seven thousand dollars (\$877,000.00) for the purpose of acquiring by gift, negotiated purchase,	To pay for the initial phase of engineering and design necessary to complete the permitting process and then purchase the parcel of land on South Street for a future park.	Favorable Action

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	<p>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 convey a perpetual conservation restriction on said property, 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, or, to take any other action relative thereto.</p>	<p style="text-align: center;">Board of Selectmen</p>	
<p style="text-align: center;">9</p>	<p>We, the People of the TOWN OF UPTON in the COMMONWEALTH OF MASSACHUSETTS, of the UNITED STATES OF AMERICA, reject the U.S. Supreme Court's ruling in Citizen's United, and MOVE TO AMEND our CONSTITUTION to firmly establish that money is not speech and that human beings, not corporations, are persons entitled to constitutional rights.</p>	<p style="text-align: center;">By Petition</p>	<p style="text-align: center;">Not/Applicable</p>

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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 sixteenth day of October in the year of our lord two thousand twelve.

UPTON BOARD OF SELECTMEN

A true copy, Attest:

Kenneth E. Picard, Chairman

James A. Brochu, Member

Robert J. Fleming, Member

Karen L. Varney, Constable

Date: October ____, 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
October __, 2012