

THE COMMONWEALTH OF MASSACHUSETTS

November 17, 2009

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 Tuesday, the Seventeenth day of November 2009, at Seven Thirty 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 Seventeen thousand dollars (\$17,000.00), from the Community Preservation Act Reserved Fund Balance Undesignated FY2010 to the Reserved Fund Balance-Open Space, or, to take any other action relative thereto.

ARTICLE 2: To see if the Town will vote to transfer the sum of Seventeen thousand dollars (\$17,000.00), from the Community Preservation Act Reserved Fund Undesignated FY2010 to the Reserved Fund Balance-Historic Reserve, or, to take any other action relative thereto.

ARTICLE 3: To see if the Town will vote to transfer, the sum of Seventeen thousand dollars (\$17,000.00), from the Community Preservation Act Reserved Fund Undesignated FY2010 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 transfer the sum of Forty-seven thousand dollars (\$47,000.00), from the Community Preservation Act Fund Balance-Historic Reserve account #24-300-3242-1000 and Thirteen thousand dollars (\$13,000.00), from the Community Preservation Act Unreserved Fund Balance FY20005 account #24-300-3320-205 for a total of \$60,000.00 to repair or renovate 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, or, to take any other action relative thereto.

ARTICLE 5: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow the sum of Ten thousand dollars (\$10,000.00), or any other sum, for the purpose of a supplemental appropriation to the Technology Expense Account, account # 01-159-5400-5421, or, to take any other action relative thereto.

ARTICLE 6: To see if the Town will 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, or, to take any other action relative thereto.

ARTICLE 7: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow the sum of Ten thousand dollars (\$10,000.00), or any other sum, for a supplemental appropriation to the Cemetery Maintenance Account (01-491-5200-5241), for the remainder of fiscal year 2010, or, to take any other action relative thereto.

ARTICLE 8: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow the sum of Three thousand fifty dollars (\$3,050.00), or any other sum, 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, or, to take any other action relative thereto.

ARTICLE 9: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow, the sum of Four thousand dollars (\$4,000.00), or any other sum, 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, or, to take any other action relative thereto.

ARTICLE 10: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow, the sum of Nine thousand eight hundred dollars (\$9,800.00), or any other sum, to be used for Architectural services to; design, create drawings, specifications, and bid documents for the renovation of the COA Senior Center. Said project to be managed by the Board of Selectmen and assisted by a Massachusetts Registered Architect, or, to take any other action relative thereto.

ARTICLE 11: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow, the sum of Twenty-five thousand dollars (\$25,000.00), or any other sum, 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, or, to take any other action relative thereto.

ARTICLE 12: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the treasury, or transfer, or borrow, the sum of One hundred Thousand Dollars (\$100,000.00), or any other sum, 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), or, to take any other action relative thereto.

ARTICLE 13: To see if the Town will 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, or, to take any other action relative thereto.

ARTICLE 14: To see if the Town will vote to Transfer from the FY2010 Operating Budget, line item 130 Water Operation & Maintenance, Thirty thousand dollars (\$30,000.00), into the Water Enterprise Fund Account # 60-450-5400-5532 Maintenance, to correct an oversight in Article #3, of the Annual Town Meeting, or, to take any other action relative thereto.

ARTICLE 15: To see if the Town will 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, or, to take any other action relative thereto.

ARTICLE 16: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow, the sum of Ten thousand dollars (\$10,000.00), or any other sum, to supplement the DPW Consultant Account (01-421-5200-5200) for the remainder of the fiscal year 2010, or, to take any other action relative thereto.

ARTICLE 17: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury the sum of Four thousand five hundred dollars (\$4,500.00), or any other sum, for the purpose of Delineating a Town Water and Sewer District (District Mapping), by the Town's Hydrological Engineers, or, to take any other action relative thereto.

ARTICLE 18: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow the sum of Twenty thousand dollars (\$20,000.00), or any other sum, to comply with the Phase I Dam Inspection of "Taft Pond Dam" by the Mass. Department of Dam Safety and estimated by the Town's Engineer for engineering and design, of same for repairs and maintenance, or to take any other action relative thereto.

ARTICLE 19: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow, the sum of Twenty-five thousand dollars (\$25,000.00), or any other sum, to be used for Energy Conservation Projects in Town Municipal Buildings, or, to take any other action relative thereto.

ARTICLE 20: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow the sum of Three thousand dollars (\$3,000.00), or any other sum, for a supplemental appropriation to the Telephone Expense Account (01-122-5200-5341), for the remainder of fiscal year 2010, or, to take any other action relative thereto.

ARTICLE 21: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow the sum of Three thousand dollars (\$3,000.00), or any other sum, for a supplemental appropriation to the Street Light Account (01-424-5200-5210), for the remainder of fiscal year 2010, or, to take any other action relative thereto.

ARTICLE 22: To see if the Town will 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, or, to take any other action relative thereto.

ARTICLE 23: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow, the sum of Three hundred fifty thousand dollars (\$350,000.00), or any other sum, to the Town's General Stabilization Fund Account, or to take any other action relative thereto.

ARTICLE 24: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow, the sum of One hundred fifty thousand dollars (\$150,000.00), or any other sum, to the Town's Capital Stabilization Fund Account, or, to take any other 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 Twenty-seventh day of October in the year of our lord Two thousand nine.

UPTON BOARD OF SELECTMEN

Kenneth E. Picard, Chairman

Michael E. Goodwin, Member

Robert J. Fleming, Member

A true copy, Attest:

Constable: James R. Bates

DATE: October 30, 2009

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.

James R. Bates

Constable of Upton

Date: October 30, 2009