

THE COMMONWEALTH OF MASSACHUSETTS

November 18, 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 Tuesday, the Eighteenth day of November 2008, 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 Twenty-eight thousand dollars (\$28,000.) from the Community Preservation Act Reserved Fund Balance Undesignated FY2009 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 Twenty-eight thousand dollars (\$28,000.) from the Community Preservation Act Reserved Fund Balance Undesignated FY2009 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 Twenty-eight thousand dollars (\$28,000.) from the Community Preservation Act Reserved Fund Balance Undesignated FY2009 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 Five thousand two hundred twenty-six dollars and sixty-five cents (\$5,226.65), which is the remainder of the original appropriation from the Recreation Irrigation System Account, to the Community Preservation Act Reserved Fund Balance Undesignated FY2005, or, to take any other action relative thereto.

ARTICLE 5: To see if the Town will vote to transfer \$27,023.54 from the Community Preservation Act Reserved Fund Balance Undesignated 2005 and \$12,976.46 from the Reserved Fund Balance Undesignated 2006 for a total of \$40,000 to fund the construction of three fishing jetties located along the Lake View Cemetery Pratt Pond shoreline, one of which will be handicapped accessible, such project to be under the jurisdiction of the Board of Selectmen and maintained by the Upton Parks Department and completed within three years, or, to take any other action relative thereto.

ARTICLE 6: 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 Twenty-eight thousand four hundred six dollars (\$28,406.00), or any other sum, to purchase (1) 2009 Ford Explorer 4-wheel drive fully equipped Police Cruiser to replace an existing vehicle in the fleet, or, to take any other action relative thereto.

ARTICLE 7: 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 Nine thousand eight hundred forty-eight dollars (\$9,848.00), or any other sum, to purchase (2) Two Motorola MTR 2000 Repeaters to replace the existing Police and Fire repeater system located on the Gable Street Tower. This new system is needed to replace an older model Motorola system that has been experiencing intermittent failures, 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 Treasury, or Transfer, or Borrow, a supplemental sum of Forty one thousand two hundred fifty-nine dollars, (\$41,259.00), or any other sum, to fund the contractual dollar amount for the Upton Police and Communication Departments, for FY09 beginning July1, 2008, said amount agreed to under terms of the collective bargaining agreement between the Town of Upton, and the Upton Police and Communication Departments, Local #162, Agreement signed October 14, 2008, or, to take any other action relative thereto.

NOTE: Contract can be reviewed at the Office of the Town Clerk, or the Selectmen's Office

ARTICLE 9: To see if the Town will vote to appropriate, appropriate from available unappropriated funds in the Treasury, or Transfer, or Borrow, a supplemental sum of Twenty four thousand nine hundred forty eight dollars and seventy-four cents (\$24,948.74), or any other sum, to fund the contractual dollar amount for the Upton DPW Supervisors, for FY08 and FY09 beginning July1, 2007, said amount agreed to under terms of the collective bargaining agreement between the Town of Upton, and the Upton DPW Supervisors Department, Local #170 Supervisors, Agreement signed September 30, 2008, or, to take any other action relative thereto.

NOTE: Contract can be reviewed at the Office of the Town Clerk, or the Selectmen's Office

ARTICLE 10: To see if the Town will vote to appropriate, appropriate from available unappropriated funds in the Treasury, or Transfer, or Borrow, a supplemental sum of One thousand dollars (\$1, 000.00), or any other sum, to fund Line Item #01-122-5425 Selectmen-Architectural Retainer Account for the remainder of FY09, or, to take any action relative thereto.

ARTICLE 11: To see if the Town will, pursuant to M.G.L. c. 82A, §2, vote to designate the Board of Selectmen as the means by which the Town shall designate the Board or Officer to issue permits for the purpose of creating a trench as that term is defined by M.G.L. c. 82A, §4 and 520 CMR 14.00, 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 Five thousand dollars (\$5,000.00), or any other sum, to be administered by the Conservation Commission for managing beaver related problems that occur on Town Property or affect public safety through the remainder of FY09. Funds will be utilized to include, but not limited to, costs for beaver deceivers, culvert fencing, trapping, management plans, and a maintenance contract, 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 Six hundred dollars (\$600.00), or any other sum, for the purchase and installation of a Dishwasher, at the Senior Center to continue the programs that are provided at the center, 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 Seventy two thousand three hundred eighty dollars (\$72,380.00), or any other sum, to supplement the Insurance Expense Account (01-945-5742) for the remainder of FY2009. This request is due to increases in medical insurance, property & casualty, and public officials insurance for FY09, 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 Four thousand dollars (\$4,000.00), or any other sum, to supplement the Town Buildings Expense Account (01-192-5421) for the remainder of FY2009. This request is due to an emergency repair to replace/repair the Radiator in the Emergency Generator in the Town Hall, 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 Fourteen thousand six hundred seventy-seven dollars and sixty-five cents (\$14,677.65), or any other sum, for the purpose of a supplemental appropriation to the Town Accountant – Wages Account (01-135-5100), to fund the transition period and the remainder of FY09, for the new Town Accountant, or, to take any other action relative thereto.

ARTICLE 17: To see if the Town will vote to appropriate, appropriate from available unappropriated funds in the treasury, or transfer, or borrow, the sum of Three thousand five hundred dollars (\$3,500.00), or any other sum, for the Technical assistance necessary (by a certified Engineering Firm) to complete and submit the Towns mandated “Water Management Act Permit” due in November 2008, or, to take any other action relative thereto.

ARTICLE 18: To see if the Town will vote to appropriate by borrowing, the sum of Two hundred forty one thousand four hundred sixty dollars (\$241,460.00), or any other sum, for the purpose of funding a debt to pay the costs associated with the legal fees, engineering, design, project management, construction costs, and materials for the purpose of performing upgrades to the Station Street Sewerage Pump Station, including all costs incidental and related thereto, and further, to authorize the Treasurer with the approval of the Board of Selectmen to issue any bonds or notes that may be necessary for those purposes as authorized by General Laws chapter 44 or any other general or special law thereunto enabling, and that repayment of this borrowing, including interest and principal, be made by the following formula disbursement: 50% to be paid by general taxation, and 50% to be paid by a surcharge to the Wastewater System Users, provided however, that this appropriation and borrowing is contingent upon passage of a Proposition 2 ½ debt exclusion referendum under General Laws chapter 59, § 21C(k), or take any action relative thereto.

Note: Upgrades cost Contract can be reviewed at the Board of Selectmen’s Office.

ARTICLE 19: To see if the Town will vote to appropriate by borrowing, the sum of One million sixty one thousand one hundred fifty-nine dollars (\$1,061,159.00), or any other sum, for the purpose of funding a debt to pay the costs associated with the legal fees, engineering, design, project management, construction costs, and materials for the purpose of the replacement of (approximately 5,300 Lf. from Route 140 at the Town Hall to approximately 400Ft. East of Maple Ave.), of old Water Mains and the Installation of new Water Mains along Route 140, including all costs incidental and related thereto, and further, to authorize the Treasurer with the approval of the Board of Selectmen to issue any bonds or notes that may be necessary for those purposes as authorized by General Laws chapter 44 or any other general or special law thereunto enabling, and that repayment of this borrowing, including interest and principal, be made by the following formula disbursement: 50% to be paid by general taxation, and 50% to be paid by a surcharge to the Water System Users, provided however, that this appropriation and borrowing is contingent upon passage of a Proposition 2 ½ debt exclusion referendum under General Laws chapter 59, § 21C(k), or take any action relative thereto.

Note: Engineering cost Contract of \$84,818.00 and Construction cost Contract of \$976,341.00, Totaling \$1,061,159.00, can be reviewed at the Board of Selectmen’s Office.

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-eight day of October 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: October 30, 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