

TOWN CLERK

Town of Upton



Massachusetts

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CERTIFICATION OF PROCEEDINGS

**THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF UPTON
SPECIAL TOWN MEETING**

September 18, 2007

Called to order at 7:30 pm by Moderator David Loeper.

During this meeting, 70 voters were checked in to the Nipmuc Regional Middle/High School by Barbara Burke and M. Denise Smith meeting the necessary quorum of 40 voters.

The voters stood and recited the Pledge of Allegiance.

By unanimous vote, guest present were Steven Soma, DPW Director; Jon Miguel, Cable Access; and Kate Connelly, Town Counsel; Paul Crocetti, Milford Daily News.

ARTICLE 1: Upon motion of Robert Fleming, it was moved to pass over Article 1.

The Moderator declared the motion passed unanimously

ARTICLE 2: Upon motion of Richard Holmes, it was voted that the Town vote to transfer the sum of Twelve thousand dollars (\$12,000.) from the Community Preservation Act Reserved Fund Balance – Open Space to the Recreation – Glen Echo Account to be used for topographical survey work and filings needed to finish detailed construction drawings for the Glen Echo athletic field, such project is to be the responsibility of the Recreation Commission.

Favorable Recommendation from the Community Preservation Committee

The Moderator declared the motion passed unanimously

ARTICLE 3: Upon motion of Richard Holmes, it was voted that the Town vote to transfer the sum of Three thousand five hundred dollars (\$3,500.) from the Community Preservation Act Reserved Fund Balance Undesignated FY2007 to the Reserved Fund Balance – Historic Resources.

Favorable Recommendation from the Community Preservation Committee

The Moderator declared the motion passed unanimously

ARTICLE 4: Upon motion of Richard Holmes, it was voted that the Town vote to transfer the sum of Three thousand five hundred dollars (\$3,500.) from the Community Preservation Act Reserved Fund Balance Undesignated FY2007 to the Reserved Fund Balance – Open Space.

Favorable Recommendation from the Community Preservation Committee

The Moderator declared the motion passed unanimously

ARTICLE 5: Upon motion of Richard Holmes, it was voted that the Town vote to transfer the sum of Three thousand five hundred dollars (\$3,500.) from the Community Preservation Act Reserved Fund Balance Undesignated FY2007 to the Reserved Fund Balance – Community Housing.

Favorable Recommendation from the Community Preservation Committee

The Moderator declared the motion passed unanimously

ARTICLE 6: Upon motion of Kelly McElreath, it was moved to pass over Article 6.

The Moderator declared the motion passed unanimously

ARTICLE 7: Upon motion of Kenneth Picard, it was moved that the Town vote to transfer the sum of Fifty-nine thousand dollars (\$59,000.00) from the following Prior Year Account Balances; Town Hall Access \$22,000.00, Knowlton/Risteen Air Quality \$24,000.00, and Town Hall Ventilation \$13,000.00 to the Town's General Stabilization Fund Account.

Favorable Recommendation from the Finance Committee

Moderator declared this motion needs a 2/3 majority

The Moderator declared the motion passed unanimously

ARTICLE 8: Upon motion of Kenneth Picard, it was moved to pass over Article 8.

The Moderator declared the motion passed unanimously

ARTICLE 9: Upon motion of Kenneth Picard, it was moved to pass over Article 9.

The Moderator declared the motion passed unanimously

ARTICLE 10: Upon motion of Michael Penko, it was moved that the Town vote pursuant to M.G.L. Chapter 40A, Section 5, to amend the Zoning By-Laws to provide for Open Space Residential Development by deleting the existing section: SECTION 7.3 -OPEN SPACE PRESERVATION SUBDIVISION in its entirety and replacing with SECTION 7.3 - OPEN SPACE RESIDENTIAL DEVELOPMENT; and by amending Section 3.1.3 (Table of Principal Uses By District) and Section 4.2 (Dimensional Regulations)

The complete text of the proposed Zoning By-Law amendment is available for review at the Town Clerk's office.

Favorable Recommendation from the Planning Board

Moderator declared this motion needs a 2/3 majority

Upon motion of William Andrews, it was moved to question
The Moderator declared the motion passed lost

Upon motion of Kenneth Picard, it was moved to amend the text available at the Town Clerk's office as follows:

Section 7.3.8.8 Ownership & Protection of Open Space
Delete #2 and Delete #3 and renumber accordingly

The Moderator declared the amendment passed by majority

The Moderator declared the amended motion passed by 2/3 majority

ARTICLE 11: Upon motion of Marcella Stasa, it was moved that the Town vote to authorize the Land Stewardship Committee, under direction of the Board of Selectmen, to manage a portion of Glen Echo Open Space Parcel A for open space purposes. Said Glen Echo parcel was accepted by the Town at the May 1, 2006 Annual Town Meeting (Article No. 45).

This 27.39-acre parcel shall be known as the "Eleanor T. Howarth Glen Conservation Area" and is identified as "Parcel A2" in a plan dated March 20, 2007 prepared by Savello Associates for the Conservation Commission. The remainder of Parcel A (9.18 acres) shall be managed for active recreation by the Recreation Commission.

The referenced plan may be viewed at the Office of the Town Clerk.

The Moderator declared the motion passed unanimously

ARTICLE 12: Upon motion of Marcella Stasa, it was moved that the Town vote to authorize the Land Stewardship Committee, under direction of the Board of Selectmen, to manage a parcel of land (017-053) off of Taft Street donated to the Town by Robert and Gail Snow and accepted by the Town at the May 03, 2004 Annual Town Meeting (Article No. 31). Said parcel shall be known as the “Snow Family Conservation Area”. The parcel abuts the Peppercorn Hill Town Conservation Area and provides access to the Peppercorn property from Taft Street.

The Moderator declared the motion passed unanimously

ARTICLE 13: Upon motion of Marsha Paul, it was moved to pass over Article 13.

The Moderator declared the motion passed unanimously

ARTICLE 14: Upon motion of Robert Fleming, it was moved that the Town vote to transfer the sum of Sixteen thousand one hundred eighty five dollars (\$16,185.00.) from the General Stabilization Fund Account for the purpose of funding **Engineering Division** efforts in replacing an antiquated 24” Corrugated Metal Pipe which runs across Pleasant Street in the vicinity of house #11 and through the property of house #14.

Favorable Recommendation from the Finance Committee

Moderator declared this motion needs a 2/3 majority

The Moderator declared the amended motion passed by 2/3 majority

ARTICLE 15: Upon motion of Robert Fleming, it was moved to pass over Article 15.

The Moderator declared the motion passed unanimously

ARTICLE 16: Upon motion of Marsha Paul, it was moved to pass over Article 16.

The Moderator declared the motion passed unanimously

ARTICLE 17: Upon motion of Marsha Paul, it was moved that the Town vote to transfer the sum of Two thousand three hundred sixteen dollars and twenty-four cents (\$2,316.24) from line item number 48-Insurance Expense Account of the operating budget for FY08 to be applied proportionately to a non-union employees salary, accordingly to their increased contribution to their health insurance premium cost from 10% to 25% effective July 1, 2007. This employee was missed in the calculation of Article # 16 at the Annual Town Meeting.

Favorable Recommendation from the Finance Committee

The Moderator declared the motion passed unanimously

Upon motion of John Robertson, it was moved to dissolve this warrant and adjourn the Special Town Meeting at 8:58 pm.

Motion passed unanimously

A True Copy,
ATTEST:

Kelly A. McElreath
Town Clerk