

THE COMMONWEALTH OF MASSACHUSETTS

October 17, 2006

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 October 2006, 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 raise and appropriate, appropriate from available unappropriated funds in the Town treasury, or transfer, or borrow the sum of Fifty thousand dollars (\$50,000), or any other sum, for the purpose of supplementing funds in the W/W Maintenance account used to pay for unanticipated water break costs experienced in this fiscal year, for the remainder of FY'07, or, to take any other action relative thereto.

ARTICLE 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 Twelve thousand dollars (\$12,000), or any other sum for the purpose of a supplemental appropriation to the Cemetery Maintenance account for the purpose of maintaining Town wide Cemeteries for the remainder of FY'07, or, to take any other action relative thereto.

ARTICLE 3: To see if the Town will vote to transfer from the Cemetery Perpetual Care fund, the sum of Four thousand dollars (\$4,000) of accrued interest, to the Cemetery Oiling & Paving Account, in accordance with M.G.L. chapter 114, section 15, for the purpose of maintaining Town wide Cemeteries for the remainder of FY07, or, to take any other action relative thereto.

ARTICLE 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 Twelve thousand dollars (\$12,000), or any other sum for the purpose of purchasing a vehicle lift to support the newly filled DPW mechanic position and allow the mechanic to perform efficiently and as intended by his hire, 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 Town treasury, or transfer, or borrow the sum of Five hundred dollars (\$500), or any other sum for the purpose of purchasing a heavy duty wheel dolly for maintaining and/or servicing heavy duty 6 to 10 wheeled dump style trucks/sanders in order to support the newly filled DPW mechanic position and allow the mechanic to perform efficiently and as intended by his hire, or, to take any other action relative thereto.

ARTICLE 6: 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 Two thousand five hundred dollars (\$2,500), or any other sum for the purpose of purchasing a portable floor jack in order to allow efficient operations in maintaining and/or servicing heavy duty and/or dump bodies vehicles in order to support the newly filled DPW mechanic position and allow the mechanic to perform efficiently and as intended by his hire, or, to take any other action relative thereto.

ARTICLE 7: To see if the Town will vote, pursuant to M.G.L. Chapter 40A, Section 5, to amend the Zoning By-Laws, as follows:

To amend Section V. D. Site Plan approval, specifically the following sections:

B. Procedure

G. Period of Validity

Or, to take any other action relative thereto.

***Complete text of the amended bylaw is attached and available for review at the Town Clerk's Office.**

ARTICLE 8: To see if the Town will vote to appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow, the sum of One Thousand dollars (\$1,000.00), or any other sum, to fund a supplemental appropriation to the Town Buildings Expense Account, for the cost related to the repair of the Town Hall Heating System, and for the remainder of FY07, or, to take any other action relative thereto.

ARTICLE 9: 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 thousand five hundred dollars (\$6,500.00), 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 10: 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 two hundred eighty-four dollars and eight cents (\$3,284.08), or any other sum, for a supplemental appropriation to the Town Accountant Salaries and Wages Account for the remainder of FY07, or, to take any other action relative thereto.

ARTICLE 11: 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-five thousand dollars (\$25,000.00), or any other sum, from the Stabilization-Water Account Fund, to fund a portion of the second year cost of the "Stormwater Management Act" compliance as mandated by the E.P.A., 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 Twenty-five thousand dollars (\$25,000.00), or any other sum, from the General Stabilization Account Fund, to fund the remaining second year cost of the “Stormwater Management Act” compliance as mandated by the E.P.A., 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 Twenty thousand dollars (\$20,000.00), or, any other sum, to supplement the Town Counsel Chapter 40B (FY03) Expense Account for the remainder of FY07, 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 One hundred sixty-two thousand six hundred dollars (\$162,600.00), or any other sum, from the General Stabilization Account Fund, to fund the continuing costs of the Performance of Pump Test, Environmental Notification Form, Pump Test Report, Surveys, and, Mass Endangered Species Act (MESA) Permitting, for the Third Water Source Project (Groundwater Exploration Program), or, to take any other 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 Fifteen thousand dollars (\$15,000.00), or any other sum, for a supplemental appropriation to the Town DPW General Highway Materials Account for the remainder of FY07, 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 Seventy five thousand dollars (\$75,000.00), or any other sum, to fund the purchase of a new replacement Pump and Motor (present failed pump & motor are twenty eight years old), including; a new VFD Inverter Drive, Liquid Level Control System, miscellaneous materials, labor, installation, startup, and training, from the Stabilization/Wastewater Account Fund for compliance, system upgrades, and improvements to the Station Street Pumping Station Wastewater System, 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 Town treasury, or transfer, or borrow, the sum of Eighty six thousand three hundred five dollars (\$86,305.00), or any other sum, to be used for the construction and/or improvement of Town Roads, to be reimbursed by the Commonwealth under M.G.L. Chapter 291C, of the Acts of 2004, Section 34 (2) (A), of Chapter 90 of the M.G.L.’s, or, to take any other action relative thereto.

ARTICLE 18:

**Title 2: General Bylaw Amendment
 Municipal Government and Finance
 Chapter 18**

To amend the Town of Upton General Bylaws by amending Chapter 18 entitled Financial Review Board with the following:

Title: Board of Commissioner of Trust Funds

Creation:

At the A.T.M. of May 4, 2005 the Town voted to establish a three member elected Board of Commissioners of Trust Funds in accordance with M.G.L. Chapter 41, §11, §45, and §47.

Composition, Term of Office:

At the time of creating said Board there shall be elected one member for one year, one member for two years, and one member for three years; and there shall be elected annually thereafter one member for three years. Any vacancy occurring other than by expiration of term shall be filled by appointment by the majority vote of the Board of Selectmen and the remainder of the members of the Board of Commissioners until the next annual election, at which time such office shall be filled, by election, for the remainder of the unexpired term.

Responsibilities & Duties:

The said Board of Commissioners shall, so far as consistent with the terms of the trusts, manage and control the same, and distribute the income in accordance with the terms of the respective trusts. The Board shall keep a record of its doings, and at the close of each financial year shall make a report to the Town, showing the total amount of funds, and their investments, receipts and disbursements on account of the same, setting forth in detail the source of the receipts and the purposes of the expenditure.

Commentary:

As set forth in the warrant, a complete proposal file is available in the Town Clerk's office for review.

ARTICLE 19: To see if the Town will vote to authorize the Planning Board, for the Town, to take such actions as they deem appropriate pursuant to the "Grant of Easements and Restrictions" recorded with the Worcester District Registry of Deeds in book 39170, Page 215, a copy of which is attached hereto for "Kenneth Village", a Senior Housing Condominium situated on Mendon Street (eight condominium units) in Upton, or, to take any other action relative thereto.

***NOTE: GRANT OF EASEMENTS AND RESTRICTIONS Are available at the office of the Town Clerk, or the office of the Planning Board.**

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-six day of September in the year of our lord Two thousand six.

UPTON BOARD OF SELECTMEN

Joan E. Shanahan, Chairman

Marsha A. Paul

Robert J. Fleming

A true copy, Attest:

James R. Bates, Constable

Date: September 29, 2006

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