



# TOWN OF UPTON, MASSACHUSETTS

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## Annual Town Meeting 1 May 2025 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 at said **Nipmuc Regional High School, 90 Pleasant Street, Upton, MA on Thursday, May 1, 2025 punctually at Seven o'clock in the evening**, to act on the Articles in the warrant.

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### **ARTICLE 1: REPORTS OF TOWN OFFICERS AND APPOINTED COMMITTEES**

To hear reports of all Town Officers and Appointed Committees, or take any other action relative thereto.

**Explanation/ Submitted by:** Town Reports/Select Board

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### **ARTICLE 2: PRIOR YEAR BILLS**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to pay unpaid bills from prior fiscal years, or take any other action relative thereto.

**Explanation/ Submitted by:** Prior Year Bills (FY 2024), (4/5<sup>th</sup> vote required) /Select Board.

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### **ARTICLE 3: AMEND FY 2025 BUDGET TO FUND LOCAL FIREFIGHTERS UNION 5116 CONTRACT AND CALL DEPARTMENT**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of Eighty-One Thousand Six-Hundred and Eleven Dollars and Zero Cents (\$81,611.00) to fund and implement the cost items of the first fiscal year of the collective bargaining agreement between the Town of Upton and Local Firefighters Union 5116, International Association Of Fire Fighters, AFL-CIO and the implementation of Call Department wage adjustments, or take any other action relative thereto.

**Explanation/ Submitted by:** To fund the first fiscal year of the Local Firefighters Union 5116 collective bargaining agreement and Call Department wage adjustments. /Select Board

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### **ARTICLE 4: FY 2026 ANNUAL TOWN OPERATING BUDGET**

To see if the Town will vote to fix the salaries and compensation of all officers of the Town as provided by M.G.L. Chapter 41, §108, and to raise and appropriate, transfer from available funds, or borrow such sums as may be necessary to defray expenses of the Town Departments for FY 2026, or take any other action relative thereto.

**Explanation/ Submitted by:** Annual Town Operating Budget/Select Board

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### **ARTICLE 5: FY 2026 WATER ENTERPRISE FUND**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to operate the Water Enterprise Fund as set forth below for FY 2026, or take any other action relative thereto.

That the following sums be appropriated for the Water Enterprise Fund:

Wages & Salaries	\$412,937
Expenses	\$404,529
Capital Outlay	0
Debt	\$230,339
Extra/Unforeseen	50,000
<b>Total</b>	<b>\$1,097,805</b>

And that **\$1,097,805** be raised for such purposes as follows:

Department receipts	\$982,635
Retained Earnings	-0-
*Tax Levy	\$115,170

\*(NOTE: As raised and appropriated under Article 4)

**Explanation/ Submitted by:** Annual budget for Water Enterprise Fund/Select Board

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**ARTICLE 6: FY 2026 WASTEWATER ENTERPRISE FUND**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to operate the Wastewater Enterprise Fund as set forth below for FY 2026, or take any other action relative thereto.

That the following sums be appropriated for the Wastewater Enterprise Fund:

Wage & Salaries	\$402,630
Expenses	\$380,966
Capital Outlay	-0-
Debt	\$17,222
Extra/Unforeseen	\$30,000
<b>Total</b>	<b>\$830,818</b>

And that **\$830,818** be raised for such purposes as follows:

Department receipts	\$ 830,818
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**Explanation/ Submitted by:** Annual budget for Wastewater Enterprise Fund/Select Board

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**ARTICLE 7: FY 2025 REVOLVING FUNDS SPENDING LIMITS**

To see if the Town will vote to approve annual spending limits for FY 2026 for all other revolving funds, established in Chapter 36, Section 36-14, of the General Bylaws, in accordance with G.L. Chapter 44, §53E ½, and for the Treasurer/Collector Tax Title Revolving Fund, in accordance with M.G.L. Chapter 60, §15B, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 in any year, to increase the same for the ensuing fiscal year; provided, however, that at the request of the entity authorized to expend such funds, the Select Board, with the approval of the Finance Committee, may increase such limit, for that fiscal year only, all as set forth below, or take any other action relative thereto:

<b>Authorized Revolving Funds (G.L. c.44, §53E ½)</b>	<b>Fiscal Year Expenditure Limit</b>
Upton Community Center Revolving Fund	\$15,000
Board of Health “Curbside Waste and Recycling Fund”	\$15,000
Board of Health “Title V Fund”	\$15,000
Conservation Commission “Wetlands Revolving Fund”	\$20,000
Conservation Commission “Storm Water By- Law Fund”	\$7,000
Elder & Social Service Programming	\$30,000
Land Stewardship Committee “Community Garden Fund”	\$2,000
Land Stewardship Committee “Land Stewardship Fund”	\$20,000
Town Library Fund	\$6,000
Recreation Commission	\$270,000
<b>Authorized Revolving Fund (G.L. c.60, §15B)</b>	<b>Fiscal Year Expenditure Limit</b>
Treasurer/Collector Tax Title	\$15,000

**Explanation/ Submitted by:** To approve spending limits for the various town revolving funds, to be applicable from year to year unless later changed by Town Meeting. /Select Board

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#### **ARTICLE 8: FY 2026 UPTON CABLE FUND**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for PEG Access and Cable Related Fund as set forth below for FY 2026, or take any other action relative thereto.

That the following sums to be appropriated for the Peg Access and Cable Related Fund:

Wage & Salaries	\$44,000
Expenses	\$ 3,200
Capital Outlay	\$20,000
<u>Extra/Unforeseen</u>	<u>\$10,000</u>
<b>Total</b>	<b>\$77,200</b>

And that **\$77,200** to be raised for such purposes as follows:

Department receipts	\$77,200
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**Explanation/Submitted by:** In November 2019, the town voted to accept the provisions of General Laws Chapter 44, Section 53F 3/4, establishing a special revenue fund known as the PEG Access and Cable Related Fund in order to reserve cable franchise fees and other cable related revenues for appropriation by Town Meeting to support PEG access services and oversight and renewal of the cable franchise agreement. The appropriation request covered part-time cable employee, capital expenses related to the operation of cable access services, and capital improvements to town facilities and meeting rooms to support production and transmission of government meetings, functions, and programming. / Select Board

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**ARTICLE 9: TRANSFER TO STABILIZATION FUND**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of One Hundred Sixty Thousand Dollars and Zero Cents (\$160,000.00), or any other sum, to the Stabilization Fund, or take any other action relative thereto.

**Explanation/ Submitted by:** The Government Finance Officers Association recommends that municipalities maintain a stabilization account equal to or greater than two to three months of its operating expense or a minimum of 10%; bond ratings agencies review these ratios as a measure of financial strength; the Stabilization Account may be used for any legal purpose, including to maintain level services during difficult economic times or to serve as a funding source for important capital projects. The Town has met the 10% minimum that is required. /Finance Committee

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**ARTICLE 10: TRANSFER TO CAPITAL STABILIZATION FUND**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Three Hundred Thousand Dollars and Zero Cents (\$300,000.00) to be deposited in the Town's Capital Acquisition/Capital Improvement Stabilization Fund established by Article 41 of the May 5, 2005 Annual Town Meeting for the purpose of funding any capital-related project, or pieces of capital equipment, or debt service payment related thereto, said fund as authorized by M.G.L. c.40, §5B, or take any other action relative thereto.

**Explanation/ Submitted by:** The Town of Upton Financial Policies recommends an annual appropriation to the capital stabilization fund so that over time it achieves a target balance sufficient to cover the Town's cash outlay for capital. To meet that policy and to plan for the current economic environment, \$300,000 from the Undesignated Fund Balance will be added this year. With the passage of this article, the balance in this fund is estimated to be \$806,178.42 as of June 30, 2025. The Town's bond rating is based in part on maintaining a healthy balance in this and other reserve accounts, as well as for adhering to its financial policies. /Finance Committee

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**ARTICLE 11: TRANSFER TO OTHER POST-EMPLOYMENT BENEFITS (OPEB)**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of One Hundred and Fifty Thousand Dollars and Zero Cents (\$150,000.00), or any other sum, to the Other Post-Employment Benefits Liability Trust Fund established under Article 42 of the 2011 Annual Town Meeting, to meet the Town's obligations under the Government Accounting Standards Board (GASB) Statement 74 & 75 to fund the Town's future obligations for the cost of other post-employment benefits identified by the GASB 74 & 75 Report, or take any other action relative thereto.

**Explanation/ Submitted by:** To add monies to the trust fund created to meet the Town's future OPEB obligations/ Select Board

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**ARTICLE 12: UPTON COMMUNITY CENTER/ PLAYGROUND CAPITAL IMPROVEMENT STABILIZATION FUND**

To see if the town will vote to create a new special purpose stabilization fund named the Upton Community Center/Playground Capital Improvement Stabilization Fund and to raise and appropriate, transfer from available funds, or borrow, the sum of One Hundred and Twenty Thousand Dollars and Zero Cents (\$120,000.00), or any other sum, to the new Upton Community Center/Playground Capital Improvement Stabilization Fund, or, or take any other action relative thereto.

**Explanation/ Submitted by:** This article proposes to create a special purpose stabilization fund for upgrading, repairing, and replacing playground equipment and the playground surface. The manufacture of the poured in place surface estimated the surface will last ten (10) years and this account is being created to plan for that future expense and those expenses associated with the repair and/or replacement of playground equipment. (2/3<sup>rd</sup> vote required)/Select Board

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#### **ARTICLE 13: CHAPTER 90 ACCEPTANCE**

To see if the Town will vote to accept and expend such sum or sums of money allotted or to be allotted to the Town from the Commonwealth of Massachusetts under the provisions of M.G.L. Chapter 90 or under any other state roadway reimbursement programs for FY 2024, and to authorize the Select Board to enter into a contract or contracts with the Massachusetts Department of Transportation Highway Division for such purposes; and further, to authorize the Treasurer with the approval of the Select Board, to borrow in anticipation of 100% reimbursement of said amounts, or take any other action relative thereto.

**Explanation/ Submitted by:** Annual Road repair appropriation from the State /Select Board

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#### **ARTICLE 14: ROAD CONSTRUCTION APPROPRIATION**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, the sum of Six Hundred Thousand Dollars and Zero Cents (\$600,000.00), or, any other sum, to be used for the construction and/or improvement of Town Roads to supplement those provided for under the Commonwealth of Massachusetts M.G.L. Chapter 90 Program, including all expenses incidental and related, or take any other action relative thereto.

**Explanation/ Submitted by:** To provide for supplemental funding to address road repairs as called for in the Town's pavement management plan. The Town Manager anticipates funding this amount through a combination of free cash and the general fund. /Select Board

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#### **ARTICLE 15: FY 2025 SNOW AND ICE DEFICIT APPROPRIATION**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Two Hundred Fifty Thousand Dollars and Zero Cents (\$250,000.00), or any other sum, to fund the snow and ice deficit for FY 2025, or take any other action relative thereto.

**Explanation/ Submitted by:** This article is to fund additional costs for the removal of snow and ice in Upton/ Select Board

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#### **ARTICLE 16: CONSERVATION FUND ADDITIONAL FUNDING**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Five Thousand Dollars and Zero Cents (\$5,000.00), or any other sum, to supplement the Town's "Conservation Fund", or take any other action relative thereto.

**Explanation/ Submitted by:** To provide additional funding for the Town's Conservation Fund /Conservation Commission.

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#### **ARTICLE 17 A: COMMUNITY PRESERVATION FUND RESERVE ACCOUNTS**

To see if the Town will vote to transfer from the undesignated fund balance of the Community Preservation Fund the following sums to the specified Community Preservation Fund reserve accounts to meet the requirements of M.G.L. Chapter 44B, §6, for FY25:

- Historic Resources Account           \$92,196.00
- Open Space Account                 \$92,196.00
- Community Housing Account       \$92,196.00

and to place any remaining FY2025 CPA Trust Fund matching revenues in a so-called “FY2025 Undesignated Budgeted Reserve”, or to take any other action relative thereto.

**Explanation/ Submitted by:** The article requests the transfer of 10% of local and CPA trust fund revenues to the three reserve accounts as required by law. Anticipated local revenue is \$715,138.00 and CPA trust fund matching grant is \$206,822.00 for a total of \$921,960.00. We request that \$92,196.00 be transferred to the Open Space, Historic Preservation and Affordable Housing Reserve Accounts and that the remainder stay in the undesignated fund/Community Preservation Committee.

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**ARTICLE 17 B: COMMUNITY PRESERVATION ADMINISTRATIVE BUDGET**

To see if the Town will vote to act on the report of the Community Preservation Committee on the FY 2026 community preservation budget, and to appropriate the sum of Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00), or any other sum, from the Community Preservation Fund FY 2025 estimated annual revenues to the Community Preservation Committee Administrative Expense Account for all necessary and proper administrative expenses of the Committee for FY 2026, or to take any other action relative thereto.

**Explanation/ Submitted by:** This article requests the transfer an amount from estimated annual revenues for the administrative and operating costs of the Community Preservation Committee for FY 2026. /Community Preservation Committee.

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**ARTICLE 17 C: COMMUNITY PRESERVATION TOWN HALL RENOVATION BONDS**

To see if the Town will vote to transfer the total sum of Two Hundred Sixty-Eight Thousand and Five Hundred Sixty-One Dollars and Zero Cents (\$268,561.00) from the Community Preservation Fund to meet the twelfth-year payment of debt service owed on the General Obligation Town Hall Renovation Bonds, or to take any other action relative thereto.

**Explanation/ Submitted by:** This article seeks to make the eleventh-year principal and interest payments (with 8 years remaining) on the Town Hall bonds, to be paid from CPA monies consistent with the Town’s vote to authorize the project / Community Preservation Committee

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**ARTICLE 18: CPA FUNDS TO AFFORDABLE HOUSING TRUST FOR CONSTRUCTION OF AFFORDABLE HOUSING AT 28 HARTFORD AVE NORTH**

To see if the Town will vote to transfer One Hundred Sixty Thousand Dollars and Zero Cents (\$160,000.00) from the CPA Affordable Housing Reserve account to the Upton Affordable Housing Trust, with such funds to be used in accordance with the CPA statutes and guidelines for the construction of an affordable housing unit at 28 Hartford Ave North, or take any other action related thereto.

**Explanation/ Submitted by:** Article 18 proposes to transfer \$160,000.00 from the CPA Affordable Housing Reserve account to the Upton Affordable Housing Trust for the purpose of constructing an affordable housing unit at 28 Hartford Ave North. / Affordable Housing Trust/ Community Preservation Committee.

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**ARTICLE 19: TREASURER COLLECTOR CERTIFICATION COMPENSATION**

To see if the Town will vote to accept M. G. L. Chapter 41, Section 108P entitled “Additional Compensation for Collectors or Treasurers”, or take any other action relative thereto.

**Explanation/ Submitted by:** M. G. L. Chapter 41, Section 108P entitled “Additional Compensation for Collectors or Treasurers”, allows for a city or town that accepts this section to provide up to \$1,000 as additional compensation to “a collector or a treasurer who has completed the necessary courses of study and training and has been awarded a certificate by the Massachusetts Collectors and Treasurers Association as a certified Massachusetts municipal collector or a certified Massachusetts municipal treasurer.” / Select Board

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**ARTICLE 20: ASSESSOR CERTIFICATION COMPENSATION**

To see if the Town will vote to accept M. G. L. Chapter 59, Section 21A entitled “Additional Compensation of Assessors for Courses of Study”, or take any other action relative thereto.

**Explanation/ Submitted by:** M. G. L. Chapter 59, Section 21A entitled “Additional Compensation of Assessors for Courses of Study”, allows for a city or town that accepts this section to provide up to \$1,000 as additional compensation to “an Assessor or Assistant Assessor who has completed the necessary courses of study and training and has been awarded a certificate by the International Association of Assessing Officers as a certified assessment evaluator or who has been awarded a certificate by the Association of Massachusetts Assessors as a certified Massachusetts assessor.” / Board of Assessors

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**ARTICLE 21: AFFORDABLE HOUSING TRUST FUND REPLENISHMENT**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Eleven Thousand Nine Hundred and Thirty-Five Dollars and Thirty-Two Cents (\$11,935.32), or any other sum, and deposit said funds into the Affordable Housing Trust’s budget line #2472-122-5700-5700, or take any other action relative thereto.

**Explanation/ Submitted by:** In processing current fiscal year insurance invoices, it was discovered that insurance premiums for Holy Angels were charged to the Affordable Housing Trust's line item (#2472-122-5700-5700) back to FY19 instead of the correct insurance line item (#0100-945-5700-5743). This article seeks to transfer funds back to the Affordable Housing Trust to correct this error. / Select Board.

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**ARTICLE 22: BVT STABILIZATION ACCOUNT**

To see if the Town will vote, pursuant to M.G.L. c.71, §16G ½, to approve the establishment of a stabilization account for the Blackstone Valley Vocational Regional School District, consistent with the September 14, 2023 vote of the Blackstone Valley Vocational Regional School District Committee, and the member community of Hopedale, which action will provide additional flexibility with respect to future capital improvements, such account to be expended by a 2/3 vote of Regional School District Committee for any purpose for which regional school districts may borrow money or for such other district purpose as the Massachusetts Commissioner of Elementary and Secondary Education may approve; or take any action relative thereto.

**Explanation/ Submitted by:** This article seeks no fiscal appropriation. The creation of a stabilization account is consistent with standard account classification practices. It provides additional flexibility as encouraged by the Massachusetts Department of Revenue, the Regional District Treasurer, independent auditors, and the Massachusetts Association of Regional Schools organization. The establishment of a stabilization account is a common practice across the Commonwealth's regional school systems.



Appropriations into a stabilization fund serve as a form of capital budgeting; the Regional District School Committee does not have the authority to increase or decrease the amount appropriated for the year in which its budget has been approved.. / Select Board

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**ARTICLE 23: MURSD DEBT AUTHORIZATION – NIPMUC ROOF REPLACEMENT**

To see if the Town will approve a Ten Million Six Hundred and Fifty Seven Thousand Four Hundred Fifty Two Dollar and Zero Cents (\$10,657,452.00) borrowing authorized by the Mendon-Upton Regional School District, for the purpose of paying costs of roof replacement at the Nipmuc Regional High School located at 90 Pleasant St., Upton, Massachusetts, including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District has applied for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Committee. The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA’s Board of Directors votes to invite the District to collaborate with the MSBA on this proposed repair project, any project costs the District incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the District; provided, however, that this approval is expressly conditioned upon a vote of the Town to exclude the amounts required to repay the Town’s allocable share of this debt from the limitation on local property taxes set forth in G.L. c. 59, §21C (also known as Proposition 2½), or any action relative thereto.

**Explanation/ Submitted by:** The roof at Nipmuc Regional High School, which has been in place since the building was constructed in 1996, is now 28 years old and leaks in multiple areas within the school. Additionally, all the HVAC equipment on the roof, also 28 years old, is outdated and requires immediate replacement. Most of the components are obsolete and beyond repair. Urgent action is needed to replace both the roof and the associated HVAC systems to prevent further damage and maintain a safe environment. Funding of these capital improvements will be paid as a debt exclusion, which will be also placed on the 2025 Annual Election Warrant. / Mendon Upton Regional School District

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**ARTICLE 24: MURSD DEBT AUTHORIZATION - CAPITAL IMPROVEMENTS**

To see if the Town will approve an Eleven Million Five Hundred and Fifty Nine Thousand Three Hundred Ninety Seven Dollar and Zero Cents (\$11,559,397.00) borrowing authorized by the Mendon-Upton Regional School District, for the purpose of paying costs of purchasing equipment and various upgrades and remodeling projects in and for the District’s four schools, including the payment of all costs incidental or related thereto; or take any action relative thereto; provided, however, that this approval is expressly conditioned upon a vote of the Town to exclude the amounts required to repay the Town’s allocable share of this debt from the limitation on local property taxes set forth in G.L. c. 59, §21C (also known as Proposition 2½).

**Explanation/ Submitted by:** Many building components have surpassed their functional lifespan due to age. The building management systems are obsolete, and today's door and building security challenges are far more critical than when the schools were initially constructed. Moreover, the rapid advancement of newer technologies has rendered our current systems antiquated and ineffective. Immediate upgrades are essential to bring these components up to current standards and ensure the safety and security of our facilities. Immediate action is essential to address these pressing safety concerns. Funding of these capital improvements will be paid as a debt exclusion, which will be also placed on the 2025 Annual Election Warrant. / Mendon Upton Regional School District



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**ARTICLE 25: MURSD DEBT AUTHORIZATION – ATHLETIC FIELD CAPITAL IMPROVEMENTS**

To see if the Town will approve a Twelve Million Two Thousand Seven Hundred Eighty Five Dollar and Zero Cents (\$12,002,785.00) borrowing authorized by the Mendon-Upton Regional School District, for the purpose of paying costs of renovating and constructing outdoor recreational facilities, press box, concession stand, bathrooms and buildings at the District's Nipmuc School and renovating and construction outdoor recreational facilities at the District's Miscoe School, including the payment of all costs incidental or related thereto; provided, however, that this approval is expressly conditioned upon a vote of the Town to exclude the amounts required to repay the Town's allocable share of this debt from the limitation on local property taxes set forth in G.L. c. 59, §21C (also known as Proposition 2½).

**Explanation/ Submitted by:** The athletic fields at Nipmuc and Miscoe Hill are currently major safety hazards. Nipmuc's fields, original to the school, are missing a competitive track and critical athletic field amenities necessary for a successful program. Even more alarming, the fields at Miscoe, at 65 years old, are in dire condition and require immediate updates to meet current safety standards. Immediate action is essential to address these pressing safety concerns. Due to conditions of the fields, many schools have objected to playing on MURSD fields and therefore require the District to rent field facilities in neighboring towns at a significant expense. The field upgrades and renovations will address these safety concerns and missing facility amenities. Funding of these capital improvements, while they will be authorized to be paid as a debt exclusion, the Town will propose to a future Town Meeting to fund eligible project elements with Community Preservation Funds. / Mendon Upton Regional School District

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**ARTICLE 26: TOWN HALL BUILDING ENVELOPE AND MASONRY RESTORATION STANDARDS AND SPECIFICATIONS REPORT**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Thirty-Five Thousand Dollars and Zero Cents (\$35,000.00), or any other sum, to contract with a company for the purpose of a producing a Town Hall Building Envelope and Masonry Restoration Standards and Specifications Report, including all costs incidental and related, or take any other action relative thereto.

**Explanation/ Submitted by:** The Upton Town Hall is constructed utilizing a wood frame covered with brick and mortar. As such, periodic maintenance of the exterior including, but not limited to, brick & masonry repointing, sealing, soffit repair and repainting, and window/door caulking, etc., is necessary to prevent the intrusion of moisture and to preserve the exterior of the building. Due to the historic nature of the building and complexities of the exterior design, a thorough examination of the entire exterior is necessary to establish an accurate scope of work. In addition, the building is subject to a preservation restriction held by the Massachusetts Historical Commission. / Select Board

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**ARTICLE 27: FUNDING OF HOLY ANGELS BUILDING STUDY**

To see if the Town will vote to amend Article 27 from the May 2, 2024 Annual Town Meeting which authorized funding to engage an engineering consultant to examine and determine the feasibility of burying utility lines within Upton Center and to repurpose those funds in the sum of Twenty Five Thousand Dollars and Zero Cents (\$25,000.00) and to raise and appropriate, transfer from available funds, or borrow the sum of Nine Thousand Eight Hundred Twenty Five Dollars and Zero Cents (\$9,825.00) for a total of Thirty Four Thousand Eight Hundred and Twenty Five Dollars and Zero Cents (\$34,825.00) to conduct a building study of Holy Angels to determine the feasibility of making the building occupiable, including all expenses incidental and related thereto, or take any other action relative thereto.

**Explanation/ Submitted by:** Article 26 seeks to transfer monies from the 2024 Annual Town Meeting article that was not spent and to allocate additional funds to study building repairs that would be necessary to make Holy Angels habitable and meet building code requirements to receive a certificate of occupancy. /Select Board.

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**ARTICLE 28: HIGHWAY DEPARTMENT BACKHOE REPLACEMENT**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), or any other sum, to purchase a replacement backhoe for the Highway Division, including all costs incidental and related, or take any other action relative thereto.

**Explanation/ Submitted by:** The DPW utilizes one backhoe, which is primarily used by the Highway Division but is shared between all Divisions of Public Works. The machine is used daily and for multiple purposes including, but not limited to, roadway-drainage-culvert repairs, opening and closing of graves in the cemeteries, and snow & ice operations. It is the most used piece of equipment within the Department. The current machine is a 2004 CAT 420D VIN# CAT0420D-J-BLN11150 with 2,253.3 hours. The replacement machine will be purchased utilizing the State Bid List and will be the same model with similar options. The current backhoe will be disposed of by auction or trade-in, whichever brings the most value to the Town. / Select Board

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**ARTICLE 29: WASTEWATER SYSTEM REFURBISHMENT**

To see if the Town will vote to appropriate One Hundred Thirty Thousand Dollars and Zero Cents (\$130,000.00), or any other sum, from Wastewater Retained Earnings for the purpose of conducting sewer system rehabilitation including but not limited to heavy cleaning of approximately 1,975 LF of gravity sewer and lining of four (4) cured in place pipe (CIPP) 8-inch gravity sewer pipes approximately 265 LF, including all costs incidental and related, or take any other action relative thereto.

**Explanation/ Submitted by:** The Department of Public Works is respectively requesting \$130,000 funding from the Wastewater Division's Retained Earnings at this year's Annual Town Meeting. The purpose of the funding is to fund the Sewer System Rehabilitation I/I FY26 Project, which will include design and construction of the following scope of work as listed directly in Table 7-1A of the SSES report:

1. Heavy cleaning of approximately 1,975 LF of gravity sewer
2. Four, 8-inch cured in place pipe (CIPP) liners
3. CIPP Lining of approximately 265 LF of 8-inch gravity sewer. / Select Board

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**ARTICLE 30: POLICE STATION CELL TOILET REPLACEMENT**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Eight Thousand Forty-Five Dollars and Zero Cents (\$8,045.00), or any other sum, to repair and replace cell toilets and associated plumbing fixtures, or to take any other action relative thereto.

**Explanation/ Submitted by:** The Police Department is requesting \$8,045.00 to repair toilets and plumbing fixtures within Police Station Cell Blocks. / Select Board

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**ARTICLE 31: FIRE DEPARTMENT AMBULANCE PURCHASE**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Three Hundred Seventy Thousand Six Hundred and Thirty Dollars and Zero Cents (\$370,630.00), or any other sum, for the purpose of replacing the ambulance for the Fire EMS Department, including all costs incidental and related, or take any other action relative thereto.

**Explanation/ Submitted by:** This Article will fund the purchase of a State Certified 2026 Osage Warrior F550 Diesel Ambulance to replace Med 2, a 2012 International PL Custom. The new ambulance is being moved to the FY26 Capital budget so that delivery may occur in FY27 or sooner depending on production and unit availability. The 2026 Osage Warrior will be equipped with the following:

- Ultraviolet filtration system in its air conditioning units. This feature is designed to keep viruses from spreading through the air to medical workers, drivers and patients.
- Sealed rear cab with driver monitor communications, along with a separate ultraviolet filtration system will protect the driver during transport procedures.
- Self-Loading Power Stretcher will reduce the number of responders with patient contact, minimizing the spread of infectious disease.
- Antimicrobial Grab Bars and anti-viral coatings on the interior that resist bacterial growth and are easy to clean.

These new features will help to reduce the call out service time of the unit and increase the speed of the decontamination process. / Fire EMS Department

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**ARTICLE 32:      WITHDRAWN**

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**ARTICLE 33:      REALLOCATION OF PRIOR YEAR ARTICLES TO FUND GROVE STREET BRIDGE**

To see if the Town will vote to reallocate Eight Hundred and Ninety-Two Thousand Six Hundred and Fifty-Seven Dollars and Fifteen Cents (\$892,657.15) from prior year articles to fund the construction of Grove Street Bridge, including all costs incidental and related, as follows:

- \$13,461.30 from May 4, 2023, Annual Town Meeting Article 24 – Dump Truck Replacement
- \$41,000.00 from May 2, 2024, Annual Town Meeting Article 24 – Replacement of Emergency Message Boards
- \$37,700.00 from November 7, 2023, Special Town Meeting Article 8 – Risteen Exterior Maintenance
- \$183,749.99 from May 5, 2022, Annual Town Meeting Article 9 – Town Roads Construction
- \$169,871.61 from May 4, 2023, Annual Town Meeting Article 13 – Town Roads Construction
- \$75,848.85 from May 4, 2023, Annual Town Meeting Article 13 – Town Roads Construction
- \$371,025.40 from May 2, 2024, Annual Town Meeting Article 12 – Town Roads Construction,

or take any other action relative thereto.

**Explanation/ Submitted by:** The Select Board previously voted to allocate \$550K, plus any other remaining funds, of the Town's ARPA allocation to the Grove Street Bridge Project. Due to delays in the engineering and permitting of the bridge and the deadline to spend federal ARPA Funds, the Select Board used ARPA funds for other projects funded by Town Meeting and this article will reallocate those previously allocated funds back to the Grove Street Bridge Project. In total, this article will reallocate \$892,657.15 from prior Town Meeting articles to the bridge project. /Select Board.

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**ARTICLE 34:      WITHDRAWN**

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**ARTICLE 35: REALLOCATION OF REMAINING BALANCE OF TIP PROJECT FOR RUSSELL AVE AND RUSSELL COURT**

To see if the Town will vote to reallocate the remaining funds from Articles 6 and 7 from the November 14, 2017 Special Town Meeting to fund survey and engineering work at Russell Ave. and Russell Court, including all costs incidental and related, or take any other action relative thereto.

**Explanation/ Submitted by:** The article proposes reallocating remaining right of way acquisition and engineering funds from the Hartford Ave North/High Street/ Hopkinton Road TIP project to retaining engineering and surveyor services to survey and layout Russell Ave and Russell Court. The current balance of both articles is \$72,900. /Select Board.

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**ARTICLE 36: KIWANIS SOFTBALL FIELD ENGINEERING AND DESIGN IMPROVEMENTS**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Forty-Three Thousand Dollars Five Hundred and Zero Cents (\$43,500.00), or any other sum, for the preparation of construction plans for repairing and replacing the dugout and retaining wall, as well as address ADA accessibility issues, at the Kiwanis Beach Softball Field, including all costs incidental and related, or to take any other action relative thereto.

**Explanation/ Submitted by:** The requested appropriation will fund engineering and design work associated with the repair/replacement of the retaining wall, backstop, and compliance with ADA accessibility requirements for the softball field at Kiwanis Beach. / Select Board.

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**ARTICLE 37: LAKES, PONDS & STREAMS COMMITTEE FUNDING**

To see if the Town will vote to establish an annual spending limit for FY 2026 for the “Upton Lakes, Ponds and Streams Committee,” and to raise and appropriate, transfer from available funds, or borrow, the sum of Seven Thousand Five Hundred Dollars and Zero Cents (\$7,500.00), or any other sum, to be used for the collection and testing of water quality samples of the various bodies of water within the Town of Upton, in support of the Pratt and Mill Ponds Management Plan, and other Authorized Uses, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 in any year, to increase the same for the ensuing fiscal year; provided, however, that at the request of the entity authorized to expend such funds, the Select Board, with the approval of the Finance Committee, may increase such limit, for that fiscal year only, or to take any other action relative thereto.

**Explanation/ Submitted by:** To approve spending limits for the Lakes, Ponds & Streams Committee, to be applicable from year to year unless later changed by Town Meeting/Select Board. The Lakes, Ponds & Streams Committee was established and charged with developing and monitoring Water Quality Management Plans for the various water bodies within the town, and to sample and test the waters without appropriations of funds to perform these functions. / Lakes, Ponds & Streams Committee

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**ARTICLE 38: BOARD OF ASSESSOR RECERTIFICATION**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Ten Thousand Dollars and Zero Cents (\$10,000.00), or any other sum, for use by the Board of Assessors for recertification work required to comply with state law, including all costs incidental and related, or take any other action relative thereto.

**Explanation/ Submitted by:** The requested appropriation would allow the Board of Assessors to carry out its on-going statutory responsibilities to re-evaluate Town properties. /Board of Assessors.

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**ARTICLE 39: VETERAN'S TAX ABATEMENT ANNUAL COST OF LIVING INCREASE**

To see if the town will vote to accept the provisions of M.G.L. Chapter 59, Section 5 Clause 22I, which authorizes an annual increase in the amount of the exemption granted under General Laws Chapter 59, Section 5, Clause 22, Clause 22A, Clause 22B, Clause 22 C, Clause 22 E and Clause 22 F by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI) for the previous year as determined by the Commissioner of Revenue, to be effective for applicable exemptions granted for any fiscal year beginning on or after July 1, 2025, or take any other action relative thereto.

**Explanation/ Submitted by:** This article, if accepted, would increase the amount of tax exemption for Veterans with a service-connected disability of 10% to 90% from \$400 to \$400 plus Cost of Living Adjustment (COLA) determined by the DOR based on the consumer price index, and, Veterans with a 100% service-connected disability from \$1,000 to \$1,000 plus Cost of Living Adjustment (COLA) determined by the DOR based on the consumer price index. This is consistent with Clause 41C (Senior Exemption) and Senior Work-Off program. /Select Board.

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**ARTICLE 40: AID TO ELDERLY AND DISABLED TAXATION FUND**

To see if the Town will vote to accept the provisions of MGL Chapter 60, §3D to establish a Town aid to the elderly and disabled taxation fund for the purpose of defraying the real estate taxes of elderly and disabled persons of low income; and further to establish a taxation aid committee to consist of the chairman of the board of assessors, the town treasurer and three residents of the town to be appointed by the Select Board, which board shall adopt rules and regulations to carry out the provisions of this section and to identify the recipients of such aid; or to take any other action in relation thereto.

**Explanation/ Submitted by:** The purpose of this article is to accept the state statute to establish an Aid to Elderly and Disabled Taxation Fund for the purpose of defraying the real estate taxes of elderly and disabled persons of low income. The statute also provides that a taxation aid committee be established, comprised of the chairman of the Board of Assessors, the Town Treasurer and three residents appointed by the Select Board. / Select Board.

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**ARTICLE 41: OPIOID SETTLEMENT RECEIPTS FUND**

To see if the Town will transfer Nine Thousand Three Hundred and Thirty Dollars and Sixty-seven Cents (\$9,330.67) from available Fiscal Year 2025 Free Cash to the Opioid Settlement Receipts Fund for programs and projects set out in the Massachusetts State-Subdivision Agreement for Statewide Opioid Settlements and the National Opioid Settlement Agreement to combat the opioid epidemic, or take any other action relative thereto.

**Explanation/ Submitted by:** This article seeks to appropriate funds the Town has received through the Massachusetts State-Subdivision Agreement for Statewide Opioid Settlements and the National Opioid Settlement Agreement. Although these funds must be used for purposes outlined in the agreements, such as substance use disorder prevention, harm reduction, treatment, and recovery, Massachusetts finance law in Fiscal Year 2023 treated the settlement payouts as general fund revenue subject to appropriation. Through the end of Fiscal Year 2023, the Town had received \$9,330.67. It is recommended that the Town appropriate \$9,330.67 from available Fiscal Year 2025 Free Cash to the Special Revenue - Opioid Settlement Receipts Fund. In Fiscal Year 2024 and beyond, the State Legislature and Department of Revenue have amended the process so that these funds can be deposited to the Special Revenue - Opioid Settlement Receipts Fund directly without further appropriation. / Select Board.

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**ARTICLE 42: CLOSURE OF SECOND CEMETERY/ AKA PINE GROVE CEMETERY**

To see if the Town will vote to declare the Second Cemetery, also known as Pine Grove Cemetery, as nonfunctional and Historical Monuments and to transfer the responsibility and upkeep of the Pine Grove cemetery to the Historical Commission, or to take any other action relative thereto.

**Explanation/ Submitted by:** The purpose of this article is to declare Pine Grove Cemetery closed from all future burials and to allow the Historical Commission to develop plans for future restoration work to include maintenance of the grounds, restoration, repair, and possible replacement of headstones requiring attention to proceed. / Historical Commission.

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**ARTICLE 43: ACCEPTANCE OF M. G. L. CHAPTER 44, SECTION 54 INVESTMENT OF TRUST FUNDS**

To see if the Town will vote to accept M. G. L. Chapter 44, Section 54(b)(1), entitled “Investment of Trust Funds”, or take any other action relative thereto.

**Explanation/ Submitted by:** The Trust Fund Commissioners are requesting the Town accept M. G. L. Chapter 44, Section 54(b)(1) to allow the Commissioners to diversify how they invest trust funds. / Trust Fund Commissioners

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**ARTICLE 44: EXPENDITURE OF DEFAULT FUNDS BY MUNICIPAL PLANNING BOARDS**

To see if the Town will vote to accept M. G. L. Chapter 41, Section 81U, Second to Last Paragraph, which provides as follows, or take any other action relative thereto:

“In any town which accepts the provisions of this paragraph, the proceeds of any such bond or deposit shall be made available to the town for expenditure to meet the cost and expenses of the municipality in completing the work as specified in the approved plan. If such proceeds do not exceed one hundred thousand dollars, the expenditure may be made without specific appropriation under section fifty-three of chapter forty-four; provided, however, that such expenditure is approved by the Select Board. The provisions of this paragraph shall not apply to cities or to towns having town councils.”

**Explanation/ Submitted by:** M. G. L. Chapter 41, Section 81U, Second to Last Paragraph allows for a city or town that accepts this section to expend funds held by the Planning Board held as security to complete subdivisions that are in default. / Planning Board

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**ARTICLE 45: ACCEPTANCE OF CLAFLIN FARM ROAD**

To see if the Town will vote to accept as a public way the roadway known as Claflin Farm Road, as heretofore laid out by the Select Board and shown on a plan of land entitled “Street Acceptance Plan for Claflin Farm Road in Upton, MA 01568” dated December 13, 2024, prepared by Allen Engineering & Associates, Inc., and on file with the Town Clerk, and authorize the Select Board to acquire, by gift, purchase, and/or eminent domain, the fee to and/or easements in Claflin Farm Road for all purposes for which public ways are used in the Town of Upton and any drainage, utility and/or other easements related thereto, or to take any other action relative thereto.

**Explanation/ Submitted by:** To accept Claflin Farm Road as a public way as recommended by the Upton Planning Board. / Select Board

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#### **ARTICLE 46: AFFORDABLE HOUSING TRUST BYLAW AMENDMENTS**

To see if the Town will vote to amend the Town of Upton General Bylaws, Chapter 5 entitled Affordable Housing Trust, with a copy of said amendments on file with the Town Clerk, or to take any other action relative thereto:

**Explanation/ Submitted by:** These bylaw amendments propose to amend section of the general bylaws associated with the Affordable Housing Trust and their ability to fund affordable housing projects. / Affordable Housing Trust.

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#### **ARTICLE 47: DOG CONTROL BYLAW AMENDMENTS**

To see if the Town will vote to amend the Town of Upton General Bylaws, Chapter 122-4 entitled Control of Dogs as provided below, with additions indicated by underline, or take any other action related thereto:

§122-4 Control of dogs.

- A. Any person owning, keeping, or harboring a dog within the Town is responsible for removing and properly disposing of any feces left by the dog whether on public or private property. The provisions of this subsection shall not apply to a disabled person who is using a service animal and who is physically unable to comply. Animal Control and your fellow residents appreciate you doing your part to keep our Town clean and enjoyable for all.
- B. No person owning, harboring or having the custody or control of a dog shall permit such dog to enter or remain upon the following property at the time indicated:
  - (1) Beaches. No dog shall be allowed upon any public beach in Upton, including recreation fields, facilities, or the parking lot at Kiwanis Beach, at any hour of the day, from May 15 through September 30.
  - (2) Cemetery grounds. No dog shall be allowed upon any cemetery grounds in Upton at any hour of the day, at all times of the year
- C. Other Town facilities. All dogs shall be kept on a leash while on Town's athletic fields, Town parks, Town Common, Town Hall, public schools, and Risteen Building.
- D. Provided, however, that Subsections B and C shall not apply:
  - (1) To service animals as defined by the Americans with Disabilities Act or regulations promulgated thereunder;
  - (2) To dogs belonging to a law enforcement agency or formally trained as search and rescue animals, provided that such dogs are acting in the line of duty; or
  - (3) With permission of the landowner for programming or special events or for the purpose of training dogs or hunting

**Explanation/ Submitted by:** These bylaw amendments propose to amend the Dog Bylaw to specify that dogs are not permitted at fields, facilities, and the parking lot for Kiwanis Beach. / Select 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 Fifteenth (15<sup>th</sup>) day of April in the year of our lord Two Thousand Twenty-Five.

**UPTON SELECT BOARD**

A true copy, Attest:

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**Laura J. Hebb, Chair**

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**Maureen L. Dwinnell, Member**

Constable

Date: April \_\_, 2025

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**Brett A. Simas, Member**