



TOWN OF UPTON, MASSACHUSETTS

Annual Town Meeting 4 May 2023 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 4, 2023 punctually at Seven o'clock in the evening**, to act on the Articles in the warrant.

ARTICLE 1: REPORTS OF TOWN OFFICERS AND APPOINTED COMMITTEES

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

Explanation/ Submitted by: Town Reports/Board of Selectmen

ARTICLE 2: PRIOR YEAR BILLS

To see if the Town will vote to transfer \$1,200 from the PEG Access and Cable Related Fund to pay unpaid bills from prior fiscal years, or to take any other action in relation thereto.

Explanation/ Submitted by: Prior Year Bills (FY 2022), (4/5th vote required) /Board of Selectmen

Recommendation: Favorable Action Finance Committee

ARTICLE 3: PRIOR YEAR ELECTED BOARD STIPENDS

To see if the Town will vote to transfer \$7,000 from available funds to pay unpaid elected board stipends from prior fiscal years, or to take any other action in relation thereto.

Explanation/ Submitted by: Prior Year Elected Board Stipends (FY 2022)/Board of Selectmen

Recommendation: Favorable Action Finance Committee

ARTICLE 4: FY 2024 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 or transfer from available funds¹, such sums as may be necessary to defray expenses of the Town Departments for FY 2024; or, to take any other action relative thereto.

Explanation/ Submitted by: Annual Town Operating Budget/Board of Selectmen

Recommendation: Favorable Action Finance Committee

¹ Note that this warrant uses the words “transfer from available funds” to refer to transfers from Free Cash (previously described as “appropriate from available unappropriated funds in the Town Treasury”) and/or transfers from appropriations made at prior Town Meetings (previously described as “transfer”).

ARTICLE 5: FY 2024 WATER ENTERPRISE FUND

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Water Enterprise Fund as set forth below for FY 2024; or, to take any other action relative thereto.

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

Wages & Salaries	\$344,820
Expenses	\$352,535
Capital Outlay	0
Debt	\$238,940
Extra/Unforeseen	50,000
Total	\$986,295

And that **\$986,295** be raised for such purposes as follows:

Department receipts	\$866,825
Retained Earnings	-0-
*Tax Levy	\$119,470

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

Explanation/ Submitted by: Annual budget for Water Enterprise Fund/Board of Selectmen

Recommendation: Favorable Action Finance Committee

ARTICLE 6: FY 2024 WASTEWATER ENTERPRISE FUND

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Wastewater Enterprise Fund as set forth below for FY 2024; or, to take any other action relative thereto.

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

Wage & Salaries	\$335,815
Expenses	\$339,027
Capital Outlay	-0-
Debt	\$18,380
Extra/Unforeseen	\$30,000
Total	\$723,222

And that **\$723,222** be raised for such purposes as follows:

Department receipts	\$ 723,222
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Explanation/ Submitted by: Annual budget for Wastewater Enterprise Fund/Board of Selectmen

Recommendation: Favorable Action Finance Committee

ARTICLE 7: FY 2024 REVOLVING FUNDS SPENDING LIMITS

To see if the Town will vote to establish new approve annual spending limits for FY 2024 for the Board of Health “Title V Fund” and Recreation Commission revolving funds, and to approve annual spending limits for FY 2024 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 Board of Selectmen, with the approval of the Finance Committee, may increase such limit, for that fiscal year only, all as set forth below; or to take any other action relative thereto:

Authorized Revolving Funds (G.L. c.44, §53E ½)	Fiscal Year Expenditure Limit
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	\$10,000
Land Stewardship Committee “Community Garden Fund”	\$2,000
Land Stewardship Committee “Land Stewardship Fund”	\$10,000
Town Library Fund	\$6,000
Recreation Commission	\$270,000
Authorized Revolving Fund (G.L. c.60, §15B)	Fiscal Year Expenditure Limit
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/Board of Selectmen.

Recommendation: Favorable Action Finance Committee

ARTICLE 8: FY 2024 UPTON CABLE FUND

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for PEG Access and Cable Related Fund as set forth below for FY 2024; or, to 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	\$40,000
<u>Extra/Unforeseen</u>	<u>\$10,000</u>
Total	\$97,200

And that **\$97,200** to be raised for such purposes as follows:

Department receipts	\$97,200
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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. For FY2024, capital outlay will include improvements to Little Town Hall, Room 204 at Upton Town Hall to address technical issues with production and transmission of public meeting to the community. / Board of Selectmen.

Recommendation: Favorable Action Finance Committee

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 and six hundred thirteen dollars (\$160,613), or any other sum, into the Stabilization Fund; or to 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/Finance Committee

Recommendation: Favorable Action Finance Committee

ARTICLE 10: TRANSFER TO CAPITAL STABILIZATION FUND

To see if the Town will vote to vote to raise and appropriate, or transfer from available funds, the sum of Two Hundred Thousand dollars (\$200,000) to be deposited in the Town 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 to take any other action related 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, \$200,000 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 \$205,783.85 as of June 30, 2023. 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

Recommendation: Favorable Action Finance Committee

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

To see if the Town will vote to raise and appropriate, appropriate from available funds in the Town Treasury, transfer, or borrow the sum of One Hundred Thousand dollars (\$100,000.00), 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, to 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/ Board of Selectmen

Recommendation: Favorable Action Finance Committee

ARTICLE 12: 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 Board of Selectmen 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 Board of Selectmen, to borrow in anticipation of 100% reimbursement of said amounts; or, to take any other action relative thereto.

Explanation/ Submitted by: Annual Road repair appropriation from the State /Board of Selectmen

Recommendation: Favorable Action Finance Committee

ARTICLE 13: ROAD CONSTRUCTION APPROPRIATION

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, the sum of Two Hundred and Eighty Thousand dollars (\$280,000), 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, to 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. /Board of Selectmen.

Recommendation: Favorable Action Finance Committee

ARTICLE 14: FY 2023 SNOW AND ICE DEFICIT APPROPRIATION

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of One Hundred Twenty-Five Thousand dollars (\$125,000), or any other sum, to fund the snow and ice deficit for FY 2023; or, to 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/ Board of Selectmen

Recommendation: Favorable Action Finance Committee

ARTICLE 15: FY 2023 WASTE REMOVAL AND RECYCLING TRANSFER

To see if the Town will vote to transfer from available funds the sum of Seventy-Five Thousand Three Hundred (\$75,300), or any other sum, for use by the Board of Health to pay for deficits associated with Waste Removal - Curbside Services (0100-433-52005296) and Waste Removal – Disposal (0100-433-5200-5293), or, to take any other action relative thereto.

Explanation/ Submitted by: This article is to fund a projected deficit for waste removal and recycling costs. The Board of Health had renegotiated the contract in 2022. Due to variability in recycling costs, the contract relied on market costs for handling recyclables. The Town has been seeing significantly higher costs than were projected for the FY23 Budget. A transfer is required to ensure there will not be a deficit in the two budget lines identified in the article. / Board of Selectmen

Recommendation: Favorable Action Finance Committee

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 (\$5,000), or any other sum, to supplement the Town’s “Conservation Fund”; or, to take any other action relative thereto.

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

Recommendation: Favorable Action Finance Committee

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 FY23:

- Historic Resources Account - \$93,475
- Open Space Account - \$93,475
- Community Housing Account - \$93,475

and to place any remaining FY2023 CPA Trust Fund matching revenues in a so-called “FY2023 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 \$550,557 and CPA trust fund matching grant is \$384,193 for a total of \$934,750. We request that \$93,475 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.

Recommendation: Favorable Action Finance Committee

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 2024 community preservation budget, and to appropriate the sum of Fifteen Thousand dollars (\$15,000), or any other sum, from the Community Preservation Fund FY 2024 estimated annual revenues to the Community Preservation Committee Administrative Expense Account for all necessary

and proper administrative expenses of the Committee for FY 2024; or, to take any other action relative thereto.

Explanation/ Submitted by: To transfer an amount from estimated annual revenues for the administrative and operating costs of the Community Preservation Committee for FY 2024. /Community Preservation Committee.

Recommendation: Favorable Action Finance Committee

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-Six Thousand Four Hundred Seventy-Eight dollars (\$270,328) from the Community Preservation Fund to meet the tenth-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: To make the tenth-year principal and interest payments (with 10 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

Recommendation: Favorable Action Finance Committee

ARTICLE 18: HERTITAGE PARK SIGN FUNDING

To see if the Town will vote to appropriate from Community Preservation Act revenues the sum of Five Thousand dollars (\$5,000), or any other sum, to the Upton Historical Commission to purchase and install a new sign at Heritage Park, or to take any other action relative thereto.

Explanation/ Submitted by: To pay for the fabrication and installation of a new sign for Heritage Park, to be paid from CPA monies consistent with the Town's vote to authorize the project / Historical Commission and Community Preservation Committee

Recommendation: Favorable Action Finance Committee

ARTICLE 19: GRANGE EXTERIOR RESTORATION FUNDING

To see if the Town will vote to transfer the sum of One Hundred Twenty Thousand dollars (\$120,000), or any other sum, from the Community Preservation Act Historic Preservation account for the restoration of the exterior of the Grange Hall/Center School No. 1, located at 26 School Street, listed on the Massachusetts Register of Historic Places, to include a new roof, siding and trim repairs, handicap accessible ramp repairs, exterior painting, and general landscape improvements in an effort to stabilize the exterior of the building and improve the street view; or to take any other action relative thereto.

Explanation/ Submitted by: The Grange, a nonprofit agricultural organization, has little income and therefore has been unable to address exterior refurbishments to its building for many years. The Town of Upton deeded the building to the Grange in 1926. The Upton Historical Commission fully supports this undertaking for the preservation and restoration of what was originally Center School No. 1, one of the most important historic structures in Upton which dates to 1851 and is the Town's oldest standing schoolhouse. The Historical Commission feels it is in the Town's best interest to ensure this building is preserved as part of our heritage. Exterior restoration work will provide for years of stability, and landscaping will provide an enhanced street view. The Grange plans to submit an application to the

Massachusetts Historical Commission requesting a 50% matching grant to enhance the monies available for the cost of the restoration work proposed. If awarded in late June, the funds will be used for additional exterior restoration, such as window replacements to the original windows, to address potential ADA accessibility concerns such as front step improvements, full handicap ramp replacement, and additional landscaping depending on costs of all of the previously mentioned work areas. / Historical Commission.

Recommendation: Favorable Action Finance Committee

ARTICLE 20: FUNDS FOR HISTORIC PRESERVATION

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Twenty-Five Thousand dollars (\$25,000), or any other sum, for the Historical Commission to use as deemed reasonably necessary to preserve the historical infrastructure of Upton in accordance with all laws and ordinances, or, to take any other action relative thereto.

Explanation/ Submitted by: The requested appropriation would allow the Historical Commission, working with the Town Manager as Chief Procurement Officer and the Board of Selectmen, to take actions to repair and/or preserve Town historic structures in need of urgent or immediate attention/ Historical Commission.

Recommendation: Favorable Action Finance Committee

ARTICLE 21: WARREN BROOK BRIDGE – ROBERTSON PROPERTY

To see if the Town will vote to appropriate from Community Preservation Act revenues the sum of One Hundred Twenty Thousand dollars (\$120,000), or any other sum, to the Land Stewardship Committee to design and construct a trail bridge for public use across Warren Brook on the Robertson Family Conservation Restriction Area trail easement, or, to take any other action relative thereto.

Explanation/ Submitted by: To pay for the design and construction of a trail bridge for public use on the Robertson Family Conservation Restriction trail. The proposed trail bridge across Warren Brook is a critical link in a nearly complete 9-mile-long Upton loop trail. The bridge will link trails in Upton State Forest to trails on the Town's Mechanic Street conservation property. Based on a June, 2022 conceptual design and cost estimate prepared by Tahawus Trails LLC, the 30 – 32 ft. long bridge would consist of cast concrete abutments, a single I beam, 18" wide white oak or black locust decking, and 42" high, three rail, fall protection. Design would include production of stamped drawings for the bridge and abutments by professional engineers licensed in Massachusetts. The project would be managed by the Land Stewardship Committee. / Land Stewardship Committee

Recommendation: Finance Committee Recommendation Forthcoming

ARTICLE 22: POLICE STATION RAMP REPLACEMENT

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Fifty Thousand dollars (\$50,000), or any other sum, for the repair and replacement of the concrete ramp at the Police Station, or, to take any other action relative thereto.

Explanation/ Submitted by: The requested appropriation would allow for the repair and replacement of the concrete ramp at the Police Station. / Capital Budget Committee.

Recommendation: Favorable Action Finance Committee and Capital Budget

ARTICLE 23: GRAFTON-UPTON RAILROAD CONSULTANT SERVICES

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Twenty-Five Thousand dollars (\$25,000), or any other sum, to retain the services of consultants, engineers, or similar, to provide professional emergency management peer review services of Grafton-Upton Railroad operations and expansion plan; or, to take any other action relative thereto.

Explanation/ Submitted by: To provide peer consultant services supporting the Town's review of Grafton Upton Railroad's operational and expansion plans. / Board of Selectmen.

Recommendation: Favorable Action Finance Committee

ARTICLE 24: HIGHWAY DEPARTMENT 1-TON TRUCK REPLACEMENT

To see if the Town will vote to raise and appropriate, appropriate from available funds in the Town Treasury, or transfer, or borrow the sum of One Hundred Twenty-Five Thousand dollars (\$125,000), or any other sum, to purchase a replacement dump truck for the Highway Division, including all costs incidental and related, or, to take any other action relative thereto.

Explanation/ Submitted by: The requested appropriation would replace a current 2011 Chevy Silverado with 112,247 with a like vehicle. The current vehicle will be maintained, and an older 2006 Chevy Silverado will be disposed of by auction or trade-in which ever brings the most value to the Town. / Capital Budget Committee.

Recommendation: Favorable Action Finance Committee and Capital Budget

ARTICLE 25: DPW DIRECTOR VEHICLE REPLACEMENT

To see if the Town will vote to raise and appropriate, appropriate from available funds in the Town Treasury, or transfer, or borrow the sum of Sixty-Five Thousand Dollars (\$65,000), or any other sum, to purchase a replacement vehicle for the DPW Director similar in size and capabilities as the current vehicle that meets the Town's Fuel Efficiency Policy, including all costs incidental and related, or, to take any other action relative thereto.

Explanation/ Submitted by: The request appropriation would replace the current DPW Director vehicle with one of similar size and capabilities that meets the Town's Fuel-Efficient Vehicle Policy. The current vehicle is a 2014 Ford Explorer with 147,797 miles. Annual costs associated with repairs have increased significantly over the past year and the vehicle has reached a point where the costs associated with future maintenance and repairs will exceed its value. The current vehicle will be disposed of by auction or trade-in, whichever brings the most value to the Town. / Capital Budget Committee.

Recommendation: Favorable Action Finance Committee and Capital Budget

ARTICLE 26: ROADSIDE MOWING TRACTOR PURCHASE

To see if the Town will vote to raise and appropriate, appropriate from available funds in the Town Treasury, or transfer, or borrow the sum of One Hundred Fifty Thousand Dollars (\$150,000), or any other sum, to purchase a roadside mowing tractor for the Highway Division, including all costs incidental and related, or, to take any other action relative thereto.

Explanation/ Submitted by: The requested appropriation would allow for the purchase of a roadside mower to do mowing along town roads to be done in-house. Currently, the DPW hires a private

contractor on an annual basis to perform roadside mowing. The current estimate for providing these services during the upcoming season is \$25,000. This allows for one cut per season and does not address every street in town. Purchasing the equipment to perform the work in-house will allow the operating budget to be reduced by \$25,000 beginning the next budget after the equipment is received. In addition, having the ability to schedule the roadside mowing in conjunction with available staff, will allow the DPW to perform this service twice annually – spring & fall and with far greater efficiency. / Capital Budget Committee.

Recommendation: Favorable Action Finance Committee and Capital Budget

ARTICLE 27: PARK/CEMETERY/ FORESTRY MOWER REPLACEMENT

To see if the Town will vote to raise and appropriate, appropriate from available funds in the Town Treasury, or transfer, or borrow the sum of Twelve Thousand Dollars (\$12,000), or any other sum, to purchase a replacement mower for the Parks/Cemetery/Forestry Division, including all costs incidental and related, or, to take any other action relative thereto.

Explanation/ Submitted by: The requested appropriation would allow for the replacement of one of three mowers utilized by the Parks/Cemetery/Forestry Division of DPW. One mower was purchased new last year and two were purchased in 2014. This appropriation will replace one of the 2014 mowers. These mowers have excessive wear and are requiring more extensive repairs to keep in service. The replacement equipment will be of similar size and capabilities and the current machine will be disposed of by auction or trade-in, whichever brings the most value to the Town. / Capital Budget Committee.

Recommendation: Favorable Action Finance Committee

ARTICLE 28: WASTEWATER SAND FILTRATION REFURBISHMENT

To see if the Town will vote to raise and appropriate, appropriate from available funds in the Town Treasury, or transfer, or borrow the sum of Two Hundred Fifty Thousand dollars (\$250,000), or any other sum, for the purpose of refurbishing the sand filtration system, including equipment and media, for the purpose of providing Tertiary treatment at the Wastewater Treatment Facility, including any costs incidental and related, or, to take any other action relative thereto.

Explanation/ Submitted by: The requested appropriation would allow for the repair the Wastewater Treatment Facilities sand filters. The funding is necessary to repair the sand filtration system at the Wastewater Treatment facility originally installed in the late 90's. The filtration system removes harmful substances makes the treated water safe to reuse, recycle, or release into the environment. The current equipment and media is in dire need of repair and replacement. This project was identified in the Comprehensive Assessment performed by Tighe & Bond and is included in the Capital Improvement Program. / Capital Budget Committee.

Recommendation: Favorable Action Finance Committee and Capital Budget

ARTICLE 29: WATER TANK REFURBISHMENT AND REPAIRS

To see if the Town will vote to raise and appropriate, appropriate from available funds in the Town Treasury, transfer, or borrow the sum of One Hundred Twenty Thousand Dollar (\$120,000), or any other sum, for the purpose of refurbishing the vaults at the Pratt Hill Water Tank and replacing of the ladder on the Pearl Street Water Tank, including any costs incidental and related, or, to take any other action relative thereto.

Explanation/ Submitted by: The requested appropriation would allow for the to refurbish the vaults at the Pratt Hill Water Tank including equipment repairs and replace the ladder on the Pearl Street Water Tank. / Capital Budget Committee.

Recommendation: Favorable Action Finance Committee and Capital Budget

ARTICLE 30: TOWN HALL SCANNER/PLOTTER

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of the sum of Twenty-Four Thousand Five Hundred dollars (\$24,500), or any other sum, for the purchase of a large format scanner/plotter for the departments within Town Hall; including all expenses incidental and related, or, to take any other action relative thereto.

Explanation/ Submitted by: The requested appropriation would allow the purchase of a large-scale scanner/plotter for use of various departments at Town Hall. The scanner/plotter will allow for printing of maps, plans, documents supporting land use and inspectional services within Town. The large format scanner will allow for scanning of plans and materials for archival, public distribution purposes as well as reduce physical storage of plans within offices. /Town Manager.

Recommendation: Favorable Action Finance Committee

ARTICLE 31: BOARD OF ASSESSOR RECERTIFICATION

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of the sum of Ten Thousand dollars (\$10,000), or any other sum, for use by the Board of Assessors for recertification work required to comply with state law; including all expenses incidental and related, or, to 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.

Recommendation: Favorable Action Finance Committee

ARTICLE 32: CLASSIFICATION AND COMPENSATION PLAN UPDATE

To see if the Town will vote to raise and appropriate, appropriate from available funds in the Town Treasury, or transfer, or borrow, the sum of forty thousand dollars (\$40,000), or any other sum, for a classification and compensation plan review and update, or, to take any other action relative thereto.

Explanation/ Submitted by: The requested appropriation would allow the Town Manager/ Personnel Board to carry out an update to the Town's Classification and Compensation Plan. / Town Manager.

Recommendation: Favorable Action Finance Committee

ARTICLE 33: RIDE SHARE FUNDS

To see if the Town will vote to appropriate or transfer the sum of Three Hundred Eight dollars (\$308) or any other sum or sums of money, received from the Commonwealth Transportation Infrastructure Enhancement Trust Fund pursuant to Chapter 187 of the Acts of 2016 ("An Act Regulating Transportation Network Companies"), § 8(c)(i), for calendar year(s) 2021 and 2022, to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure in the Town, including the complete streets program established in Section 1 of Chapter 90I of the General Laws and other programs that support alternative modes of transportation, by

expending said funds for the painting of cross walks and road markings and the performance of other road improvements, or take any other action related thereto

Explanation/ Submitted by: This article appropriates monies received from the Transportation Infrastructure Enhancement Trust Fund, which is funded as a tax on rideshare trips from companies such as Uber and Lyft, for use by the Town's Department of Public Works. / Town Manager.

Recommendation: Favorable Action Finance Committee

ARTICLE 34: AMENDMENT TO DOG BYLAWS

To see if the Town will vote to amend Chapter 122, Section §122-5 of the General By-laws entitled "Roaming at Large" as follows, with additions indicated by underline and deletions indicated by strikethrough:

A. No owner or keeper of any dog shall cause or permit such dog, whether licensed or unlicensed, to run at large within the Town of Upton, or permit such dog to wander unrestrained on public or private property other than the premises of the owner or keeper or the premises of another person with knowledge and permission of such other person. A dog is under restraint within the meaning of this bylaw if it is controlled by a leash, a hunting dog appropriately trained and ~~or~~ at heel beside a competent person and obedient to the commands of that person, or within a vehicle being driven or parked.

or, to take any other action relative thereto.

Explanation/ Submitted by: The requested amendment to § 122-5.A specifies that all dogs must be leashed and clarifies that hunting dogs appropriately trained and obedient to the controls of the owner are allowed unleashed. This amendment clarifies pre-existing enforcement interpretations of the Animal Control Officer. / Town Manager.

ARTICLE 35: INCREASE IN ZBA MEMBERSHIP

To see if the Town will vote to amend Town of Upton Zoning Bylaws §300-9.2.A which establishes the Zoning Board of Appeals to increase the number of members from three (3) to five (5) full members of the Board and to stagger the initial term of the two new members to a one year term and a two year term, or, to take any other action relative thereto.

Explanation/ Submitted by: The requested amendment will increase the Zoning Board of Appeals (ZBA) from three (3) to five (5) regular members. The request has been made by the Chair of the ZBA due the legal requirement that on a three members board, approvals for variances and special permits must be unanimous and that for a five (5) members board, approvals require 4 out of 5 members to vote in the affirmative. (2/3rds vote required)/ Town Manager.

ARTICLE 36: CITIZENS PETITION – KNOWLTON-RISTEEN

We the Citizens of the Town of Upton submit the following for the Warrant for the Annual Town Meeting of May 4, 2023, Upton, MA

To see if the Town of Upton will vote to maintain possession of the Knowlton-Risteen building as a current and future asset of the town. The vote will assure that no part of the building will be sold or leased and used only for community centric purposes.

Justification: The Town of Upton has invested significantly in the development of the Town Center for the express benefit of residents and the community at large. A necessary next step to guarantee those investments are further realized is to insure that other goals of the Town Center Development come to fruition. That includes permanent ownership by the Town of Upton of the Knowlton-Risteen building as it is one of only a few left in the Center that will impact our ability to do that, in the short and long term. / Linda P. Gay.

Explanation/ Submitted by: Text is exactly as submitted by Petitioner. / Citizen Petition.

ARTICLE 37: CITIZENS PETITION

We the undersigned residents of Upton, Massachusetts do hereby request a warrant to be on the agenda for the 2023 Annual May town meeting to present the following motion for the following addition: Zoning By-laws ARTICLE 6: Special Regulations Chapter 300-6.2 Wireless data transfer facilities.

To see if the Town will vote under the Zoning Bylaws Chapter 300-6.2:

Wireless data transfer facilities to adopt a Wireless Telecommunications Facilities (WTFs) application requirement for completeness: WTF applications will be considered incomplete until the FCC completes the DC Circuit Court-mandated Environmental Review of the entire Wireless Transfer Facilities roll out pursuant to the National Environmental Policy Act of 1969¹ including studies from scientists independent from industry, who have fully investigated millimeter wave 5G small cell technology safety; and that the FCC regulations have been updated to include measures that comply with the results of this review; and, that the Town of Upton shall consider reasonable alternatives such as fiber optic.

¹ The FCC is required by the National Environmental Policy Act of 1969, among other things to evaluate the effect of emissions from FCC-regulated transmitters on the quality of the human environment. On August 9, 2019, the D.C. Circuit Court of Appeals, in its Ruling in Case 18-1129, vacated FCC Order 18-30's deregulation of small-cell Wireless Transmission Facilities(s) [sWTFs] and remanded this to the FCC. In Case 18-1129, the judges stated that "the FCC failed to justify its determination that it is not in the public interest to require review of [sWTF] deployment" and ruled that "the Order's deregulation of [sWTFs] is arbitrary and capricious." The FCC was mandated to do this review in two court rulings which are submitted into the record: one in 2019 in Case 18-1129, Keetoowah et al. V FCC, and another in 2021 in Case 20-1025, EHT/CHD v FCC. To date the FCC has not complied.

<https://scientists4wiredtech.com/2019/08/federal-court-overturms-fcc-order-bypassing-environmental-l>

<https://www.fcc.gov/document/dc-circuit-decision-environmental-health-trust-v-fcc>

Definition: Wireless Telecommunications Facilities means the plant, equipment and property including, but not limited to, cables, wires, conduits, ducts, pedestals, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireless telecommunications service. October 1, 2019, the D.C. Circuit Court of Appeals in Case No, 18-1051, Mozilla et al v FCC, confirmed internet "Services" to be reclassified by the FCC as Title I, unregulated "Information Services." At present, only, wireline and wireless telephone and text transmissions are classified as Title II, regulated "Telecommunication Services." Title I and Title II applications, therefore need to be regulated differently by local planning boards and commissions. Every new [wireless telecommunications facility ("WTF")] must undergo NEPA review, and that WTF applications cannot be batched for such purpose.

Explanation/ Submitted by: Text is exactly as submitted by Petitioner. (2/3rds vote required)/ Citizen Petition.

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 Fourth (4th) day of April in the year of our lord Two Thousand Twenty-three.

UPTON BOARD OF SELECTMEN

A true copy, Attest:

Brett A. Simas, Chairman

Maureen Dwinnell, Member

Constable
Date: April __, 2023

Stephen A. Matellian, Member