



## TOWN OF UPTON, MASSACHUSETTS

### Annual Town Meeting 3 May 2018 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 in the Auditorium at said Nipmuc Regional High School, 90 Pleasant Street, Upton, MA on Thursday, May 3, 2018 punctually at Seven o'clock in the evening, to act on the Articles in the warrant.

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**ARTICLE 1:** 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

Recommendation: Not Applicable

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**ARTICLE 2:** 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 funds<sup>1</sup>, such sums as may be necessary to defray expenses of the Town Departments for FY 2019; or, to take any other action relative thereto.

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

Recommendation: Favorable Action

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**ARTICLE 3:** 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 2019; or, to take any other action relative thereto.

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

Wages & Salaries	\$ 251,456.00
Expenses	345,397.00
Capital Outlay	322,000.00
Debt	382,695.00
Extra/Unforeseen	50,000.00
<b>Total</b>	<b>\$ 1,351,548.00</b>

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<sup>1</sup> 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").

And that \$1,351,548.00 be raised for such purposes as follows:

Department receipts	\$ 888,200.00
Retained Earnings	272,000.00
Tax Levy	191,348.00*
Free Cash	-0-

\*(NOTE: As raised and appropriated under Article 2)

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

Recommendation: Favorable Action

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**ARTICLE 4:** 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 2019; or, to take any other action relative thereto.

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

Wage & Salaries	\$ 225,079.00
Expenses	332,064.00
Capital Outlay	263,000.00
Debt	258,832.00
Extra/Unforeseen	30,000.00
<b>Total</b>	<b>\$1,108,975</b>

And that \$1,108,975.00 be raised for such purposes as follows:

Department receipts	\$ 799,559.00
Retained Earnings	180,000.00
Tax levy	129,416.00*
Free cash	-0-

\* (NOTE: As raised and appropriated under Article 2)

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

Recommendation: Favorable Action

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**ARTICLE 5:** To see if the Town will vote to approve annual spending limits for FY 2019 for revolving funds established in Section 7 of Title 2, Chapter 25, 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:

<b>Authorized Revolving Funds (G.L. c.44, §53E ½)</b>	<b>Fiscal Year Expenditure Limit</b>
Board of Health "Curbside Waste and Recycling Fund"	\$15,000
Board of Health "Title V Fund"	\$10,000
Conservation Commission "Wetlands Revolving Fund"	\$20,000
Conservation Commission "Storm Water By-Law Fund"	\$7,000
Council on Aging Programming	\$10,000
Land Stewardship Committee "Community Garden Fund"	\$2,000
Land Stewardship Committee "Land Stewardship Fund"	\$5,000
Town Library Fund	\$6,000
Recreation Commission	\$200,000
<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 various Board and Committee Revolving Funds /Board of Selectmen.

Recommendation: Favorable Action

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**ARTICLE 6:**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, the sum of Twenty-five thousand dollars (\$25,000.00), or any other sum, to the Finance Committee Reserve Account for FY 2019, said amount to be expended in accordance with M.G.L. Chapter 40, §6; or, to take any other action relative thereto.

Explanation/

Submitted by: To provide for the Finance Committee Reserve Fund Account/Finance Committee

Recommendation: Favorable Action

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**ARTICLE 7:**

To see if the Town will vote to raise and appropriate, transfer from available funds, including enterprise funds, or borrow the sum of Five hundred sixty-four thousand one hundred forty-two dollars (\$564,142.00), or any other sum, in conformity with M.G.L. Chapter 32, Section 22(7)(c)(ii) of the General Laws relative to the Pension, Expense, Worker's Compensation, and Military Service Funds of the Worcester Regional Retirement System for FY 2019; or, to take any other action relative thereto.

Explanation/

Submitted by: Funding to meet the Town's obligations to the Regional Retirement System/Board of Selectmen

Recommendation: Favorable Action

**ARTICLE 8:** 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 2019, 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

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**ARTICLE 9:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, the sum of Five hundred and thirty thousand dollars (\$530,000.00), 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; 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/Board of Selectmen.

Recommendation: Favorable Action

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**ARTICLE 10:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of One Hundred Twenty Thousand Dollars (\$120,000) to fund the snow and ice deficit for FY 2018, 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

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**ARTICLE 11:** To see if the Town will vote to raise and appropriate, transfer from available funds, 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 standards set by the Government Accounting Standards Board (GASB) to fund the Town's future obligations for the cost of other post-employment benefits identified by the GASB; 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

**ARTICLE 12 A:** To see if the Town will vote to transfer from the fund balance of the Community Preservation Fund the sum of \$38,112, or any other sum, to the following Community Preservation Fund reserve accounts to meet the requirements of M.G.L. Chapter 44B, §6, for FY2018 as follows:

Historic Resources Account - \$12,704.60  
Open Space Account - \$12,704.60  
Community Housing Account - \$12,704.60

or, to take any other action relative thereto.

Explanation/  
Submitted by:

To transfer an amount equal to 10% of the monies received from the state as CPA FY2018 matching funds into each of the three standard reserve accounts to meet the annual "set aside" requirements of the Community Preservation Act, Accountant/ Community Preservation Committee.

Recommendation: Favorable Action

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**ARTICLE 12 B:** To see if the Town will vote to act on the report of the Community Preservation Committee on the FY 2019 community preservation budget, and to appropriate the sum of fifteen thousand dollars (\$15,000), or any other amount, from the Community Preservation Fund FY 2019 estimated annual revenues to the Community Preservation Committee Administrative Expense Account (2400-620-5700-5700) for all necessary and proper administrative expenses of the Committee for FY 2019; 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 2019. /Community Preservation Committee.

Recommendation: Favorable Action

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**ARTICLE 12 C:** To see if the Town will vote to transfer the sum of \$9,500, or any other amount, from the Community Preservation Reserved Historic Resources account (2440-300-3590-1000) to fund the purchase and installation of 4 granite posts to which donated plaques will be attached to indicate the sites of 4 original public schools in Upton, including all incidental and related expenses; such project to be managed by the Upton Historical Commission with guidance from the Department of Public Works on location of markers and be completed within one year; or, to take any other action relative thereto.

Explanation/  
Submitted by

Community Preservation funds will be used to the permanent mark the location of historic buildings/Community Preservation Committee.

Recommendation: Favorable Action

**ARTICLE 12 D:** To see if the Town will vote to transfer from the Community Preservation Fund – Undesignated (2400-300-3590-1000) for fifty percent (50%) of the cost, not to exceed \$17,500, to fund a Recreation Master Plan including all expenses incidental and related, under the supervision of the Recreation Commission, to be completed within one year, or, to take any other action relative thereto.

Explanation/  
Submitted by: Funds will be used to hire a consultant to develop a short and long-term master plan for the Town's recreational resources/Community Preservation Community/Recreation Commission

Recommendation: Favorable Action

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**ARTICLE 13:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Twenty-one thousand and eight hundred dollars (\$21,800.00), or any other sum, for use by the Board of Assessors to contract for measure and list services and the sum of Eleven thousand dollars (\$11,000.00), or any other sum, for use by the Board of Assessors for ongoing recertification work required to comply with state law; or, to take any other action relative thereto.

Explanation/  
Submitted by: The requested appropriation would assist the Board of Assessors with their responsibilities in revaluing Town properties/Board of Assessors

Recommendation: Favorable Action

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**ARTICLE 14:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Five thousand dollars (\$5,000.00), 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

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**ARTICLE 15:** To see if the Town will vote pursuant to M.G.L. Chapter 71, Section 16G½ to approve the establishment by the Mendon-Upton Regional School District ("MURSD") of a capital stabilization fund, consistent with the vote of the MURSD School Committee; provided that in order for the MURSD to create said fund, approval must also be given by the Upton and Mendon Town Meetings; and further that any monies budgeted by the MURSD to be included in said fund may be expended only by a 2/3 vote of the MURSD School Committee for any purposes for which the School District could borrow or for such other purposes as may be authorized by the Commissioner of the Department of Elementary and Secondary Education; or, to take any other action relative thereto.

Explanation/

Submitted by:

MURSD plans to establish and use a stabilization fund to be used for the district's long-range capital plan / School Committee

Recommendation: Favorable Action

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**ARTICLE 16:**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of One Hundred Sixty-Seven Thousand Dollars (\$167,000.00), or any other sum, for the purchase and equipping of a five-ton dump truck for the Department of Public Works; or, to take any other action relative thereto.

Explanation/

Submitted by

The Department's existing 5-ton dump truck requires replacement as it is nearing or has reached the end of its useful life; it is anticipated that Free Cash will be used for the purchase of a five-ton truck, including the cab and chassis / Board of Selectmen

Recommendation: Favorable Action

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**ARTICLE 17:**

To see if the Town will vote to amend the General By-laws, Section 1 of Chapter 9, Capital Budget Committee, with underlined text to be inserted and text to be deleted shown with strikethrough, as follows:

A Committee to be known as the Capital Budget Committee shall be established, composed of one member of the Town Finance Committee appointed by and from it, one member of the Planning Board appointed by and from it, and ~~four~~ three additional members to be appointed by ~~the Finance Committee~~ the Board of Selectmen. The members from the Finance Committee and the Planning Board shall be appointed for one-year terms. The other members shall be appointed for ~~four~~ three-year terms such that one will expire each year. Vacancies shall be filled for the unexpired terms in the manner of the original appointments.

provided, however, that any incumbent members of the Capital Budget Committee appointed by the Finance Committee shall serve for the remainder of their respective four-year appointed term or sooner vacating of office; or, to take any other action relative thereto.

Explanation/

Submitted by:

To amend the General Bylaws to authorize the Board of Selectmen, rather than the Finance Committee to appoint three members of the Capital Budget Committee /Finance Committee/Board of Selectmen.

Recommendation: Favorable Action

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**ARTICLE 18:**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Three thousand five hundred dollars (\$3,500.00), or any other sum, for the purchase of software for downloading e-permitting to the Board of Assessor's program, including all incidental and related expenses; or, to take any other action relative thereto.

Explanation/  
Submitted by: Funds will be used to acquire software allowing the download of building permits from the e-permitting system to the Assessors program /Board of Assessors

Recommendation: Favorable Action

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**ARTICLE 19:** To see if the Town will vote to accept Kiwanis Beach Road as a public way, as laid out by the Board of Selectmen and shown on a plan entitled, "G9948 Proposed Kiwanis Beach Road for Town Acceptance as-Built 50 Scale" on file with the Town Clerk, and authorize the Board of Selectmen to acquire, by gift, purchase, and/or eminent domain, the fee to and/or easements in such way as shown on the aforesaid plan for all purposes for which public ways are used in the Town of Upton and any drainage, utility, access, or other related easements; and, as may be necessary therefor, to raise and appropriate or transfer from available funds a sum of money for such purposes; or, to take any other action relative thereto.

Explanation/  
Submitted by: To accept Kiwanis Beach Road as a public way; while it was not anticipated at the time the warrant was signed that the Town will be requesting an appropriation in connection with such acceptance, the funding language is included in the article to provide Town Meeting with flexibility to act if needed /Board of Selectmen

Recommendation: Favorable Action

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**ARTICLE 20:** To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 59, Section 5, Clause 17E, that provides annual adjustments, equal to the increase in the consumer price index, to the amount of the whole estate, real and personal, limitation set forth in Clause 17, 17C, 17C $\frac{1}{2}$ , and 17D exemptions; and to accept the provisions of Massachusetts General Laws, Chapter 59, Section 5, Clause 41D, that provides annual adjustments, equal to the increases in the consumer price index, to the gross receipts and whole estate, real and personal, limitations set forth in Clause 41, 41B and 41C exemptions; or act on anything relative thereto.

Explanation/  
Submitted by: Increases to the to the exemptions' gross receipts and whole estate limitations will ensure that applicants continue to be eligible for the exemptions as their incomes and assets increase due to inflation / Board of Assessors

Recommendation: Favorable Action

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**ARTICLE 21:** To see if the Town will vote to amend the Town of Upton Zoning By-laws, by adding a new section 6.7 under Special Regulations titled "Medical Marijuana Treatment Centers", as on file with the Town Clerk or, to take any other action relative thereto.

Explanation/  
Submitted by: The Planning Board is recommending amending the Zoning By-laws to insert a new section regulating the time, place and manner of operation of medical marijuana treatment centers/Planning Board

Recommendation: Favorable Action

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**ARTICLE 22:** To see if the Town will vote to accept the provisions of G.L. Chapter 33, §59 allowing the Town of Upton to provide its employees military leave with pay and without loss of ordinary remuneration as set forth in the statute and to amend the Personnel Bylaws, Title IX, Section I, Subsection 3, Military Leave, consistent therewith, as on file with the town clerk. or take any other action relative thereto.

Explanation/  
Submitted by: Originally proposed to the Personnel Board from the Chief of Police, the updated language and policy will closely follow the statutory language in M.G.L. Chapter 33, §59, Effect of military service on salary, seniority and leave allowances of public employees / Board of Selectmen/Personnel Board

Recommendation: Favorable Action

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**ARTICLE 23:** To see if the Town will vote to accept the last paragraph of G.L. Chapter 41, §111F to create two special funds to be known as the Police and Fire Injury Leave Indemnity Fund, to be expended by the Board of Selectmen without further appropriation for payment of injury leave compensation or medical bills incurred under G.L. Chapter 41, §§111F or 100, to which appropriations may be made, and amounts received from insurance proceeds or restitution for injuries to firefighters or police officers shall be credited, provided further that said Board may, if the amounts therein are not immediately necessary or required in the foreseeable future, release specific amounts to the General Fund; and further, to raise and appropriate or transfer from available funds a sum of money for deposit into said fund; or take any other action related thereto.

Explanation/  
Submitted by: To establish and appropriate amounts to a special injury leave indemnity fund for payment of injury leave compensation or medical bills incurred for those public safety officials injured on duty/Board of Selectmen

Recommendation: Favorable Action

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**ARTICLE 24:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Eight thousand five hundred dollars (\$8,500.00), or any other sum, to hire a consultant to investigate and provide a report on the condition of roofs at the Police Station and Fire Station, including all incidental and related expenses; or, to take any other action relative thereto.

Explanation/  
Submitted by: Funds will be used to hire a consultant to investigate and provide a report on the condition of the roofs at the Police Station and Fire Station / Board of Selectmen

Recommendation: Favorable Action

**ARTICLE 25:**

To see if the Town will vote to authorize the Board of Selectmen to accept, on behalf of the Town of Upton, two parcels of land, and any improvements thereon, being Map 25, Lot 25 (142 Mendon Street) and Map 25, Lot 2 (0 Mendon Street), from The Harvey J. Trask Trust, u/d/t dated May 28, 2015, in accordance with Article Three, Paragraph First of said Trust, for the purpose of a park, recreation and athletic facility, to be known as "The Harvey Julian Trask Park" and/or for the purpose of a school building site, any such building to be constructed thereon to be known as "The Teresa Julian Trask School"; or, to take any other action relative thereto.

Explanation/  
Submitted by:

To accept two parcels of land, with improvements thereon, both located on Mendon Street, left to the Town under a Trust established by Harvey J. Trask/Board of Selectmen

Recommendation: Favorable Action

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**ARTICLE 26:**

To see if the Town will vote to amend the Personnel By-laws as recommended and on file with the Town Clerk or, to take any other action relative thereto.

Explanation/  
Submitted by:

The Personnel Board has made a number of recommended changes to the Personnel By-law, specifically for employee screening physicals/medical evaluations, meritorious bonuses and longevity/Personnel Board

Recommendation: Favorable Action

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**ARTICLE 27:**

To see if the Town will accept as public ways Blueberry Lane and Dogwood Drive, as laid out by the Board of Selectmen according to a plan on file with the Town Clerk; and to authorize the Board of Selectmen to acquire, by gift, purchase, and/or eminent domain, the fee to and/or easements in such way as shown on the aforesaid plan for all purposes for which public ways are used in the Town of Upton and any drainage, utility, access, or other related easements; and, as may be necessary therefor, to raise and appropriate or transfer from available funds a sum of money for such purposes; or, to take any other action relative thereto.

Explanation/

Submitted by: To accept Blueberry Lane and Dogwood Drive as public ways; while it was not anticipated at the time the warrant was signed that the Town will be requesting an appropriation in connection with such acceptance, the funding language is included in the article to provide Town Meeting with flexibility to act if needed /Planning Board

Recommendation: Favorable Action

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**ARTICLE 28:**

To see if the Town will vote to transfer from available unappropriated funds One Hundred-Twenty Thousand Dollars (\$120,000.00) to be added to funds already appropriated under Article 5 of the 2017 Annual Town Meeting or any other available funds for the purposes of supplementing FY 2018 departmental expenses, or, to take any other action relative thereto.

**Explanation/**

Submitted by: The fire and police wages line items have exceeded the FY 2018 budgeted amounts due to a number of unexpected injury on duty cases and personnel changes /Board of Selectmen

Recommendation: Favorable Action

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 seven days (7) 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 eighteenth day of April in the year of our lord two thousand seventeen.

**UPTON BOARD OF SELECTMEN**

  
\_\_\_\_\_  
Robert J. Fleming, Chairman

  
\_\_\_\_\_  
Gary Daugherty, Member

  
\_\_\_\_\_  
Stephen A. Matellian, Member

A true copy, Attest:



Sandra Hakala, Constable  
Date: April 18, 2018

RECEIVED  
16 APR 2018  
MACT  
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## 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 seven days (7), before the date of the meeting, as within directed



Sandra Hakala  
Constable of Upton  
April 18, 2018