



TOWN OF UPTON, MASSACHUSETTS

Annual Town Meeting 4 May 2017 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 Gymnasium at the Nipmuc Regional Middle/High School, 90 Pleasant Street, Upton on Monday, May 1, 2017, from Seven o'clock in the morning, until Eight o'clock in the evening, then and there to act on Article 1, and to meet at an adjourned session of the meeting in the Auditorium at said Nipmuc Regional Middle/High School on Thursday, May 4, 2017 punctually at Seven o'clock in the evening, then and there to act on the remaining Articles in the warrant.

ARTICLE 1: To choose necessary officers for the ensuing year, all to be voted for upon one ballot as follows: Moderator (1 for 1 year); Board of Selectmen (1 for 3 years); Board of Assessors (1 for 3 years); Mendon Upton Regional School Committee (1 for 3 years); Board of Health (1 for 3 years); Cemetery Commission (1 for 3 years); Cemetery Commission (1 for 1 year); Library Trustees (3 for 3 years); Library Trustees (1 for 1 year); Recreation Commission (1 for 3 years); Recreation Commission (1 for 2 years) Board of Trust Fund Commissioners (1 for 3 years); Planning Board (1 for 5 years); Finance Committee (1 for 3 years).

Explanation/

Submitted by: Choose officers for the ensuing year/Board of Selectmen.

Recommendation: Not Applicable

ARTICLE 2: 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

ARTICLE 3: (By Petition) To see if the Town of Upton will vote to form a temporary commission for the comprehensive review and rewrite of the Town Manager act as implemented by Chapter 391 of the Acts of 2008 as "An Act Establishing the Office of Town Manager in the Town of Upton" for further consideration and vote at a subsequent Town Meeting.

Whereas the Town of Upton has now had the experience of hiring a Town Manager and working with the result, to see if the voters of Upton will

approve the formation of a special and temporary commission where the task will be;

- the complete and comprehensive review, and .
- the full restatement of the Town Manager Act

as established by Chapter 391 of the Acts of 2008.

The Commission is to be composed of five volunteer registered voters from Upton who will become voting members of this commission, where three members are to be appointed by the Board of Selectmen and two members are to be appointed by the Moderator. The Commission once formed will chose its chair person and immediately establish liaisons with at least one member from each and every board, commission, authority and department in the town of Upton as recited in the most recent publication of Upton Town Report.

And also to establish from a list of voting Upton residents, non-voting members for the special commission to serve as specialist to consult and guide on issues of:

- Compensation
- Law
- Professional representation of public interest and best practices
- Any other special skills as need may arise

This temporary commission is to develop and vote on the final text of a resolution and to present their work as a revised Town Manager Act to the voting body of Upton not later than three months from the day of approval of this resolution.

That no candidate for the permanent position of Town Manager be solicited, chosen or hired until this revised act has been approved by the Massachusetts Legislature.

Explanation/

Submitted by: Petitioners

Recommendation: N/A

ARTICLE 4:

(By Petition) Article 1 - To see if the Town will vote to authorize the Board of Selectman to petition the General Court for special legislation to amend the Town Manager Act as established by Chapter 391 of the Acts of 2008 by replacing Sections 3, 4 and 5 with the following:

SECTION 3. The manager shall be appointed by the board on the basis of executive and administrative qualifications and other hiring requirements set forth by the board. The manager shall be a person especially suited by a combination of education, training and

professional experience to perform the duties of the office. The manager shall not serve as a member of the Board of Selectman within the town's government for at least 12 months before his appointment. The manager shall devote his full-time to the office and shall not hold any other public office, elected or appointed, nor engage in any other business or occupation during the term unless that service is approved in advance by the vote of the board. The manager shall be subject to the personnel by-laws of the town unless the board exempts specific provisions of those by-laws as defined in a signed contract between the town and the applicant. The board may enter into a contract with the manager, not to exceed 3 years in length, setting forth the terms and conditions of the manager's employment.

(Addition) Each member of the Board of selectman shall complete an annual written review of the job performance of the town manager. A summary of the overall evaluation shall be a public record.

SECTION 4. The manager shall be responsible and accountable to the board for the efficient and orderly conduct of the departments and functions placed in his charge as manager and for the proper execution of the following powers and duties. The manager shall:

- (i) Be responsible for the administration of personnel matters, including the personnel by-laws and all personnel policies that the town may adopt. Responsibilities shall include consulting the Board and Personnel Board in implementation and enforcement of all actions regarding personnel policies, rules and regulations and managing personnel costs such as salaries, benefits, overtime and use of town-owned vehicles for employees under jurisdiction of the board.
- (j) Ensure all employee receive performance reviews annually and in accordance with the personnel by laws
- (m) To see that all laws, this charter, by-laws and other town meeting votes, and directives of the board of selectmen that require enforcement by him or officers or employees subject to his direction and supervision, are faithfully carried out.
- (p) Work in conjunction with the Personnel Board and its by-laws to arbitrate grievances with final say coming from the Board. To act as a negotiator for all collective bargaining agreements to which the board of selectman is a party. The board shall retain authority to execute the union contracts
- (s) Answer questions and attempt to resolve any non-personnel issues or complaints filed with the board or the manager. Maintain a log of all complaints or issues and submit a regular written report of all resolutions to the board.

SECTION 5. The manager shall have budgetary powers and responsibilities, the manager shall:

(a) prepare and present annually to the board for its review, approval and recommendations to the finance committee detailed budgetary estimates of amounts necessary for the administration of all town boards, officers, committees, divisions and departments under the jurisdiction of the board or the manager for the ensuing fiscal year, including both capital and operating items. The manager shall present a requested balanced budget to the finance committee. The Finance Committee shall, upon receipt of the budget from the Town Manager, consider in public meetings detailed expenditures for each town department and agency and may confer with representatives of each such agency in connection with its review and consideration. The Finance Committee may require the Town Manager, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review and consideration of the proposed budget

The town may solicit, choose and hire a new Town Manager with the understanding that these changes await the approval of the Massachusetts Legislature.

Explanation/

Submitted by: Petitioners

Recommendation: N/A

ARTICLE 5: 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, Section 108, as amended, and to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, such sums as may be necessary to defray expenses of the Town Departments for the ensuing fiscal year; or, to take any other action relative thereto.

Explanation/

Submitted by: Annual Town Operating Budget/Board of Selectmen

Recommendation: Favorable Action

ARTICLE 6: To see if the Town will vote to raise and appropriate, transfer from available unappropriated funds in the Town Treasury, or transfer a sum of money to operate the Water Enterprise Fund as set forth below for the fiscal year beginning July 1, 2017; or, to take any other action thereto.

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

Wages & Salaries	\$ 242,286.00
Expenses	340,771.00
Capital Outlay	235,000.00
Debt	335,601.00
Extra/Unforeseen	50,000.00
Budgeted Surplus	17,130.00
Total	\$ 1,220,788.00

And that \$1,220,788.00 be raised for such purposes as follows:

Department receipts	\$ 902,988.00
Retained Earnings	150,000.00
Tax Levy	167,800.00*
Free Cash	-0-

***(NOTE: As raised and appropriated under Article 3)**

Explanation/

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

Recommendation: Favorable Action

ARTICLE 7: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer a sum of money to operate the Wastewater Enterprise Fund as set forth below for the fiscal year beginning July 1, 2017; or, to take any other action thereto.

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

Wage & Salaries	\$ 219,048.00
Expenses	326,817.00
Capital Outlay	82,000.00
Debt	250,596.00
Extra/Unforeseen	30,000.00
Budgeted Surplus	3,852.00
Total	\$912,313.00

And that \$912,313.00 be raised for such purposes as follows:

Department receipts	\$ 677,015.00
Retained Earnings	110,000.00
Tax levy	125,298.00*
Free cash	-0-

* (NOTE: As raised and appropriated under Article 3)

Explanation/

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

Recommendation: Favorable Action

ARTICLE 8: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, including from enterprise funds, or borrow the sum of Five hundred eleven thousand three hundred seventy-two dollars (\$511,372.00), 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 the fiscal year beginning July 1, 2017; 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 9: To see if the Town will vote pursuant to the provisions of G.L. c.44, §53E½, as most recently amended, to (1) establish the following revolving funds and fiscal year spending limits as set forth below, and further (2) to amend the General Bylaws by inserting a new bylaw establishing various revolving funds, specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, such bylaw to provide as follows:

TITLE 2, Chapter 25, Revolving Funds

Section 1. There are hereby established in the Town of Upton pursuant to the provisions of G.L. c.44, §53E½, the following Revolving Funds, from which the specified department head, board, committee, or officer may incur liabilities against and spend monies from without appropriation in accordance with the limitations set forth in this by-law.

Section 2. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

Section 3. No liability shall be incurred in excess of the available balance of the fund.

Section 4. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting or any increase therein as may

later be authorized by the Board of Selectmen and Finance Committee in accordance with G.L. c.44, §53E½.

Section 5. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the General Fund.

Section 6. Authorized Revolving Funds

REVOLVING FUND PROGRAM OR PURPOSE	DEPARTMENT RECEIPTS TO BE CREDITED TO FUND	ENTITY AUTHORIZED TO SPEND
<i>Board of Health “Curbside Waste and Recycling Fund” to pay costs of removing residential bulk items through curbside pick-up and purchase of recycling and/or trash bins</i>	Fees for removal of bulk items and purchase of recycling and/or trash bins	Board of Health or Board of Health Chair as authorized by said board
<i>Board of Health “Title V Fund” to pay costs of plan review, engineering services and related expenses for permitting of septic systems</i>	Fees for septic system permits and field testing	Board of Health or Board of Health Chair as authorized by said board
<i>Conservation Commission “Wetlands Revolving Fund” to pay costs associated with reviewing wetlands-related filings, processing certificates of compliance and related operating expenses and essential functions of the Conservation Commission</i>	Filing fees under the Town of Upton Wetlands By-law	Conservation Commission or Conservation Commission Chair as authorized by said board
<i>Conservation Commission “Storm Water By-Law Fund” to pay costs associated with reviewing Storm Water Bylaw applications and related operating expenses and essential functions of the Conservation Commission</i>	Fees collected from filings made under the Town of Upton Storm Water Management By-Law	Conservation Commission or Conservation Commission Chair as authorized by said board
<i>Council on Aging Programming</i> to pay for programming for the elderly of Upton as administered through the Senior Center and the Council on Aging	Fees and charges for Senior Center and Council on Aging programs shall be credited to the fund;	Director of the Upton Council on Aging, with the approval of the Council on Aging
<i>Land Stewardship Committee “Community Garden Fund”</i> to pay costs associated with maintenance, upgrades, further expansion and related operating expenses for the Upton Community Garden fund;	Fees and other receipts collected for use of such Garden, including fees from	Land Stewardship Committee or Committee Chair as authorized by said committee

	participating gardeners	
<i>Land Stewardship Committee “Land Stewardship Fund”</i> to pay costs associated with management of conservation areas and open space parcels owned by the Town, to include, preparation of forestry and land stewardship plans, habitat management, trail development and maintenance, installation and maintenance of parking areas, bridges, boardwalks, fences, kiosks, and signage, and snow removal from parking areas	Fees and other receipts received in connection with the sale and harvest of timber and other agricultural or forestry products derived from properties managed by the Land Stewardship Committee	Land Stewardship Committee or Committee Chair as authorized by said committee
<i>Town Library Fund</i> to pay for the replacement of items lost or damaged by those who borrow materials and items used in activities for which a fee is paid, and to purchase new materials and equipment	Fees and fines paid for lost or damaged materials, for overdue books, for use of the fax, copier and printing facilities, and for purchase of used library material	Library Director with approval of Board of Library Trustees
<i>Recreation Commission</i> to pay for various recreation programs administered by the Recreation Commission	Fees and other receipts collected in connection with Recreation Commission recreation Programs	Recreation Commission or Recreation Commission Chair as authorized by said commission

Section 7. Procedures and Reports. Except as provided in General Laws Chapter 44, §53E½ and this by-law, all applicable state and local laws and regulations that govern the receipt, custody, expenditure and payment of town funds shall apply to the use of revolving funds established and authorized by this by-law.

And, further, to establish the following fiscal year spending limit for such funds:

Authorized Revolving Funds	Fiscal Year Expenditure Limit
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-	\$7,000

Law Fund”	
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	\$169,000

Or, to take any other action relative thereto.

Explanation/

Submitted by: Approve Revolving Funds for various activities/Board of Selectmen. This article also establishes a by-law for MGL Chap 44, Section 53E1/2 revolving funds in accordance with the Municipal Modernization Act/Board of Selectmen

Recommendation: Favorable Action

ARTICLE 10: To see if the Town will vote, pursuant to the vote taken under Article 8 of the May 5, 2016 Annual Town Meeting creating a Treasurer/Collector Tax Title Collection Revolving Fund, to establish a fiscal year spending limit of fifteen thousand dollars (\$15,000), with such limit 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; provided, however, that the Board of Selectmen, with the approval of the Finance Committee, may, at the request of the Treasurer/Collector increase such limit, for that fiscal year only, or to take any other action relative thereto.

Explanation/

Submitted by: To establish an expenditure limit of \$15,000 for the Tax Title Collection Revolving Fund, into which fund monies received related to tax takings, redemptions and foreclosures of tax titles may be utilized to pay for out of pocket expenses by the Treasurer/Collector/ Board of Selectmen

Recommendation: Favorable Action

ARTICLE 11: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town treasury, transfer, or borrow One-million, three-hundred thousand dollars (\$1,300,000.00), or any other sum, for the purpose of funding the debt to pay the costs associated with the legal fees, engineering, design, project management, construction costs and materials for the replacement of approximately 4220 feet of old water main along Hartford Ave North, including all costs incidental and related thereto, and further, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow such sum pursuant to G.L. c.44, §§7 or 8 or any other enabling authority and issue bonds or notes therefore; and, while such bonds shall be

general obligation bonds of the Town, it is anticipated that repayment of this borrowing, including interest and principal, shall be made pursuant to the following formula: 50% to be paid by general taxation, and 50% to be paid by the water system users; and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or, to take any other action relative thereto.

Explanation/

Submitted by: Funds will be used to replace water main in preparation for the state funded Transportation Improvement Project (TIP). Half of the cost of the project will be paid by the Water Enterprise fund/ Board of Selectmen

Recommendation: Favorable Action

ARTICLE 12: 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 fiscal year 2018, 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

ARTICLE 13: To see if the Town will vote to amend the vote taken under Article 3 of the May 5, 2016 Annual Town Meeting appropriating the fiscal year 2017 budget, as amended under Article 2 of the November 15, 2016 Special Town Meeting, to make a supplemental appropriation for Town Counsel Expense for the remainder of fiscal year 2017, and as funding therefor, to appropriate from available unappropriated funds in the Town Treasury, or transfer from Overlay Surplus or otherwise the total sum of Twenty thousand dollars (\$20,000.00), or any other sum; or, to take any other action relative thereto.

Explanation/

Submitted by: To approve an additional to meet Town Counsel expense for the remainder of FY '17/Board of Selectmen.

Recommendation: Favorable Action

ARTICLE 14: To see if the Town will vote to act on the report of the Community Preservation Committee on the fiscal year 2018 community preservation budget, and to appropriate the sum of Fifteen thousand dollars (\$15,000.00), or any other sum, from the Community Preservation Fund fiscal year 2018 estimated annual revenues to the Community Preservation Committee Administrative Expense Account for all necessary and proper administrative expenses of the Committee for fiscal year 2018; or, to take any other action relative thereto.

Explanation/
Submitted by: To appropriate from CPA FY2018 estimated revenues for the Community Preservation Committee FY2018 Administrative Expense Account/Community Preservation Committee.

Recommendation: Favorable Action

ARTICLE 15: To see if the Town will vote to transfer from the Community Preservation Reserve Account, Historic Resources Reserve (2400-30003590-1000) the sum of Six Thousand dollars, (\$6,000.00), or any other sum, to the Upton Historical Commission for the purpose of purchasing and installing up to five signs identifying Upton's Historical District; such funds to be expended by the Upton Historical Commission; or, to take any other action relative thereto.

Explanation/
Submitted by: Community Preservation Act funds will be used for signage to help identify Upton's Historical District/Historical Commission.

Recommendation: Favorable Action

ARTICLE 16: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow the sum of Ten thousand and seven hundred dollars (\$10,700.00), or any other sum, for the purchase of active shooter kits and replacement firearms for the Police Department; or, to take any other action relative thereto.

Explanation/
Submitted by: Funds will be used for needed upgrades to Police Department equipment/Board of Selectmen

Recommendation: Favorable Action

ARTICLE 17: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow the sum of Three Hundred and three thousand and twenty five dollars (\$303,025.00), or any other sum, for the costs to complete engineering and design services required for easements related to the Town's Transportation Improvement Program (TIP) project, including all incidental and related expenses; or, to take any other action relative thereto.

Explanation/

Submitted by: Easement and Right of Way survey work is necessary in preparation for the state funded Transportation Improvement Project (TIP)/ Board of Selectmen

Recommendation: Favorable Action

ARTICLE 18: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town treasury, transfer, or borrow six hundred thousand dollars (\$600,000.00) to pay the costs associated with the engineering, design, project management, construction and materials for repairs to the Fowler Street Bridge, located at Davidson Road outlet, including all incidental and related costs, and further, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow such sum pursuant to G.L. c.44, §§7 or 8 or any other enabling authority and issue bonds or notes therefor; that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and further, that the amount authorized to be borrowed hereunder shall be reduced by the amount of any grants or gifts received by the Town prior to such borrowing for purposes of this article; or, to take any other action relative there to.

Explanation/

Submitted by: This article will fund the repair of the Fowler Street bridge under the terms of a state grant award. The Town has received a \$500,000.00 grant for the repair of the bridge which will reimburse Town costs, however, the Town is still required to authorize payment for the entire amount of the project/ Board of Selectmen

Recommendation: Favorable Action

ARTICLE 19: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow the sum of 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 45 to

fund the Town's future obligations for the cost of other post-employment benefits identified by the GASB 45 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

ARTICLE 20: To see if the Town will vote to set Twenty thousand dollars (\$20,000.00) as the maximum spending limit for fiscal year 2018 expenditures for the "Senior Work Off" Program, under M.G.L. Chapter 59, Section 5K, which program allows senior citizens to work for the Town in exchange for credit on annual property tax assessments, and to adjust the maximum exemption allowed to \$1,500.00 per participant; or, to take any other action relative thereto.

Explanation/

Submitted by: To set a limit of expenditure for this program at \$20,000.00 and the limit per participant at \$1,500.00 /Board of Assessors.

Recommendation: Favorable Action

ARTICLE 21: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow, the sum of Four hundred and thirty thousand dollars (\$430,000.00), 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

ARTICLE 22: To see if the Town will vote to amend the General By-laws, Section 1 of Chapter 9, Capital Budget Committee, with text to be inserted shown in bold underline and text to be deleted shown with strikethrough, as follows:

No motion relating to any capital expenditure in excess of \$100,000 \$25,000 or any appropriation for such a capital expenditure shall be acted upon at any Town Meeting until it has been submitted to the Committee, except where provided otherwise by law. It shall be the duty of the Committee to make a recommendation, either verbally or in written form,

to the Town Meeting concerning each article or transfer relating to capital expenditures of the Town; or, to take any action relative thereto.

Explanation/
Submitted by: To increase the number of capital projects which would be reviewed by the Capital Budget Committee by decreasing the present threshold of \$100,000.00 for review to \$25,000.00/Board of Selectmen.

Recommendation: Favorable Action

ARTICLE 23: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer or borrow the sum of 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 future recertification; or, to take any other action relative thereto.

Explanation/
Submitted by: Funds would assist the Board of Assessors with their responsibilities in revaluing town properties/Board of Assessors

Recommendation: Favorable Action

ARTICLE 24: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer or borrow the sum of Thirty-Five thousand dollars (\$35,000.00), or any other sum, to pay for costs associated with the development of cost estimates and schematic designs for the renovation of the property located at 3 Milford Street for Town uses, including all incidental and related costs; or to take any other action relative thereto.

Explanation/
Submitted by: Structural and construction estimate tasks on 3 Milford St. are to be completed in order to provide information to the Town prior to purchase/Board of Selectmen

Recommendation: TBD

ARTICLE 25: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer or borrow the sum of Five thousand four hundred and fifty dollars (\$5,450.00), or any other sum, for the purchase of furniture and equipment for the Town Library; or, to take any other action relative thereto.

Explanation/
Submitted by: Funds will be used to purchase tables and chairs as well as audio/visual equipment for the Library/Library Trustees

Recommendation: Favorable Action

ARTICLE 26: To see if the Town will vote to amend its Zoning By-laws, Section 6.2 Wireless Data Transfer Facilities Section, 6.2.6 Design Requirements and Performance Standard, (2) Height, by adding a new sentence at the conclusion thereof, with text to be inserted shown in bold, as follows:

6.2.6 Design Requirements and Performance Standards: All wireless data transfer facilities erected, installed and/or used shall comply with the following design requirements and performance standards:

- 1) Shared Use: Shared use of towers by commercial wireless data transfer carriers is required unless such shared use is shown by substantial evidence to not be feasible.
- 2) Height: The maximum allowed height of a tower shall be 150 feet. **The Planning Board may grant a waiver of the maximum allowed height limitation under this section for a tower not to exceed 200 feet in total if the Planning Board finds that the increased height is in the best interests of the Town.**

; or, to take any other action relative thereto.

Explanation/

Submitted by: The Planning Board is considering an increase in the height of cell towers in answer to concerns about the quality of cell phone and data transfer services in Upton/Planning Board

Recommendation: N/A

ARTICLE 27: To see if the Town will vote to raise and appropriate, transfer from available funds in the Treasury or from Stabilization funds the sum of One-hundred and twenty thousand dollars (\$120,000.00), or any other sum, to purchase and equip a tanker truck for the Fire Department or, to take any other action relative thereto.

Explanation/

Submitted by: Funds will be used to purchase a replacement for Tanker I which is no longer road worthy and has been taken out of service/ Board of Selectmen

Recommendation: Favorable Action

ARTICLE 28: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, the sum of One-hundred and seventeen thousand dollars (\$117,000.00), or any other sum,

to fund the snow and ice deficit for Fiscal Year 2017, 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

ARTICLE 29: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow, the sum of Twenty-five thousand dollars (\$25,000.00), or any other sum, to the Finance Committee Reserve Account for fiscal year 2018, 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

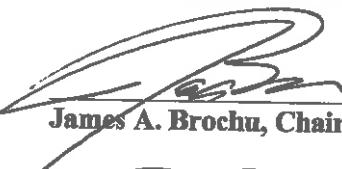
And you are directed to serve this Warrant, by posting up attested copies thereof at the U.S. Post Office, Town Library, and Town Hall, in said Town seven days (7) at least before the time of holding said Meeting.

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

A true copy, Attest:


James A. Brochu, Chairman


Robert J. Fleming, Member


Gary Daugherty, Member

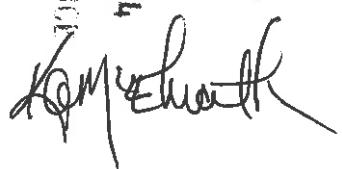

Sandra Hakala, Constable

Date: April 18, 2017

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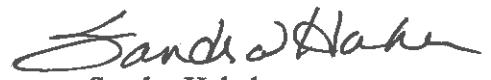
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Constable Attest Page

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 22, 2016