



# TOWN OF UPTON, MASSACHUSETTS

## Special Town Meeting 15 November 2016 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 the Nipmuc Regional Middle/High School, 90 Pleasant Street, in Upton on Tuesday, the fifteenth day of November 2016, at 7:00 o'clock in the evening, then and there to act on the following Articles:

**ARTICLE 1:** To see if the Town will vote to transfer from available unappropriated funds in the town treasury a sum of money to reduce the tax rate for FY2017, or to take any other action relative thereto.

Explanation/  
Submitted by: To limit the tax impact on property owners by utilizing a portion of the Town's Free Cash to reduce expenditures for FY 2017 - Board of Selectmen.

Recommendation: To Be Determined

**ARTICLE 2:** To see if the Town will vote to amend the Fiscal Year 2017 operating budget as voted under Article 3 of the 2016 Annual Town Meeting by transferring the total sum of Sixty-seven thousand six hundred fifteen dollars (\$67,615.00) from Free Cash to the line items and in the amounts substantially as specified in the chart below; or to take any other action related thereto.

<u>Transfer from Free Cash</u> <u>To:</u>	<u>Amount</u>
Animal Control Wages	1,700.00
Fire Dept. Wages	1,500.00
Fire Department Expense	2,235.00
Police Dept. Wages	11,180.00
Recreation Wages	26,000.00
Town Counsel Expense	25,000.00
Total	<b>\$67,615.00</b>

Explanation/  
Submitted by: To make transfers among accounts in the FY 2017 budget year to adjust for shortfalls in appropriations or unforeseen expenses - Board of Selectmen.

Recommendation: To Be Determined

**ARTICLE 3:** 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: To Be Determined

**ARTICLE 4:** To see if the Town will authorize the Board of Selectmen to petition the General Court for special legislation to amend Chapter 263 of the 1989 Acts and Resolves that established a Department of Public Works in the Town of Upton, by amending section 1 of the Act to enable the Hiring Authority to enter into a contract with the Public Works Director for a period not to exceed three years, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or, to take any other action relative thereto.

Explanation/

Submitted by: To enable the Town to enter into an employment contract with the Director of Public Works of up to three years in length. The Town has three year contracts with the Town Manager, Police Chief and Fire/EMS Chief. Under current law, the Town can only offer the Director a one year contract - Board of Selectmen

Recommendation: To Be Determined

**ARTICLE 5:** To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow the sum of Fifty-four thousand five hundred dollars (\$54,500.00), or any other sum, for the purchase and equipping of a one ton dump truck assigned to the Department of Public Works; or, to take any other action relative thereto.

Explanation/

Submitted by: To purchase a vehicle to replace a 2001 Ford F350 vehicle that has reached the end of its useful life - Board of Selectmen.

Recommendation: To Be Determined

**ARTICLE 6:** To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow the sum of Forty-two thousand three hundred dollars (\$42,300.00), or any other sum, for the purchase and equipping of a one-ton pickup truck for use by the Department of Public Works Parks, or, to take any other action relative thereto.

Explanation/

Submitted by: To purchase a one ton pickup truck to replace a 2006 a model of a smaller size that has outlived its useful life for the functions it is required to perform - Board of Selectmen.

Recommendation: To Be Determined

**ARTICLE 7:** 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 thousand dollars (\$30,000.00), or any other sum, for purchase of two-ton paving roller for use by the Department of Public Works; or, to take any other action relative thereto.

Explanation/  
Submitted by: To purchase a replacement for a 1983 paving roller that is now 33 years old and has exceeded its useful life - Board of Selectmen.

Recommendation: To Be Determined

**ARTICLE 8:** 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 thousand dollars (\$20,000.00), or any other sum, to purchase various roadway signs that meet the Federal Highway Administration's Minimum Maintained Sign Retroreflectivity Standard from the 2009 Manual on Uniform Traffic Control Devices, or other applicable standard; or, to take any other action relative thereto.

Explanation/  
Submitted by: To continue implementation of a roadway sign replacement program in accordance with State mandates - Board of Selectmen.

**ARTICLE 9:** 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 dollars (\$10,000.00) or any other sum, for the purchase of engineering services to complete a project to develop a geographic information system (GIS) map of the Town's water system, or, to take any other action relative thereto.

Explanation/  
Submitted by: To purchase engineering services to build a geographic information system (GIS) layer that depicts the Town's water system. The funding source is intended to be the Water Enterprise Fund - Board of Selectmen.

Recommendation: To Be Determined

**ARTICLE 10:** 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 dollars (\$5,000.00) or any other sum, for a supplemental appropriation to the 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: To Be Determined

**ARTICLE 11:** 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-two thousand five hundred dollars (\$22,500.00) or any other sum, for the replacement of the standard 8-speed transmission of Fire Tanker II with an automatic

transmission including all expenses incidental and related thereto; or, to take any other action relative thereto.

Explanation/

Submitted by: To replace the transmission in Tanker 2 with an automatic version that will enable it to be driven by more fire department members – Board of Selectmen.

Recommendation: To Be Determined

**ARTICLE 12:** 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 Nine thousand seven hundred twenty-two dollars (\$9,722.00) or any other sum, for the purchase and installation of an upgraded access control system for the Upton Fire Department building; or, to take any other action relative thereto.

Explanation/

Submitted by: To purchase and install an upgraded key access system for the Upton Fire Department to replace a system that is outdated and cannot be expanded to the number of department members the Town now has – Board of Selectmen.

Recommendation: To Be Determined

**ARTICLE 13:** To see if the Town will vote to transfer from the Community Preservation Fund FY2017 estimated annual revenues not less than 10% to each of the following Community Preservation Fund reserve accounts to meet the requirements of M.G.L. c.44B, §6:

Historic Resources Reserve  
Open Space Reserve  
Community Housing Reserve;

and, further, to place any remaining FY2017 estimated annual revenues in a so-called “FY2017 Undesignated Budgeted Reserve”, or, to take any other action relative thereto.

Explanation/

Submitted by: To set aside 10% of CPA FY2017 estimated annual revenues into each of the three standard reserve accounts, and to place the remainder into a FY2017 “undesignated” reserve - Community Preservation Committee.

Recommendation: Favorable Action

**ARTICLE 14:** To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer from the Community Preservation Fund or otherwise, or from any combination thereof, the sum of Two Hundred ninety-two thousand fifty dollars (\$292,050.00), or any other sum, to meet the fourth 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 fourth year principal and interest payments (i.e., debt service) on the Town Hall bonds, to be paid from CPA monies - Community Preservation Committee.

Recommendation: Favorable Action

**ARTICLE 15:** 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 dollars (\$5,000.00), or any other sum, for renovations of the bathrooms on the first floor of the Knowlton Risteen Building including any incidental and related expenses; or, to take any other action relative thereto.

Explanation/  
Submitted by: To upgrade the bathrooms on the first floor of the Knowlton Risteen building that are used by the Library – Library Board of Trustees.

Recommendation: To Be Determined

**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 Two hundred eighty thousand dollars (\$280,000.00), or any other sum, for the Town of Upton's share to reconstruct and make repairs to the Fisk Mill Bridge that is jointly owned by the Towns of Milford and Upton, including engineering services; or, to take any other action relative thereto.

Explanation/  
Submitted by: To pay one half the cost of repairs to the Fisk Mill Bridge. The bridge is jointly owned by the Towns of Milford and Upton - Board of Selectmen.

Recommendation: To Be Determined

**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 Ten thousand dollars (\$10,000.00), or any other sum, for the removal of the contents of a house and trees and bushes in the yard of a Town-owned property located at 28 Hartford Avenue North including all related and incidental expenses; or, to take any other action relative thereto.

Explanation/  
Submitted by: The Town has taken ownership of this property through the tax title process. In order to prepare it for auction, the house needs to be cleaned of its contents and brush and trees removed from the yard. All expenses incurred by the Town will be recaptured through the auction process - Treasurer/Collector.

Recommendation: To Be Determined

**ARTICLE 18:** The undersigned voters of the Town of Upton petition the Board of Selectmen, in accordance with the provisions of the law, are hereby requesting a special town meeting in the Town of Upton, for a vote to expand the Board increasing the members from three (3) to five (5) Selectmen, who shall be nominated and elected by the qualified voters of the entire town.

We propose there shall be a Board of Selectmen consisting of five (5) members elected by the voters for three year terms, so as arranged that the term of office of at least one (1) member, but not more than two (2) members, shall expire each year. Terms of Selectmen shall be staggered. No Selectman shall serve for more than two consecutive terms, totaling six (6) years of continuous service.

The undersigned voters feel the town is growing and there is a greater commitment needed from the Board of Selectmen with regard to duties for service, to other boards, and to other communities. This increase of members of the Board of Selectmen can help share the load. The demographics of Upton have also changed to include now more professional citizens, providing a larger pool of available expertise.

Explanation/

Submitted by: By Petition (NOTE: the article set forth above appears exactly as set forth in petition).

Recommendation: To Be Determined

**ARTICLE 19:** To see if the Town will vote pursuant to M.G.L. Chapter 40A, Section 5 to amend the Zoning Bylaws section 6.2.6 line two to read as follows:

HEIGHT: The maximum allowed height of a tower shall be 200 feet.

Explanation/

Submitted by: By Petition (NOTE: the article set forth above appears exactly as set forth in petition).

Recommendation: To Be Determined

**ARTICLE 20:** Whereas, Spectra Energy has proposed a new 16-inch High Pressure pipeline through **Upton** carrying gas obtained through hydraulic fracturing (“fracking”), known as the West Boylston Lateral of the Access Northeast Project; and

Whereas, studies by both the economic/financial consulting firm, Analysis Group,<sup>1</sup> commissioned by the Massachusetts Attorney General’s Office, and the Conservation Law Foundation<sup>2</sup> determined that increased gas capacity is not needed to meet the region’s electric reliability needs and would be more costly and environmentally destructive than investment in energy conservation measures and green and renewable energy solutions; and

Whereas, the pipelines proposed would make it impossible to meet the goals established by the Massachusetts Global Warming Solutions Act of 2008<sup>3</sup>, the law requiring a 25% reduction of Greenhouse Gas emissions by 2020 and an 80% reduction by 2050; and

Whereas, there are 20,000 documented gas leaks in Massachusetts<sup>4</sup> and 14 documented leaks in **Upton**<sup>5</sup> alone, which emit the Greenhouse Gas equivalent of 6 million cars annually and cost consumers an estimated \$1 Billion, and whereas, natural gas, once considered a clean energy source, is 95% Methane, and is now proven to trap 86 times more heat than carbon dioxide over a 20-year period<sup>4</sup>; and

Whereas, high pressure pipelines inherently carry the potential for leaks, rupture or devastating explosion, causing untold damage to property and lives and present added risks and damage to the health and environment of those living near the evacuation corridor, adversely affecting property values, residents' livelihoods, and personal safety; and

Whereas, **Upton** has publicly set aside large tracts of land and restricted their development for conservation and open space as part of its Master Plan<sup>6</sup>, and Spectra is proposing that the pipeline cross scenic, historic, and environmentally sensitive protected town-owned land, such as Peppercorn Hill, Pratt Hill, Stephan's Farm, Heritage Park, and Kiwanis Beach, as well as Upton State Forest<sup>7</sup>, and will destroy forest, wetlands, and conservation land and require maintenance in perpetuity; and

Whereas, the **Upton** Board of Selectmen on May 27, 2016, submitted comments to FERC "expressing concerns by the Town of **Upton** regarding the environmental impacts of this project, as well as other concerns that lead us to request that you reconsider this project, or at the very least a route that does not include the Town of Upton,"<sup>7</sup> and

Whereas, the fracking process uses vast amounts of water and 60 toxic chemicals, and contaminates water supplies.

**Therefore, be it resolved that, the people of Upton hereby ask the Board of Selectmen to declare that they:**

Oppose any effort to locate the West Boylston Lateral within **Upton's** borders and to disallow the construction of any and all similar projects that may later be proposed, and participate in and provide comments to FERC; and

Deny survey authorization and rescind permission to Spectra Energy, its representatives, contractors, sub-contractors, or associates to enter any town-owned property to perform surveys, and to file such notices with Spectra Energy and with the Federal Energy Regulatory Commission (FERC), and any physical entry onto town-owned property will be considered unauthorized, and treated as trespass and prosecuted as such; and

Apply for Intervenor Status during the three-week period after Spectra files its application with FERC; and

Oppose the use of Massachusetts land as a conduit for the export of natural gas, likely causing higher gas prices from competition with international markets; and

Be it further resolved, that the Town Administrator send copies of this resolution to the governor and the attorney general, state and national representatives and senators, Spectra and FERC.

Explanation/

Submitted by: By Petition (NOTE: the article set forth above appears exactly as set forth in petition).

Recommendation: To Be Determined

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 twenty-fourth day of October in the year of our lord two thousand sixteen.

**UPTON BOARD OF SELECTMEN**

A true copy, Attest:

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**James. Brochu, Chairman**

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**Robert J. Fleming, Member**

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**Gary Daugherty, Member**

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Sandra Hakala, Constable  
Date: October 24, 2016

## 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  
October \_\_, 2016