



TOWN OF UPTON, MASSACHUSETTS

Annual Town Meeting 5 May 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 Gymnasium at the Nipmuc Regional Middle/High School, 90 Pleasant Street, Upton on Monday, the second-day of May 2016, 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 5, 2016 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); Board of Assessors (1 for 1 year); Mendon Upton Regional School Committee (1 for 3 years); Board of Health (1 for 3 years); Cemetery Commission (1 for 3 years); Library Trustees (3 for 3 years); Recreation Commission (1 for 3 years); Board of Trust Fund Commissioners (1 for 3 years); Planning Board (1 for 5 years); Housing Authority (1 for 5 years); Constable (5 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: 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 4: 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 ensuing fiscal year; or, to take any other action thereto.

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

Wages & Salaries	\$ 237,194.00
Expenses	340,104.00
Capital Outlay	65,000.00
Debt	402,878.00
Extra/Unforeseen	50,000.00
Budgeted Surplus*	27,356.00
Total	\$ 1,122,532.00

And that **\$1,122,532.00** be raised for such purposes as follows:

Department receipts	\$ 871,094.00
Retained Earnings	50,000.00
Tax Levy	201,438.40**
Free Cash	-0-

*(NOTE: the budgeted surplus is intended to be used, subject to appropriation, to pay a portion of the costs of the replacement of the Hartford Avenue North water main in FY 18)

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

Explanation/

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

Recommendation: Favorable Action

ARTICLE 5: 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 ensuing fiscal year; or, to take any other action thereto.

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

Wage & Salaries	\$ 214,414.00
Expenses	317,674.00
Capital Outlay	40,000.00
Debt	253,507.00
Extra/Unforeseen	30,000.00
Budgeted Surplus*	3,912.00

Total **\$ 859,507.00**

And that **\$859,507.00** be raised for such purposes as follows:

Department receipts	\$ 672,754.00
Retained Earnings	30,000.00
Tax levy	126,753.00**
	30,000.00
Free cash	-0-

* (NOTE: A rate increase of 2.0% is projected to raise \$3,912.00 more than the budgeted expenditures for FY 17, which amount will be used, subject to appropriation, for future capital improvements to the water system)

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

Explanation/

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

Recommendation: Favorable Action

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 Four hundred forty-nine thousand nine hundred eighty-three dollars (\$449,983.00), 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, 2016; 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 7: To see if the Town will vote to establish the following revolving funds in accordance with M.G.L., Chapter 44, § 53E ½; and any balances remaining in such revolving funds as of June 30, 2016 shall carry forward and remain available for expenditure in FY 2017:

- A. Conservation Commission "Wetland By-Law Fund" - To pay costs associated with reviewing Wetlands Filings, processing Certificates of Compliance and related operating expenses and essential functions of the Conservation Commission; fees collected from filings made under the Town of Upton Wetlands By-Law shall be credited to the fund;

- expenditures shall be authorized by the chairperson of the Conservation Commission; limited to Twenty thousand dollars (\$20,000.00) for fiscal year 2017;
- B. Board of Health "Curbside Waste & Recycling Fund" - To pay costs of removing residential bulk items through curbside pick-up and purchase of recycling and/or trash bins; fees collected for removal of bulk items or from purchase of recycling and/or trash bins shall be credited to the fund; expenditures shall be authorized by the chairperson of the Board of Health, limited to Fifteen thousand dollars (\$15,000.00) for fiscal year 2017;
 - C. Board of Health "Title V Fund" – to pay costs of plan review, engineering services and related expenses for permitting of septic systems; fees collected from permits and field testing for septic systems shall be credited to the fund; expenditures shall be authorized by the chairperson of the Board of Health, limited to Ten thousand dollars (\$10,000) for fiscal year 2017;
 - D. Upton Town Library – To replace 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 shall be credited to the fund; expenditures shall be authorized by the Library Director, with the approval of the Library Board of Trustees, limited to Six thousand dollars (\$6,000.00) for fiscal year 2017;
 - E. Council on Aging Fund - To provide 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; expenditures shall be authorized by the Director of the Upton Council on Aging, with the approval of the Council on Aging, limited to Ten thousand dollars (\$10,000.00) for fiscal year 2017;
 - F. Recreation Commission Revolving Account – To collect fees for and fund all operating expenses of the various Recreation Programs administered by the Recreation Commission; fees and other receipts collected in connection with such Recreation Programs shall be credited to the fund; expenditures shall be authorized by the chairperson of the Recreation Commission limited to One hundred sixty-nine thousand dollars (\$169,000.00) for fiscal year 2017;
 - G. 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; fees collected from filings made under the Town of Upton Storm Water Management By-Law shall be credited to the fund; expenditures shall be authorized by the chairperson of the Conservation Commission limited to seven thousand dollars (\$7,000.00) for fiscal year

2017; provided further that any funds remaining in the revolving fund at the end of fiscal year 2016 shall be retained by said fund;

- H. Upton Land Stewardship Committee "Community Garden Fund"- To pay costs associated with maintenance, upgrades, further expansion and related operating expenses for the Upton Community Garden; fees and other receipts collected for use of such Garden, including fees from participating gardeners shall be credited to the fund; expenditures shall be authorized by the chairperson of the Land Stewardship Committee limited to two thousand dollars (\$2,000.00) for fiscal year 2017;
- I. Land Stewardship Committee "Land Stewardship Fund" – 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 shall be credited to the fund; expenditures shall be authorized by the chairperson of the Land Stewardship Committee and be limited to Five thousand dollars (\$5,000.00) for fiscal year 2017;

Or, take any other action relative thereto.

Explanation/

Submitted by: Approve Revolving Funds for various activities/Board of Selectmen.

Recommendation: Favorable Action

ARTICLE 8: To see if the Town will vote to accept Massachusetts G.L. Chapter 60, § 15B that allows the Town of Upton to establish a tax title collection revolving fund for the Treasurer/Collector, and to establish a spending limit of \$15,000 for FY 2017, provided, however, that the Board of Selectmen, with the approval of the Finance Committee, may increase such limit at the request of the Treasurer/Collector, or take any other action relative thereto.

Explanation/

Submitted by: To set up a revolving fund with a limit of \$15,000 into which 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/Treasurer/Collector.

Recommendation: Favorable Action

ARTICLE 9: 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 2017, 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 10: To see if the Town will vote to amend the provisions of the Town of Upton Bylaws, by inserting in Title 3, a new Chapter 8 for the purpose of establishing a process to address tree management on Town property; or, to take any other action relative thereto.

The complete text of the proposed by-law is available for review at the Office of the Town Clerk.

Explanation/

Submitted by: To establish a general bylaw to regulate the maintenance of trees on public property, including in public ways/Board of Selectmen.

Recommendation: To Be Determined

ARTICLE 11: To see if the Town will vote to amend the provisions of the Town of Upton Bylaws, by inserting in Title 3, a new Chapter 7, for the purpose of allowing the Town to address hazardous conditions when water is discharged into a public way; or, to take any other action relative thereto.

The complete text of the proposed by-law is available for review at the Office of the Town Clerk.

Explanation/

Submitted by: To adopt a general bylaw that allows the Town to address discharge of water into a public way when it creates a hazardous condition to the travelling public/Board of Selectmen.

Recommendation: Not Applicable

ARTICLE 12: To see if the Town will vote to become a member in the Central Massachusetts Mosquito Control Project ("CMMCP"), for a minimum three year period, pursuant to Massachusetts General Laws Chapter 252, Section 5A and any other applicable sections of law, and as funding therefor to raise and

appropriate, transfer from available unappropriated funds in the Town Treasury, or transfer or borrow the sum of fifty two thousand dollars (\$52,000) or any other sum; or, to take any action relative thereto.

Explanation/

Submitted by: To join the CMMCP, a state project currently consisting of approximately 40 municipalities from Worcester and Middlesex Counties and appropriate funds to obtain mosquito control measures in Upton. Further information about the CMMCP may be viewed on its website: <http://www.cmmcp.org> /Board of Health.

Recommendation: Favorable Action by Majority

ARTICLE 13: To see if the Town will vote to amend the vote taken under Article 3 of the May 7, 2015 Annual Town Meeting appropriating the fiscal year 2016 budget, as amended under Article 1 of the March 3, 2016 Special Town Meeting, to make a supplemental appropriation for Town Counsel Expense for the remainder of fiscal year 2016, 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 appropriate an additional \$20,000 for Town Counsel Expense for the remainder of FY 2016 budget year /Board of Selectmen.

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, or borrow the sum of Three hundred ninety-nine dollars and fifty-eight cents (\$399.58), or any other sum, for outstanding fiscal year 2015 employment benefits; or take any other action relative thereto.

Explanation/

Submitted by: To appropriate monies to pay a fiscal year 2015 obligation due an employee. Where this is not a "bill" of a prior fiscal year, this article requires approval by majority vote/Board of Selectmen.

Recommendation: Favorable Action

ARTICLE 15: To see if the Town will vote to act on the report of the Community Preservation Committee on the fiscal year 2017 community preservation budget, and to appropriate the sum of Fifteen thousand dollars (\$15,000.00) from the Community Preservation Fund fiscal year 2017 estimated annual revenues to the Community Preservation Committee Administrative Expense

Account for all necessary and proper administrative expenses of the Committee for fiscal year 2017; or, to take any other action relative thereto.

Explanation/

Submitted by: To appropriate from CPA FY 2017 estimated revenues for the Community Preservation Committee FY 2017 Administrative Expense Account/Community Preservation Committee.

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 Twenty-five thousand dollars (\$25,000.00), or any other sum, for the purchase of replacement portable and mobile radios and any related equipment required to utilize this equipment for police department operations; or, to take any other action relative thereto.

Explanation/

Submitted by: To purchase 18 replacement portable radios and 7 mobile radios for the police department. The existing radios have been in service over twenty years and are frequently in need of repair/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 Twenty-seven thousand dollars (\$27,000.00), or any other sum, for the purchase of replacement defibrillators and any related equipment required to utilize this equipment for Police and Fire Department operations; or, to take any other action relative thereto.

Explanation/

Submitted by: To purchase 13 replacement defibrillators and 1 training unit for the Police and Fire Departments. The existing units are no longer supported by our vendor/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, or transfer, or borrow the sum of Twenty-one thousand one hundred fifty dollars (\$21,150.00), or any other sum, for the purchase of turnout gear for the Fire Department; or, to take any other action relative thereto.

Explanation/

Submitted by: To purchase eight sets of turnout gear worn by firefighters to replace sets that are no longer serviceable/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 Eighteen thousand dollars (\$18,000.00), or any other sum, for the purchase and installation of replacement flooring and carpeting for the second floor of the Fire Station located at 20 Church Street, including all incidental and related expenses; or, to take any other action relative thereto.

Explanation/

Submitted by: To purchase and install flooring and carpeting on the 2nd floor of the Fire Station to replace the tile and carpeting that has outlived its useful life/Board of Selectmen.

Recommendation: Favorable Action

ARTICLE 20: 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 thousand dollars (\$50,000.00), or any other sum, for the Town of Upton's share of the costs to complete engineering and design services required for repairs to the Fisk Mill Bridge, jointly owned by the Towns of Milford and Upton, including all incidental and related expenses; or, to take any other action relative thereto.

Explanation/

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

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 Six thousand dollars (\$6,000.00), or any other sum, to supplement that appropriated under Article 5 of the November 17, 2015 Special Town Meeting to purchase and equip a vehicle for use by the Animal Control Officer, or, to take any other action relative thereto.

Explanation/

Submitted by: To supplement the funding approved at the Special Town Meeting in November to enable the Board of Health to purchase and equip a vehicle for the Animal Control Officer in compliance with the Green Community Program. Efforts to purchase a compliant vehicle within the \$20,000 previously approved has been unsuccessful/Board of Health.

Recommendation: To Be Determined

ARTICLE 22: 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 thousand dollars (\$1,000.00), or any other sum, for the purchase and installation of a gate at the entrance of Heritage Park on Elm Street, including all incidental and related expenses; or, to take any other action relative thereto.

Explanation/

Submitted by: To purchase and install a gate at the entrance of Heritage Park to enable the Town to close the park to vehicle access during the overnight hours/Historical Commission.

Recommendation: Unfavorable 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 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 24: To see if the Town will vote to set Fifteen thousand dollars (\$15,000.00) as the maximum spending limit for fiscal year 2017 expenditures for the "Senior Work Off" Program, which program allows senior citizens to work for the Town in exchange for credit on annual property tax assessments; or, to take any other action relative thereto.

Explanation/

Submitted by: To set a limit of expenditure for this program at \$15,000.00/Board of Assessors.

Recommendation: Favorable Action

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 Three hundred fifty thousand dollars (\$350,000.00), 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 26: 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, 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

ARTICLE 27: To see if the Town will vote to spend any amount needed not to exceed \$8,000.00 from available cash or any other available sources to hire a qualified, independent outside consultant to complete a work study of the positions of Assessor of Taxes, Treasure/Collector, Assistant to the Treasure and Assistant to the Assistant Treasure specifically to determine the elements of work being performed, the skill sets employed, the amount of productive time needed and the quality of the result accomplished. Then, to prepare comprehensive job descriptions to fit the actual, determine a competitive market value of each position and finally make simultaneous recommendation to Board of Selectmen, Town Manager, Assessors and Office of Treasure/Collector with no preliminary findings revealed or discussed. Last that the Town implement these recommendation for only Assessor and Treasure/Collector at the end of the next budget cycle and beginning of the next fiscal year.

Explanation/

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

Recommendation: Unfavorable Action

ARTICLE 28: To direct the Selectmen to have an under-ride ballot question put before the voters as follows:

Shall the Town of Upton be required to reduce the amount of real estate and personal property taxes to be assessed for the fiscal year beginning July 1, 2016 by an amount equal to \$1.4 million?

Explanation/

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

Recommendation: Unfavorable 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 nineteenth day of April in the year of our lord two thousand sixteen.

UPTON BOARD OF SELECTMEN

A true copy, Attest:



Kenneth E. Picard, Chairman



James A. Brochu, Member



Robert J. Fleming, Member



Sandra Hakala, Constable
Date: April 19, 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
April 22, 2016