

Town of Upton / ATM 05 May 2011 / 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 2011, 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, 2011 punctually at Seven o'clock in the evening, then and there to act on the remaining Articles in the warrant.

Article No.	Article	Justification/Submitted By	Finance Committee Recommendation
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): Library Trustees (3 for 3 years): Library Trustees (1 for 2 years): Library Trustees (1 for 1 year): Recreation Commission (1 for 3 years): Board of Trust Fund Commissioners (1 for 3 years): Planning Board (1 for 5 years): Finance Committee (1 for 3 years): Finance Committee (1 for 2 years): Housing Authority (1 for 5 years): Housing Authority (1 for 2 years). BALLOT QUESTION 1: Shall the Town of Upton be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued for the renovations to the Miscoe Hill Middle School located at 148 North Avenue, Mendon, Massachusetts, including replacement of the roof, boiler and windows under the "Green Repair Program."	Choose Officers for the Ensuing year.	Not Applicable
2	To hear reports of all Town Officers and Appointed Committees, or, to take any other action relative thereto.	Town Reports. Board of Selectmen	Not Applicable
3	To see if the Town will 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, transfer 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 year, or, to take any other action relative thereto.	Annual Town Budget. Board of Selectmen	Favorable Action

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4	<p>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, or, to take any other action thereon.</p> <p>That the following sums be appropriated for the Water Enterprise Fund.</p> <table style="margin-left: 40px; border: none;"> <tr> <td style="padding-right: 20px;">Wages & Salaries</td> <td style="text-align: right;">\$180,394.00</td> </tr> <tr> <td>Expenses</td> <td style="text-align: right;">258,400.00</td> </tr> <tr> <td>Capital Outlay</td> <td style="text-align: right;">-0-</td> </tr> <tr> <td>Debt</td> <td style="text-align: right;">-0-</td> </tr> <tr> <td>Extra/Unforeseen</td> <td style="text-align: right;">-0-</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$438,794.00</td> </tr> </table> <p>And that \$438,794.00 be raised as follows:</p> <table style="margin-left: 40px; border: none;"> <tr> <td style="padding-right: 20px;">Department receipts</td> <td style="text-align: right;">\$438,794.00</td> </tr> <tr> <td>Retained Earnings</td> <td style="text-align: right;">-0-</td> </tr> <tr> <td>Tax Levy</td> <td style="text-align: right;">-0-</td> </tr> <tr> <td>Free Cash</td> <td style="text-align: right;">-0-</td> </tr> </table>	Wages & Salaries	\$180,394.00	Expenses	258,400.00	Capital Outlay	-0-	Debt	-0-	Extra/Unforeseen	-0-	Total	\$438,794.00	Department receipts	\$438,794.00	Retained Earnings	-0-	Tax Levy	-0-	Free Cash	-0-	<p>Annual budget for the water enterprise fund.</p> <p>Board of Selectmen</p>	Favorable Action
Wages & Salaries	\$180,394.00																						
Expenses	258,400.00																						
Capital Outlay	-0-																						
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Retained Earnings	-0-																						
Tax Levy	-0-																						
Free Cash	-0-																						
5	<p>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 Waste Water Enterprise Fund, or, to take any other action thereon.</p> <p>That the following sums be appropriated for the Waste Water Enterprise Fund.</p> <table style="margin-left: 40px; border: none;"> <tr> <td style="padding-right: 20px;">Wage & Salaries</td> <td style="text-align: right;">\$209,344.00</td> </tr> <tr> <td>Expenses</td> <td style="text-align: right;">202,650.00</td> </tr> <tr> <td>Capital Outlay</td> <td style="text-align: right;">-0-</td> </tr> </table>	Wage & Salaries	\$209,344.00	Expenses	202,650.00	Capital Outlay	-0-	<p>Annual budget for the waste water enterprise fund.</p> <p>Board of Selectmen</p>	Favorable Action														
Wage & Salaries	\$209,344.00																						
Expenses	202,650.00																						
Capital Outlay	-0-																						

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	Debt -0- Extra/Unforeseen -0- Total \$411,994.00 And that \$411,994.00 be raised as follows: Department receipts 362,000.00 Retained Earnings -0- Tax levy 49,994.00 Free cash -0-		
6	To see if the Town will vote to authorize the Town Treasurer, with approval of the Board of Selectmen, to borrow in anticipation of revenue for the fiscal year 2012 beginning July 1, 2011, in accordance with the provisions of M.G.L., chapter 44, Section 4 and to issue a note or notes therefor payable within one year in accordance with M.G.L., chapter 44, Section 17, or, to take any other action relative thereto.	Authorize the treasurer to borrow in anticipation of revenue	Favorable Action
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 Four hundred thousand, three hundred fifty-six dollars (\$400,356.00), 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 2012 beginning July 1, 2011 through June 30, 2012, or, to take any other action relative thereto.	Funding to meet the Town's obligations to the regional retirement system. Board of Selectmen	Favorable Action
8	To see if the Town will vote to establish a revolving fund, to be known as the Conservation Commission "Wetland By-Law Fund" in accordance with M.G.L., Chapter 44, § 53E ½. The fund will be used to pay costs associated with reviewing Wetlands Filings; processing Certificates of Compliance; and providing for related operating expenses and essential	Revolving Fund for Wetland-related activities. Conservation Commission	Favorable Action

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	<p>functions of the Conservation Commission. Monies to be deposited into this fund will be fees collected from filings made under the Town of Upton Wetlands By-Law. Expenditures from this fund shall be authorized by the chairperson of the Conservation Commission and be limited to Fifteen thousand dollars (\$15,000.00) for Fiscal Year 2012; provided further that any funds remaining in the revolving fund at the end of FY 2011 shall be retained by said fund, or, to take any other action relative thereto.</p>		
9	<p>To see if the Town will vote to establish a revolving fund, to be known as the Board of Health “Curbside Bulk Items Fund” in accordance with M.G.L., Chapter 44, § 53E ½. The purpose of this fund shall be to pay the cost of removing residential bulk items through curbside pick-up. Monies to be deposited into this fund shall be fees collected for the removal of bulk items. Expenditures from this fund shall be fees collected for removal of bulk items. Expenditures from this fund shall be authorized by the chairperson of the Board of Health, and be limited to Ten thousand dollars (\$10,000.00) for Fiscal Year 2012; or, to take any other action relative thereto.</p>	<p>Revolving Fund – curbside bulk items.</p> <p>Board of Health</p>	Favorable Action
10	<p>To see if the Town will vote to establish a revolving fund, as recommended by the Board of Selectmen, for the Upton Town Library in accordance with M.G.L. Chapter 44, § 53E ½. The purpose of this fund shall be to replace items lost or damaged by those who borrow materials, and to replace items used in activities for which a fee is paid and to purchase new materials. Receipts to this fund shall be fees and fines paid for lost or damaged materials or, for overdue books, for use of the fax, copier and printing facilities, and for purchase of used library materials. Expenditures from this fund shall be authorized by the Library Director, with the approval of the Library Board of Trustees, and be limited to Six thousand dollars (\$6,000.00) for Fiscal Year 2012; or, to take any other action relative thereto</p>	<p>Revolving Fund - Library</p> <p>Library Board of Trustees</p>	Favorable Action
11	<p>To see if the Town will vote to establish a revolving fund, to be known as</p>	<p>Revolving Fund – Council on</p>	

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	<p>the Council on Aging Fund in accordance with M.G.L., Chapter 44, § 53E ½ as recommended by the Board of Selectmen. The purpose of this fund will be to provide programming for the elderly of Upton as administered through the Senior Center and the Council on Aging. Monies to be deposited in this fund shall be fees and charges for Senior Center and Council on Aging programs. The Director of the Upton Council on Aging, with the approval of the Council on Aging, shall be authorized to expend from this fund. Expenditures from this fund shall not exceed Ten thousand dollars (\$10,000.00), or the total of receipts into the fund, in any given year, or, to take any other action relative thereto.</p>	<p>Aging. Board of Selectmen</p>	<p>Favorable Action</p>
12	<p>To see if the Town will vote to establish a revolving account, to be known as the Recreation Commission Revolving Account, pursuant to the provisions of M.G.L. Chapter 44, section 53E ½, to collect fees for, and to fund all operating expenses of, the various Recreation Programs administered by the Recreation Commission. Expenditures from this fund shall be authorized by the chairperson of the Recreation Commission, and be limited to One hundred forty-five thousand dollars (\$145,000.00) for Fiscal Year 2012, or, to take any other action relative thereto.</p>	<p>Revolving Fund - Recreation</p>	<p>Favorable Action</p>
13	<p>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 twenty thousand, forty-nine dollars (\$320,049.00), or, any other sum, to be used for the construction and/or improvement of Town Roads, and to be reimbursed by the Commonwealth under M.G.L. Chapter 90, for Upton's apportionment for Fiscal Year 2012, beginning July 1, 2011, or, to take any other action relative thereto.</p>	<p>Annual Road repair appropriation from the State. Board of Selectmen</p>	<p>Favorable Action</p>
14	<p>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 be used for the construction and/or improvement of Town</p>	<p>Additional funding to repair roads in accordance with the Town's pavement management program recommendation.</p>	<p>To be Determined</p>

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	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.	Board of Selectmen	
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 Six hundred thousand dollars (\$600,000.00), or, any other sum, to be used for design of roadway, safety and traffic improvements to Hopkinton Road, High Street and Hartford Avenue North – a distance of about 2.8 miles, such appropriation being the Town’s required share of the federal Transportation Improvement Program (TIP), administered by the Department of Transportation and for the acquisition by gift, purchase, eminent domain or otherwise of Rights of Way required to complete the project; and to authorize the Board of Selectmen to acquire such rights of way, or, to take any other action relative thereto.	To fund 10% of the total cost of repairs/upgrades to these roads and associated intersections – this is the total design cost of this project. Board of Selectmen	To be Determined
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 Fifty-five thousand, three hundred seventy dollars (\$55,370.00) or any other sum, for the second year payment of a three year lease/purchase of one 5-ton dump truck for use within the DPW Highway Division, or, to take any other action relative thereto.	Funding for the 2 nd year of a 3 year lease/purchase of a 5-ton dump truck. Board of Selectmen	Favorable Action
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 Two hundred eighty-six thousand Dollars (\$286,000.00), or any other sum, for the design and construction of a replacement well field at the existing Glen Avenue Well field, including all expenses incidental and related thereto, and as funding therefor, to authorize the Treasurer, with the approval of the Board of Selectmen to borrow said sum pursuant to G.L. c44, §§7 and 8 or any other enabling authority, and issue bonds and notes therefor; with the intent that while	Cost of replacing the rear portion of the Glen Avenue well field with 3 gravel packed wells and associated equipment. Board of Selectmen	To be Determined

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	such bonds or notes shall be general obligations of the Town, the principal and interest on the bonds will be repaid from the Water Enterprise Fund, or, to take any other action relative thereto.		
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 Fifteen thousand dollars (\$15,000.00), or any other sum, for the purposes of complying with the Phase II National Pollutant Discharge Elimination System (NPDES) Storm Water Program to address, evaluate, and monitor storm water discharges from the Town's existing small municipal separate storm sewer systems (MS4s), including all costs incidental and related thereto. The Phase II NPDES storm water requirements are mandated by the United States Environmental Protection Agency and the Massachusetts Department of Environmental Protection, or, to take any other action relative thereto.	To comply with DEP mandated storm water management regulations. Board of Selectmen	To be Determined
19	To see if the Town will vote to amend the Town of Upton General By-Laws, last amended and incorporated October 2010 by inserting two new sections concerning due dates for payment of water and sewer bills as follows, or, to take any other action relative thereto: Title 2, Chapter 12, Section 9: "Payments for water bills are due to the Treasurer/Collector's Office thirty calendar (30) days after the date of issue. Charges that remain unpaid after that date shall be subject to an interest rate of fourteen percent (14%) per annum." Title 2, Chapter 13, Section 5: "Payments for sewer bills are due to the Treasurer/Collector's Office thirty calendar (30) days after the date of issue. Charges that remain unpaid after that date shall be subject to an interest rate of fourteen percent (14%) per annum."	Enable the Town to charge interest on payments for water usage that are more than 30 days past due. Board of Selectmen	Not Applicable

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20	<p>To see if the Town will vote to accept the provisions of M.G.L. Chapter 138, Section 33B, which allows the Board of Selectmen to authorize license holders under G.L. c 138, §12, so-called “pouring” establishments such as restaurants, taverns and bars, to sell alcoholic beverages between the hours of 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on a Sunday, or, to take any other action relative thereto.</p>	<p>Accepting this section of the State law would allow establishments of liquor licenses to apply to sell alcohol earlier in the day than they do presently.</p> <p>Board of Selectmen</p>	Not Applicable
21	<p>To see if the Town will vote to amend the Town of Upton General By-laws, last amended and incorporated October, 2010, TITLE 2, MUNICIPAL GOVERNMENT AND FINANCE; Chapter 2 – General Powers and Duties of Town Officers, as follows:</p> <p>Delete the following section:</p> <p>Section 5: Obligations or contracts involving five hundred dollars or more shall be in writing and signed by a majority at least of the board of committee authorized or having control of the appropriation against which such obligations is incurred; and such board or committee shall retain a signed copy of every such contract which shall be filed with the Town Clerk for permanent record.</p>	<p>Remove this section from the General By-law because M.G.L. Chapter 30B, §17 requires contracts of more than \$5,000 retained anyway.</p> <p>Board of Selectmen</p>	Not Applicable
22	<p>To see if the Town will vote to accept, for all board, committees or commissions holding adjudicatory hearings in the Town, the provisions of G.L. c.39, §23D, which provide that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member’s absence from one session of such hearing, provided that certain conditions are met, or take any other action relative thereto.</p>	<p>To allow a board member to miss a session of a public hearing and still vote on the outcome of that hearing.</p> <p>Board of Selectmen</p>	Not Applicable
23	<p>To see if the Town will vote pursuant to M.G.L. Chapter 40A, Section 5 to amend the Zoning By-Laws by deleting the text of Section 8.1, Flood Plain District, in its entirety, and inserting in place thereof, a new Flood Plain</p>	<p>Amend the zoning by-laws to update the regulations for a flood plain district to allow residents to</p>	Not Applicable

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	District bylaw that meets new federal requirements to allow Upton property owners to qualify for Federal Flood Insurance. The complete text of the proposed By-Law amendment and the proposed Zoning Map are available for review at the Town Clerk's office, or take any other action relative thereto.	continue to participate where applicable in the national flood insurance program. Planning Board	
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 Eighteen thousand dollars (\$18,000.00), or any other sum, for the revaluation to be performed by the Board of Assessors, or, to take any other action relative thereto.	Funds set aside for the triennial revaluation process. Board of Assessors	To be Determined
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 Ten thousand dollars (\$10,000.00), or any other sum, to be used to supplement the MAS GIS E911 mapping grant to include completed map and parcel text, provided, however, that expenditure of such funds shall be contingent upon appropriation by the General Court of the funding for the MASS GIS Grant in FY 2012, or, to take any other action relative thereto.	Funds for GIS Services. Board of Assessors	To be Determined
26	To see if the Town will vote to appropriate the sum of Ten thousand dollars (\$10,000.00) from the Community Preservation Act Fund Fiscal Year 2012 estimated annual revenues to the Community Preservation Committee Administrative Expense Account (#24-300-3249-1000) for Fiscal Year 2012, or, to take any other action relative thereto.	Appropriate revenues received in FY 2012 into the Administrative Expense Account Community Preservation Committee	Favorable Action
27	To see if the Town will vote to transfer the sum of Fifty-six thousand eight hundred thirty-six dollars (\$56,836.00) from the Community Preservation Act Reserve Fund Balance – Historic Resources and Eighteen thousand one hundred sixty-four dollars (\$18,164.00) from Reserved Fund Balance – Undesignated for a total of Seventy-five thousand dollars (\$75,000.00) to	Completion of the first two phases of architectural design to renovate the Town Hall. Community Preservation	To be Determined

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	<p>fund development of schematic design documents for the proposed renovation and preservation of the historic Upton Town Hall building, including but not limited to: improvements to comply with the Americans with Disabilities Act and other federal, state or local building codes; providing additional office space for Town Departments and boards and related parking. This project is to be managed by a Town Hall Renovation Committee appointed by the Board of Selectmen and performed by a Massachusetts Registered Architect. The final design development documents shall require the approval of the Massachusetts Historical Commission; said project to be completed within three years; or, to take any other action relative thereto.</p>	<p>Committee</p>	
28	<p>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 eighty-five thousand dollars (\$185,000.00), or any other sum, to purchase and equip a new 2011 Ambulance for the Upton Fire/EMS Department, including all costs incidental and related thereto, or, to take any other action relative thereto.</p>	<p>Purchase of a new ambulance to replace a 1996 model.</p> <p>Board of Selectmen</p>	<p>To be Determined</p>
29	<p>To see if the Town will vote to delete Section II-H of the Personnel By-law regarding Seniority and replace it with the text set forth below, or, to take any other action relative thereto.</p> <p>The Town of Upton values long-term employees and rewards them with increases in earned vacation time. Longevity bonus payments are also made at every 5th anniversary of their employment. The Town of Upton does not use seniority as a sole basis for promotion, raises, or selection of work assignments.</p>	<p>To adjust the existing longevity program to reward employee's service to the Town at every 5th anniversary of their employment.</p> <p>Personnel Board</p>	<p>To be Determined</p>
30	<p>To see if the Town will vote to amend Section VI-B of the Personnel By-law regarding Salary Review by adding a paragraph following the third paragraph of the existing text to establish a Meritorious Bonus Program for non-union employees. The complete text of the proposed by-law</p>	<p>To create a meritorious bonus program to reward performance that significantly exceeds expectations.</p>	<p>To be Determined</p>

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	amendment is available for review at the Office of the Town Clerk, or, to take any other action relative thereto.	Personnel Board	
31	To see if the Town will vote to delete Section VII-B of the Personnel By-law regarding Grievances in its entirety, and replacing it with an updated process for managing grievances by employees. The complete text of the proposed by-law amendment is available for review at the Office of the Town Clerk, or, to take any other action relative thereto.	An adjustment is warranted based upon a practiced use of the policy. Personnel Board	Not Applicable
32	To see if the Town will vote to delete the fourth paragraph of Section VII-E the Personnel By-law regarding Attendance and Hours of Work and replace it with a policy outlining Emergency Closing procedures for Town Offices during inclement weather situations. The complete text of the proposed by-law amendment is available for review at the Office of the Town Clerk, or, to take any other action relative thereto	To set procedures for reporting to work in inclement weather. Personnel Board	Not Applicable
33	To see if the Town will vote to amend Section IV-G of the Personnel By-law regarding Access to Personnel Files by adding the following sentence at the end of the second paragraph: The Administrative Staff within the Board of Selectmen's Office is granted access to these files for the purposes of record keeping. However, they are not to grant others access except at the request of one of the aforementioned individuals, And, further to amend Section VIII-A regarding Terminations of Employment – Resignations by changing the reference in the second sentence of the second paragraph from "Personnel Board" to Personnel Coordinator"; or, take any other action relative thereto.	To allow more efficient management of the personnel files and to transfer responsibility for conducting exit interviews from the Personnel Board to the Personnel Coordinator. Personnel Board	Not Applicable
34	To see if the Town will vote to delete Section IX.A of the Personnel By-law regarding Vacation in its entirety, and inserting in place thereof a	To provide more consistency between union and non-union	To be Determined

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	<p>new section on Vacation that provides employees with fifteen (15) years or more of service a 5th week of vacation and clarifies how vacation is accrued and carried over from one fiscal year to the next. The complete text of the proposed by-law amendment is available for review at the Office of the Town Clerk, or, to take any other action relative thereto</p>	<p>employees in the amount of vacation allotted to employees with more than 15 years of service.</p> <p>Personnel Board</p>													
35	<p>To see if the Town will vote to amend Section IX-G of the Personnel By-Law regarding Holidays by deleting the entire section and replacing it with the text set forth below; or, take any other action relative thereto.</p> <p>All full time employees and regular part-time employees working 20 hours per week or more are entitled to the following eleven paid holidays:</p> <table style="width: 100%; border: none;"> <tr> <td>New Year's Day</td> <td>Martin Luther King Day</td> </tr> <tr> <td>President's Day</td> <td>Patriot's Day</td> </tr> <tr> <td>Memorial Day</td> <td>Fourth of July</td> </tr> <tr> <td>Labor Day</td> <td>Columbus Day</td> </tr> <tr> <td>Veteran's Day</td> <td>Thanksgiving Day</td> </tr> <tr> <td>Christmas Day</td> <td></td> </tr> </table> <p>The Town of Upton shall follow the State of Massachusetts' holiday calendar. If an employee is required to work on a holiday or their regular work schedule causes them to miss a holiday, his or her supervisor will allow equivalent time off at a mutually convenient time. No other days shall be taken, other than as vacation days.</p>	New Year's Day	Martin Luther King Day	President's Day	Patriot's Day	Memorial Day	Fourth of July	Labor Day	Columbus Day	Veteran's Day	Thanksgiving Day	Christmas Day		<p>To accurately reflect the name of the approved February holiday and to adjust for 4-day work weeks.</p> <p>Personnel Board</p>	Not Applicable
New Year's Day	Martin Luther King Day														
President's Day	Patriot's Day														
Memorial Day	Fourth of July														
Labor Day	Columbus Day														
Veteran's Day	Thanksgiving Day														
Christmas Day															
36	<p>To see if the Town will vote to amend Section IX.H of the Personnel By-law regarding Leaves by amending subsection 4 – Family Medical Leave to be in compliance with updates to the Federal Law to extend benefits for qualifying exigencies or to care for a family member of a seriously ill military service member. The complete text of the proposed by-law amendment is available for review at the Office of the Town Clerk, or, to take any other action relative thereto.</p>	<p>To adjust the by-law to be in compliance with current federal regulations.</p> <p>Board of Selectmen</p>	Not Applicable												

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37	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 thousand five hundred dollars (\$3,500.00), or any other sum, for a classification and compensation plan review and update to be completed by or before the start of Fiscal Year 2015, or, to take any other action relative thereto.	Funding for the next classification & compensation plan review. Personnel Board	To be Determined
38	To see if the Town will vote accept the provisions of G.L. c32B, §20, to create an “Other Post Employment Benefits Liability Trust Fund” 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; and, as funding therefor, to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, the sum of Five thousand dollars (\$5,000.00) more or less; or, to take any other action relative thereto.	To set up a trust fund to meet the Town’s future OPEB obligations and deposit into that trust \$5,000 as its beginning balance. Board of Selectmen	To be Determined
39	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 thousand five hundred dollars (\$4,500.00), or any other sum, for the purchase of a refurbished Accu-Vote ES-2000, optical scan vote tabulation system for the use at Town Elections, said sum to be expended by the Town Clerk; this additional machine is needed because the law requires an increase of one voting precinct in Town as a result of recently available census information, or, to take any other action relative thereto.	Due to the requirement that Upton have a 2 nd voting precinct a 2 nd voting machine is required. Town Clerk	Favorable Action
40	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 thousand dollars (\$3,000.00), or any other sum for the purchase of 4 voting booth units and related equipment, and voting supplies for use at the additional voting precinct in Town required by state law as a result of recently available census information, or, to take any	Due to the requirement that Upton have a 2 nd voting precinct the purchase of four additional voting booth units is required. Town Clerk	To be Determined

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	other action relative thereto.		
41	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 thousand four hundred dollars (\$3,400.00) or any other sum, for the purchase of eReader devices and eBook content, for public use as a new circulating collection at the Upton Town Library, or, to take any other action relative thereto.	Enable the purchase of a digital book collection and devices. Library Trustees	Favorable Action
42	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 forty-five thousand dollars (\$145,000.00) or any other sum, for the purchase and equipping of one trackless multipurpose machine for use by the DPW Highway Division, including all costs incidental and related thereto, or, to take any other action relative thereto.	Replacement of the 15-year old multipurpose trackless machine. Board of Selectmen	To be Determined
43	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-two thousand dollars (\$32,000.00) or any other sum, for the purchase and equipping of a replacement tractor for the John Deere Tractor for use by the DPW Highway Division, including all costs incidental and related thereto, and to authorize the trade-in or sale of the John Deere Tractor, or, to take any other action relative thereto.	Trade in and replace the 1986 John Deere Tractor with a model better suited to the needs of the DPW Parks Division. Board of Selectmen	To be Determined
44	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 eighty-five thousand dollars (\$185,000.00) or any other sum, to purchase and equip one 5-ton dump truck for use by the DPW Highway Division, including all costs incidental and related thereto, or, to take any other action relative thereto.	Replace Truck #26 which will be 23 years old at the time of this meeting and has outlived its useful life span. Board of Selectmen	To be Determined

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45	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, for the construction of a salt shed pursuant to U.S. EPA and MassDEP storm water regulations, including all costs incidental and related thereto, or, to take any other action relative thereto.	To construct a 2 nd salt shed pursuant to State & Federal regulations. Board of Selectmen	To be Determined
46	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-five thousand dollars (\$55,000.00) or any other sum, for construction, drainage, and road repairs at various locations in Town as identified by the July 2010 Drainage Report as accepted by the Board of Selectmen, including all costs incidental and related thereto, or, to take any other action relative thereto.	To fund drainage repairs at various locations that have caused road and property damage that needs to be alleviated. Board of Selectmen	To be Determined
47	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 architectural design costs for an addition to the Public Works Highway Garage located at 100 Pleasant Street, including all costs incidental and related thereto, or, to take any other action relative thereto.	Architectural design for an addition to the DPW Garage to accommodate an add'l truck bay, wash bay and office area. Board of Selectmen	To be Determined
48	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, for the purchase of replacement fire department equipment including fire hose, nozzles, foam, saw, keyless entry system for the building, and turnout gear, or, to take any other action relative thereto.	For the purchase of replacement fire dept. hose, nozzles and other equipment that has outlived its useful life. Board of Selectmen	To be Determined
49	To see if the Town will vote to approve a Four million, twenty-eight thousand, six hundred eighty-two dollars (\$4,028,682.00) borrowing to be	To approve a debt exclusion to fund repairs to the Miscoe Hill	Favorable Action

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	<p>authorized by the Mendon Upton Regional School District Committee for the purpose of paying costs of renovations to the Miscoe Hill Middle School located at 148 North Avenue, Mendon, Massachusetts, including replacement of the roof, boiler and windows under the “Green Repair Program”, for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District. Any grant that the Mendon Upton Regional School District may receive from the MSBA for the Project shall not exceed the lesser of 47.21% of eligible, approved project costs, as determined by the MSBA, or, (2) the total maximum grant amount determined by the MSBA; provided, however, that any vote taken hereunder shall be contingent upon approval by the voters of the Town of a Proposition 2 ½ debt exclusion question authorizing the Town to repay the principal and interest on its share of the borrowing outside the limits of Proposition 2 ½, or, to take any other action relative thereto.</p>	<p>Middle School roof, boiler and windows.</p> <p>MURSD</p>	
<p>50</p>	<p>To see if the Town will vote pursuant to M.G.L. Chapter 40, Section 5B 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 General Stabilization Fund, or, take any action relative thereto.</p>	<p>Funds to supplement the general stabilization fund.</p> <p>Finance Committee</p>	<p>To be Determined</p>
<p>51</p>	<p>To see if the Town will vote pursuant to M.G.L. Chapter 40, Section 5B to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer the sum of One hundred thousand dollars (\$100,000.00), or any other sum, to the Capital Stabilization Fund, or, to take any other action relative thereto.</p>	<p>Funds to supplement the capital stabilization fund.</p> <p>Finance Committee</p>	<p>To be Determined</p>

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52	To see if the Town will vote pursuant to M.G.L. Chapter 40, Section 5B to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer the sum of One hundred thousand dollars (\$100,000.00), or any other sum, to the Mendon-Upton Regional School District, MURSD, Stabilization Account and to provide that such fund shall be used for the purpose of funding capital and operational expenses of the Mendon-Upton Regional School District, or, to take any other action relative thereto.	Funds to supplement the MURSD school stabilization fund. Finance Committee	To be Determined
53	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 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.	Finance Committee Reserve Fund Account Finance Committee	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 nineteenth day of April in the year of our lord two thousand eleven.

UPTON BOARD OF SELECTMEN

A true copy, Attest:

Michael E. Goodwin, Chairman

Robert J. Fleming, Member

Kenneth E. Picard, Member

Karen L. Varney, Constable

Date: April 19, 2011

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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.

Karen L. Varney
Constable of Upton
April 20, 2011