



# TOWN OF UPTON, MASSACHUSETTS

## Special Town Meeting 02 November 2021 Warrant

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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 at said Nipmuc Regional High School, 90 Pleasant Street, Upton, MA on Tuesday, November 2, 2021, punctually at Seven o'clock in the evening, to act on the Articles in the warrant.

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**ARTICLE 1:** To see if the Town will vote to raise and appropriate, or transfer from available funds, or borrow the sum of Forty Thousand dollars (\$40,000), or any other sum, to fund and implement the cost items of the first fiscal year of the collective bargaining agreements between the Town of Upton and various Unions, or, to take any other action relative thereto.

**Explanation/  
Submitted by:**

To fund the cost items in the first fiscal year of the Police and DPW Unions collective bargaining agreement/Board of Selectmen

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**ARTICLE 2A:** To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, for cemetery purposes, the fee simple interest in, a parcel of land, containing 20.2 acres, more or less, together with the buildings and improvements thereon, being Assessor's Map 024-017, located at 0 Maple Ave, described in a deed recorded with the Worcester Registry of Deeds as Plan Book 957 Plan 101, also known as Maplewood Cemetery, said property to be held in the care and custody of the Upton Cemetery Commission; and further to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition, on such terms and conditions as the Board of Selectmen shall, in its discretion, deem reasonable, and to take all related actions necessary or appropriate to effectuate such acquisition, and to place said property, together with the buildings and improvements thereon, in the care, custody and control of the Upton Cemetery Commission; or, to take any other action relative thereto

**Explanation/  
Submitted by:**

The Upton Cemetery Commission is requesting the acceptance of Maplewood Cemetery from the Maplewood Cemetery Association as a gift to the town of Upton. The Commission has engaged in a fruitless multi-year search for new land to expand and extend the available cemetery space in town due to rapidly declining space at Lakeview cemetery currently projected at between 15 and 20 years. Maplewood Cemetery Association will transfer any and all remaining funds in their possession to the town of Upton for the purpose of maintaining Maplewood cemetery, currently estimated at approx. \$20k. Maplewood cemetery is an approx. 158-year-old cemetery located on the east side of Maple Ave., bordering Pleasant Street on the south, Blackstone Valley Tech on the east and Victoria Drive on the north and contains 20.18 acres. It has approx. 925 burials in 300 separate lots. The cemetery commission has estimated the cemetery will provide more than 50 years of useful burial space for the town and probably much more/Cemetery Commission

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**ARTICLE 2B:** To see if the Town will vote to raise and appropriate, or transfer from available funds, or borrow the sum of Thirty-Five Thousand dollars (\$35,000), or any other sum, for the purpose of purchasing a 1-ton dump truck for the upkeep and maintenance of Maplewood Cemetery including all expenses incidental and related, or, to take any other action relative thereto.

**Explanation/  
Submitted by:** Maplewood Cemetery consists of approximately 20.18 acres of which, approximately 10 acres is currently used for internments, 4 acres is partially cleared of trees and mowed, and 6 acres is wooded. The 10-acre piece currently used contains numerous mature trees, steep hills, 2 ponds, 2 small structures for storage, and multiple gravel/grass roadway throughout. In addition, the property contains storm water infrastructure and outfalls connecting the ponds as well as wooden picket fence on three sides and a stone & mortar wall spanning the front of the property/Cemetery Commission

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**ARTICLE 2C:** To see if the Town will vote to raise and appropriate, or transfer from available funds, or borrow the sum of Seventeen Thousand dollars (\$17,000) or any other sum, for the purpose of hiring a new full-time employee in the DPW from April 1, 2022, to June 30, 2022, or, to take any other action relative thereto.

**Explanation/  
Submitted by:** The addition of Maplewood Cemetery responsibilities to the Department of Public Works will require additional resources including equipment and staff. This Article represents one (1) new employee including benefits from roughly April 1 to June 30. Thereafter, the DPW operating budget will require the appropriate increase to accommodate the full-time employee during the next fiscal year/Public Works

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**ARTICLE 2D:** To see if the Town will vote to transfer the sum of Forty Thousand dollars (\$40,000) from the Community Preservation Act Historic Preservation account for the rehabilitation and stabilization of the historic stone wall at Maplewood Cemetery, including all expenses incidental and related, or, to take any other action relative thereto.

**Explanation/  
Submitted by:** The Cemetery Commission has plans to restore the wall along Maplewood Cemetery/Cemetery Commission

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**ARTICLE 3:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Four Hundred Thirty-Six Thousand Four Hundred Ninety-Seven dollars (\$436,497.00), or any other sum, into the Stabilization Fund, or to take any other action relative thereto.

**Explanation/  
Submitted by:** The Government Finance Officers Association recommends that municipalities maintain a stabilization account equal to or greater than two to three months of its operating expense or a minimum of 10%; bond ratings agencies review these ratios as a measure of financial strength; the Stabilization Account may be used for any legal purpose, including to maintain level services during difficult



economic times or to serve as a funding source for important capital projects/Finance Committee

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**ARTICLE 4:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, the sum of Eleven Thousand One Hundred dollars (\$11,100), or, any other sum, to be used for the purchase of ten replacement bullet proof vests including all incidental and related expenses, or to take any other action relative thereto.

**Explanation/  
Submitted by:** The Police Department must replace its bullet proof vests every five years. The Chief hopes to offset the costs of this article with grant funding when the Federal Bullet Proof Vest Grant Program opens for applications during the next (federal) fiscal year /Police Department

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**ARTICLE 5:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Two-Hundred Thirty-five Thousand dollars (\$235,000), or any other sum, to fund the procurement of 25% complete design documents and services (schematic design) for the proposed renovation and addition to the Public Works Facility building, and all incidental and related costs, and further to authorize the Board of Selectmen and appropriate Town officials to take all related actions necessary or appropriate to carry out the vote taken hereunder; such project to be managed by a DPW Building Committee appointed by the Board of Selectmen, or to take any other action relative thereto.

**Explanation/  
Submitted by:** To fund the schematic design (a milestone of 25% of design completion) for the updated and more modern DPW facility. This 25% complete design milestone delivers design documents and services along with an independent schematic cost estimate. This design milestone addresses regulatory requirements, site planning, and geotechnical work such as, storm water, core soil samples, preliminary code reviews, etc. The schematic design documents will be brought forward to a future town meeting for a go-ahead decision to proceed with stage 2 and 3 design work which delivers construction drawings and an independent final cost estimate/ DPW Feasibility Committee

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**ARTICLE 6:** Withdrawn

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**ARTICLE 7:** Withdrawn

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**ARTICLE 8:** Withdrawn

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**ARTICLE 9:** Withdrawn

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**ARTICLE 10:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Fifteen Thousand dollars (\$15,000.00), or any other sum, for the purpose of consolidating records at Town Hall and creating a database for retention purposes, including all expenses incidental and related, or, to take any other action relative thereto.

**Explanation/  
Submitted by:**

The creation of the database will ensure records are stored and maintained pursuant to the State's retention schedule. Additionally, the consolidation will allow for additional storage of records/Town Clerk

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**ARTICLE 11:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Eight Thousand dollars (\$8,000.00), or any other sum, for the purchase of a model DS200 Scanner, optical scan vote tabulation system and other election materials for the use at Town Elections, including all expenses incidental and related, or, to take any other action relative thereto.

**Explanation/  
Submitted by:**

This additional machine and other materials are needed because the law requires the Town of Upton to increase one voting precinct in Town as a result of recently available census information/Town Clerk

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**ARTICLE 12:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Five Thousand Eight Hundred dollars (\$5,800) for the purpose of upgrading the door access program for the Town Hall; including all expenses incidental and related, or, to take any other action relative thereto.

**Explanation/  
Submitted by:**

Town Hall door access program is running on software from 2010 and needs to be updated. By upgrading the door access, it will provide more capability to control the doors at Town Hall/Facility Manager

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**ARTICLE 13:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Fifty Thousand dollars (\$50,000) to fund the contract for annual maintenance and reporting, interim year property valuation adjustments and quinquennial update, and certification of real and personal property valuations for the Assessor's office, including all expenses incidental and related or, to take any other action relative thereto.

**Explanation/  
Submitted by:**

Boards of Assessor's current contract will expire. Vendor has been selected using procurement procedures and these funds are needed to fund the contract/Board of Assessors

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**ARTICLE 14:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for enactment of special legislation to establish a senior citizen property tax exemption, all as set forth below; 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 take any other action relative thereto:

**AN ACT AUTHORIZING THE TOWN OF UPTON TO ESTABLISH A MEANS TESTED SENIOR CITIZEN PROPERTY TAX EXEMPTION**

SECTION 1. With respect to each qualifying parcel of real property classified as class one, residential in the town of Upton, there shall be an exemption from the property tax in an amount to be set annually by the Board of Selectmen of the town, as provided in section 3. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this act, "parcel" shall mean a unit of real property as defined by the board of assessors of the town under the deed for the property and shall include a condominium unit. The exemption provided for in this act shall be in addition to any other exemptions allowed under the General Laws.

SECTION 2. Real property shall qualify for the exemption pursuant to section 1 if: (i) the qualifying real property is owned and occupied by a person whose prior year's income would make the person eligible for the circuit breaker income tax credit pursuant to subsection (k) of section 6 of chapter 62 of the General Laws; (ii) the qualifying real property is owned by a single applicant age 65 or older at the close of the previous year or jointly by persons either of whom is age 65 or older at the close of the previous year, if the joint applicant is 60 years of age or older; (iii) the qualifying real property is owned and occupied by the applicant or joint applicants as their domicile; (iv) the applicant or at least 1 of the joint applicants has been domiciled and owned a home in the town of Upton for at least 10 consecutive years before filing an application for the exemption; (v) the assessed value of the qualifying real property is not greater than the prior year's maximum assessed value for qualification for the circuit breaker income tax credit pursuant to said subsection (k) of said section 6 of said chapter 62, as adjusted annually by the department of revenue; and (vi) the board of assessors has approved the application.

SECTION 3. The Board of Selectmen of the town of Upton shall annually set the exemption amount provided for in section 1; provided that, the amount of the exemption shall match the amount of the circuit breaker income tax credit pursuant to subsection (k) of section 6 of chapter 62 of the General Laws for which the applicant qualified in the previous year. The total amount exempted by this act shall be allocated proportionally within the tax levy on all taxpayers.

SECTION 4. A person who seeks to qualify for the exemption pursuant to section 1 shall, before the deadline established by the board of assessors of the town of Upton, file an application, on a form to be adopted by the board of assessors, with the supporting documentation of the applicant's income and assets as described in the application. The application shall be filed each year for which the applicant seeks the exemption. The board of assessors may deny an application for an exemption pursuant to section 1 if they find the applicant has excessive assets that place the applicant outside the category of intended recipients of the exemption under this act.

SECTION 5. No exemption shall be granted under this act until the department of revenue certifies a residential tax rate for the applicable tax year where the total exemption amount will be taken out of the overlay account and the burden shall be split amongst all tax payers.

SECTION 6. The exemption provided for in this act shall expire 3 years after the effective date of this act.

SECTION 7. This act shall take effect upon its passage.

**Explanation/**

**Submitted by:** Board of Assessors have reviewed similar programs in other Towns. This program will provide additional tax relief to seniors in Upton who qualify for the State's Circuit Breaker/Board of Assessors

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**ARTICLE 15:** 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 "An Establishing a Department of Public Works in the Town of Upton", by amending the first paragraph of section 1 thereby allowing the hiring authority to enter into an employment contract with the director for a period not to exceed 5 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.

AN ACT RELATIVE TO THE EMPLOYMENT CONTRACT FOR THE  
DIRECTOR OF PUBLIC WORKS IN THE TOWN OF UPTON

AMENDMENT: The hiring authority may enter into an employment contract with the director for a period not to exceed 5 years.

**Explanation/  
Submitted by:**

To enable the Town to enter into an employment contract with the Director of Public Works of up to five years in length. The current legislation allows for a contract of up to three years for the Director of Public Works/Town Manager

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**ARTICLE 16:**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Two Hundred Ninety-Three Thousand Eight Hundred Seventy-Five Dollars (\$293,875), or any other sum, to fund the purchase of a replacement 10-wheel dump truck including snowplow/spreader, including all expenses incidental and related, or, to take any other action relative thereto.

**Explanation/  
Submitted by:**

The Highway Division currently utilizes five (5) large dump trucks for treating over 70 miles of roadway during snow & ice events – three 6-wheel and two 10-wheel. These trucks are crucial for the success of the Division in regard to not only snow & ice operations, but also hauling road-building materials such as gravel and asphalt, transporting woodchips from roadside tree removal, and numerous other DPW related tasks that smaller dump trucks cannot handle. Town Meeting's approval will allow enough time for the truck to be ordered, built, and received by the Upton DPW in time for the next winter season. The current truck VIN # 1HTWHAAT65J004723 will then be placed in the Town's auction/Public Works

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**ARTICLE 17:      Withdrawn**

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**ARTICLE 18:**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, the sum of One Hundred Sixty-Nine Thousand Five Hundred Eighty-Three dollars (\$169,583), 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.

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**ARTICLE 19:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, the sum of Thirty-Eight Thousand dollars (\$38,000), or, any other sum, to be used for the inspection, permitting, and aquatic weed treatment at Lake Wildwood, Pratt, and Taft ponds including all expenses incidental and related, or, to take any other action relative thereto.

**Explanation/  
Submitted by:**

Currently, the Town appropriates \$13,000 annually for the inspection, permitting, and treatment of Pratt and Taft ponds. Lake Wildwood receives a Sonar treatment that lasts between 3 & 5 years, and it has been roughly 5 years since the last treatment. The goal of this Article is two-fold. It will allow Pratt & Taft to be treated in early spring (April/May) for \$13,000 and Lake Wildwood to receive a Sonar treatment for \$25,000 at the same time. This will allow the \$13,000 annual appropriation received in July as part of the normal operating budget to be used for the next April/May treatment and place Pratt & Taft on the correct treatment schedule/Public Works

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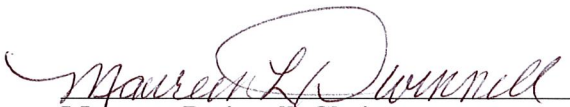
And you are directed to serve this Warrant, by posting up attested copies thereof at the U.S. Post Office, Town Library, and Town Hall, in said Town fourteen days (14) at least before the time of holding said Meeting.

**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 seventeenth (7<sup>th</sup>) day of October in the year of our lord two thousand twenty-one.

**UPTON BOARD OF SELECTMEN**

A true copy, Attest:

  
Maureen Dwinnell, Chairman

  
Brett A. Simas, Member

Constable  
Date: October 7, 2021

  
Stephen A. Matellian, Member



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 fourteen days (14), before the date of the meeting, as within directed

Constable of Upton  
October 7, 2021