



# TOWN OF UPTON, MASSACHUSETTS

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## Special Town Meeting 5 November 2019 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 said Nipmuc Regional High School, 90 Pleasant Street, Upton, MA on Tuesday, November 5, 2019 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, transfer from available funds, or borrow the sum of Five Thousand dollars (\$5,000), or any other sum, to supplement the Town's "Conservation Fund"; or, to take any other action relative thereto.

**Explanation/  
Submitted by:** To provide additional funding for the Town's Conservation Fund. The Conservation Fund has been used most recently to pay for appraisals for land purchases such as the Robertson and the Kelly land adjacent to and inholdings within Peppercorn Conservation Area. Through the State Conservation Commission Act, the Conservation Commission can use these funds as it deems necessary. /Conservation Commission.

**Recommendation:** Favorable Action/Finance Committee

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**ARTICLE 2A:** To see if the Town will vote to transfer from the Community Preservation Fund FY 2020 estimated revenues the sum set forth below to the following Community Preservation Fund accounts to meet the requirements of M.G.L.c.44B 6:

- Historic Resources Account  
\$47,200.
- Open Space Account  
\$47,200.
- Community Housing Account  
\$47,200.

and to place any remaining FY 2020 estimated annual revenues in a so-called "FY2020 Undesignated Budgeted Reserve", or, to take any other action relative thereto.

**Explanation/  
Submitted by:** To set aside 10% of CPA FY2020 estimated annual revenues into each of the three standard reserve accounts as required by law, and to place the remainder into a FY2020 "undesignated" reserve/Community Preservation Committee

<b>Fund</b>	<b>Balance</b>
Undesignated	\$ 1,069,147.36
Open Space	\$ 409,530.86
Community Housing	\$ 557,562.15
Historic Resources	\$ 115,861.45
<b>Total</b>	<b>\$ 2,152,101.82</b>

**Recommendation:** Favorable Action/Finance Committee

**ARTICLE 2B:** To see if the Town will vote to transfer the total sum of two hundred ninety-six thousand five hundred seventy-five dollars (\$296,575.00) from the Community Preservation Fund to meet the seventh year payment of debt service owed on the General Obligation Town Hall Renovation Bonds, with forty-seven thousand dollars (\$47,000.00) from the Community Preservation Historic Resources Account and two hundred forty-nine thousand five hundred seventy-five dollars (\$249,575.00) from the Community Preservation Undesignated Account, or, to take any other action relative thereto

**Explanation/**

**Submitted by:** To make the seventh-year principal and interest payments (with 13 years remaining) on the Town Hall bonds, to be paid from CPA monies consistent with the Town’s vote to authorize the project / Community Preservation Committee

**Recommendation:** Favorable Action/Finance Committee

**ARTICLE 2C:** To see if the Town will vote to authorize the Board of Selectmen, to acquire by gift, purchase, eminent domain or otherwise for conservation and passive recreation purposes the fee or lesser interest or interests, including a conservation restriction and trail and fishing easement, to be co-held with the Massachusetts Department of Conservation and Recreation, in land totaling 48 acres, more or less, located on Mechanic, Fowler and Warren Streets, and described on Assessors Map 14, Parcels 68 and 70 and on Assessors Map 15, Parcel 8, all as shown on a plan entitled "Robertson Property Preservation Plan" dated October 15, 2019; as on file with the Town Clerk; to be held in the care and custody of the Upton Conservation Commission in accordance with G.L. c.40, §8C, and for the preservation of such land or interests therein; that said Conservation Commission be authorized to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts under the LAND grant program, (formerly known as the Self-Help program), M.G.L. Chapter 132A, §11, the Federal Land & Water Conservation Fund, P.L. 88-568, 78 Stat 897, and/or any other program that may provide funding for the acquisition and/or activities falling within the scope and intent of this article; and to execute, with approval of the Town Manager, all such agreements as may be necessary on the part of the Town to effect such acquisition and/or such reimbursement; and, as may be necessary, to authorize the Board of Selectmen to convey a conservation restriction in such property to a qualified entity in accordance with M.G.L. Chapter 44B, §12(a); and as funding

therefor, to raise and appropriate, transfer from available funds, including the Community Preservation Fund or borrow pursuant to M.G.L. Chapter 44B, §11 or M.G.L. Chapter 44, §§7 or 8 or any other enabling authority the sum of \$410,715, and for the costs and expenses associated with the acquisition; provided, however, that the funds appropriated hereunder shall not be expended unless the Town is approved for a LAND grant from the Massachusetts Division of Conservation Services, or other grant program, or receives donations, totaling no less than \$234,429; or, to take any other action relative thereto.

**Explanation/  
Submitted by:**

To purchase a Conservation Restriction and fishing and trail easements on 47.9 acres located off of Mechanic, Fowler and Warren Streets/Community Preservation Committee

**Recommendation:** Unfavorable Action/Finance Committee/Capital Budget Committee

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**ARTICLE 3:** To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, for general municipal purposes, a parcel of land, containing 0.17 acres, more or less, together with the buildings and improvements thereon, being Assessor's Map 201-074, located at 6 Main Street, described in a deed recorded with the Worcester South Registry of Deeds in Book 5046, Page 27, and, to raise and appropriate, transfer or borrow One Hundred Ninety-Five Thousand Dollars (\$195,000) for such purposes and all incidental and related expenses; 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 the care, custody and maintenance of the improvements on the property, including the authority to demolish said improvements; or, to take any other action relative thereto.

**Explanation/  
Submitted by:**

The Board of Selectmen have entered into a purchase and sale agreement on the 6 Main Street property and would like to acquire the property per the Town Center vision adopted at the 2019 Annual Town Meeting. Once acquired, the Board of Selectmen intend on demolishing the building so that the property can be repurposed for another intended use/Board of Selectmen

**Recommendation:** Favorable Action/Finance Committee/Capital Budget 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 Seven Hundred Thousand dollars (\$700,000), or any other sum, to fund the procurement, design development, construction documents and bidding phases of design for the proposed construction of a Municipal Community Center 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 Municipal Community Center Building Committee appointed by the Board of Selectmen, or to take any other action relative thereto.

**Explanation/**

**Submitted by:** To fund the remaining phases of design and bidding in order to finalize the building design and bring actual construction costs to a future Town Meeting for its approval/ Municipal Community Center Feasibility Committee

**Recommendation:** Favorable Action/Capital Budget Committee

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**ARTICLE 5: WITHDRAWN**

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**ARTICLE 6:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, the sum of Twelve Thousand dollars (\$12,000), or, any other sum, to be used for the purchase of two replacement ambulance laptops and related equipment including all incidental and related expenses, or to take any other action relative thereto.

**Explanation/**

**Submitted by:** In order for the Fire Department continue to provide proper patient care and reporting the department must replace the two (2) existing ambulance laptop computers. These computers are more than 8 years old, and do not have the ability to be upgraded to Microsoft Windows 10. These devices are also what compiles and sends reports to our ambulance billing company to process for payments/Fire Department

**Recommendation:** Favorable Action/Finance Committee

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**ARTICLE 7:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Nine Thousand Five-Hundred dollars (\$9,500), or any other sum, to fund the payroll expenses of a Department Assistant position for the Treasurer/Collector's Office, or to take any other action relative thereto.

**Explanation/**

**Submitted by:** Staffing for the department has not changed since sometime prior to 1997. With the advent of electronic payments, an increase in population and motor vehicle excise billing severe stress has been placed on the department. /Treasurer/Collector

**Recommendation:** Favorable Action/Finance Committee

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**ARTICLE 8:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to pay certain unpaid bills of a prior fiscal year, including the following:

- Deputy Collector Services
  - \$221.52
- Public Works Expenses
  - \$267.27

Or take any other action relative thereto.

**Explanation/  
Submitted by:**

There was \$221.52 of Deputy Collector services that occurred in FY2019 which was then subsequently invoiced in FY2020 after the 2019 closeout.  
Treasurer/Collector

There is an outstanding invoice of \$267.52 from ZEP Supplies from as FY2019 delivery which was then subsequently invoiced in FY20 after the 2019 closeout/Department of Public Works

**Recommendation:** Favorable Action/Finance Committee

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**ARTICLE 9:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Three Thousand Seven Hundred Ten dollars (\$3,710), or any other sum, as a grant match for the purchase of two (2) cardiac monitors/defibrillators, including all incidental and related expenses; or, to take any other action relative thereto.

**Explanation/  
Submitted by:**

The Upton Fire-EMS Department received \$94,762 grant award from FEMA through the Assistance to Firefighters Grant (AFG). The grant will be used to purchase two cardiac defibrillator monitors and provide funding for training for driving and pump operations of the Department's apparatus. The AFG requires a match from the Town of \$3,710 in order to receive the full award. The Fire Department cardiac monitors are more than 15 years old, and do not have the ability to monitor for carbon monoxide or end tidal CO2 levels in patients. This model monitor / defibrillator ceased production by the manufacturer in June of 2007 and will not be supported starting in February of 2020/Fire Department

**Recommendation:** Favorable Action/Finance Committee

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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 Seven Thousand Five-Hundred dollars (\$7,500), or any other sum, for purpose of providing Information Technology (IT) support services related to the security, support and maintenance of the Town's computers, servers, website, e-mail and related IT infrastructure, including all expenses incidental and related, or, to take any other action relative thereto.

**Explanation/  
Submitted by:**

With the recent ransomware attacks on municipalities and lack of IT expertise on staff, it is imperative our IT systems are protected from viruses, malware and ransom attacks. These monies will be used to extend firewall licenses and upgrade OS licenses for 2 servers. /Town Clerk-Asst to the Town Manager

**Recommendation:** Favorable Action/Finance Committee

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**ARTICLE 11:** To see if the Town will vote to transfer from the Retained Earnings of the Wastewater Division and of the Water Division, the sum of Thirty Thousand One Hundred Ninety-Two dollars (\$30,192), or any other sum, for a total appropriation of \$60,384 to fund the salary and benefits of one (1) additional operator to be shared between the Water & Wastewater Divisions, or, to take any other action relative thereto..

**Explanation/**

**Submitted by:** The Department of Environmental Protection (DEP) performs annual inspections of the Upton Water & Wastewater Divisions. This is the second year in a row that the annual survey identified staffing issues within the Divisions. The DEP is strongly recommending the addition of two (2) full-time operators to be shared between the Water & Wastewater Divisions. Although DEP is recommending two additional staff, the Director is proposing an addition of just one at this time/Department of Public Works

**Recommendation:** Favorable Action/Finance Committee

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**ARTICLE 12: WITHDRAWN**

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**ARTICLE 13:** To see if the Town will vote to transfer from the Water Division's Retained Earnings, the sum of One Hundred Twenty-Two Thousand dollars (\$122,000), or any other sum, to fund the Fowler Street Bridge Replacement Water Main Extension and associated work, including all incidental and related expenses or, to take any other action relative thereto.

**Explanation/**

**Submitted by:** The funding for this project was already voted and appropriated at the May 3, 2018 Annual Town Meeting as part of the Water Division's FY19 Capital Outlay. However, when the project was delayed due to permitting issues, the fiscal year ended before the money could be utilized, Therefore, the funds reverted back to the Water Division's Retained Earnings. The Fowler Street Bridge Replacement Project is now fully permitted and slated to go out to bid in early December/Department of Public Works

**Recommendation:** Favorable Action/Finance Committee

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**ARTICLE 14:** To see if the Town will vote to amend Title II, Chapter 1, Section 11 of the Town of Upton General Bylaws by inserting the underlined language and deleting the strikethrough language as follows:

Title # 2, Chapter 1, Section 11

~~When a question is put the sense of the meeting shall be determined by the voices thereon, and~~ When a question is put, the vote shall be counted by electronic voting technology, if available. If electronic voting technology is not available, then the Moderator shall call for a voice vote and the Moderator shall declare the vote as it appears to him. If the Moderator is unable to decide the vote of the article or matter by sound of the voices, he shall determine the vote by ordering a show of hands or standing vote and may appoint tellers to make and return the count. A roll call shall be ordered by the Moderator if twenty members shall by

rising to their places favor such motion. A ballot vote shall be taken at a regular or special

Town Meeting when a motion is made and seconded by seven (7) voters and is carried by a majority vote.

Or, to take any other action relative thereto.

**Explanation/**

**Submitted by:**

The Electronic Voting Committee has investigated the merits of using electronic voting during all Town Meetings (Annual and Special) and recommends that the town adopt this as the primary method of collecting the vote. Whenever electronic voting is not possible, due to equipment malfunction or power failure or any reason, the method of collecting the vote shall default to the current process. This is enabling legislation only. The amendment does not require that Town Meeting spend money. Amendment requires that electronic voting be used when available/Electronic Voting Committee

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**ARTICLE 15:**

To see if the Town will vote to accept the provisions of General Laws Chapter 44, Section 53F3/4, establishing a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation by Town Meeting to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2021 which begins on July 1, 2020, or, to take any other action relative thereto.

**Explanation/**

**Submitted by:**

According to the Division of Local Services, municipalities need to establish a special revenue fund known as the PEG Access and Cable Related Fund to fund PEG access programming, as well as certain other municipal cable-related expenses/ Town Clerk-Asst to Town Manager

**Recommendation:** Favorable Action/Finance Committee

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**ARTICLE 16:**

To see if the Town will vote to amend the Upton Zoning Map to include a new district called the Upton Center Business District, and to amend the following sections of the Zoning By-Laws:

- Section 2.0 – Districts: by amending Section 2.1 to add a new Zoning District entitled “Upton Center Business District (UCBD)”; and by amending the official Upton Zoning Map referenced in Section 2.2 (1978 revised June 2008) to include the proposed Upton Center Business District.
- Section 3.0 – Use Regulations: by amending Section 3.1.1 Symbols, Section 3.1.3, Table A – Table of Principal Uses by District, and Notes to Table A to include the proposed Upton Center Business District and designate the uses allowed within the District.
- Section 4.0 – Dimensional Regulations: by amending Table C: General Business and Commercial & Industrial District Lots and Notes for Table B through Table D to include the proposed Upton Center Business District.

- Section 5.0 – General Regulations: by adding a new Section 5.10.6 Parking Bylaw for UCBD.
- Section 10 – Definitions; by adding “Mixed-use facility”.

as set forth in the document entitled, “Upton Center Business District” and map, on file with the Town Clerk, or take any other action relative thereto.

**Explanation/  
Submitted by:**

The Economic Development Committee has been working on creating the necessary tools to implement the vision of a revitalized Upton Town Center as approved by voters at the May 2019 Annual Town Meeting. This article establishes an Upton Center Business District (UCBD) that includes properties shown in the map on file with the Town Clerk/Economic Development Committee

**ARTICLE 17:** To see if the Town will vote to become a member in the Central Massachusetts Mosquito Control Project, pursuant to Massachusetts General Laws Chapter 252, Section 5A and any other applicable sections of said law, or take any action relative thereto.

**Explanation/  
Submitted by:**

Membership in CMMCP allows a full program of mosquito control to be accessed by residents and town officials if they so choose. These programs include Adulticiding, Larval Control, Public Education, Ditch Maintenance, Research & Efficacy, Wetland Restoration, Mosquito Surveillance, and Source reduction. These tools will reduce the population of mosquitoes that carry diseases that can threaten our community, pets and livestock. Residents are allowed to opt out of this program if they so wish. This program works in conjunction with the DPH, EPA, DEP and DAR/Board of Health

**ARTICLE 18:** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of Five-Hundred Thousand dollars (\$500,000.00), 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

**Recommendation:** Favorable Action/Finance Committee



**ARTICLE 19: Citizens Petition:**

**1.0 PURPOSE**

The production of thin-film single use plastic checkout bags has significant impacts on the environment, including, but not limited to contributing to the potential death of aquatic and land animals through ingestion and entanglement; contributing to pollution of the natural environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; requiring the use of millions of gallons of crude oil nationally for their manufacture. The purpose of this bylaw is to protect the town's unique natural beauty and its water and natural resources by eliminating single use plastic checkout bags that are distributed in the Town of Upton and to promote the use of reusable bags.

**2.0 SEVERABILITY**

Each section, paragraph, sentence, clause, phrase and any other portion of this bylaw shall be construed as separate to the end that if any portion thereof shall be held invalid for any reason, then the remainder of the regulation shall remain in full force and effect.

**3.0 DEFINITIONS**

3.1 "Agent", the Town of Upton Health Inspector

3.2 "Board of Health", the legally constituted Board of Health for the Town of Upton, or its authorized agents or representatives.

3.3 "Checkout Bag", a carryout bag with handles provided by a store to a customer at the point of sale. A Checkout bag shall not include:

- Bags whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store; laundry or dry-cleaner bags; bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture.

3.4 "Compostable plastic bag", a plastic bag that meets specific standards set by the American Society of Testing and Materials(ASTM) for biodegradability.

3.5 "Recyclable Paper Bag" means a paper bag that is (1) 100 percent recyclable including the handles; (2) contains at least 40% post-consumer recycled paper content; and, (3) displays the percentage of post-consumer recycled content in a visible manner on the outside of the bag.

3.6 "Retail establishment", any retail space located in the Town of Upton including without limitation a restaurant, food or ice cream truck, convenience store, merchandise vendor, farm market, or supermarket.

3.7 "Reusable checkout bag", a sewn bag with handles, that is designed for multiple reuse and can carry 25 pounds over a distance of 300 feet. It can be either made of cloth fabric, durable plastic (more than 4 mils thick), or other durable material.

3.8 "Single Use Plastic Bag" shall mean a plastic bag including but not limited to bags with integral handles made of non-biodegradable plastic that is less than 4.0 mils in thickness and is intended for single-use transport of purchased items provided by an establishment to a customer at the point of sale.

#### 4.0 REQUIREMENTS

4.1 If any retail establishment as defined in section 3 provides a checkout bag to customers, the bag shall comply with the requirements of being either a recyclable paper bag, a compostable plastic bag, or a reusable checkout bag. Single Use Plastic Bags are prohibited as of June 30, 2020.

4.2 The Board of Health may promulgate additional rules and regulations to implement this bylaw.

#### 5.0 PENALTIES AND ENFORCEMENT

Each Retail Establishment shall comply with this bylaw:

5.1 If it is determined that a violation has occurred the Agent may issue a warning notice for an initial violation.

5.2 Any violation of the provisions of this bylaw may be enforced by non-criminal disposition pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 21D.

5.3 If an additional violation of this by-law has occurred within 30 calendar days after a warning notice has been issued for an initial violation, the Agent may issue a notice of violation and may impose a penalty against the Retail Establishment.

5.4 The penalty for each violation that occurs after the issuance of the warning notice shall be:

- \$50 for the second offense
- \$100 for the third offense and \$200 for all subsequent

offenses

5.5 No more than one (1) penalty shall be imposed upon a Retail Establishment within a seven (7) calendar day period

#### 6.0 EFFECTIVE DATE

All the requirements set forth in this by-law shall take effect on June 30, 2020. In the event that compliance with the effective date of this bylaw is not feasible for a Retail Establishment, because of unavailability of compliant checkout bags or economic hardship, the Agent may grant a waiver of not more than six months upon application of the owner or the owner's representative. The waiver may be extended for one (1) additional six-month period upon showing of continued infeasibility as set forth above.

**Submitted by:** Laurie Wodin, Marcella Stasa et al.

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#### **ARTICLE 20: Citizens Petition:**

##### 1. PURPOSE

Styrofoam is the brand name for polystyrene (trademarked by Dow Chemical Co.) a synthetic plastic that biodegrades so slowly (hundreds of years) it is considered to be non-biodegradable. Styrene, the key ingredient in expanded polystyrene, was recently added to the National Toxicology Program's list of probable human carcinogens (U.S. Department of Health and Human Services). Styrene can leach from polystyrene containers into food and beverages. It has become a major component of plastic debris in the ocean and animals often

mistake it for food. It is also hazardous to marine life, transferring toxic chemicals along the food chain. Expanded polystyrene containers are not part of the Town's regular recycling program. The purpose of this bylaw is to eliminate the distribution of expanded polystyrene containers by all food establishments in the Town of Upton.

## 2. SEVERABILITY

Each section, paragraph, sentence, clause, phrase and any other portion of this bylaw shall be construed as separate to the end that if any portion thereof shall be held invalid for any reason, then the remainder of the regulation shall remain in full force and effect.

## 3.0 DEFINITIONS

3.1 "Agent", the Town of Upton Health Inspector

3.2 "Board of Health", the legally constituted Board of Health for the Town of Upton, or its authorized agents or representatives.

3.3 "Disposable Food Service Container" means a single-use disposable product for serving or transporting prepared, ready-to-consume food or beverages, including without limitation, take-out foods and/or leftovers from partially consumed meals prepared by a food establishment. This includes, but is not limited to, plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, or utensils. It does not include single-use disposable packaging for unprepared foods.

3.4 "Food Establishment" means any operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a food establishment for purposes of this bylaw.

3.5 "Expanded Polystyrene" means blown polystyrene (polystyrene that has been expanded or "blown" using a gaseous blowing agent into a solid foam) and expanded and extruded forms, which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion blow molding (extruded foam polystyrene).

3.6 "Prepared Food" means any food or beverage prepared on the food establishment's premises, using any cooking or food preparation technique. Prepared food does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation. Prepared food may be eaten on or off the food establishment's premises.

## 4.0 REQUIREMENTS

4.1 Food establishments are prohibited from dispensing prepared food to customers in disposable food service containers made from expanded polystyrene.

4.2 Each Food Establishment as defined in Section 3, above, located in the Town of Upton shall comply with this bylaw as of January 1, 2020.

4.3 The Board of Health may promulgate additional rules and regulations to implement this bylaw.

5.0 PENALTIES AND ENFORCEMENT

Each Food Establishment shall comply with this bylaw:

5.1 If it is determined that a violation has occurred the Agent may issue a warning notice for an initial violation.

5.2 Any violation of the provisions of this bylaw may be enforced by non-criminal disposition pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 21D.

5.3 If an additional violation of this bylaw has occurred within 30 calendar days after a warning notice has been issued for an initial violation, the Agent may issue a notice of violation and may impose a penalty against the Food Establishment. 5.4 The penalty for each violation that occurs after the issuance of the warning notice shall be:

- \$50 for the second offense
- \$100 for the third offense and \$200 for all subsequent offenses.

5.5 No more than one (1) penalty shall be imposed upon a Food Establishment within a seven (7) calendar day period.

6.0 EFFECTIVE DATE

All of the requirements set forth in this bylaw shall take effect on June 30, 2020. In the event that compliance with the effective date of this bylaw is not feasible for a Food Establishment, because of unavailability of compliant containers or economic hardship, the Agent may grant a waiver of not more than six months upon application of the owner or the owner’s representative. The waiver may be extended for one (1) additional six-month period upon showing of continued infeasibility as set forth above.

**Submitted by:** Laurie Wodin, Marcella Stasa et al.

**ARTICLE 21:** To see if the Town will vote to establish a new annual spending limit for FY 2020 for the Land Stewardship Fund established under Section 6 of Title 2, Chapter 25, of the General Bylaws, in accordance with M.G.L. Chapter 44, §53E1/2, with such expenditure limit to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 in any year, to change the same for the ensuing fiscal year; provided, however, that at the request of the Land Stewardship Committee, the Board of Selectmen, with the approval of the Finance Committee, may increase such limit, for that fiscal year only; or to take any other action relative thereto.

<b>Authorized Revolving Funds (G.L. c.44, §53E 1/2)</b>	<b>Fiscal Year Expenditure Limit</b>
Land Stewardship Fund	\$10,000

**Explanation/**

**Submitted by:** To approve a new spending limit for the Land Stewardship revolving fund, to be applicable from year to year unless later changed by Town Meeting. No other changes are intended to the expenditure limits for other revolving funds previously approved by Town Meeting/Land Stewardship Committee

**Recommendation:** Favorable Action/Finance Committee

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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.

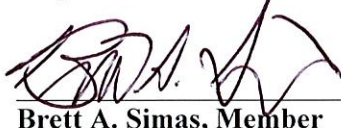
Given under our hands this seventeenth (17<sup>th</sup>) day of October in the year of our lord two thousand nineteen.

**UPTON BOARD OF SELECTMEN**

A true copy, Attest:



**Stephen A. Matellian, Chairman**



**Brett A. Simas, Member**



**Maureen Dwinnell, Member**

Constable

Date: October 17, 2019