



TOWN OF UPTON, MASSACHUSETTS

Annual Town Meeting 7 May 2020 Warrant **DRAFT**

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 Thursday, May 7, 2020 punctually at Seven o'clock in the evening, to act on the Articles in the warrant.

ARTICLE 1: To hear reports of all Town Officers and Appointed Committees; or, to take any other action relative thereto.

**Explanation/
Submitted by:** Town Reports/Board of Selectmen

ARTICLE 2: To see if the Town will vote to fix the salaries and compensation of all officers of the Town as provided by M.G.L. Chapter 41, §108, and to raise and appropriate or transfer from available funds¹, such sums as may be necessary to defray expenses of the Town Departments for FY 2021; or, to take any other action relative thereto.

**Explanation/
Submitted by:** Annual Town Operating Budget/Board of Selectmen

Recommendation:

ARTICLE 3: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Water Enterprise Fund as set forth below for FY 2021; or, to take any other action relative thereto.

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

Wages & Salaries	\$270,866
Expenses	370,640
Capital Outlay	100,000
Debt	297,795
Extra/Unforeseen	50,000
Total	\$ 1,089,301

And that **\$1,089,301.00** be raised for such purposes as follows:

¹ Note that this warrant uses the words “transfer from available funds” to refer to transfers from Free Cash (previously described as “appropriate from available unappropriated funds in the Town Treasury”) and/or transfers from appropriations made at prior Town Meetings (previously described as “transfer”).

Department receipts	\$790,404
Retained Earnings	150,000
*Tax Levy	148,897
Free Cash	-0-

*(NOTE: As raised and appropriated under Article 2)

**Explanation/
Submitted by:**

Annual budget for Water Enterprise Fund/Board of Selectmen

Recommendation:

ARTICLE 4: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Wastewater Enterprise Fund as set forth below for FY 2021; or, to take any other action relative thereto.

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

Wage & Salaries	\$ 294,834
Expenses	325,519
Capital Outlay	100,000
Debt	10,813
Extra/Unforeseen	30,000

Total \$761,167

And that **\$761,167** be raised for such purposes as follows:

Department receipts	\$ 655,760
Retained Earnings	100,000
Tax levy	5,407*
Free cash	-0-

*(NOTE: As raised and appropriated under Article 2)

**Explanation/
Submitted by:**

Annual budget for Wastewater Enterprise Fund/Board of Selectmen

Recommendation:

ARTICLE 5: To see if the Town will vote to approve annual spending limits for FY 2021 for revolving funds established in Section 7 of Title 2, Chapter 25, of the General Bylaws, in accordance with G.L. Chapter 44, §53E ½, and for the Treasurer/Collector Tax Title Revolving Fund, in accordance with M.G.L. Chapter 60, §15B, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 in any year, to increase the same for the ensuing fiscal year; provided, however, that at the request of the entity authorized to expend such funds, the Board of Selectmen, with the approval of the Finance Committee, may increase such limit, for that fiscal year only, all as set forth below; or to take any other action relative thereto:

Authorized Revolving Funds (G.L. c.44, §53E ½)	Fiscal Year Expenditure Limit
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Board of Health "Curbside Waste and Recycling Fund"	\$15,000
Board of Health "Title V Fund"	\$10,000
Conservation Commission "Wetlands Revolving Fund"	\$20,000
Conservation Commission "Storm Water By- Law Fund"	\$7,000
Council on Aging Programming	\$10,000
Land Stewardship Committee "Community Garden Fund"	\$2,000
Land Stewardship Committee "Land Stewardship Fund"	\$10,000
Town Library Fund	\$6,000
Recreation Commission	\$260,000
Authorized Revolving Fund (G.L. c.60, §15B)	Fiscal Year Expenditure Limit
Treasurer/Collector Tax Title	\$15,000

Explanation/

Submitted by: To approve spending limits for the various town revolving funds, to be applicable from year to year unless later changed by Town Meeting/Board of Selectmen.

Recommendation: Finance Committee Favorable Recommendation

ARTICLE 6: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for PEG Access and Cable Related Fund as set forth below for FY 2021; or, to take any other action relative thereto.

That the following sums to be appropriated for the Peg Access and Cable Related Fund:

Wage & Salaries	\$43,500
Expenses	\$ 3,200
Capital Outlay	\$20,000
<u>Extra/Unforeseen</u>	<u>\$10,000</u>

Total **\$76,700**

And that **\$76,700** to be raised for such purposes as follows:

Department receipts	\$76,700
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Explanation/

Submitted by: In November 2019, the town voted to accept the provisions of General Laws Chapter 44, Section 53F 3/4, establishing a special revenue fund known as the PEG Access and Cable Related Fund in order 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 is to begin operation for fiscal year 2021 which begins on July 1, 2020.

Recommendation: Finance Committee Favorable Recommendation to Transfer

ARTICLE 7: To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of Two Hundred Thousand dollars (\$200,000), 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: Finance Committee - No Action

ARTICLE 8: To see if the Town will vote to accept and expend such sum or sums of money allotted or to be allotted to the Town from the Commonwealth of Massachusetts under the provisions of M.G.L. Chapter 90 or under any other state roadway reimbursement programs for FY 2020, and to authorize the Board of Selectmen to enter into a contract or contracts with the Massachusetts Department of Transportation Highway Division for such purposes; and further, to authorize the Treasurer with the approval of the Board of Selectmen, to borrow in anticipation of 100% reimbursement of said amounts; or, to take any other action relative thereto.

Explanation/

Submitted by: Annual road repair appropriation from the Commonwealth/Board of Selectmen

Recommendation: Finance Committee Favorable Action to Borrow

ARTICLE 9: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, the sum of Five Hundred Sixty-Two Thousand Three Hundred Eighty dollars (\$562,380), or, any other sum, to be used for the construction and/or improvement of Town Roads to supplement those provided for under the Commonwealth of Massachusetts M.G.L. Chapter 90 Program; or, to take any other action relative thereto.

Explanation/

Submitted by: To provide for supplemental funding to address road repairs as called for in the Town's pavement management plan/Board of Selectmen.

Recommendation: Finance Committee - HOLD

ARTICLE 10: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Two Hundred Thousand dollars (\$200,000) to fund the snow and ice deficit for FY 2020; or, to take any other action relative thereto.

Explanation/

Submitted by: This article is to fund additional costs for the removal of snow and ice in Upton/
Board of Selectmen

Recommendation: Finance Committee No Action

ARTICLE 11: 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 /Conservation Commission.

Recommendation: Finance Committee noted to remove this from Budget and keep as article

ARTICLE 12 A: To see if The Town will vote to transfer from the Community Preservation Fund FY 2020 CPA Trust Fund matching revenues of One-Hundred Ninety-Six Thousand Eight Hundred Thirty-Six dollars (\$196,836.00) the sums set forth below to the following Community Preservation Fund reserve accounts to meet the requirements of M.G.L.c.44B 6:

- Historic Resources Account - \$19,683.60
- Open Space Account - \$19,683.60
- Community Housing Account - \$19,683.60

and to place any remaining FY2020 CPA Trust Fund matching revenues in a so-called “FY2020 Undesignated Budgeted Reserve”, or, to take any other action relative thereto.

Explanation/

Submitted by: To transfer 10% of CPA Matching Trust Funds to Reserve Accounts /Community Preservation Committee.

Recommendation: Finance Committee - Favorable Action

ARTICLE 12 B: To see if the Town will vote to act on the report of the Community Preservation Committee on the FY 2020 community preservation budget, and to appropriate the sum of Fifteen Thousand dollars (\$15,000), or any other amount, from the Community Preservation Fund FY 2021 estimated annual revenues to the Community Preservation Committee Administrative Expense Account for all necessary and proper administrative expenses of the Committee for FY 2021; or, to take any other action relative thereto.

Explanation/

Submitted by: To transfer an amount from estimated annual revenues for the administrative and operating costs of the Community Preservation Committee for FY 2021. /Community Preservation Committee.

Recommendation: Finance Committee - Favorable Action

ARTICLE 12 C: To see if the Town will vote to transfer up to Thirty-Five Thousand dollars (\$35,000) from the Community Preservation Undesignated Fund Balance to fund 50% of the design and engineering for Leland Field per the concept outlined in the Recreation Master Plan; including all expenses incidental and related, or, to take any other action relative thereto.

Explanation/

Submitted by: In the Recreation Master Plan, renovations and improvements to Leland Field were outlined which will improve and repair the courts and also reorient the fields to allow for more usage of the space/Recreation Commission.

Recommendation: Finance Committee - Favorable Action

ARTICLE 12 D: To see if the Town will vote to transfer the sum of Ten Thousand dollars (\$10,000) from the Community Preservation Act Historic Preservation Reserve Account to fund the repair of the slate roof and the painting of the ceiling of the historic storage shed at Maplewood Cemetery; including all expenses incidental and related, or, to take any other action relative thereto.

Explanation/

Submitted by: The Historical Commission is requesting funds of \$10,000 from the Community Preservation Historic Preservation Reserve account to rehabilitate the roof of the storage shed at Maplewood Cemetery. The small stone structure has been a landmark in the Town of Upton since 1905 and is one of the photos which appears on the Town website. The slate roof and the copper flashing around the chimney will be repaired and the interior ceiling will be repainted. This will require interior staging since the ceiling, which has been evaluated for structural soundness, is quite high/ Community Preservation Committee

Recommendation: Finance Committee - Favorable Action

ARTICLE 12 E: To see if the Town will vote to transfer the sum of Two Hundred Thousand dollars (\$200,000) from the Community Preservation Community Housing Reserve Account to the Affordable Housing Trust as a grant to be used according to the terms and conditions as set forth in the Affordable Housing Trust agreement contract, or, to take any other action relative thereto.

Explanation/

Submitted by: The Affordable Housing Trust requests a CPC transfer of funds to explore the possibility of creating additional opportunities for affordable housing in Upton/Affordable Housing Trust

Recommendation: Finance Committee - Favorable Action

ARTICLE 13: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of the sum of Eleven Thousand dollars (\$11,000), or any other sum, for use by the Board of Assessors for recertification work

required to comply with state law; including all expenses incidental and related, or, to take any other action relative thereto.

Explanation/

Submitted by: The requested appropriation would allow the Board of Assessors to carry out its on-going statutory responsibilities to reevaluate Town properties/Board of Assessors

Recommendation: Finance Committee Favorable Action for Free Cash

ARTICLE 14: WITHDRAWN

ARTICLE 15: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Ten Thousand dollars (\$10,000.00), or any other sum, for use by the Board of Assessors to contract for a utility appraiser; including all expenses incidental and related, or, to take any other action relative thereto.

Explanation/

Submitted by: The requested appropriation would assist the Board of Assessors with their responsibilities in assessing utility infrastructure/Board of Assessors

Recommendation: Finance Committee Favorable Action for Free Cash

ARTICLE 16: To see if the Town will vote to amend Section 6.1 of the Zoning By-laws, Common Driveways, by inserting the underlined language and deleting the strikethrough language, as follows:

Explanation/

Submitted by: Planning Board

Recommendation:

ARTICLE 17: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Thirty Thousand dollars (\$30,000.00), or any other sum, to fund a self-evaluation and transition plan for the town, including all expenses incidental and related, or, to take any other action relative thereto.

Explanation/

Submitted by: The proposed transition plan will identify all accessibility barriers both inside and outside town owned buildings and describe the actions needed to bring them into compliance with State and Federal law, and make them accessible for all community members/Disability Commission

Recommendation: Finance Committee Favorable Action for Free Cash

ARTICLE 18: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow the sum of one

hundred fifty-nine thousand dollars (\$159,000.00), or any other sum, to purchase portable radio equipment including all expenses incidental and related, or, to take any other action relative thereto.

Explanation/

Submitted by: The current radio equipment is at the end of life, unsupported by the manufacturer and are not P25 compliant. This radio equipment is essential for our operations when working at any type of incident/Fire Department

Recommendation: Finance Committee Favorable Action for Free Cash

ARTICLE 19: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow the sum of eleven thousand and seventy dollars (\$11,070.00), or any other sum, to purchase 3 sets of personal protective firefighter gear (PPE) including all expenses incidental and related, or, to take any other action relative thereto.

Explanation/

Submitted by: NFPA 1851, Standard on Selection, Care and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, states that all “ensembles and ensemble elements shall be retired...no more than 10 years from the date the ensembles or ensemble elements were manufactured.” This includes helmets, hoods, coats, pants, gloves, and boots. The intention of the department is to continue its long term and ongoing replacement plan so that turnout gear will meet this standard at all times/Fire Department

Recommendation: Finance Committee Favorable Action for Free Cash

ARTICLE 20: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Twenty-Five Thousand dollars (25,000.00), or any other sum, to fund the repair and replacement of the heating and HVAC systems at the Fire Station and all incidental and related costs, and or to take any other action relative thereto.

Explanation/

Submitted by: Funds are needed to repair the heating system components and replace the A/C condensing unit for the second floor at the Fire Station. The building has been having heating and cooling issues for the past 1.5 years. This past Fall required a repair to the A/C system on the second floor which resulted in the identification of needed heating system upgrades. These systems and units are original to the building which is over 18 years old and they need to be repaired and/or replaced/Fire Department

Recommendation: Finance Committee Favorable Action for Free Cash

ARTICLE 21: To see if the Town will vote to accept the provisions of M.G.L. Chapter 59, §5, entitled, “Tax Exemptions” for the purpose of establishing additional tax relief programs for the citizens of Upton, or take any other action relative thereto.

Explanation/

Submitted by: Acceptance of M.G.L. c.59, 5 will authorize the Town to establish additional tax relief programs/Board of Selectmen

Recommendation:

ARTICLE 22: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow the sum of Ten Thousand Dollars (\$10,000), or any other sum, to fund the purchase of a used replacement forklift for the DPW Highway Division, including all expenses incidental and related, or, to take any other action relative thereto.

Explanation/

Submitted by: The Highway Division currently utilizes one (1) 1963 Clark propane driven forklift. This piece of equipment is utilized weekly for a variety of tasks including but not limited to; unloading pallets of pelletized deicer, pallets of cold patch bags for emergency pothole repair, drums of paint for line painting, pallets of fertilizer and lime, raw stock that is used for fabrication, plow blades, etc. The current forklift is 57 years old and in disrepair/ Department of Public Works

Recommendation: Finance Committee Favorable Actions from Free Cash

ARTICLE 23: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow the sum of One Hundred Fifty-Eight Thousand dollars (\$158,000.00), or any other sum, for the purpose of surveying and designing sidewalks on Maple Avenue including all expenses incidental and related, or, to take any other action relative thereto.

Explanation/

Submitted by: Maple Avenue currently has a small section of poorly constructed sidewalk that does not meet ADA or AAB regulations and travels from Route 140 to roughly the location of the railroad tracks. Maple Avenue is an incredibly busy road that receives some of the highest traffic counts in Upton. It also receives a significant amount of foot traffic especially by children as it connects to Pleasant street Sidewalks that lead to both the Nipmuc and BVT High Schools. The combination of heavy vehicular traffic and lack of appropriate and safe sidewalks create unsafe walking conditions for our children on a daily basis/ Department of Public Works

Recommendation: Finance Committee UNFAVORABLE Action

ARTICLE 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 One-Hundred Twenty-Four Thousand dollars (\$124,00.00), or any other sum, for the purpose of surveying, designing, establishing a recordable Right-of-Way including and recording the final Right-of-Way including all Temporary and Permanent Easements on Russell Avenue including all expenses incidental and related, or, to take any other action relative thereto.

Explanation/

Submitted by: During last year's paving program, it was discovered that Russell Avenue does not conform by way of recorded deeds to what is physically paved, maintained, and utilized at this time. In addition, there is a section of roadway that does not connect and technically defeats the Town's ability to continue to maintain it. If left unresolved, this situation could support a serious liability for the Town/Department of Public Works

Recommendation: Finance Committee HOLD

ARTICLE 25: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow the sum of Thirty Thousand Dollars (\$30,000), or any other sum, to fund the purchase a replacement turf truck for the DPW Parks/Forestry/Cemetery Division, including all expenses incidental and related, or, to take any other action relative thereto

Explanation/

Submitted by: The Parks/Forestry/Cemetery Division currently utilizes one (1) 2001 Cushman gas driven turf truck. This piece of equipment is instrumental in maintaining and grooming 28 acres of athletic fields and cemeteries during the spring summer and fall. The turf truck assists with many tasks including but not limited to; hauling bulk materials, top dressing fields, trash removal, dragging infields and Kiwanis beach, etc. To not replace this vehicle would have a serious impact on our small crew's ability to provide the maintenance and repairs necessary to keep our fields and recreation areas in top condition/Department of Public Works

Recommendation: Finance Committee Favorable Action for Free Cash

ARTICLE 26: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Town Treasury, or transfer, or borrow the sum of Two Hundred Eighty Thousand Dollars (280,000), or any other sum, for the purpose of funding the Water Division's Capital Improvement Program including all expenses incidental and related, or, to take any other action relative thereto.

Explanation/

Submitted by: A Comprehensive Assessment and Analysis was performed by Tighe & Bond including an updated capital plan. The plan acknowledges previously identified needs of the Water Division including updated repairs and maintenance necessary for the continued operation of the Water Treatment & Distribution System. A detailed inventory of these repairs is included in the report/ Department of Public Works

Recommendation: Finance Committee Favorable Action from Water Enterprise Retained Earnings

ARTICLE 27: 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 Fifty Thousand Dollars (450,000), or any other sum, for the

purpose of funding the Wastewater Division's Capital Improvement Program including all expenses incidental and related, or, to take any other action relative thereto.

Explanation/

Submitted by: A Comprehensive Assessment and Analysis was performed by Tighe & Bond including an updated capital plan. The plan acknowledges previously identified needs of the Wastewater Division including updated repairs and maintenance necessary for the continued operation of the Wastewater Treatment Facility. A detailed inventory of these repairs is included in the report.

Recommendation: Finance Committee Favorable Action from Wastewater Retained Earnings

ARTICLE 28: To see if the Town will repurpose unused bond proceeds in accordance with Chapter 44, Section 20 of the General Laws, the \$8,782.39 unexpended balance of Fund #6400 initially borrowed to pay the costs of Water Main Replacement along Route 140, the \$285,014.28 unexpended balance of Account #6000-500-5013-5010 initially borrowed to pay the costs of the construction of a Well field at the third water source, located at 172 West River Street, related Pumping Station, the West River Street water main replacement and installation of a SCADA system at all water and wastewater facilities, which projects for a total of \$293,796.67 are complete and such amounts are no longer needed for the projects, are hereby appropriated by the Town to a new Miscellaneous Water Capital Projects Fund 6402 to pay the costs of Miscellaneous Water Capital Projects work within the Town, including the payment of any and all costs incidental and related thereto.

Explanation/

Submitted by: The Water Enterprise includes two capital project articles/funds that unused bond proceeds are available to be appropriated in accordance with MGL Chapter 44, Section 20. Water Capital Project Fund 6400, originally appropriated on May 7, 2009, as Article 32 for the Water Main Replacement along Route 140 includes \$8,782.39 of available funds that are available for appropriation for a similar Water Capital Project. Water Capital Article account 6000-500-5013-5010, originally appropriated on May 10, 2012, as Article 10 for the construction of a Well field at the third water source, located at 172 West River Street, related Pumping Station, the West River Street water main replacement and installation of a SCADA system at all water and wastewater facilities that includes \$285,014.28 of available funds that are available for appropriation for a similar Water Capital Project/Town Accountant

Recommendation: Finance Committee Favorable Action to Transfer

ARTICLE 29: 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 Thirteen Thousand dollars (\$13,000.00), or any other sum, for the purpose of purchasing NOVAtime, time, attendance, vacation and sick time tracking software, including all expenses incidental and related, or, to take any other action relative thereto

Explanation/

Submitted by: Treasurer/Collector

Recommendation: Finance Committee HOLD

ARTICLE 30: To see if the Town will vote to authorize the Board of Selectmen to submit a home rule petition to the General Court for special legislation changing the position of Treasurer/Collector from elected to appointed, all as set forth below; and to authorize the General Court to 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 CREATING IN THE TOWN OF UPTON THE OFFICE OF APPOINTED TREASURER/COLLECTOR

SECTION 1. Notwithstanding any general or special law to the contrary, the office of Treasurer/Collector in the town of Upton shall be appointed and may be removed by the Town Manager. The Treasurer/Collector shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on Treasurers and Collectors. The Town Manager may establish an employment contract with the Treasurer/Collector not to exceed 5 years, for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expense incurred in the performance of the duties of office, liability insurance, and conditions of discipline, termination dismissal, reappointment, performance standards and leave.

SECTION 2. Notwithstanding section 1, the elected incumbent holding office as of the effective date of this act shall serve out the remainder of his elected term, at which time the elected office shall be abolished. The elected incumbent holding office as of the effective date of this act shall then become the first appointed Treasurer/Collector, and shall serve as such until his resignation, retirement or removal for cause. In such case, or if the elected incumbent vacates the office prior to the end of the term, appointments to the position of Treasurer/Collector shall be made by the Town Manager in accordance with said section 1.

SECTION 3. This act shall take effect upon its passage.

Explanation/

Submitted by: To change the position of Treasurer Collector from an elected position to an appointed position

Recommendation:

ARTICLE 31: To see if the Town will authorize the Board of Selectmen to petition the General Court for special legislation to amend Chapter 263 of the 1989 Acts and Resolves that established a Department of Public Works in the Town of Upton, by amending section 1 of the Act to enable the Hiring Authority to enter into a contract with the Public Works Director for a period not to exceed five years, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or, to take any other action relative thereto.

Explanation/

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

Recommendation:

ARTICLE 32: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to amend Section 2 of Chapter 391 of the Acts of 2008, entitled, "An Act Establishing the Office of Town Manager in the Town of Upton", by adding under Section 2 "(g) hiring and appointing the Board of Assessor Staff in consultation with the Board of Assessor" , or, take any other action relative thereto.

Explanation/

Submitted by: Board of Assessors

Recommendation:

ARTICLE 33: To see if the Town will vote to amend Title II, Chapter One of the General By-laws, Town Meetings, by inserting the underlined language and deleting the strikethrough language, as follows:

Section 1. The Annual Town ~~Meeting~~ Election for the ~~election~~ of Town Officers shall be held on the ~~first Monday~~ Tuesday, four days following the first Thursday of May of each year. Official ballots shall be used as provided by law.

Section 2. The polls for the annual Town ~~Meeting~~ Election shall be opened at seven o'clock in the forenoon and shall remain open until eight o'clock in the evening.

Section 2a. The Annual ~~Adjourned-Town~~ Meeting for the transaction of all businesses other than the election of Town Officers, and the determination of matters required to be by ballot, shall be at 7:00 P.M. on the first Thursday following the ~~first Monday~~ in May of each year.

or take any other action relative thereto.

Explanation/

Submitted by: When the town changed the bylaw to have Town Meeting before electing new officials, Nipmuc needed to make changes to their end of the year events to accommodate the Election Day. However, looking forward the next 5 years, the dates of the Election is in direct conflict with the end of the year events held before graduation/Town Clerk

Recommendation:

ARTICLE 34: To see if the Town will vote to amend Title 2 Chapter 1 Sections 4 and 5 of the General By-laws with underlined text to be inserted and text to be deleted shown with ~~strikethrough~~, as follows:

Section 4 Notices of every town meeting shall be given by posting ~~printed~~ copies of the warrant for such meeting on the Town Clerk's bulletin board at Town Hall, on the Town's official website, and in any other manner which the Board of Selectmen deems appropriate, provided, however, that inadvertent failure to post on the website, or any interruption in service to such website, shall not affect the validity of the noticed town meeting. ~~in two or more conspicuous public places in the town of Upton, and one copy thereof shall be posted on the exterior of the Town Hall Building.~~

Section 5 Notice of every adjourned Town Meeting shall be posted by the Town Clerk on the Town Clerk's bulletin board at Town Hall, on the Town's official website, and in any other manner which the Board of Selectmen deems appropriate, provided, however, that inadvertent failure to post on the website, or any interruption in service to such website, shall not affect the validity of the noticed continued town meeting. ~~in two or more conspicuous public places in the Town of Upton, one copy thereof shall be posted on the exterior of the Town Hall Building.~~

~~In addition thereto the Town Clerk may, if he or she deems it practicable, publish the same in any newspaper published in the County having a circulation in the Town of Upton.~~

or, to take any other action relative thereto.

Explanation/

Submitted by: By amending this section, the Town Meeting warrant posting requirements are more contemporary and provide for easier public access and transparency/Town Manager

Recommendation:

ARTICLE 35: To see if the Town will vote to raise and appropriate, or transfer from available unappropriated funds, a sum of money to pay certain unpaid bills of a prior fiscal year, or take any other action relative thereto.

**Explanation/
Submitted by:**

Recommendation

ARTICLE 36: To see if the Town will vote to accept Azalea Lane as a public way, as laid out and on file with the Town Clerk, and authorize the Board of Selectmen to acquire, by gift, purchase, and/or eminent domain, the fee to and/or easements in such way as shown on the aforesaid plan for all purposes for which public ways are used in the Town of Upton and any drainage, utility, access, or other related easements; and, as may be necessary therefor, to raise and appropriate or transfer from available funds a sum of money for such purposes; or, to take any other action relative thereto.

**Explanation/
Submitted**

To accept Azalea Lane as a public way per the agreement between the Upton Planning Board and D&F Afonso Builders/Board of Selectmen

Recommendation:

DRAFT

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 XXX day of April in the year of our lord two thousand twenty.

UPTON BOARD OF SELECTMEN

A true copy, Attest:

Stephen A. Matellian, Chairman

Brett A. Simas, Member

_____, Constable
Date: April , 2020

Maureen Dwinnell, Member

DRAFT

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

Constable of Upton
April , 2020

DRAFT