

THE COMMONWEALTH OF MASSACHUSETTS

May 7, 2007

WORCESTER, ss. To either of the Constables of the Town of Upton in the County of Worcester:

GREETINGS:

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, in Upton on Monday, the seventh day of May 2007, at Seven o'clock in the morning, then and there to act on the following articles:

- ARTICLE 1:** To choose necessary officers for the ensuing year, all to be voted for upon one ballot. The polls will be closed at 8:00 PM on the day of said meeting. The remaining articles in the Warrant will be acted on at an adjourned meeting in the Auditorium at the Nipmuc Regional Middle/High School, Thursday, May 10, 2007 punctually at 7:30 PM.
- ARTICLE 2:** To hear reports of all Town Officers and Appointed Committees, or, to take any other action relative thereto.
- ARTICLE 3:** To see if the Town will fix the salaries and compensation of all officers of the Town as provided by chapter 41, Section 108, M.G.L. as amended, and to raise and appropriate, 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.
- ARTICLE 4:** 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 beginning July 1, 2007, in accordance with the provisions of M.G.L., chapter 44, Section 4 and to issue a note or notes therefore payable within one year in accordance with M.G.L., chapter 44, Section 17, or, to take any other action relative thereto.
- ARTICLE 5:** To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow the sum of Two hundred seventy five thousand nine hundred eighty seven dollars (\$275,987.00), 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 period which begins on July 1, 2007 through June 30, 2008, or, to take any other action relative thereto.
- ARTICLE 6:** To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow the sum of Eighteen thousand dollars (\$18,000.00), or any other sum, to be used for a reserve amount for the revaluation through the Board of Assessors, or, to take any other action relative thereto.

ARTICLE 7: To see if the Town will vote pursuant to M.G.L. Chapter 40A, Section 5 to amend the Zoning By-Laws by making various additions, deletions and changes throughout the By-Law, or, to take any other action relative thereto.

The complete text of the proposed By-Law amendment is available for review at the Town Clerk's office.

ARTICLE 8: To see if the Town will vote pursuant to M.G.L. Chapter 40A, Section 5 to amend the Zoning By-Laws by adding the following section: 7.6 ACCESSORY APARTMENTS and by updating Section 3.2, "Accessory Uses and Structures" and Section 10, DEFINITIONS to provide for accessory apartments, or, to take any other action relative thereto.

The complete text of the proposed By-Law amendment is available for review at the Town Clerk's office.

ARTICLE 9: To see if the Town will vote pursuant to M.G.L. Chapter 40A, Section 5 to amend the Zoning By-Laws by adding the following section: 6.5 DRIVE-THRU ESTABLISHMENTS and by updating Section 3.1.3, "Table of Principal Uses By District" and Section 10, DEFINITIONS to provide for drive-thru establishments, or, to take any other action relative thereto.

The complete text of the proposed By-Law amendment is available for review at the Town Clerk's office.

ARTICLE 10: 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 following section: 5.12 SIGNS in its entirety and by adding the following section: 5.12 SIGNS and modifying the definition of "Sign" in Section 10, DEFINITIONS, or, to take any other action relative thereto.

The complete text of the proposed By-Law amendment is available for review at the Town Clerk's office.

ARTICLE 11: To see if the Town will vote pursuant to M.G.L. Chapter 40A, Section 5 to amend the Zoning By-Laws by making various additions, deletions and changes to the following sections: 3.1 TABLE OF PRINCIPAL USES, "Table A - Table of Principal Uses By District" and Section 10, DEFINITIONS, or, to take any other action relative thereto.

The complete text of the proposed By-Law amendment is available for review at the Town Clerk's office.

ARTICLE 12: To see if the Town will authorize the Board of Selectmen to **petition** the General Court for special legislation "establishing the office of Town Manager in the Town of Upton", in the form of the proposed special act is available in the offices of the Town Clerk and the Board of Selectmen; 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 ESTABLISHING A TOWN MANAGER IN THE TOWN OF UPTON.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. There shall be an administrative officer in the town of Upton known as the town manager. The town manager, reporting directly to and supervised by the Board of Selectmen, shall be the chief administrative officer of the Town of Upton. The town manager shall not set town policy but shall ensure that there is appropriate coordination in the implementation of town policy, working with the Board of Selectmen and all elected and appointed boards and commissions.

The town manager shall supervise, manage, and coordinate the day-to-day activities of all town departments and employees under the jurisdiction of the board of selectmen and coordinate all activities of these town departments with the activities of other departments under the jurisdiction of other elected town officials, boards and commissions.

The full text (seven sections) of this Act/Petition is available for review at the Offices of the Town Clerk and Board of Selectmen.

ARTICLE 13: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow, the sum of ----- hundred ----- thousand ----- dollars (\$000,000.00), or any other sum, from the real estate and personal property taxes, to fund Upton's portion of the operational budget of the Mendon-Upton Regional School District for the Fiscal Year starting July 1, 2007; provided that such appropriation shall be contingent upon passage of a proposition 2½ (so called) override ballot question vote in accordance with Mass General Law Chapter 59, Section 212 C (m), or, to take any other action relative thereto.

ARTICLE 14: To see if the Town will vote to, amend the Personnel By-law (adopted May 1996) and as last amended in 2006, to provide the following change:

Under Section IV. Recruitment, Selection and Orientation of Employees,

E. Probationary Period: add to the first sentence after the words new positions, “Except for Employees transferring/promoted to positions with-in the same Division/Department”, or, to take any other action relative thereto.

ARTICLE 15: To see if the Town will vote to, amend the Personnel By-law (adopted May 1996) and as last amended in 2006, to provide the following change:

Under Section IX.C. Medical Plan,

Delete from the text in the second sentence: “90% by the Town and 10% by the employee” And, to replace it with the following text: “75%” by the Town and 25% by the employee, to take effect on July 1, 2007, whereby the Town will then contribute “75%” and the employees will contribute “25%”, for the Health Maintenance Organization. This adjustment is for non-union employees, or, to take any other action relative thereto.

ARTICLE 16: To see if the Town will vote to transfer, the sum of Fifty thousand two hundred eighty dollars and twenty-nine cents (\$50,280.29), or any other sum, from Article #3 (**of this Warrant**), line item number 48-Insurance, of the operating budget for FY08, to be applied proportionately to the non-union employees salaries, accordingly to their increased contribution to their health insurance premium cost from 10% to 25% effective July 1, 2007, or, to take any other action relative thereto.

ARTICLE 17: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow, the sum of Two thousand eight hundred twenty two dollars (\$2,822.00), or any other sum, to purchase a Compact Self-Contained Extractor and a Heavy-Duty Scrubber/Buffer for use at the Town Hall, Knowlton/Risteen Building, and the Police and Communications Facility. These two pieces of cleaning equipment will replace twenty year old equipment and provide safe working operations, or, to take any other action relative thereto.

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 Two hundred thirty-three thousand four hundred forty seven dollars (\$233,447.00), 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, Upton’s apportionment for Fiscal 2008, which begins July 1, 2007, or, to take any other action relative thereto.

ARTICLE 19: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow, the sum of Three thousand dollars (\$3,000.00), or any other sum, to be used for a reserve amount for an annual updating of the valuing and listing of the Town's fixed assets as required by the (GASB) Statement #34 and to be conducted by an outside valuation firm, or, to take any other action relative thereto.

ARTICLE 20: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow, the sum of Four thousand dollars (\$4,000.00), or any other sum, to be used for a reserve amount for a classification and compensation plan review and update in 2009, as required by the Town's Personnel By-law, or, to take any other action relative thereto.

ARTICLE 21: TOWN OF UPTON GENERAL BY-LAWS AS AMENDED:

To see if the Town will vote to amend the General By-Laws by adding the following regulation to Chapter 13 (Sewer Cost Apportionment) Section 3 Rate: (a) (2) and (3); "Also, that a multifamily dwelling with Separate connections from each unit to the Town's sanitary system at the **Street or Main Driveway** is subject to a \$5,000.00 fee for **each unit**", or, to take any other action relative thereto.

Chapter 13 of the General By-Laws (Sewer Cost Apportionment) can be reviewed at the office of the Town Clerk during normal business hours Monday through Friday

ARTICLE 22: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow the sum of Six thousand five hundred dollars (\$6,500.00), or any other sum, to be used for Aquatic Weed Control in one or more of the following ponds: Taft Pond, Mill Pond, Pratt Pond, Lake Wildwood, or, to take any other action relative thereto.

ARTICLE 23: To see if the Town will vote to authorize the Board of Selectmen to establish and appoint up to nine members to a "275th Town Anniversary Celebration Committee" and enter into such agreements with suppliers/vendors that may be necessary to provide materials/services for the Celebration, or, to take any action in relation thereto.

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 thousand dollars (\$1,000.00), (seed money), or any other sum, to fund the beginning cost of, a "275th Town Anniversary Celebration" and to enter into such agreements with suppliers/vendors that may be necessary to provide materials/services for the Celebration, or, to take any other action relative thereto.

ARTICLE 25: To see if the Town will vote pursuant to M.G.L. Chapter 40A, Section 5 to approve the official Zoning Map of the Town of Upton dated April 2007. The Zoning Map has been updated by the Central Mass Regional Planning Commission (CMRPC) to reflect all zoning map changes approved at Town Meetings and by the Attorney General's Office since 1978 (date of the last updated zoning map), or, to take any other action relative thereto.

A copy of the proposed Zoning Map is on file with the Town Clerk.

ARTICLE 26: To see if the Town will vote to transfer the sum of Five thousand dollars (\$5,000.00), from the Community Preservation Act Reserved Fund Balance Undesignated FY2008 to the Reserved Fund Balance – CPF Expense, or, to take any other action relative thereto.

ARTICLE 27: To see if the Town will vote to transfer from the Community Preservation Act accounts the sum of \$56,201.58 from the Reserved Fund Balance - Historic Resources account; the sum of \$19,971.42 from the Reserved Fund Balance Undesignated FY 2005 account, for a total of \$76,173.00 to a CPA reserve account to fund the preservation of historic Town Records, such project to be completed within three years and to be under the jurisdiction of the Upton Town Clerk, or, to take any other action relative thereto.

ARTICLE 28: 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, as recommended by the Board of Selectmen. The purpose of this fund will be to pay the cost of removing residential bulk items through curbside pick-up. Monies to be deposited into this fund will be fees collected from residents who have bulk items removed. The balance of this account will not exceed the sum of Ten thousand dollars (\$10,000.00) at any time. Expenditures from this fund shall not exceed receipts into the fund, in any given year, or, to take any other action relative thereto.

ARTICLE 29: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow, the sum of Twenty thousand dollars (\$20,000.00), or any other sum, to be used for a reserve amount for the Accounting and Financial Reporting by Employers for Post-Employment Benefits other than Pensions, as required by the (GASB) Statement #45, and to be conducted by an outside Accounting/Auditing firm, or, to take any other action relative thereto.

- ARTICLE 30:** 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, § 53E½, The purpose of this fund shall be to replace items lost or damaged by those who borrow materials, to replace items used in activities for which a fee is paid and to purchase new materials. Receipts to this fund shall be monies paid by borrowers for lost or damaged materials, for overdue fines or by patrons using the copier and printing facilities and by purchasers of used library materials. The fund at any time shall not exceed Six thousand dollars (\$6,000.00). The Library Director, with the approval of the Library Board of Trustees, shall be authorized to expend from this fund but at no time exceeding more than the available balance in the revolving fund, or, to take any other action relative thereto.
- ARTICLE 31:** To see if the Town will vote to establish a revolving fund, to be known as the Council on Aging Fund in accordance with M.G.L., chapter 44, § 53A, 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 Monies donated for this purpose. 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.
- ARTICLE 32:** To see if the Town will vote to establish a departmental revolving fund for the Upton Historical Commission in accordance with M.G.L. chapter 44, § 53A, as recommended by the Board of Selectmen. The purpose of this fund shall be to restore and repair cemetery markers in the first burying ground on Grove Street and for plaques and markers to designate historic sites and buildings, and to preserve historic sites of Town owned property. Receipts to this fund shall be Monies donated by individuals, corporations and other organizations. The Historical Commission will give approval to expend from this fund but at no time exceeding Ten thousand dollars (\$10,000.00), or more than the available balance in said revolving fund, or, to take any other action relative thereto.
- ARTICLE 33:** To see if the Town will vote to accept the provisions of Chapter 44 section 53E1/2 of the M.G.L. and authorize the establishment of a Recreation Commission Revolving Fund Account to be administered by the Recreation Commission to collect fees for the use of and to fund all operating expenses of the various Recreation Programs administered by the Recreation Commission with an annual expenditure amount not to exceed Seventy-five thousand dollars (\$75,000.00), or, to take any other action relative thereto.

ARTICLE 34: To see if the Town will vote to transfer the sum of Eleven thousand dollars (\$11,000.00) from the Parks Department Revolving Account to the Recreation Commission Revolving Fund Account, or, to take any other action relative thereto.

ARTICLE 35: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow, the sum of Five thousand dollars (\$5,000.00), or any other sum, to be applied to the Conservation Fund setup under Article 24 of the 1966 Annual Town Meeting, or, to take any other action relative thereto.

ARTICLE 36: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow, the sum of Twenty thousand dollars (\$20,000.00), or any other sum, to the Town Stabilization Fund, or, to take any other action relative thereto.

ARTICLE 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 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.

ARTICLE 38: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow, the sum of Ten thousand dollars (\$10,000.00), or any other sum, to purchase two in-cruiser audio/video recording systems for the Upton Police Department police cruisers, or, to take any other action relative thereto.

ARTICLE 39: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow, the sum of Twenty eight thousand nine hundred six dollars (\$28,906.00), or any other sum, to purchase a 2007 fully marked police cruiser to replace an existing high mileage police cruiser, or, to take any other action relative thereto.

ARTICLE 40: To see if the Town will vote to raise and appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow, the sum of Fifty thousand dollars (\$50,000.00), or any other sum, to the Town Capital Acquisition/Capital Improvement Stabilization Fund, or, to take any other action relative thereto.

ARTICLE 41: CITIZENS PETITION

Local Community Housing Partnership Committee

To see if the town will vote to establish a Local Community Housing Partnership Committee. The goals, responsibilities, membership, meetings and accountability of this Committee are defined in a document titled **Petition to Establish a Local Housing Partnership Committee**, or, to take any other action relative thereto.

A copy of this Citizens Petition document is on file at the Upton Town Clerk's office during normal business hours.

ARTICLE 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 Four thousand three hundred dollars (\$4,300.00), or any other sum, for the purpose of installing a Catch Basin Cleaner onto DPW Truck #26, or, to take any other action relative thereto.

ARTICLE 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 Fifty thousand dollars (\$50,000.00), or any other sum, for the purpose of supporting DEP/EPA mandated Stormwater Management requirements for year 3, or, to take any other action relative thereto.

ARTICLE 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 Fifteen thousand dollars (\$15,000.00), or any other sum, for the purpose of replacing infields at 2 ball fields located at Memorial School, or, to take any other action relative thereto.

ARTICLE 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 Three thousand dollars (\$3,000.00), or any other sum, for the purpose of replacing the Safety Surface at the VFW Memorial Playground, or, to take any other action relative thereto.

ARTICLE 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 Nine thousand dollars (\$9,000.00), or any other sum, for the purpose of performing preventative maintenance on cleaning below grade systems of the Glen Ave well fields, or, to take any other action relative thereto.

- ARTICLE 47:** To see if the Town will vote to appropriate by borrowing, the sum of Three hundred fifteen thousand dollars (\$315,000.00), or any other sum, for the purpose of funding a debt to pay the costs associated with the legal fees, engineering, design, project management, construction costs, and materials for the purpose of performing upgrades to the Station Street Sewerage Pump Station, including all costs incidental and related thereto, and further, to authorize the Treasurer with the approval of the Board of Selectmen to issue any bonds or notes that may be necessary for those purposes as authorized by General Laws chapter 44 or any other general or special law thereunto enabling, provided, however, that this appropriation and borrowing is contingent upon passage of a Proposition 2 ½ debt exclusion referendum under General Laws chapter 59, § 21C(k), or take any action relative thereto.
- ARTICLE 48:** To see if the Town will vote to raise and appropriate, appropriate from available un-appropriated funds in the Town treasury, or transfer, or borrow the sum of Fifty two thousand dollars (\$52,000.00), or any other sum, for the purpose of performing DEP/EPA mandated upgrades to the Sewerage Treatment Facility for Chlorine System, and Computer Monitoring System Upgrade, or, to take any other action relative thereto.
- ARTICLE 49:** To see if the Town will vote to raise and appropriate, appropriate from available un-appropriated funds in the Town treasury, or transfer, or borrow the sum of Ten thousand dollars (\$10,000.00), or any other sum, for the purpose of purchasing and installing water meters to replace antiquated meters, or, to take any other action relative thereto.
- ARTICLE 50:** To see if the Town will vote to raise and appropriate, appropriate from available un-appropriated funds in the Treasury, or transfer, or borrow the sum of Four thousand dollars (\$4,000.00), or any other sum, in order to replace the present Library copy machine that is used by the staff and by the patrons for a fee, or, to take any other action relative thereto.
- ARTICLE 51:** To see if the Town will vote to transfer, the sum of Seventy-five thousand dollars (\$75,000.00), or any other sum, from Article #16 of the Special Town Meeting of October 17, 2006 to the Wastewater Stabilization Fund Account, or, to take any other action relative thereto.

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 Seventeenth Day of April in the year of our lord Two thousand seven.

UPTON BOARD OF SELECTMEN

Joan E. Shanahan, Chairman

Marsha A. Paul, Member

Robert J. Fleming, Member

A true copy, Attest:

James R. Bates, Constable

Date: April 20, 2007

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