



**ANNUAL TOWN MEETING MINUTES
TUESDAY, NOVEMBER 20, 2007
HIGH SCHOOL AUDITORIUM
62 CAPRON STREET, UXBRIDGE, MASSACHUSETTS**

Moderator Harold Klei gavelled the town meeting to order at 7:00pm and declared that a motion was present. He read an announcement from Department of Public Works Commissioner Larry Bombara regarding municipal recycling center being open for raked leaves. The moderator introduced the new Town Counsel Patrick Costello and the Town's new Director of Planning and Economic Development, Megan DiPrete.

Motion: That annual town meeting was adjourned for the special town meeting, and will be resumed after the special town meeting is adjourned. Moderator declared that the motion passes. He then recognized the Boy Scout troop in attendance and announced the rules for both the special and annual town meetings. The moderator then called the special town meeting to order.

After the special town meeting adjourned, the annual town meeting was called back to order.

ARTICLE 1: REPORTS

To hear the report of any outstanding committee and act thereon.

SPONSOR: Board of Selectmen (Town Manager)

FY2009 Budget Planning/Summits – Town Manager Jill Myers

Capital Committee – Chairman Jack McCarthy

Blanchard Building Reuse Opinion Survey – Selectman Kevin Kuros

School Town Building Maintenance Fund - Chairman Larry Bombara

MOTION: No motion.

RECOMMENDATION OF THE FINANCE COMMITTEE: N/A

VOTE NEEDED: N/A

ARTICLE 2: PRIOR YEAR BILLS

To see if the Town will vote to raise and appropriate, or transfer from available funds such sums as required to pay prior fiscal year's bill(s), or take any other action related thereto.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: FY07 invoice(s) that had inadvertently not been processed or paid.

MOTION: Move that the Town vote to transfer and appropriate the amounts as stated in the following chart for any purpose for which funds may be expended from the latter accounts, each item being considered a separate appropriation for FY08:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO ACCOUNT AND FOR</u>
\$239.00	Ambulance Enterprise Expenses Account #602-231-5502	Ambulance Enterprise Expense Prior Year Account #602-231-5788 Prior year bill for Ambulance oxygen expense not paid due to billing error created when the firm providing the service was sold.
\$171.10	Town Hall Expenses #001-192-5120-0000-	Blanchard Expenses (Electricity Expenses) Account #001-198-5788 Prior year bill that was not paid due to an error in posting payments to

	000	a billing account which serves multiple municipal and school locations.
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RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (7-0-0).
This is a standard article and required to pay any outstanding bills from the prior fiscal year.

VOTE NEEDED: Requires a 4/5th vote.

MOTION PASSES UNANIMOUSLY

ARTICLE 3: FY08 BUDGET AMENDMENTS

To see if the Town will vote to transfer from available funds, including so called “free cash” and appropriate, or to raise and appropriate a sum of money to balance certain line item accounts within the FY08 budget approved under Article 5 of the May 8, 2007, Annual Town Meeting, or take any other action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: The purpose of the article is to make adjustments to balance the FY08 budget as voted at the Spring Annual Town Meeting; new appropriations or budget reductions. The FY08 budget as voted at the Spring Annual Town Meeting is currently out of balance with a deficit of \$170,576. The Town received a \$55,000 pothole grant, which is accounted as a miscellaneous non-reoccurring general receipt, thereby reducing the deficit to \$115,576. The tax rate cannot be set until the budget is balanced.

MOTION: Move that the Town vote to transfer and appropriate the amounts as stated in the following chart for any purpose for which funds may be expended from the latter accounts, each item being considered a separate appropriation for FY08:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO ACCOUNT AND FOR</u>
\$115,576.00	Free Cash	General Budget: This transfer is required to balance the FY 2008 budget as a result of adjustments to the estimated Cherry Sheets that were released on July 25, 2007 and created a budget deficit of \$170,576. The two primary adjustments were \$58,782 for the Central Mass. Mosquito Control Project, as approved via Article 14 of the Spring Annual Town Meeting, and a net increase of \$117,025 in other assessments. Small adjustments between Cherry Sheet accounts resulted in additional receipts of \$5,231.00. The Town recently obtained a DOE Pothole grant to offset a portion of the deficit.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (7-0-0).

As noted, this article is needed to balance the FY08 Budget. It is also required to set the tax rate. Adjustments to the Cherry Sheet – income from the Commonwealth to Uxbridge – resulted in a loss of \$170,576 to the town. A “pot hole” grant obtained with the assistance of the Blackstone Valley Tech offset this loss by \$55,000. The amount needed to balance the FY08 Budget is \$115,576.

VOTE NEEDED: Requires simple majority provided none of the funds are transferred from Stabilization or borrowed.

MOTION PASSES UNANIMOUSLY

ARTICLE 4: FY08 INTER/INTRA DEPARTMENTAL TRANSFERS

To see if the Town will vote to transfer and appropriate from available funds, including funds previously appropriated to other uses or so called “free cash”, or to raise a sum or sums of money to appropriate to accounts and for purposes to be specified at the Fall Town Meeting, or take any action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: The purpose of this article is to transfer funds within department budgets or from one department budget to another.

MOTION: Move that the Town vote to transfer and appropriate the amounts as stated in the following chart for any purpose for which funds may be expended from the latter accounts, each item being considered a separate appropriation for FY08 under Part A:

<u>PART A.</u>			
<u>1</u>	<u>AMOUNT</u>	<u>FROM</u>	<u>TO ACCOUNT AND FOR</u>
	\$1,105.94	FY1990 Overlay Account #001-000-1230-1990	Prior Years Overlay #001-000-1230-0000. The Overlay Reserve for abatements for each fiscal year should match the amount of outstanding taxes for any given fiscal year after the bulk of the tax levy has been retired or placed into tax title. The outstanding taxes, if not deemed to be collectable, and will eventually be written off through the Overlay account for that same year. There are outstanding tax balances between FY 1982 and 1987 and for FY 2000 that do not have sufficient overlay balances to write off those taxes. Favorable Town Meeting action will provide them and allow the levy for those years to be retired.
<u>2</u>	<u>AMOUNT</u> \$182.53	<u>FROM</u> FY1990 Overlay Account #001-000-1230-1990	<u>TO ACCOUNT AND FOR</u> FY 2000 Overlay #001-000-1230-2000. See above explanation
<u>3</u>	<u>AMOUNT</u> \$19,000.00	<u>FROM</u> Highway Salaries Account #001-422-5100	<u>TO ACCOUNT AND FOR</u> Highway Expense Account #001-422-5200. There are surplus funds in the Highway salaries account as the result of the elimination of one highway position and movements within the budget between the May and June Town Meetings. It is anticipated that this transfer, if approved will used to offset the increased cost of oil and fuel.
<u>4</u>	<u>AMOUNT</u> \$3,000.00	<u>FROM</u> Town Hall Expenses #001-192-5120	<u>TO ACCOUNT AND FOR</u> Blanchard Building Account #001-198-5200: The Blanchard Building was mothballed last year, with a zero line budget for FY 2008. The building still incurs minimal heat and security costs, which was to be paid for out of the Blanchard maintenance fund, an account that was first appropriated at Town Meeting as a feasibility study. The fund was changed to a maintenance account when the Town was successful in obtaining a grant for the feasibility study. We have since determined through discussions with the Massachusetts Historical Commission that the terms of the grant do not allow the maintenance account to be used for utility or security expenses.
		PART A. SUBTOTAL	\$23,288.47 (Dept Transfers; No Additional Appropriation)

PART B.			
1	AMOUNT	FROM	TO ACCOUNT AND FOR
	\$45,977.74	Free Cash	<p>Childcare Special Revenue Fund #250-303-3560-0000-232.</p> <p>The School Department budget turn-back was \$116,958. The Childcare Special Revenue fund was inadvertently charged \$45,977.74 for janitorial services that should have been paid for out of the School Department budget, resulting in a School Department turn-back that was higher than anticipated by the same amount. Favorable action by Town Meeting corrects the error.</p>
2	AMOUNT \$7,000.00	FROM Free Cash	TO ACCOUNT AND FOR Assessors Revaluation Account #002-141-5300-0001 The Assessors Department inadvertently released \$7,000 in departmental turn-backs due to a processing error. The Assessors budget \$15,000 annually towards revaluation. Failure to fund this transfer will require additional appropriation in FY 2009.
3	AMOUNT \$750.00	FROM Free Cash	TO ACCOUNT AND FOR Celebrations Account #001-692-5300. This purpose of this account is for the annual purchase of flags for veteran's graves. In FY 2007, the account also paid for the expense of providing a marching band for the Veteran's Day Parade. The cost of the flags uses virtually all of the appropriation, so a transfer of \$637.00 was sought and approved at the June 13 th Special Town Meeting in order to provide an appropriation which could pay for both items. The FY 2008 Celebrations budget, when crafted, did not anticipate the cost of the marching band, so the appropriation is currently insufficient.
		SUBTOTAL USE OF FREE CASH	\$53,727.74 (Additional Appropriations from Free Cash)
		GRAND TOTAL ARTICLE 4	\$77,016.21

RECOMMENDATION OF THE FINANCE COMMITTEE:

Part A - Favorable action (7-0-0).

Part B - Favorable action (5-2-0).

RECOMMENDATION OF THE BOARD OF SELECTMEN:

Part A – Favorable Action (3-0-0)

Part B – Favorable Action (2-1-0)

The Finance Committee makes a favorable recommendation on the above inter/intra transfers. Two members preferred that the School Department absorb the \$45,977.74 transfer for the Childcare Special Revenue Fund. Because these funds were mistakenly transferred into Free Cash, the majority of the committee feels these funds should be given back to the Childcare Fund.

VOTE NEEDED: Requires simple majority provided none of the funds are transferred from Stabilization.

PART A PASSES UNANIMOUSLY

PART B PASSES

ARTICLE 5: APPROPRIATIONS FOR COLLECTIVE BARGAINING AGREEMENT(S)

To see if the Town will vote to transfer and appropriate from free cash or from funds available in the treasury, including funds previously appropriated to other purposes, a sum or sums to fund the cost items of one or more collective bargaining agreements between the Town and its employees, or take any action relative thereto or thereon.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: The Police Union collective bargaining agreement is still pending. If agreement is reached, this article will appropriate the funds for any cost items.

RECOMMENDATION OF THE FINANCE COMMITTEE: No recommendation at this time. The bargaining agreement has not been completed.

VOTE NEEDED: Requires simple majority provided none of the funds are transferred from Stabilization.

NO MOTION

NO ACTION

ARTICLE 6: EMERGENCY BORROWING AUTHORIZATION – BERNAT MILL FIRE RECOVERY

To see if the Town will vote to raise, appropriate, and/or transfer from available funds, the sum of \$175,000 for the purpose of emergency appropriation for costs associated with the Bernat Mill fire of July 21, 2007, as approved by the State Emergency Board, and to meet this obligation, the Treasurer, with the approval of the Board of Selectmen is authorized to borrow up to \$175,000 under Chapter 44, Section 8, Clause 9 of the General Laws, or take any other action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: Passage of this article authorizes the Treasurer, with the approval of the Board of Selectmen, to issue debt for up to \$175,000 to pay for the costs incurred by the Town in fighting the Bernat Mill Fire of July 21, 2007. These costs include \$125,000 in direct wage, supplies and safety equipment expense, and \$50,000 in lost School supplies and equipment for the programs that were housed in the mill at the time of the fire. State statute mandates that the sum borrowed would have to be repaid within two years. Passage of this article provides an option for the BOS to borrow in the event that there are insufficient available funds to cover the Town's expenses from the Bernat Mill fire response. However, the Town received a State Supplemental Budget Appropriation, but the release of those funds is pending. Should that be received before Town Meeting, this article will be passed-over.

RECOMMENDATION OF THE FINANCE COMMITTEE: No recommendation at this time. Additional State aid, which will cover the cost of the fire, has been voted by the legislature and not yet approved by the Governor. Uxbridge expended \$116,383 on the Bernat fire.

VOTE NEEDED: Requires a 2/3rd vote.

NO MOTION

NO ACTION

ARTICLE 7: ACCEPTANCE OF MGL CHAPTER 32 B, SECTION 18 – MEDICARE HEALTH BENEFITS FOR TOWN RETIREES

To see if the Town will vote to accept the provisions of G.L. c. 32B, Section 18, requiring that all eligible retirees of the Town utilize the federal Medicare program for health insurance, by voting that the Town shall require all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, his/her spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, his/her spouse or dependents, to enroll in a Medicare health benefits supplement plan offered by the Town.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: This is part of a strategy to identify health benefits cost savings to the Town, and to mitigate future increases to both the Town and subscribers. Acceptance of Section 18 will require all Medicare eligible Town & School retirees to migrate from the Town's active health benefit plans to the Town's Medicare supplement plans. While many retirees are on the Medicare supplement plans, a small number of Medicare eligible retirees are commingled within the Town's active plans. This adversely affects the Town's claims experience on the active plans which is a component of the rate setting process of the premiums paid by the Town and employees. The Medicare supplement plans offer comparable benefits, depending on the retiree's choice of plan, and offer nationwide access. Retirees will not lose the ability to be insured and the Town currently contributes 80% of retiree's health insurance premium. The Town must contribute to Medicare, which includes all employees hired after 1986. Enrollment for these plans occur in January 2008. For further description of MGL, please see: www.mass.gov/legis/laws/mgl/32b-18.htm.

MOTION: I move to approve Article 7 as printed.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (5-1-1).

The action will move all Medicare eligible retirees off the Town's health insurance plan to Medicare Part B. To save the town money the town has moved eligible retirees to Medicare. However, this was a practice, not an adopted policy. Acceptance of MGL Chapter 32 B, Section 18 is required to make this cost savings measure an authorized policy.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable action (2-1-0)

VOTE NEEDED: Requires a simple majority.

MOTION FAILS

ARTICLE 8: ROOF AND HVAC REPLACEMENT – WASTEWATER TREATMENT FACILITY

To see if the Town will vote to appropriate the sum of \$310,000 for the purpose of replacing existing roofs and HVAC equipment and associated appurtenances at the Wastewater Treatment Facility and to meet this obligation, the Treasurer, with the approval of the Board of Selectmen is authorized to borrow up to \$310,000 under Chapter 44 of the General Laws or any other enabling authority, and further that while this borrowing shall be a general obligation of the Town, it is the intent of the Town that the principal of and interest on this borrowing including costs associated with this borrowing will be paid from the Wastewater enterprise fund, or take any other action relating thereto.

SPONSOR: Water and Sewer Commissioners¹ (DPW Superintendent)

Commentary: The Wastewater Facility was constructed in 1978-79 and the roofing system consists of ~18,000 square feet of roofs. A survey was conducted by Tremco Inc which included through visual inspections, Infrared moisture testing, core-sampling and thermograms. 83% of the roofs were found to be in need of replacement. Along with roof replacement, the HVAC unit on the Administration has been repaired numerous times and is non-functional at this time. That unit will also be replaced during the re-construction.

MOTION: I move that the Town vote to appropriate the sum of \$310,000 for the purpose of replacing existing roofs and HVAC equipment and associated appurtenances at the Wastewater Treatment Facility and to meet this obligation, the that Treasurer, with the approval of the Board of Selectmen be authorized to borrow up to \$310,000 under Chapter 44 of the General Laws or any other enabling authority.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (7-0-0)

¹ The Board of Selectmen also serve as the Water and Sewer Commissioners per the Town Charter.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable action (3-0-0)

The report from Larry Bombara, Director of Public Works, indicates that the roof and HVAC system at the waste water plant are in bad shape. The building was completed in 1979. A survey of the facility indicated \$288,000 was needed for the repair of the building. The remaining \$22,000 is for contingency (~8%). The plan is for the work to be financed through a 20 year debt vehicle. The cost to the user will be \$22 a year.

VOTE NEEDED: Requires a 2/3rds vote.

MOTION PASSES

ARTICLE 9: IMPROVEMENTS TO MUNICIPAL WATER SUPPLY SYSTEM

To see if the Town will vote to appropriate the sum of \$3,500,000 for the purpose of improving the Municipal Water Supply System, including the construction of a well and process building at the “Rosenfeld” well field, design and construction of water lines from said well field to existing lines on Quaker Highway and or Millville Road and acquiring any and all easements necessary for the project; that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen is authorized to borrow up to \$3,500,000 under Chapter 44 of the General Laws or any other enabling authority; that the Board of Selectmen is authorized to apply for, accept and expend any available federal or state funds or grants and/or gifts of any kind for the purpose of this project; that the Board of Selectmen is authorized to take any other action necessary to carry out this project; and further that while this borrowing shall be a general obligation of the Town, it is the intent of the Town that the principle and interest on this borrowing will be paid for from the Water Enterprise Fund and/or the Water System Development Account; or take any other action relating thereto.

SPONSOR: Water and Sewer Commissioners (DPW Superintendent)

Commentary: In 2002, The Town’s water engineers, Tata and Howard, evaluated the Town’s supply using DEP’s 2001 guidelines and it was determined that there would be a supply deficit beginning in year 2007 and increasing to 1.40 million gallons per day by year 2023. Although seeking DEP approval to maximize the potential yield at the Bernat well field may be an option to increase supply, it would not eliminate the need for additional sources to be put on line in the very near future. Running wells to the maximum not only reduces water quality, but increases maintenance costs as in the case of the Blackstone Street well field. It is also the consensus that it is more prudent to add an additional well field on-line at this time to diversify aquifer withdrawals throughout the Town for increased contamination protection. This project has been ongoing since 1998 when negotiations began for the acquisition of the land, the subsequent purchase approved in 2004 and the design of the well field being approved in 2006. The construction of this well should reduce our deficit by ~50%.

MOTION: I move that the Town will vote to appropriate the sum of \$3,500,000 for the purpose of improving the Municipal Water Supply System, including the construction of a well and process building at the “Rosenfeld” well field, design and construction of water lines from said well field to existing lines on Quaker Highway and or Millville Road and acquiring any and all easements necessary for the project; and to meet this appropriation, that the Treasurer with the approval of the Board of Selectmen be authorized to borrow up to \$3,500,000 under Chapter 44 of the General Laws or any other enabling authority; that the Board of Selectmen be authorized to apply for, accept and expend any available federal or state funds or grants and/or gifts of any kind for the purpose of this project; and that the Board of Selectmen take any other action necessary to carry out this project.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (4-3-0)

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable action (2-1-0)

The Town’s water system is seen as one of the town’s major assets. The article moves to open up a new water source with the construction of a new well pump station (Rosenfeld property) and a new transmission main. The costs of these two projects are \$1,500,000 and \$1,800,000, respectively. The Town recently lost one of its Bernat wells. A majority of the Finance Committee feels this article is needed to insure the town has an adequate water supply. The minority feels this project is not the Town’s highest capital (infrastructure) need at this time. The cost to the user is estimated at \$113 a year.

VOTE NEEDED: Requires a 2/3rd vote.

MOTION PASSES BY STANDING VOTE: Yes: 82, No: 39

ARTICLE 10: RENUMBERING/REVISION OF TOWN GENERAL BYLAWS - CODIFICATION

To see if the Town will vote to accept the numbering and revision of the various General Bylaws of the Town from their original numbering to the numbering or codification, arrangement, sequence and captions and the comprehensive revisions to the text of the General Bylaws as set forth in the New Final Draft of the Code of the Town of Uxbridge dated September, 2006, said codification having been done under the direction of the Board of Selectmen and the Bylaw Review Committee, and said Code being a compilation and comprehensive revisions to the present bylaws of the Town of Uxbridge. All bylaws of a general and permanent nature, as amended, heretofore in force and not included in this Code shall be repealed, except for those adopted and or amended after the effective date of this re-codification contract, and except that such repeal shall not affect any suit or proceeding pending as the result of an existing law, and such repeal shall not apply to or affect any personnel bylaw or any bylaw, order or article heretofore adopted accepting or adopting the provisions or any statute of the Commonwealth of Massachusetts. These bylaws shall be referred to as "Division 1, General Bylaws". A copy of the proposed New Final Draft is available for view in the Offices of the Board of Selectmen, the Town Clerk and the Town Manager. Or take any other action in relation thereto.

SPONSOR: Bylaw Review Committee

Commentary: The Town of Uxbridge needs to modernize its body of law, including the Charter and General & Zoning Bylaws, making it more readily and easily available, understandable, and up-to-date for the citizens, employees and officials of the Town of Uxbridge. To do so, in September 2005, the Board of Selectmen appointed citizens to the Bylaw Review Committee in accordance with Article 7, Section 6(b) of the Town of Uxbridge Charter. The Bylaw Review Committee has prepared renumbered/revised General Bylaws in an easy-to-read, up-to-date document that will be a valuable tool for decades to come. In addition to organizing and reformatting, the bylaws have been updated to bring them into conformance with the Charter and Massachusetts General Laws. The adoption of the Charter established a new form of government in the Town of Uxbridge, thereby eliminating various components of the old government and leaving the current bylaws with outdated and incorrect references. These changes, along with changes due to amendments in Massachusetts General Laws are reflected in the New Final Draft.

MOTION: I move that the Town vote to accept the numbering and revision of the General Bylaws of the Town of Uxbridge from their original numbering to the codified numbering, arrangement, sequence and captions; and the comprehensive revisions to the text of the General Bylaws as set forth in the document entitled "New Final Draft of the Code of the Town of Uxbridge" dated November, 2007, with the following amendments:

NOTE: *Shaded italicized words are to be deleted.* **Bold underlined words are to be added.**

(1) § 16-1. Capital Planning Committee.

A. As authorized under Chapter 81 of the Acts of 2002, the Town of Uxbridge hereby changes the composition of the Capital Planning Committee created thereunder, as follows: The Committee shall consist of an odd number of ~~voting members~~ **citizens of Uxbridge**, not ~~fewer~~ **less** than five ~~(5)~~ **who shall be voting members**, appointed by the Town Manager. The Town Manager and the Town Treasurer shall be participating, but non-voting members. The Town Manager shall establish the terms of all appointments and qualifications of appointees, **not to exceed three (3) years**. As further authorized under Chapter 81 of the Acts of 2002, the Town may change the composition of this Committee by majority vote at any Annual or Special Town Meeting.

(2) § 16-2. Capital Improvement Plan.

A. The Capital Planning Committee shall make timely reports, at least annually, to the Town Manager ~~and Board of Selectmen~~. The annual report to the Town Manager shall be at such time as ~~he or she~~ **the Town Manager** directs, consistent with other reporting requirements established by the Town Charter, and shall include at least:

- (1) A clear and concise general summary of its contents;
- (2) A list of all capital improvements and/or purchases proposed to be undertaken during the next ensuing five **(5)** fiscal years, with supporting information as to the need for each capital improvement and/or capital purchase;
- (3) Cost estimates, methods of financing and recommended time schedules for each improvement and/or capital purchase;
- (4) The estimated annual cost of operating and maintaining each facility and piece of major equipment involved in the improvement and/or capital purchase; and
- (5) Such other information as shall be required by the Town Manager and/or policies set by the Board of Selectmen.

(3) § 59-4. Appointment of Town Counsel. [Amended with November 2007 codification]

The Selectmen shall annually, within 30 days after the final adjournment of the spring session of the Annual Town Meeting, appoint a member of the Bar who is in good standing to serve as Town Counsel for not less than one *nor more than three years and year* until a successor is appointed and enters upon the performance of its duties. The Selectmen shall likewise fill any vacancy in said office for the unexpired term and may employ special counsel to assist the said Town Counsel whenever, in their judgment, necessity thereof arises.

(4) § 125-11. Motions in writing. [Amended with November 2007 codification]

All main motions and *amendments thereto* all motions having to do with the expenditure of money shall be presented to the Moderator in writing; All other motions shall be in writing if so directed by the Moderator.

(5) § 125-13. Priority of motions. [Amended with November 2007 codification]

When a question is before the meeting, the following motions, namely: 1) To adjourn; 2) To lay on the table; 3) The previous question; 4) To postpone to a time certain; to commit; recommit or to refer; 5) To amend; 6) To postpone indefinitely; shall be received, and shall have precedence in the foregoing order, and the first three motions shall be decided without debate. On proposed amendments involving sums of money, the larger or largest amounts shall be put to question first and an affirmative vote thereon shall be a negative vote on any smaller amount.

(6) § 146-3. Dog fees. [Amended with November 2007 codification]

- F. All kennel owners will show proof of rabies vaccination at the time of the license issuance for all dogs that currently reside on that property, and all certificates are to be made available at time of any inspection.

(7) § 327-3. Obstruction of public ways. [Amended with November 2007 codification]

No person shall place snow, ice or any other materials, including leaves, gravel, sand, *etc.*, or similar debris from private property onto the traveled portion of a public way or sidewalk so as to impede or obstruct the use of such public way or sidewalk or so as to create a hazard or unsafe condition on such a public way or sidewalk.

All bylaws of a general and permanent nature, as amended, heretofore in force and not included in this Code shall be repealed, except for Section XXXI – Historic Mill Adaptive Reuse Overlay District, which is improperly placed in the General Bylaws; and except for those adopted and or amended after the effective date of this re-codification contract; and except that such repeal shall not affect any suit or proceeding pending as the result of an existing law, and such repeal shall not apply to or affect any personnel bylaw or any bylaw, order or article heretofore adopted accepting or adopting the provisions or any statute of the Commonwealth of Massachusetts.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (5-0-2)

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable action (4-0-0)

The Bylaw Review Committee has worked long and hard on this project. The article serves to 1) update the Town's bylaws to be in compliance with Massachusetts General Law (MGL), 2) reconcile the bylaws with the Charter, and 3) clean up any format or numbering issues with the bylaws. Part of the recommendation is to increase the penalties defined in the bylaws to the maximum allowed by MGL. The increases are nominal. The article only changes the town's general bylaws; the zoning bylaws will be reviewed at a later time. The Finance Committee recommends that any remaining problems with the General Bylaws be cleaned up at the Spring Annual Town Meeting.

VOTE NEEDED: Requires a two-thirds vote

MOTION PASSES

ARTICLE 11: ZONING BY-LAWS AMENDMENT FOR EXPEDITED PERMITTING

To see if the Town will vote to amend the Uxbridge Zoning By-laws by making the following changes regarding expedited permitting pursuant to MGL c. 43D:

ITEM 1

Delete Section VIII, Subsection A "Special Uses Controlled" in its entirety and substitute the following therefor:

SUB- SECTION A: SPECIAL PERMIT FOR MAJOR NONRESIDENTIAL PROJECT

1. **Purpose.** The purpose of this section is to protect the health, safety, convenience and general welfare of the inhabitants of the Town by providing for a review of plans for uses and structures which may have significant impacts on traffic, municipal and public services and utilities, environmental quality, community economics, and community values in the Town.
2. **Applicability.** Notwithstanding any provisions contained in Section VII or elsewhere in this By-law to the contrary, a special permit from the Planning Board for a Major Nonresidential Project shall be required for all developments which meet any of the following thresholds:
 - A. Total gross floor area of 20,000 square feet or more;
 - B. 50 or more required parking spaces.
 - C. Total daily trip generation of 400 or more trips as estimated by the Institute of Traffic Engineers Trip Generation Manual, latest edition;
 - D. Inclusion of a drive-in or drive-through facility. A drive-in or drive-through facility shall mean an establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.
3. **Application and Review Procedure.**
 - A. Prior to the formal filing of an application and the required exhibits under this section, the applicant shall submit seven copies of a plan showing the existing and proposed buildings and structures, parking spaces, access way, landscaping, and uses with the Planning Board, and shall request a meeting with the Board for a scoping session to define the scope of the project, the specific information that may be needed, and any waivers from the procedural and technical requirements of this Section, or shall request that a scoping session be waived because the scale and scope of the project do not warrant it or because the project is a modification of a previously approved site plan.
 - B. After the scoping session, or after the scoping session was waived by the Planning Board, the applicant shall submit the number of copies required by the Rules and Regulations of the Planning Board of the items

specified herein, except for those waived by the Board. The Board shall forthwith distribute copies thereof to the Building Commissioner, Board of Health, Conservation Commission, Police and Fire Departments, Department of Planning and Economic Development, Department of Public Works, Water Department, Board of Selectmen, and such other departments and boards as the Planning Board may deem appropriate.

- C. Such agencies shall, within 35 days of receiving said copy, report to the Planning Board on (1) the adequacy of the data and the methodology used by the applicant to determine impacts of the proposed development and (2) the effects of the projected impacts of the proposed development. Said agencies may recommend conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development. Failure by any such agency to report within the allotted time shall constitute lack of opposition by that agency as to the adequacy of the submittal and to the project itself.
- D. The Planning Board shall not render a decision on said application until it has received and considered all reports requested from Town departments and boards, or until the 35 day period has expired, whichever is earlier. Where circumstances are such that the 35 day period is insufficient to conduct an adequate review, the Planning Board may, at the written request of the applicant or any board, department or official named in paragraph B above, extend such period to 60 days.
- E. The Planning Board shall hold a public hearing on any properly completed application within 65 days after filing, shall properly serve notice of such hearing, and shall render its decision within 90 days of the close of said hearing. The hearing and notice requirements set forth herein shall comply with the requirements of G.L. Chapter 40A, Section 11. All costs of the notice requirements shall be at the expense of the applicant.
- F. If the Major Nonresidential Project also requires a special permit from the Board of Appeals, the petition to the Board of Appeal shall be filed not earlier than 14 days after receipt of the fees, plans, and the complete application for a Major Nonresidential Project Special Permit.
- 4. Contents and Scope of the Application.** An application under this section shall comprise the following drawings, exhibits, and statement prepared by and bearing the seals and signatures of qualified professionals, such as a registered professional engineer, architect, land surveyor, landscape architect and others, as necessary, and shall include a completed application form signed by the owner of the site, and the required back up information or exhibits, processing and review fees. The Planning Board shall require substantive compliance with these requirements and with the following requirements for impact statements, and may, by regulation or vote, impose additional requirements, interpret and apply these requirements, and grant waivers therefrom when warranted by the scope of the project or other special circumstances, and the ability to review the project is not affected adversely by the waiver.
- A. A site plan at a scale of 1" = 40', unless a different scale has been approved by the Planning Board, showing existing and proposed (including changes of grade):
 - 1. the recorded boundaries and area of the parcel of land;
 - 2. the location, size and material of all buildings and structures;
 - 3. public utilities or services;
 - 4. parking areas, paved walks, drives, and other spaces;
 - 5. landscaped areas;
 - 6. wooded areas and major freestanding trees;
 - 7. outdoor lights;
 - 8. streams, water bodies, wetlands and flood plains,
 - 9. topography of the site and of abutting areas for at least 300 adjacent feet;
 - 10. zoning district boundaries;
 - 11. names of abutting owner according to assessors records;
 - 12. names and widths of streets;
 - 13. purposes and dimensions of easements and rights of ways on or within 300 feet of the site.

- B. Landscaping and planting, including plant species and size, outdoor lighting and illuminated signs, fences and screening, shall be shown on a separate sheet or sheets in sufficient detail to permit evaluation.
 - C. A perspective view or isometric drawing of the proposed development shall be provided, unless this requirement is waived by the Planning Board, or unless the site plan review is required due to a change in use and no structural changes are planned.
 - D. Building elevations and floor plans, showing the proposed uses, outside material and color of all buildings, unless no exterior or floor plan change is planned. A tabulation of proposed employees, occupants, and floor areas to be devoted to various uses, and of the existing, required and proposed parking spaces for such uses shall be provided on the floor plan drawing (show all floors and basement).
 - E. A locus plan at a scale of 1" = 100' showing streets, lots, buildings, and topography at 5 or 10 ft. contour interval, respectively, for at least 500 feet from the site, shall be included on the cover sheet or separately.
- 5. Statements.** The following impact assessment statements shall be submitted with the application:
- A. Traffic impact assessment: Its purpose shall be to document the existing traffic volumes, capacities, controls, road condition, hazards, and level of service on the site and the streets adjacent to the site; to project changes due to the site development and to the background traffic growth or decline; to assess the projected impact of such changes; and to propose and discuss management and structural improvements and mitigation measures, both on and off the site.
 - B. Environmental impact assessment: It shall include a substantiated assessment of the existing and expected post-development environmental conditions, including air and water quality, pollution of ground, water, and air, noise levels, harmful or noxious emissions, damage or threat to wetlands and flood plain, plants and animals, and the visual environment. The potential for erosion or sedimentation and the proposed or existing control measures shall be discussed. Glare, smoke, odors, vibration, electromagnetic radiation, effects on groundwater supply, streams, water bodies, unique or valuable vistas, symbiotic ecological relationships of animal and plant communities, and compatibility of the project with the existing and future natural and manmade environment shall be considered, and any expected changes and preventive or corrective actions shall be discussed. Waste disposal, snow removal, maintenance of landscaped and paved areas, off-site environmental impacts, and drainage shall be discussed, and pre- and post-development drainage calculations for 10 and 100 year storm shall be included.
 - C. Community and fiscal impact assessment: The assessment shall consider the existing and projected demand for public or municipal services (such as schools and cultural institutions, fire and police, medical and social services, water and sewer, waste disposal, administrative and inspection services), historical and visual compatibility, revenues to the town, voluntary contributions and services, and the effects of the project failing, not living up to the projections, or having to modify structures and uses for economic reasons. The assessment shall also consider fiscal or economic impacts, and compatibility with the town Master Plan and other plans and development policies, and shall explain and evaluate any zoning changes or variances sought or obtained.
- 6. Development Impact Standards and Recommendations.** The following standards and recommendations shall be used by the applicants in preparing plans and by the Planning Board in reviewing them. The required standards must be substantially met in order for a special permit to be granted, the recommended standards are intended as a flexible guide and not meant to discourage creativity and innovation.
- A. Required Traffic and Parking Standards.
 - 1. The net effect of the project and the mitigating measures or improvements (the execution of which

must be guaranteed) shall be no worsening of the level of service (LOS) by more than one level or level D or E on the streets providing access to or egress from the site and within the nearest public street intersections in either direction.

2. Traffic signs and signals, storage and turning lanes and movements, curbs and curbcuts, pavement widths and grades, separation of pedestrian and vehicular traffic, sight distances, directional signs and markings shall all conform to the professional norms and design standards of the Institute of Transportation Engineers, and to the accepted professional standards.
3. Binding provisions shall be made to compensate for errors in projecting the potential traffic volumes and travel routes.
4. The traffic study shall be based on actual counts on any street or intersection likely to be affected by the development taken within 12 months prior to the filing of the application.
5. The required parking for a Major Nonresidential Project shall be calculated in accordance with the following schedule:

Retail use	1 space per 250 sq. ft. gross floor area
Office use	1 space per 200 sq. ft. gross floor area.
Other nonresidential use	1 space per 200 sq. ft. gross floor area

The Planning Board may reduce the amount of required parking where the applicant demonstrates that shared parking or other available parking is sufficient to serve the premises.

B. Recommended Traffic Standards:

1. Make legally binding arrangements to reduce traffic by single occupancy cars and to promote public transportation, carpools, off-site parking for employees, and other traffic-reducing measures.
2. Minimize traffic conflict points between vehicles and pedestrians by adhering to the subdivision street design standards of the Rules and Regulations for the Subdivision of Land in Uxbridge.
3. Locate access and exit points so as to route site-generated traffic so far as practicable away from residential streets.

C. Required Environmental Standards:

1. The proposed development shall not cause significant environmental harm or hazard through emissions of noise, dust, fumes, toxic or noxious gases, electromagnetic radiation, water pollution, soil contamination, excessive smoke, vibration, or other toxic, harmful, or hazardous agents.
2. The proposed development shall not increase the potential for sedimentation, erosion, or flooding, raise the water table, either on site or on adjacent properties and streets, to an appreciable extent, and shall not increase the rate of runoff from the site, unless such increase is deemed by the Planning Board to be beneficial.
3. Exterior lighting shall be arranged to minimize glare and objectionable spillover onto adjacent properties.
4. No unique environmental features, habitats, or vistas shall be endangered or destroyed.
5. Proper mitigation measures shall be taken to minimize any unavoidable harmful impacts, and

replication or relocation shall be used, where appropriate, to preserve valuable environmental features, parts of which may be adversely affected or damaged by the proposed development.

D. Recommended Environmental Standards:

1. Locate proposed structures so as to minimize obstruction of sunlight during daylight hours and to allow the use of solar energy panels.
2. Use planting and landscaping to create a visually pleasing setting and to screen parking and service areas, especially from residential neighborhoods.
3. Where possible, recharge uncontaminated water to the ground and minimize discharges to public storm and sanitary sewers.

E. Required Community and Fiscal Standards:

1. The revenue and service fees from the projected development shall equal or exceed the projected cost of public services attributable to it as its share of the total municipal cost of such services.
2. In the event that the projected development does not materialize as envisioned, provisions shall be made to minimize adverse financial, social, and visual impacts and to prevent deterioration and blight.
3. If the proposed development will require or accelerate off-site capital expenditures to provide the needed facilities and services or to mitigate adverse impacts, the applicant (owner) shall be responsible for the payment of impact fees at least equal to the share of the total cost attributable to the project, but excluding any part of such capital expenditures coming from federal or state grants and any part of the operating costs.

F. Recommended Community and Fiscal Standards:

1. Make the development conform, so far as feasible, to any adopted plans for the town or the neighborhood, including plans for land use and zoning, open space and conservation, circulation and the expansion of water, sewer, and other services and facilities.
2. Make the development consistent or compatible with the neighborhood as regards the size, materials, style, and treatment of elements of structures. This shall not be interpreted to mandate uniformity or discourage creativity.
3. Minimize grading and destruction of the natural ground cover by adapting development to the environment, rather than changing the environment more than necessary.
4. Design to keep low the cost of operation and maintenance of public services and facilities.

7. **Planning Board Findings and Action.** Prior to approving, approving with modifications and conditions, or disapproving a special permit, the Planning Board shall make written findings whether the application meets each of the required traffic, environmental, community and fiscal standards, and to what extent the various recommended standards are applicable and are met by the proposal. The Planning Board shall also make a written finding whether the application as a whole substantially conforms to the intent of this by-law and proposes an appropriate and beneficial development of the site. The findings shall be included in the certificate of action which the Planning Board shall transmit to the applicant, the Town Clerk, the public agencies which submitted written comments on the site plan, and to any person attending the public hearing who has requested a copy of the decision. If the Board approves the special permit, the certificate

of action shall also list any waivers granted by the Planning Board and any modifications, conditions, and safeguards imposed at the time of approval.

- A. Except where the required standards are clearly inapplicable or have no effect, or where the impact would be as severe if the site were developed in a way requiring no special permit review and permissible as of right, the Planning Board shall not grant waivers from the required standards or grant a special permit not meeting some of the required standards. A special permit application not meeting two or more recommended standards may be disapproved, or the Planning Board may find that the standards do not apply, are of no significance, or their intent is adequately met by other means.
 - B. Approval may be conditioned on the applicant modifying the plan or meeting other requirements before the special permit is granted by the Planning Board.
 - C. Approval may be conditioned on the applicant meeting certain requirements after the appeal period has expired either before construction work begins or by the time a specified stage is reached. Such conditions may be enforced by refusal by the Building Commissioner to issue an occupancy permit, or by realizing on any surety posted by the applicant to ensure satisfactory performance.
- 8. Conditions, Limitations and Safeguards.** In granting a special permit, the Planning Board may impose conditions, limitations and safeguards which shall be in writing and shall be a part of such special permit. Such conditions may include, among other matters and subjects:
- A. Controls on the location and type of access to the site;
 - B. Controls on the number of vehicles that arrive or depart during the morning and/or evening peak hours (including controls on the maximum number of vehicles which may use the off-street parking areas during said periods);
 - C. Requirements for off-site improvements to improve the capacity and safety of roads, intersections, pedestrian ways, water, sewer, drainage, and other public facilities which are likely to be affected by the proposed development;
 - D. Requirements for donation and/or dedication of land for right-of-way to provide for future roadway and/or intersection widenings or improvements;
 - E. Requirements for securing the performance of all proposed work, including proposed off-site improvements, by either or both of the following methods: (1) a performance bond, a deposit of money, negotiable securities, letter of credit, or bank passbook in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements required as conditions of approval; (2) a covenant running with the land, executed and duly recorded by the owner of record, whereby the required improvements shall be completed before the property may be conveyed by other than a mortgage deed;
 - F. Conditions to minimize off-site impacts on traffic and environmental quality during construction.
- 9. Administration.** The Planning Board shall establish and may periodically amend rules and regulations relating to the administration of this section, including additional regulations relating to the scope and format of reports required hereunder. The Planning Board shall establish and may periodically amend a schedule of fees for all applications under this section. No application shall be considered complete unless accompanied by the required fees.
- A. The Planning Board shall be responsible for deciding the meaning or intent of any provision of this section which may be unclear or in dispute.

ITEM 2

Add the following to the Zoning By-law as new Section XXVIII:

SECTION XXVIII SPECIAL PERMITS.

- A. Special Permit Granting Authority. Unless specifically designated otherwise, the Board of Appeals shall act as the Special Permit Granting Authority. Where designated, the Planning Board or the Board of Selectmen shall serve as Special Permit Granting Authority.
- B. Criteria. Special permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this By-Law, the determination shall include consideration of each of the following:
1. Social, economic, or community needs which are served by the proposal;
 2. Traffic flow and safety, including parking and loading;
 3. Adequacy of utilities and other public services;
 4. Neighborhood character and social structures;
 5. Impacts on the natural environment; and
 6. Potential fiscal impact, including impact on town services, tax base, and employment.
- C. Procedures. An application for a special permit shall be filed in accordance with the rules and regulations of the Special Permit Granting Authority.
- D. Conditions. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the Special Permit Granting Authority may deem necessary to serve the purposes of this By-Law.
- E. Plans. An applicant for a special permit shall submit a plan in substantial conformance with the rules and regulations of the Special Permit Granting Authority or as set forth in this By-law.
- F. Regulations. The special permit granting authority may adopt rules and regulations for the administration of this section.
- G. Fees. The special permit granting authority may adopt reasonable administrative fees and technical review fees for applications for special permits.
- H. Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

Or take any other action relating thereto.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: This is one of the critical components to the Expedited Permitting process. It establishes the process by which an application for development of a "Priority Development Site" (PDS) and other larger non-residential project applications will be reviewed. The process is quite standard, and is very similar to that outlined by recent ZBL changes, although it is far more thorough in describing both the submittal requirements and the review criteria.

MOTION: I move that Article 11 be voted as printed in the warrant, with the exclusion of the phrase, "or take any action relative thereto."

RECOMMENDATION OF THE PLANNING BOARD: Unanimously recommend adoption as printed.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (4-1-0)

To quote from Megan DiPrete, Director of Planning and Economic Development:

- In November 2006, Town Meeting voted to accept the provisions of Chapter 43D of Mass General Law, Expedited Permitting, relative to our Priority Development Site (PDS) on Douglas Street.
- “Expedited permitting” projects are entitled to decisions on permit applications within 180 days.
- The Zoning Bylaw establishes the process by which large scale development projects will be evaluated, so that applicants will know what the expectations are, and the town’s board’s will have a solid context for decision making.
- The Town was awarded an \$116,000 grant through the 43D program to be used to review our zoning and general bylaws, develop a marketing plan (including a fiscal/economic analysis) for our Priority Development Site, acquire and implement a permit tracking software, and perform a variety of other specific tasks.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable action (3-0-0)

VOTE NEEDED: Requires a 2/3rd vote and a Planning Board report.

MOTION PASSES

ARTICLE 12: GENERAL BY-LAW AMENDMENT FOR EXPEDITED PERMITTING

To see if the Town will vote to amend the Uxbridge General By-laws by making the following changes regarding expedited permitting pursuant to MGL c. 43D:

ITEM 1

A. Section X: Earth Removal. Add the following paragraph to the end of Subsection B:

“Any application for a permit required hereunder in connection with the development of the Priority Development Site (PDS), as designated by Town Meeting pursuant to G.L. c. 43D and identified in the Assessor’s records as Map(s) ____, Lot(s) ____, shall be filed at the time of application for a special permit for a Major Nonresidential Project.”

Add the following paragraph to the end of Subsection C:

“A decision on any application for a license in connection with the development of the Priority Development Site (PDS), as designated by Town Meeting pursuant to G.L. c. 43D and identified in the Assessor’s records as Map(s) ____, Lot(s) ____, shall normally be rendered no later than twenty-one (21) days following the filing of a special permit decision for a Major Nonresidential Project with the Town Clerk, whichever is later.”

Add the following clause to the end of the first sentence of Subsection E:

“provided, however, that any license issued in connection with the development of the Priority Development Site (PDS), as designated by Town Meeting pursuant to G.L. c. 43D and identified in the Assessor’s records as Map(s) ____, Lot(s) ____, shall be valid for one (1) year from the issuance thereof or the issuance of a special permit for a Major Nonresidential Project, whichever is later.”

B. Section XXI: Sewer Privilege Charge. Add the following new sentence to the end of Subsection C, Article II, Section 1:

“Any permit or approval required hereunder in connection with the development of the Priority Development Site (PDS), as designated by Town Meeting pursuant to G.L. c. 43D and identified in the Assessor’s records as Map(s) ____, Lot(s) ____, shall be applied for at the time of application for a special permit for a Major Nonresidential Project,

and a decision thereon shall normally be rendered no later than twenty-one (21) days following the filing of the special permit decision with the Town Clerk, whichever is later.”

ITEM 2

A. Chapter 181: Excavations. Add the following subsection to Section 181-2:

“C. Any application for a permit required hereunder in connection with the development of the Priority Development Site (PDS), as designated by Town Meeting pursuant to G.L. c. 43D and identified in the Assessor’s records as Map(s) ____, Lot(s) ____, shall be filed at the time of application for a special permit for a Major Nonresidential Project.”

Add the following new subsection to Section 181-3:

“D. A decision on any application for a license in connection with the development of the Priority Development Site (PDS), as designated by Town Meeting pursuant to G.L. c. 43D and identified in the Assessor’s records as Map(s) ____, Lot(s) ____, shall normally be rendered no later than twenty-one (21) days following the filing of a special permit decision for a Major Nonresidential Project with the Town Clerk, whichever is later.”

Add the following clause to the end of the first sentence of Section 181-5:

“provided, however, that any license issued in connection with the development of the Priority Development Site (PDS), as designated by Town Meeting pursuant to G.L. c. 43D and identified in the Assessor’s records as Map(s) ____, Lot(s) ____, shall be valid for one (1) year from the issuance thereof or the issuance of a special permit for a Major Nonresidential Project, whichever is later.”

B. Chapter 289: Sewers. Add the following new sentence to the end of Section 289-11(A):

“Any permit or approval required hereunder in connection with the development of the Priority Development Site (PDS), as designated by Town Meeting pursuant to G.L. c. 43D and identified in the Assessor’s records as Map(s) ____, Lot(s) ____, shall be applied for at the time of application for a special permit for a Major Nonresidential Project, and a decision thereon shall normally be rendered no later than twenty-one (21) days following the filing of the special permit decision with the Town Clerk, whichever is later.”

Or take any other action relating thereto.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: Item 1 represents the language that would apply to the EXISTING general bylaws. Item 2 represents the language that would apply if the general bylaws are re-codified at the Fall Annual Town Meeting.

Overall, the “expedited permitting” requirements are that ALL land use permits are sought and reviewed expeditiously. In addition to the review provisions of the “major non-residential development” bylaw (which would presumably be adopted before any other bylaw changes), an applicant for a “Priority Development Site” (PDS) is required to submit ALL of the land use applications at the same time. The items in this article amend our bylaws to make that clear.

Section X/Chapter 181 governs earth removal, and requires a permit/license from the Board of Selectmen for the removal of soil, loam, sand and/or gravel. The recommended modifications provide, for the PDS, deadlines for submittal of an earth removal application and action thereon. Additionally, they provide that the one (1) year expiration of said license runs from the date of issuance thereof or the date of issuance of a special permit or site plan approval, whichever is later.

Section XXI/Chapter 289 governs sewer privileges, use and charges therefor. The recommended modification provides, for the PDS, deadlines for submittal of an application for any permit/approval required for connection to the public sewer and for action thereon.

MOTION: I move that Article 12 be voted as printed in the warrant with the exception that “Map 22, Lot 3283 and Map 23, Lot 3545” be inserted for all references to “Map(s) _____, Lot(s)_____”, as well as exclude the phrase, “or take any action relative thereto.”

RECOMMENDATION OF THE PLANNING BOARD: Unanimously recommend support and Town Meeting adoption (with Map/Lot numbers inserted as appropriate).

RECOMMENDATION OF THE FINANCE COMMITTEE: Recommendation at Town Meeting - awaiting recommendation of Planning Board.

VOTE NEEDED: Requires a 2/3rd vote and a Planning Board report.

Item 1 does not apply because codification passed in Article 10

MOTION PASSES

ARTICLE 13: GENERAL BYLAW AMENDMENT - DATE OF THE TOWN ELECTIONS

To see if the Town will vote to amend the Town’s General By-laws, Section II Town Meetings, Subsection A (Section 125-1 of re-codified bylaws): Date of Annual Town Meetings for election of officers, by replacing the text with the following:

DATE OF ANNUAL TOWN MEETINGS FOR THE ELECTION OF OFFICERS

The annual Town election for the election of Town officers and for the determination of all other matters to be referred to the voters shall be held on the fourth Tuesday in May, *except in those years when the immediately preceding Monday is a holiday, in which years the subsequent election shall be held on the third Tuesday in May.*

Or take any action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: *The changed text is underlined and italicized. Per the current by-law, the 2008 annual election is scheduled for May 27, 2008, the day following the Memorial Day holiday. Due to set-up and staffing constraints of the holiday, the Town Clerk requested to change the date of election when it falls on a Tuesday after a Monday holiday. As such, this change will provide for the 2008 annual election to be held on May 20, 2008. This by-law section was previously amended on March 15, 1975; June 26, 1978; November 16, 2004. The Town Charter, Article 3 notes, “(d) Town Election - The annual election of town officers and for the determination of all questions to be referred to the voters, shall be held on such date as may from time to time be provided by by-law.”*

MOTION: I move that Article 13 be voted as printed in the warrant, with the exclusion of the phrase, “or take any action relative thereto.”

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (7-0-0).

The Town Clerk has requested this change to eliminate problems with the Memorial Day holiday. The Finance Committee concurs with this change.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable action (3-0-0)

VOTE NEEDED: Requires a 2/3rd vote.

MOTION PASSES UNANIMOUSLY

ARTICLE 14: RECALL OF ELECTED OFFICERS PROVISION

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation amending the Town Charter to provide for recall of elected officials as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, pass any vote or take any action relative thereto.

An Act Amending the Charter of the Town of Uxbridge to Provide for Recall of Elected Officials

Section 1. The charter of the Town of Uxbridge is hereby amended by inserting in Article 7 a new section, Section 11: Recall of Elected Officers, which shall provide as follows:

- S
- A. Recall Provision.** Anyone holding an elected Town office, as enumerated in Article 3, Section 1, Paragraphs A and B of this Charter or otherwise, may be recalled and removed from office by the voters as herein provided.

 - B. Affidavit and Petition.** Any ten registered voters may file, with the Town Clerk, an affidavit containing the name and title of the elected officer whose removal is sought, and a statement of the grounds upon which the removal is based. Upon certification of the required signatures on the affidavit, the Clerk shall forthwith deliver to the first named voter on the affidavit copies of the petition blanks addressed to the Board of Selectmen demanding the recall, copies of which printed forms the Clerk shall keep available. The blanks shall be issued by the Clerk with the signature and official seal of the Clerk attached thereto. They shall be dated, contain the names of the first 10 registered voters whose names appear on the recall affidavit, the name and position of the person whose recall is sought, and the grounds of recall as stated in the affidavit, and shall demand the election of a successor to the office. The recall petition shall be signed by the qualified voters of the Town equal in number to at least ten percent (10%) of those registered at the last regular Town election. Such recall petition must be filed within fourteen (14) days following its initial date of issuance. To every signature shall be added the place of residence of the signer, giving the street and number, if any. The Clerk shall, within 72 hours of receipt thereof, submit the petition to the Registrars of Voters in the Town, and the Registrars shall forthwith certify thereon the number of signatures which are names of registered voters of the Town.

 - C. Recall Election.** If the petition shall be found and certified by the Town Clerk to be sufficient, the Clerk shall submit the same with his certificate to the Board of Selectmen without delay. The Board of Selectmen shall forthwith give written notice of the receipt of the certificate, either by hand or by certified mail, return receipt requested, to the officer sought to be recalled. If the officer does not resign within 5 days after receipt of the notice, the Board of Selectmen shall forthwith order an election to be held on a date fixed by them not less than sixty-four (64) nor more than ninety (90) days after the date the election is called; but if any other Town election is scheduled to occur within 100 days after the date of the certificate, the Board shall postpone the holding of the recall election to the date of the other election and the question of recall shall appear on the ballot of the other election. If a vacancy occurs in the office after a recall election has been ordered, the election shall, nevertheless, proceed as provided in this section, provided that under such circumstances only the ballots for candidates shall be counted.

 - D. Nomination of Candidates.** Any elected officer sought to be removed may be a candidate to succeed to the same office, and unless the elected officer requests otherwise in writing, the town clerk shall place the name of the elected officer on the ballot without nomination. Except as otherwise provided herein, the nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of the general law relating to elections.

 - E. Propositions on the Ballot.** Ballots used at the recall election shall state the propositions in the order indicated:

For the recall of (name of elected officer)
Against the recall of (name of elected officer)

Adjacent to each proposition shall be a place to vote for either of said propositions. After the propositions shall appear the word "Candidates" and the names of the candidates arranged in accordance with the provisions of law relating to elections.

If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes cast shall be declared elected. If the majority of the votes cast is in the negative, the ballots for candidates shall not be counted.

F. Officeholder. The incumbent shall continue to perform the duties of the office until the recall election. If then not recalled, the incumbent shall remain in office for the remainder of the unexpired term, subject to recall as provided in section G below.

If recalled, the incumbent shall be considered removed. If the successor fails to qualify within 10 days after receiving notification of his election, the office shall be considered vacant.

G. Filing of Recall Petition. No recall petition shall be filed against an elected officer within six (6) months after the officer takes office, nor in the last six (6) months of the term, nor in the case of an elected officer subjected to recall election and not recalled thereby, until at least six (6) months after the election at which the recall was submitted to the voters of the town has elapsed.

Section 2. This act shall take effect upon passage.

SPONSOR: Board of Selectmen

Commentary: The Town Charter adopted in 2002 does not include a provision for recall of elected officials.

MOTION: I move that Article 14 be voted as printed in the warrant, with the exclusion of the phrase, "or take any action relative thereto."

RECOMMENDATION OF THE FINANCE COMMITTEE: Unfavorable action (5-2-0).

This is the third time in recent memory that a 'recall' was put before the town. Similar to the previous two attempts to establish a 'recall' measure, the Finance Committee feels this motion should be defeated. The regular election of officials provides voters with ample choices as to who should represent them. Once elected the official should be allowed to perform his or her duties without fear of a recall. If the official has failed to represent the voters, s/he can be voted out of office at the next election.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable action (3-0-0)

VOTE NEEDED: Requires a simple majority.

MOTION FAILS

ARTICLE 15: SPECIAL LEGISLATION AUTHORIZING THE TOWN OF UXBRIDGE TO SEND CERTAIN INFORMATION TO THE VOTERS OF THE TOWN

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to allow the Town of Uxbridge to send certain information to the voters of the Town, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, pass any vote or take any action relative thereto:

AN ACT AUTHORIZING THE TOWN OF UXBRIDGE TO SEND CERTAIN INFORMATION TO THE VOTERS OF THE TOWN

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. Notwithstanding Section 22A of Chapter 55 or Section 21C of Chapter 59 of the General Laws or any other general or special law to the contrary, the Board of Selectmen of the Town of Uxbridge shall, at least ten (10) days before any election at which a binding or nonbinding question shall be submitted solely to the voters of the Town, cause to be printed and sent to each residence of one (1) or more voters whose name appears on the latest voting list for the Town and make available at each polling place: (1) the full text of the question; (2) a fair and concise summary of the question, including a 1-sentence statement describing the effect of a yes or no vote, prepared by the Town Counsel of the Town; and (3) arguments for and against the questions as provided in Section 2.

Section 2. The Board of Selectmen of the Town of Uxbridge shall cause to be printed and sent, in the manner provided in Section 1, arguments for and against each question submitted solely to the voters of the Town under any General Law including, but not limited to, Section 21C of Chapter 59 of the General Laws. No argument shall contain more than two hundred and fifty (250) words. The Board of Selectmen or, at its request, the Town Counsel, shall seek written arguments from the principal proponents or opponents of each question. The Board of Selectmen shall designate a date by which written arguments must be received in a written notice to the principal proponents or opponents. This notice shall be issued at least fourteen (14) days before the date by which the written arguments must be received.

For the purpose of this act, the principal proponents and opponents of any question shall be those persons determined by the Board of Selectmen to be best able to present the arguments for and against the question. The principal proponents or opponents of a question may include a Town officer or committee, and the principal proponents may include the first ten (10) signers or a majority of the first ten (10) signers of any petition initiating the placement of the question on the ballot. In determining the principal proponents and opponents of a question, the Board of Selectmen shall contact each ballot question committee, if any, as defined in Section 1 of Chapter 55 of the General Laws, organized specifically to influence the outcome of the vote on each question. If no argument is received by the Board of Selectmen within the time allowed by this act, the Town Counsel shall prepare the argument.

All arguments filed with or prepared by the board of selectmen under this act, and the summary prepared under Section 1, shall be open to public inspection at the office of the Town Clerk of the Town.

Section 3. The official ballot shall include the summary and statements describing the effect of a yes or no vote if provided in clause (2) of Section 1.

Section 4. This act shall take effect upon its passage.

SPONSOR: Board of Selectmen

Commentary: *This Home Rule Petition will make possible for voter information to be mailed to voters by the BOS prior to any ballot question in the same manner as State ballot questions, with arguments presented both for and against each question .*

MOTION: I move that Article 15 be voted as printed in the warrant, with the exclusion of the phrase, “or take any action relative thereto.”

RECOMMENDATION OF THE FINANCE COMMITTEE: Unfavorable action (4-3-0).

The Finance Committee feels that there has always been – and therefore will always be - adequate news coverage of any major issue requiring a vote of the Town.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Unfavorable action (2-1-0)

VOTE NEEDED: Requires a simple majority.

MOTION FAILS

ARTICLE 16: STREET ACCEPTANCE - ACORN DRIVE (citizen petition)

To see if the Town will vote to accept as a public way the street known as Acorn Drive in its entirety as referenced in the plan entitled “Road Acceptance Plan, Acorn Drive, Autumn Woods, in the Town of Uxbridge, Massachusetts, for Quarry Hill Development Co., Inc.,” dated December 7, 2006, stamped by Holland E. Shaw, PLS No. 30314, on December 7, 2006; the plan is available for viewing in the Board of Selectmen meeting room Monday thru Friday, 8:00 AM – 4:00 PM, pursuant to GLc.41 §81Y, and further to authorize the Board of Selectmen to accept utilities and easements in the road and any other necessary easements, or take any other action relating thereto.

SPONSOR: Citizen Petition

MOTION: Move that Acorn Drive is to be accepted in its entirety as referenced in the plan entitled “Road Acceptance Plan, Acorn Drive, Autumn Woods, in the Town of Uxbridge, Massachusetts, for Quarry Hill

Development Co., Inc.,” dated December 7, 2006, stamped by Holland E. Shaw, PLS No. 30314, on December 7, 2006, and further to authorize the Board of Selectmen to accept utilities and easements in the road and any other necessary easements.

RECOMMENDATION OF THE PLANNING BOARD: The Planning Board previously recommended, unanimously, that the Board of Selectmen lay out, make public, and the Town accept Acorn Drive.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (7-0-0)

The Planning Board signed off on the acceptance of Acorn Drive.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable action (3-0-0)

VOTE NEEDED: Requires a simple majority

MOTION PASSES UNANIMOUSLY

ARTICLE 17: STREET ACCEPTANCE – CONSTITUTION WAY (non-citizen petition)

To see if the Town will vote to accept as a public way the street known as Constitution Way as referenced on a plan entitled “Constitution Way Street Acceptance Plan in Uxbridge, Massachusetts,” dated January 15, 2007, stamped by Larry S. Sabeau, No. 34625, on January 15, 2007, plans available for viewing in the Board of Selectmen meeting room Monday thru Friday 8:00 AM – 4:00 PM, pursuant to GLc.41 §81Y, and further to authorize the Board of Selectmen to accept utilities and easements in the road and any other necessary easements, or take any other action relating thereto.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: Each street acceptance will require a separate recommendation and motion.

MOTION: Move that Constitution Way is to be accepted in its entirety referencing a plan entitled “Constitution Way Street Acceptance Plan in Uxbridge, Massachusetts,” dated January 15, 2007, stamped by Larry S. Sabeau, No. 34625, on January 15, 2007, and further to authorize the Board of Selectmen to accept utilities and easements in the road and any other necessary easements.

RECOMMENDATION OF THE PLANNING BOARD: The Planning Board previously issued a non-binding recommendation to Board of Selectmen not to lay out Constitution Way due to outstanding items noted by the DPW and outstanding items on the as-built plans and easements. On 11/14, the Planning Board voted to recommend acceptance if the items noted by the DPW have been completed by Town Meeting. Favorable Action.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (7-0-0).

The Board of Selectmen signed off on the acceptance of Constitution Way (3-0-0)

VOTE NEEDED: Requires a simple majority.

MOTION PASSES

ARTICLE 18: PURCHASE OF A FIRE TRUCK TO REPLACE ENGINE #2 (via a Capital Debt Exclusion vote)

To see if the Town will vote to appropriate the sum of \$330,000 for the purpose of purchasing a pumper to replace Engine #2, and to meet this obligation, the Treasurer, with the approval of the Board of Selectmen is authorized to borrow up to \$330,000, such borrowing to be contingent upon a Proposition 2½ debt service exemption vote, or take any other action relative thereto.

SPONSOR: Board of Selectmen (Fire Chief)

Commentary: *There are two articles proposed to provide different funding options/mechanisms for the recommended purchase by the Capital Committee of one (1) fire truck pumper apparatus that would replace Engine #2, a 1975 Maxim, in North Uxbridge. This article provides for funding via a Proposition 2 ½ debt exclusion special election ballot vote. Update – funding is expected through the State supplemental budget.*

RECOMMENDATION OF THE FINANCE COMMITTEE: No recommendation.

No motion

NO ACTION

ARTICLE 19: PURCHASE OF A FIRE TRUCK TO REPLACE ENGINE #2 (via funding within the levy limit)

To see if the Town will vote to raise, appropriate, and/or transfer from available funds, the sum of \$330,000 for the purpose of purchasing a pumper to replace Engine #2, and to meet this obligation, the Treasurer, with the approval of the Board of Selectmen is authorized to borrow up to \$330,000, or take any other action relative thereto.

SPONSOR: Board of Selectmen (Fire Chief)

Commentary: There are two articles proposed to provide different funding options/mechanisms for the recommended purchase by the Capital Committee one (1) fire truck pumper apparatus that would replace Engine #2, a 1975 Maxim, in North Uxbridge. This article provides for funding of the purchase within the levy limit. It may be funded as a transfer from available funds (free cash or stabilization if available) or as a borrowing with repayment as part of the FY09 budget process and debt repayment schedule. Update – funding is expected through the State supplemental budget.

RECOMMENDATION OF THE FINANCE COMMITTEE: Recommendation at Town Meeting. Additional State aid, which includes the purchase of a new fire truck to replace Engine #2, has been voted by the legislature and not yet approved by the Governor.

No motion

NO ACTION

ARTICLE 20: REZONING (petition article)

To see if the Town will vote to amend the Town of Uxbridge Zoning Map for Assessor's Map 33 Parcel 342 from the Agricultural District to the Industrial District. This parcel is located off High Street and Route 146 and is shown and described on the attached documents.

SPONSOR: Citizen Petition

MOTION: Motion, if any, to be provided at Town Meeting.

RECOMMENDATION OF THE PLANNING BOARD: Voted unanimously to recommend approval.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (7-0-0)

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable action (3-0-0)

VOTE NEEDED: Requires a 2/3rd vote.

MOTION CARRIES

ARTICLE 21: REZONING (Citizen Petition article)

To see if the Town will vote to amend the Town of Uxbridge Zoning Map and Zoning By-laws to allow the Historic Mill Adaptive Reuse Overlay District to be extended to include the following parcels, all on assessor's Map 19: Parcels 2393, 2413, 2449, 2454, 2475 and 3211.

SPONSOR: Citizen Petition

RECOMMENDATION OF THE PLANNING BOARD: The Planning Board voted on 11/14 to recommend that Town Meeting not approve the rezoning as proposed; however, the Planning Board would support a proposal to rezone a smaller area (parcels 2413, 2449 and 2484 and the area shown as the paper street shown as Nicholas Way on an approved, but not built subdivision plan – but not parcels 2393, 2475 and 3211). It was also noted that a scrivener's error exists in the petition article; where the printed warrant lists lot 2454 it should actually read 2484.

RECOMMENDATION OF THE FINANCE COMMITTEE: Recommendation at Town Meeting - awaiting recommendation of Planning Board.

No motion

NO ACTION

ARTICLE 22: NEW BYLAW; TOWN MEETING - PROCEDURE (Citizen petition article)

To see if the Town will vote to adopt, as a bylaw, the following: When a motion to move the question is made, seconded, and voted in the affirmative, the moderator shall terminate debate on the question and entertain no further motion related to the subject question, or any other question, until he has both put the subject question to a vote of the assembled voters, and declared the results of the vote thereon.

SPONSOR: Citizen Petition

MOTION: I move that the town adopt, as an addition to the bylaws governing the conduct of town meeting, the following provision: "When a motion to move the question is made, seconded, and voted in the affirmative, the moderator shall terminate debate on the question and entertain no further motion related to the subject question, or any other question, until he has both put the subject question to a vote of the assembled voters, and declared the results of the vote thereon".

RECOMMENDATION OF THE FINANCE COMMITTEE: Unfavorable action (6-1-0).

The Finance Committee feels this bylaw is unnecessary. Town Meeting Time governs the procedures followed by the Moderator at town meeting. Once a question has been moved to a vote, and voted in the affirmative, the question must be put to a vote. The only actions which can interfere with this process are: 1) requests or points of information and 2) privilege motions related to adjournment (to dissolve a meeting, to recess and adjourn to a fixed date and time, to fix a time at which to adjourn).

RECOMMENDATION OF THE BOARD OF SELECTMEN: Unfavorable action (2-1-0)

VOTE NEEDED: Requires a 2/3rd vote.

MOTION FAILS

ARTICLE 23: TRANSFER TO STABILIZATION

To see if the Town will vote to transfer and appropriate a sum or sums, including so called Free Cash to the Stabilization Fund Account, or take any action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: This article serves to transfer any balances remaining from FY 2007 Free Cash to the Stabilization Fund. Stabilization Fund monies may appropriated for any lawful purpose via 2/3rd's vote at any town meeting. The balance in the Stabilization Fund prior to this transfer is \$498,552.24.

MOTION: I move that the sum of **\$904,556.26** in Free Cash be transferred to the Stabilization Fund.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (7-0-0).

\$904,556 will be transferred if all the articles above involving Free Cash are voted in the affirmative. This will bring the Stabilization account to \$1.4 million (or ~ 4% of the FY08 operating budget).

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable action (3-0-0)

VOTE NEEDED: Requires a 2/3rd vote to transfer to Stabilization per c.40 §5B.

MOTION PASSES UNANIMOUSLY

MOTION TO DISOLVE THE 2007 ANNUAL FALL TOWN MEETING WAS MADE, SECONDED, AND PASSED UNANIMOUSLY

Attest:

**Joseph H. Kaplan
Uxbridge Town Clerk**