

**MINUTES**  
**FALL ANNUAL TOWN MEETING**  
**TUESDAY, NOVEMBER 16, 2010 – 7:00 P.M.**  
**UXBRIDGE HIGH SCHOOL AUDITORIUM**  
**62 CAPRON STREET, UXBRIDGE, MASSACHUSETTS**

Pursuant to the foregoing Warrant, the inhabitants of the Town of Uxbridge, qualified to vote in the Town elections and in Town affairs, met at the High School Gymnasium, in Precinct 2, in said Uxbridge, and transacted the following business on November 16, 2010:

Moderator Harold Klei called the Annual Fall Town Meeting to order at 7:06pm declaring the presence of a quorum (50 required, 135 voters present). Rules for conducting business and taking votes of the meeting were announced.

\* \* \*

*The amount of Unexpended Unencumbered Fund Balance (Free Cash), as certified by the DOR Director of Accounts on October 29, 2010 is \$613,019. Certified Retained Earnings for the Enterprise Funds are as follows: Sewer Enterprise Fund: \$854,507; Water Enterprise Fund: \$1,522,017 and Ambulance Enterprise Fund: \$171,338*

*The term Unexpended Unencumbered Fund Balance is a more descriptive wording of what is commonly referred to as "Free Cash". The Board of Selectmen and Finance Committee believe that Free Cash is a misnomer, as these funds represent monies remaining after all general fund activities for the fiscal year, plus any unanticipated receipts; and less any revenue deficits or fund liabilities that are recorded. This new designation replaces last year's term "General Fund Retained Earnings".*

**ARTICLE 1: TRANSFER OF UNEXPENDED UNENCUMBERED FUND BALANCE TO WATER ENTERPRISE FUND**

To see if the Town will vote to transfer and appropriate a sum or sums, including Unexpended Unencumbered Fund Balance to the Water Enterprise Account, or take any action relative thereto.

**SPONSOR:** Town Manager

**COMMENTARY:** *This article serves to transfer a portion of FY 2010 General Fund Retained Earnings, in the amount of \$22,023, that is related to the settlement of a class action products liability lawsuit that was brought against manufacturers and distributors of gasoline containing MBTE for ground water contamination to the Water Enterprise Fund. Monetary settlements are considered to be general fund receipts per M.G.L., even if they are related to specific activities that are not funded by general government operations. The settlement represents a potential diminution in the value of a tangible asset; the Town's water resources. The Board of Selectmen believes that these funds should be placed in the Water Enterprise Fund as an offset to that diminution. The balance in Unexpended Unencumbered Fund Balance, assuming this article is approved, will be \$590,996.*

**MOTION:** *Move that the Town vote to transfer and appropriate the sum of \$22,023 from Unexpended Unencumbered Fund Balance to the Water Enterprise Fund.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (5-0-0)

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-1-0); These funds represent a court judgment and award for potential damage to an asset of the Town. The water

supply might be contaminated in the future by a chemical that was added to gasoline by federal regulation and then removed due to the finding that it is hazardous to the health of people.

**VOTE NEEDED:** Requires a simple majority vote provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3rds vote.

The motion is seconded

Moderator declares motion carried in the affirmative by a unanimous vote.

**ARTICLE 2: TRANSFER OF UNEXPENDED UNENCUMBERED FUND BALANCE TO THE PEG CABLE ACCESS ACCOUNT**

To see if the Town will vote to transfer and appropriate a sum or sums, including so called Unexpended Unencumbered Fund Balance to the Cable Access Account, or take any action relative thereto.

**SPONSOR:** Town Manager

**COMMENTARY:** *This article serves to transfer the portion of FY 2010 Unexpended Unencumbered Fund Balance that is related to the \$435,088 in the Cable Access Account that was closed at the end of the fiscal year. The Town receives an annual license fee payment, which according to section 6.3a of the contract with the provider, Charter Communications, is equivalent to 4.25% of gross annual revenue from its Uxbridge operations. Charter incurs no expense in paying this fee; it is collected directly from Uxbridge cable subscribers. The Town deposits these funds into a Cable PEG Access fund, from which the cable access budget is appropriated at Town Meeting. Previously, the balance in the fund after expenses was carried forward annually, and not closed at the end of the fiscal year, despite the fact that there is no enabling statute that allows this for this practice. Closing the balance in this fund to Unexpended Unencumbered Fund Balance at the end of the fiscal year allows the Town to adhere to M.G.L. Re-appropriating the amount of funds closed out back to the Cable Access Account to allow the funds to be expended for cable access purpose allows the Town to adhere to the current contract with Charter. This will be an annual transfer until the Department of Revenue addresses this issue. The balance in Unexpended Unencumbered Fund Balance assuming this and the prior article is approved will be \$155,905.*

**MOTION:** *Move that the Town vote to transfer and appropriate the sum of \$435,088 from Unexpended Unencumbered Fund Balance to the Community Access Receipts Reserved (2030-645-3580-0000-0000-0000-0-0000-0-0).*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (4-1-0)

During FY 11, a decision will be made as to how the balance in the fund will be appropriated.

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-1-0)

**VOTE NEEDED:** Requires a simple majority vote provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3rds vote.

The motion is seconded

Moderator declares a simple majority, motion carries.

**ARTICLE 3: TRANSFER TO STABILIZATION**

To see if the Town will vote to transfer and appropriate a sum or sums, including Unexpended Unencumbered Fund Balance to the Stabilization Fund Account, or take any action relative thereto.

**SPONSOR:** Board of Selectmen

**COMMENTARY:** *This article serves to transfer the balance of FY 2010 Unexpended Unencumbered Fund Balance (Less the sums listed in Articles 1 & 2) to the Stabilization Fund. Stabilization Fund monies may be appropriated for any lawful purpose via 2/3<sup>rd</sup>'s vote at any town meeting, including this one. A chart is included in the back of this booklet, which sums all of the financial transactions to be voted in this meeting, and their overall affect on the balance of the Stabilization Fund. If all articles in the warrant*

are approved without amendment, the Stabilization Fund balance at the end of Town Meeting will be \$1,310,530.68.

**MOTION:** Move that the Town vote to transfer and appropriate the sum of \$155,908 from Unexpended Unencumbered Fund Balance to the Stabilization Fund 2500.

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (3-1-0)

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-0-0)

**VOTE NEEDED:** Requires a 2/3rds vote to transfer to Stabilization per M.G.L. c.40 § 5B.

The motion is seconded

Moderator declares motion carried in the affirmative by a unanimous vote.

#### **ARTICLE 4: 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:** Finance Director

**MOTION:** *Passover*

**COMMENTARY:** *This is a standing town meeting warrant article in the case any prior fiscal year bills are identified. The Town has no prior year bills to be approved at this town meeting.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** No Recommendation

**RECOMMENDATION OF THE FINANCE COMMITTEE:** No Recommendation

**VOTE NEEDED:** Requires a 4/5<sup>th</sup>s majority vote

No action taken

#### **ARTICLE 5: FY11 BUDGET AMENDMENTS**

To see if the Town will vote to transfer from available funds, including Unexpended Unencumbered Fund Balance, stabilization and enterprise retained earnings, and to appropriate, or to raise and appropriate, or to approve budget reductions, in order to balance the FY 2011 Town Budget approved under Articles 4, 6, 7, 8, 9 and 10 of the May 11, 2010 Annual Town Meeting, or take any other action relative thereto.

**SPONSOR:** Finance Director

**COMMENTARY:** *The purpose of the article is to make adjustments to balance the FY 2011 budget as voted at the Spring Annual Town Meeting; including new appropriations and/or budget reductions. Please see the spreadsheets at the back of this booklet for comparisons between the budget voted at the Spring Annual Town Meeting and the budget that will be in place if the appropriation changes listed below are enacted.*

**MOTION:** Move that the Town vote to reduce, raise, 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 FY11:

Budget Line	Amount	Further Commentary
Uxbridge Public Schools	-\$174,132.00	The final Cherry Sheet, released on July 1, reduced Chapter 70 aid to the school department by \$174,132, but committed a state fiscal stabilization fund (SFSF) grant to the School Department in the same amount, that can be spent without further appropriation. This reduction reflects the funding methodology change.

**RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)**  
**RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (6-1-0)**  
**VOTE NEEDED:** Requires a simple majority vote provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3rds majority vote.

The motion is seconded  
Moderator declares motion carried in the affirmative by a unanimous vote.

**ARTICLE 6: FY11 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 Unexpended Unencumbered Fund Balance and enterprise fund retained earnings, or to raise a sum or sums of money to appropriate to accounts and for purposes to be specified at the Fall Annual Town Meeting, or take any action relative thereto.

**SPONSOR:** Finance Director

**GENERAL COMMENTARY:** *The purpose of this article is to transfer funds within department budgets or from one department to another. Per MGL, transfers between individual municipal budgets require Town Meeting action.*

**MOTION:** *Move that the Town vote to transfer and appropriate the amounts as stated in the following charts for any purpose for which funds may be expended from the latter accounts, each item being considered a separate appropriation for FY11:*

**A.) Transfers between departments (Simple majority vote)**

A1.	FROM:	Amount	TO:	Amount
	Police Salaries (0100-210-5110-0000-0000-0000-1-0000-0-0)	\$11,400	Police Expenses (0100-210-5241-0000-0000-0000-2-0000-0-0)	\$11,400

**COMMENTARY:** *This transfer, recommended by the Police Chief, is to cover the cost of replacing air conditioning condensers which power the air conditioners at the Police Department.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)**  
**RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (6-1-0)**

A2.	FROM:	Amount	TO:	Amount
	Police Salaries (0100-210-5110-0000-0000-0000-1-0000-0-0)	\$20,400	Police Expenses (0100-210-5281-0000-0000-0000-2-0000-0-0)	\$20,400

**COMMENTARY:** *This transfer, recommended by the Police Chief, is to pay for the collective bargaining agreement costs of clothing and cleaning allowances for police officers and dispatchers. These funds were raised in the salary line of the FY 2011 budget; they should have been raised in expenses.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)**  
**RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (6-1-0)**

A3.	FROM:	Amount	TO:	Amount
	Police Salaries (0100-210-5110-0000-0000-0000-1-0000-0-0)	\$900	Animal Control Salaries (0100-292-5110-0000-0000-0000-2-0000-0-0)	\$900

**COMMENTARY:** *This transfer, recommended by the Police Chief, is to provide additional animal control support on shift coverage.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (5-0-0)

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-1-0)

A4.	FROM:	Amount	TO:	Amount
	Police Salaries (0100-210-5110-0000-0000-0000-1-0000-0-0)	\$1,600	Police Expenses (0100-210-5173-0000-0000-0000-2-0000-0-0)	\$1,600

**COMMENTARY:** *This transfer, recommended by the Police Chief, is to cover the cost of changing the access system in the front of the Police Department due to issues with the access locking system*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (5-0-0)

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-1-0)

The motion is seconded

Moderator declares motion carried in the affirmative by a unanimous vote.

A5.	FROM:	Amount	TO:	Amount
	Police Salaries (0100-210-5110-0000-0000-0000-1-0000-0-0)	\$5,000	Accounting Salaries (0100-135-5110-0000-0000-0000-2-0000-0-0)	\$5,000
	Tax Title Expense(0100-158-5315-0000-0000-0000-2-0000-0-0)	\$9,747	Accounting Salaries (0100-135-5110-0000-0000-0000-2-0000-0-0)	\$9,747
	External Audit Expense (0100-137-5317-0000-0000-0000-2-0000-0-0)	\$3,000	Accounting Salaries (0100-210-5110-0000-0000-0000-2-0000-0-0)	\$3,000
	Town Hall Expense (0100-192-5242-0000-0000-0000-2-0000-0-0)	\$3,000	Accounting Salaries (0100-210-5110-0000-0000-0000-2-0000-0-0)	\$3,000
	Highway Department Expense (0100-422-5241-0000-0000-0000-2-0000-0-0)	\$3,853	Accounting Salaries (0100-210-5110-0000-0000-0000-2-0000-0-0)	\$3,853
	Total	\$24,600	Total	\$24,600

**COMMENTARY:** *These transfers are being recommended to allow for additional staffing in the Town Accountant's Office. The Town Accountant gave his notice in March of 2008 when he accepted another position. After a search for a full time replacement that was ultimately unsuccessful, the Town agreed to employ the incumbent on a part time basis, a savings of approximately \$80,000 over the past two fiscal years. The financial departments gave up another full time position in 2009, a savings of an additional \$34,000. The loss of those two positions, coupled with the additional amount of financial reporting that is required as part of the high school construction project, has dramatically increased the department's workload.*

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

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (5-1-1)

The motion is seconded

Moderator declares a simple majority, motion carries.

A6.	FROM:	Amount	TO:	Amount
	Community Access Receipts Reserved (2030-645-3580-0000-0000-0000-0-0000-0)	\$15,000	Community Access Capital Expenses (2030-645-5880-0000-0000-0000-8-0000-0)	\$15,000

**COMMENTARY:** This transfer is to provide funding to purchase a mobile studio, a self contained recording unit that can be easily transported to any site.

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Unfavorable Action (5-0-0)

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (4-3-0): Members who voted against the proposal felt the purchase of the mobile studio was a "nice to have" but not a "need to have".

The motion is seconded

Moderator declares a simple majority, motion carries.

A7.	FROM:	Amount	TO:	Amount
	1990 Overlay Reserve (1000-000-1230-1990)	\$182.53	2000 Overlay Reserve (1000-000-1230-2000)	\$182.53
	1990 Overlay Reserve (1000-000-1230-1990)	\$203.48	1987 Overlay Reserve (1000-000-1230-1990)	\$203.48
	1990 Overlay Reserve (1000-000-1230-1990)	\$198.17	1986 Overlay Reserve (1000-000-1230-1986)	\$198.17
	1990 Overlay Reserve (1000-000-1230-1990)	\$190.00	1985 Overlay Reserve (1000-000-1230-1986)	\$190.00
	1990 Overlay Reserve (1000-000-1230-1990)	\$182.50	1984 Overlay Reserve (1000-000-1230-1984)	\$182.50
	1990 Overlay Reserve (1000-000-1230-1990)	\$152.94	1983 Overlay Reserve (1000-000-1230-1983)	\$152.94
	1990 Overlay Reserve (1000-000-1230-1990)	\$178.85	1982 Overlay Reserve (1000-000-1230-1982)	\$178.85
	Total	\$1,288.47	Total	\$1,288.47

**COMMENTARY:** The Overlay Reserve account is used to fund tax abatements. There is no overlay reserve remaining for the tax years shown in the "TO" column, and there are outstanding tax balances remaining to be abated, in the amount shown in the far right hand column. Performing this transfer will allow these balances to be abated and to close the tax levies for these years.

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (5-0-0)

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-1-0)

The motion is seconded

Moderator declares motion carried in the affirmative by a unanimous vote.

*B.) Transfers from Stabilization (2/3<sup>rd</sup>'s majority vote):*

B1.	FROM:	Amount	TO:	Amount
	Stabilization (Fund 2500)	\$40,000	Farnum House Capital Expenditure Account	\$40,000

**COMMENTARY:** *This request is to fund the replacement of the existing roof and its substructure of the Farnum House with a historically appropriate replacement roof. The Town will be applying for a matching grant from the Massachusetts Historical Commission, but must fund the entire project in advance of the grant application. We anticipate a transfer at a future meeting, returning unused project proceeds to the Stabilization Fund.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (4-0-0); Conditional upon the replacement roof having a thirty year warranty and whether under matching grants or solely funded by town expenditures, the cost does not exceed \$20,000.00.

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Unfavorable Action (6-0-0); The proponents of the article were not present to provide insight into the finances and project scope of the request.

The motion is seconded

Moderator declares a 2/3rds majority, motion carries.

B2.	FROM:	Amount	TO:	Amount
	Stabilization Fund (Fund 2500)	\$17,500	Fire Department Capital Expenditure Account	\$35,000
	Ambulance Enterprise Retained Earnings	\$17,500		

**COMMENTARY:** *This request is to fund the replacement of the 2000 Ford Expedition designated as "Car 1" with a 2010 Expedition. This vehicle carries a variety of equipment, and is used as a command vehicle at the majority of fire and emergency medical incidents that require the response of more than one unit. It also conducts the daily business of the fire/ambulance department. The current vehicle has electrical issues and severe suspension corrosion. This replacement was identified as a capital replacement for FY 2010.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Unfavorable Action (3-2-0)

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (5-1-0)

The motion is seconded

Moderator declares a 2/3rds majority, motion carries.

B3.	FROM:	Amount	TO:	Amount
	Stabilization Fund (Fund 2500)	\$37,112	School Department Expenses (0100-303-5880-0000-0000-00000-2-2420-5-2)	\$37,112

**COMMENTARY:** *The FY 2010 School Department budget closed out \$31,622.64 to Unexpended Unencumbered Fund Balance. The School Transportation budget turned back \$5,489.14, for a total of*

\$37,111.78. *The School Department requests to use these FY2010 budget savings to purchase a new van to reduce and/or offset increased FY2011 costs to the transportation budget.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable action (5-0-0).

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Unfavorable Action (6-0). The proponents of the article were not present to provide insight into the finances of the request.

**VOTE NEEDED:** Requires a simple majority vote provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3rds vote.

**Motion to Amend B3. To change School Department Expenses to School Department Transportation (0100-393-5330-0000-0000-2-0000-0-0)**

**Moderator Declares Amendment passes by simple majority**

**The motion is seconded**

**Moderator Declares motion fails.**

**ARTICLE 7: PURCHASE OF A NEW RESCUE APPARATUS**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$300,000 for the purpose of purchasing and equipping a new rescue apparatus for the Fire Department; and further, to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen is authorized to borrow up to \$300,000 under Chapter 44 of Massachusetts General Laws or any other enabling authority; that the Board of Selectmen is authorized to apply for and accept any federal or state funds or grants and/or gifts of any kind for the purpose of this acquisition; or take any other action relative thereto.

**SPONSOR:** Fire Chief

**GENERAL COMMENTARY:** *This request is to purchase a replacement for Engine #4. This replacement truck will allow the Fire Department to assemble all of its rescue equipment on a single unit to improve availability and access. The department's rescue equipment is currently parceled out among several vehicles, which in many cases results in multiple unit responses for incidents that do not require such response. This will be a ten year borrowing, which is expected to cost approximately \$349,000 over a ten year period, based on interest rates at 3%.*

**MOTION:** *Move that the Town borrow \$300,000 for the purpose of purchasing and equipping a new fire truck/rescue apparatus for the Fire Department; and further, to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen is authorized to borrow up to \$300,000 under Chapter 44 of Massachusetts General Laws or any other enabling authority; that the Board of Selectmen is authorized to apply for and accept any federal or state funds or grants and/or gifts of any kind for the purpose of this acquisition.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (5-0-0)

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-1-0)

**VOTE NEEDED:** Requires a simple majority vote provided none of the money is coming from Stabilization. A transfer from Stabilization or a borrowing authorization requires a 2/3rds vote.

**The motion is seconded**

**Moderator declares motion carried in the affirmative by a unanimous vote.**

**ARTICLE 8: ACCEPTANCE OF M.G.L. CHAPTER 59, SECTION 5 (4)**

To see if the Town will vote to accept the provisions of M.G.L. Chapter 59, Section 5 (54) effective July 1, 2011, to exempt assessment of taxes for personal property accounts with valuations of less than \$1,000, or take any action relative thereto.

**SPONSOR:** Finance Director

**COMMENTARY:** *The article requests acceptance of a section of MGL which allows a city or town to establish a minimum fair cash value for personal property tax accounts. The minimum valuation request is being established at \$1,000.00 because the costs associated with committing, mailing, and posting payments for low value accounts may exceed the amount to be collected. With the adoption of this minimum value, eighteen accounts, with an average valuation of \$480.55 or total value of \$8,650, will be exempt from billing, effective for FY 2012. Total effect on the tax levy, in FY 2011 terms, is an average of \$6.03 per account for a total of \$108.56.*

**MOTION:** *Move that the Town vote to accept the provisions of M.G.L. Chapter 59, Section 5 (54) effective July 1, 2011, to exempt assessment of taxes for personal property accounts with valuations of less than \$1,000.00.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (5-0-0)

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-1-0)

**VOTE NEEDED:** Requires a simple majority vote.

The motion is seconded

Moderator declares a simple majority, motion carries.

#### **ARTICLE 9: BORROWING RESCISSION; BALANCE OF HIGH SCHOOL LAND AUTHORIZATION**

To see if the Town will vote to rescind the remainder of the \$1,630,000 borrowing authorization, in the amount of \$260.00, as authorized in Article 12 of the November 15, 2005 Fall Annual Town Meeting, and the January 17, 2006 Special Election Ballot or take an action relative thereto.

**SPONSOR:** Board of Selectmen (Town Manager)

**COMMENTARY:** *Article 14 of the November 18, 2008 contained a motion which rescinded the balance of the \$1,630,000 authorization that was not needed for the purchase of land for the new high school which was voted in 2005/2006 and issued as permanent funding in April of 2008. The Town purchased the two parcels of land for \$1,249,140. The remaining authorization of \$380,860 was to have been rescinded. The motion at that Town Meeting rescinded \$380,600, leaving an outstanding authorization of \$260.00.*

**MOTION:** *Move to rescind the remainder of the \$1,630,000 borrowing authorization, in the amount of \$260.00 as authorized in Article 12 of the November 15, 2005 Fall Annual Town Meeting and the January 17, 2006 Special Election Ballot.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (5-0-0)

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

**VOTE NEEDED:** Requires a simple majority.

The motion is seconded

Moderator declares motion carried in the affirmative by a unanimous vote.

#### **ARTICLE 10: ACCEPTANCE OF LAND DONATION – OLD ELMDALE ROAD**

To see if the Town will vote to authorize the Board of Selectmen to accept a deed in lieu of tax foreclosure, pursuant to G.L. c.60, §77C, conveying fee title to all or portions of the parcel of real estate owned by the Highland Holdings Corporation and more particularly described on Uxbridge Assessors Maps as Map 25, Lot 4057 and further identified as Old Elmdale Road (Book 20783, Page 313), said land to be conveyed to the Town free and clear of any liens or encumbrances except for municipal tax liens securing payment of outstanding real estate taxes, and upon conveyance to the Town, to be held for general municipal purposes or for disposition thereof, by sale or otherwise. Furthermore, to authorize the Board of Selectmen to undertake any act or to execute any document necessary to consummate this transaction with the provisions of G.L. c.60, § 77C, or to take any other action relative thereto.

**SPONSOR:** Finance Director

**COMMENTARY:** *This property has been in tax title since 1999. The balance due on the account is \$4,662.75 as of September 20, 2010. Title acceptance via G.L. c.60, § 77C allows title to be transferred to the Town without undertaking the costly and time-consuming Land Court foreclosure process. Once the Town obtains title to the property, it can keep or dispose of the property as it sees fit.*

**MOTION:** *Move that the article be accepted as written*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (5-0-0)

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-1-0)

**VOTE NEEDED:** Requires a simple majority (M.G.L. c.60 §. 77C)

The motion is seconded

Moderator declares a simple majority, motion carries.

#### **ARTICLE 11: STREET ACCEPTANCE – ROSE LANE**

To see if the Town will vote to Accept as a public way the street known as Rose Lane as laid out by the Board of Selectmen, and further authorize the Board of Selectmen, in the name and behalf of the Town, to acquire by gift, easements and appurtenant rights in and for said way for the purposes for which public ways are used in the Town; or take any other action relating thereto.

**SPONSOR:** Citizen's Petition

**MOTION:** Move to accept Rose Lane as printed in the Final Warrant

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (5-0-0)

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

**RECOMMENDATION OF THE PLANNING BOARD:** Favorable Action (3-0-0)

**VOTE NEEDED:** Requires a simple majority (M.G.L. c.82 §. 23)

The motion is seconded

Moderator declares a simple majority, motion carries.

#### **ARTICLE 12: STREET ACCEPTANCE – JODIE CIRCLE**

To see if the Town will vote to (a) to accept as public way Jodie Circle as laid out by the Board of Selectmen, a copy of which layouts are on file with the Town Clerk; (B) to authorize the Board of Selectmen, in the name and behalf of the town, to acquire by gift, purchase, or eminent domain the necessary fee interests or easements and appurtenant rights in and for said ways for the purposes for which public ways are used in the town; and (c) to see what sums the Town will raise and appropriate or transfer from available funds for such purposes; or take any other action relating thereto.

**SPONSOR:** Citizen's Petition

**MOTION:** Motion to accept as public way Jodie Circle as laid out by the Board of Selectmen, a copy of which layouts are on file with the Town Clerk; (B) to authorize the Board of Selectmen, in the name and behalf of the town, to acquire by gift, purchase, or eminent domain the necessary fee interests or easements and appurtenant rights in and for said ways for the purposes for which public ways are used in the town.

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (4-1-0); The Board of Selectmen made a motion this evening to extend the timeline of all street acceptance materials by 28 days to December 14, 2010. Until all street acceptance materials are received by this date, this street will remain a private way.

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (4-3-0); At the time of the vote, the DPW Director indicated that he was waiting for 'as built' plans from the developer.

**RECOMMENDATION OF THE PLANNING BOARD:** Favorable Action (5-0-0)

**VOTE NEEDED:** Requires a simple majority (M.G.L. c.82 §. 23)

Motion:

The motion is seconded  
Moderator declares a simple majority, motion carries.

**ARTICLE 13: STREET ACCEPTANCE – LONG MEADOW ROAD**

To see if the Town will vote to (a) to accept Long Meadow Road as a public way, as laid out by the Board of Selectmen, a copy of which layout is on file with the Town Clerk; (b) to authorize the Board of Selectmen, in the name and behalf of the town, to acquire by gift, purchase, or eminent domain the necessary fee interests or easements and appurtenant rights in and for said way for the purposes for which public ways are used in the Town; and (c) to see what sums the Town will raise and appropriate or transfer from available funds for such purposes; or take any other action relating thereto.

**SPONSOR:** Citizen's Petition

**MOTION:** Move to accept Long Meadow Road as a public way, as laid out by the Board of Selectmen, a copy of which layout is on file with the Town Clerk, and to authorize the Board of Selectmen, in the name and on behalf of the town, to acquire by gift the easements and appurtenant rights in and for said way for the purposes for which public ways are used in the town.

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (4-1-0); The Board of Selectmen made a motion this evening to extend the timeline of all street acceptance materials by 28 days to December 14, 2010. Until all street acceptance materials are received by this date, this street will remain a private way.

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

**RECOMMENDATION OF THE PLANNING BOARD:** Favorable Action (3-0)

**VOTE NEEDED:** Requires a simple majority (M.G.L. c.82 §. 23)

The motion is seconded  
Moderator declares a simple majority, motion carries.

**ARTICLE 14: STREET ACCEPTANCE – FOXWOOD LANE, DEER VIEW LANE AND WILDLIFE DRIVE**

To see if the Town will vote to (a) to accept Foxwood Lane, Deer View Lane and Wildlife Drive as public ways, as laid out by the Board of Selectmen, a copy of which layout is on file with the Town Clerk; (b) to authorize the Board of Selectmen, in the name and behalf of the town, to acquire by gift, purchase, or eminent domain the necessary fee interests or easements and appurtenant rights in and for said ways for the purposes for which public ways are used in the Town; and (c) to see what sums the Town will raise and appropriate or transfer from available funds for such purposes; or take any other action relating thereto.

**SPONSOR:** Citizen's Petition

**MOTION:** Move to accept Foxwood Lane, Deerview Lane and Wildlife Drive as a public way, as laid out by the Board of Selectmen, a copy of which layout is on file with the Town Clerk, and to authorize the Board of Selectmen, in the name and on behalf of the town, to acquire by gift easements and appurtenant rights in and for said way for the purposes for which public ways are used in the town.

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (4-1-0); The Board of Selectmen made a motion this evening to extend the timeline of all street acceptance materials by 28 days to December 14, 2010. Until all street acceptance materials are received by this date, this street will remain a private way.

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

**RECOMMENDATION OF THE PLANNING BOARD:** Favorable Action (3-0-0)

**VOTE NEEDED:** Requires a simple majority (M.G.L. c.82 §. 23)

Moderator declares each street will be considered individually.

**Motion for Foxwood Lane:**

The motion is seconded

Moderator declares a simple majority, motion carries.

The Moderator declares no action can be taken on Deerview Lane and Wildlife Drive as they have not met the conditions for street acceptance.

**ARTICLE 15: STREET ACCEPTANCE – JULIA DRIVE**

To see if the Town will vote to (a) to accept Julia Drive as a public way, as laid out by the Board of Selectmen, a copy of which layout is on file with the Town Clerk; (b) to authorize the Board of Selectmen, in the name and behalf of the town, to acquire by gift, purchase, or eminent domain the necessary fee interests or easements and appurtenant rights in and for said way for the purposes for which public ways are used in the Town; and (c) to see what sums the Town will raise and appropriate or transfer from available funds for such purposes; or take any other action relating thereto.

**SPONSOR:** Citizen's Petition

**MOTION:** Vote to accept Julia Drive as a public way, as laid out by the Board of Selectmen, a copy of which layout is on file with the Town Clerk, and to authorize the Board of Selectmen, in the name and on behalf of the town, to accept by gift the easements and appurtenant rights for said way for the purposes for which public ways are used in the town.

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (4-1-0); The Board of Selectmen made a motion this evening to extend the timeline of all street acceptance materials by 28 days to December 14, 2010. Until all street acceptance materials are received by this date, this street will remain a private way.

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

**RECOMMENDATION OF THE PLANNING BOARD:** Favorable Action (3-0-0)

**VOTE NEEDED:** Requires a simple majority (M.G.L. c.82 §. 23)

The motion is seconded

Moderator declares a simple majority, motion carries.

**ARTICLE 16: STREET ACCEPTANCE – STANPHYL ROAD**

To see if the Town will vote to (a) to accept Stanphyl Road as a public way, as laid out by the Board of Selectmen, a copy of which layout is on file with the Town Clerk; (b) to authorize the Board of Selectmen, in the name and behalf of the town, to acquire by gift, purchase, or eminent domain the necessary fee interests or easements and appurtenant rights in and for said way for the purposes for which public ways are used in the Town; and (c) to see what sums the Town will raise and appropriate or transfer from available funds for such purposes; or take any other action relating thereto.

**SPONSOR:** Citizen's Petition

**MOTION:** Move to accept Stanphyl Road as a public way, as laid out by the Board of Selectmen, a copy of which layout is on file with the Town Clerk, (b) to authorize the Board of Selectmen, in the name and on behalf of the town, to acquire by gift, purchase, or eminent domain the necessary fee interests or easements and appurtenant rights in and for said way for the purposes for which public ways are used in the town.

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (5-0-0)

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

**RECOMMENDATION OF THE PLANNING BOARD:** Favorable Action (3-0-0)

**VOTE NEEDED:** Requires a simple majority (M.G.L. c.82 §. 23)

The motion is seconded

Moderator declares motion carried in the affirmative by a unanimous vote.

**ARTICLE 17: STREET ACCEPTANCE – CASSIE LANE**

To see if the Town will vote to accept as public way the street known as Cassie Lane as laid out by the Board of Selectmen, in the name and behalf of the Town, to acquire by gift, easements and appurtenant rights in and for said way for the purposes for which public ways are used in the Town; or take any other action relating thereto.

**SPONSOR:** Citizen's Petition

**MOTION:** Move the Town vote to accept as public way the street known as Cassie Lane as laid out by the Board of Selectmen, and in the name and behalf of the Town, to acquire by gift, easements and appurtenant rights in and for said way for the purposes for which public ways are used in the Town.

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (4-1-0); The Board of Selectmen made a motion this evening to extend the timeline of all street acceptance materials by 28 days to December 14, 2010. Until all street acceptance materials are received by this date, this street will remain a private way.

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

**RECOMMENDATION OF THE PLANNING BOARD:** Favorable Action (3-0-0)

**VOTE NEEDED:** Requires a simple majority (M.G.L. c.82 §. 23)

The motion is seconded

Moderator declares a simple majority, motion carries.

**ARTICLE 18: STREET ACCEPTANCE – BUTTERMILK WAY**

To see if the Town will vote to accept as public way the street known as Buttermilk Way as laid out by the Board of Selectmen, and further authorize the Board of Selectmen, in the name and behalf of the Town, to acquire by gift, easements and appurtenant rights in and for said way for the purposes for which public ways are used in the Town; or take any other action relating thereto.

**SPONSOR:** Citizen's Petition

**MOTION:** Move the Town vote to accept as public way the street known as Buttermilk Way as laid out by the Board of Selectmen and further authorize the Board of Selectmen in the name and behalf of the Town, to acquire by gift, easements and appurtenant rights in and for the purposes for which public ways are used in the Town.

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (4-1-0)

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-0-0)

**RECOMMENDATION OF THE PLANNING BOARD:** Favorable Action (3-0-0)

**VOTE NEEDED:** Requires a simple majority (M.G.L. c.82 §. 23)

The motion is seconded

Moderator declares a simple majority, motion carries.

**ARTICLE 19: AMEND CHAPTER 400 ARTICLE V GENERAL REGULATIONS OF THE ZONING BYLAWS – COMMON DRIVEWAYS**

To see if the Town will vote to amend Chapter 400 ARTICLE V General Regulations of the ZONING BYLAWS by inserting the following language in the currently reserved section 400-15 to be titled COMMON DRIVEWAYS

400-15 Common Driveways

A. Purpose

The purpose of this by-law is to promote public safety; avoid the alteration of the physical appearance of the land; minimize the alteration of wetland resource areas and topographical characteristics, including the removal of rock outcrops, significant fill or grading, removal of trees and other vegetation, or the removal

of buildings of historical or architectural merit. All driveways shall be constructed in a manner ensuring reasonable and safe access for all vehicles including, but not limited to, emergency, fire and police vehicles.

B. Applicability

1. Common driveways, serving not more than two (2) lots are allowed by right.
2. Common driveways serving between three (3) and four (4) lots may be allowed by special permit in all zoning districts. Common driveways may not serve more than four (4) lots.

C. Special Permit Granting Authority

The Planning Board shall be the Special Permit Granting Authority for three (3) or more common driveways.

1. The Planning Board shall consider recommendations from the Police Chief, the Fire Chief, the Highway Superintendent and the Town Engineer.
2. The Planning Board may establish and assess reasonable fees for the permit application.
3. Strict compliance with the requirements of this by-law may be waived when, in the judgment of the Planning Board, such action is in the public interest and not inconsistent with this by-law. In waiving strict compliance, the Board may require such alternative conditions as will serve substantially the same objective as the standards being waived. Further, the Planning Board may adopt, and from time to time amend regulations, policies, or lend guidance in the implementation and administration of this by-law.

D. Administration

The submittal package shall include the Special Permit Application Form, a certified abutters list for all property owners within 300 feet of the properties being served, a plan showing the proposed driveway presented at a suitable scale to show the scope and intent of the proposed project, and the permit application fee as identified herein. Applicants for common driveway approval shall submit twelve (12) copies of the application package to the Planning Board office. Within three (3) business days thereafter the Planning Board shall forward a copy of the application to the Police Chief, Fire Chief, Highway Superintendent and the Town Engineer.

E. Design Requirements

1. Lots to be served shall have at least the minimum required frontage on a town way as required by the Zoning By-law in effect at the time they were created.
2. Lots to be served by a common driveway must meet the dimensional standards of the Zoning By-law in effect at the time they were created.
3. The common driveway shall be located entirely within the boundaries of the lots being served thereby.
4. The Grade of the Common Driveway shall not exceed 10% unless the Planning Board shall grant a waiver of this requirement after a determination that said driveway will provide safe and reasonable access for vehicles.
5. The Driveway Centerline intersection with the street centerline shall not be less than (forty-five) 45 degrees.
6. No driveway will be constructed that ties to an accepted Town way in a manner that interferes with Town road drainage.

F. Construction and Operational Requirements

1. No driveway will be constructed that ties to an accepted Town way in a manner that interferes with Town road drainage.
2. The Common Driveway shall have a minimum cleared width of eighteen (18) feet if less than or equal to three hundred (300) feet in length, and twenty-two (22) feet if greater than three hundred (300) feet in length.
3. Driveways shall be constructed with a durable material, graded and suitably maintained to the extent necessary to avoid any nuisance by reason of erosion or water flow onto adjoining property.
4. A paved apron of at least twenty (20) feet in length shall be constructed at the Common Driveway - street intersection to ensure that dirt and debris is not tracked into the street.
5. No parking shall be allowed on the commonly used portion of the common driveway.

6. The house numbers of the lots serviced by the common driveway shall be clearly posted at both the street and the split in the common driveway.

**G. Required Documents**

Proposed documents shall be submitted to the Planning Board demonstrating, to the satisfaction of the Planning Board, that, through easements, restrictive covenants or other appropriate legal devices, the maintenance, repair, snow removal and liability of the common driveway shall remain perpetually the responsibility of the private parties or their successors-in-interest.

1. Said documents shall be recorded at the Registry of Deeds, and a copy of said recorded documents shall be provided to the Planning Board prior to issuance of a building permit for any structure to be served by the common driveway.
2. A covenant shall be entered into between the owner or developer and the Town, in a form acceptable to the Planning Board, prohibiting the issuance of an occupancy permit for any structure to be served by the common driveway until such time as the common driveway has been constructed in accordance with this Bylaw.
3. Completion of Declaration of Common Driveway Maintenance Covenant.

Or take any other action related thereto.

**SPONSOR:** Planning Board

**COMMENTARY:** *The Planning Board seeks to amend the zoning bylaws to clarify the use of common driveway by right for not more than two driveways and by special permit for three or four driveways.*

**MOTION:** *Move to vote the article as written*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Unfavorable Action (5-0-0)

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (5-1-0)

**RECOMMENDATION OF THE PLANNING BOARD:** Favorable Action (3-0-0)

**VOTE NEEDED:** Requires 2/3rds majority.

**The motion is seconded**

**Moderator declares motion fails.**

**ARTICLE 20: AMEND CHAPTER 400 ARTICLE VII SPECIAL RESIDENTIAL REGULATIONS OF THE ZONING BYLAWS – RETREAT LOTS**

To see if the Town will vote to amend Chapter 400 ARTICLE VII Special Residential Regulations of the ZONING BYLAWS by inserting the following language in the currently reserved section 400-32 to be titled RETREAT LOTS:

For the purpose of providing reasonable use of backland, for single family residential use, there may be established so called retreat lots, also called pork chop lots or hammer head lots, the building upon which may be authorized by the Planning Board subject to the following conditions:

- A. Such lot shall be entirely within residential zoning district R-A, R-B, R-C, or the Agriculture Zone.
- B. Such lot shall have a minimum street frontage of 30 feet and a width of not less than 30 feet at all points between the street and the nearest part of the principal building.
- C. The area of such lot shall be at least 1.5 times the minimum area otherwise required.
- D. Such lot shall otherwise be in compliance with all other requirements of the Zoning Bylaws applicable to the zoning district in which such lot is located.
- E. Such lot shall not have contiguous frontage with any other lot owned by the same individual, group of individuals, or other common entity that has been granted a building permit pursuant to this section.
- F. No building permit shall be issued pursuant to this section unless such lot is situated on a public way/private way in the Town of Uxbridge.
- G. Any dwelling constructed on such lot shall be a single-family home.
- H. Once a retreat lot with reduced frontage is approved by the Planning Board, it can not be subsequently divided into further lots.

Or take any other action related thereto.

**SPONSOR:** Planning Board

**COMMENTARY:** *The Planning Board seeks to amend the zoning bylaws to afford a resident the opportunity to utilize back land for a single residence in residential & agricultural zones.*

**MOTION:** *Move to vote the article as written*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (5-0-0)

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (5-1-0)

**RECOMMENDATION OF THE PLANNING BOARD:** Favorable Action (3-0-0)

**VOTE NEEDED:** Requires 2/3rds majority.

The motion is seconded

Moderator declares motion fails.

**ARTICLE 21: AMEND THE ZONING BYLAWS SECTION 400-13, APPENDIX B – TABLE OF DIMENSIONAL REQUIREMENTS**

To see if the Town will vote to amend the Zoning Bylaws Section 400-13, Appendix B – Table of Dimensional Requirements, footnote 3 by adding the language after the word “Plus”... “for an Apartment House...” and deleting the word “dwelling” and replacing it with “apartment”. The amended footnote should read “Plus, for an Apartment House, 8,000 square feet per additional apartment unit over one (1), up to four (4) apartment units per lot.

**SPONSOR:** Citizen’s Petition

**MOTION:** *Motion, if any to be provided by the petitioner*

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

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-0-0)

**RECOMMENDATION OF THE PLANNING BOARD:** Favorable Action (5-0-0)

**VOTE NEEDED:** Requires 2/3rds majority.

The motion is seconded

Moderator declares a 2/3rds majority, motion carries.

**ARTICLE 22: AMEND ARTICLE X, DEFINITIONS OF THE ZONING BYLAWS**

To see if the Town will vote to amend the text of article 13 as passed at the May 11, 2010 Annual Town Meeting by amending Chapter 400 of the Town of Uxbridge Zoning Bylaws in the following manner:

1. Amend ARTICLE X, DEFINITIONS by adding:

“Life Science and Life Science Technology: Any of the several branches of science and technology that deal with living organisms and their organization. The use, production, manufacture, or storage of Recombinant DNA is prohibited without first obtaining a PERMIT issued by the Board of Health”.

2. Amend Appendix A, Table of Use Regulations by adding under “D. Commercial Uses” the following:

“Life Science and Life Science Technology” and by placing the letters “N” in the columns R-A, R-B, R-C, and A; and “Y” in the columns “B” and “I”.

And by adding to the “Key” at the end of the table of uses:

“<sup>1</sup> The use, production, manufacture, or storage of Recombinant DNA is prohibited without first obtaining a PERMIT issued by the Board of Health”.

**SPONSOR:** Board of Selectmen

**COMMENTARY:**

**MOTION:** *Move to vote the article as written*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (5-0-0)

**RECOMMENDATION OF THE FINANCE COMMITTEE: Unfavorable Action (6-0-0):** The Finance Committee feels the language of this article is redundant and does not accomplish the intended outcome. The Finance Committee would have preferred the article simply move the approved bylaw into the appropriate section.

**RECOMMENDATION OF THE PLANNING BOARD: Favorable Action (5-0-0)**

**VOTE NEEDED:** Requires 2/3rds majority.

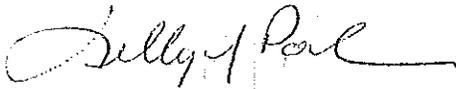
The motion is seconded

Moderator declares a 2/3rds majority, motion carries.

\* \* \* \* \*

A motion was made and seconded to dissolve the 2010 Fall Annual Town meeting. The motion carried unanimously and town meeting was adjourned at 10:05pm.

A true copy attest,



Kelly J. Poulin  
Uxbridge Town Clerk

