



2015 SPRING ANNUAL TOWN MEETING MINUTES
TUESDAY, MAY 12, 2015 – 7:00 P.M.
UXBRIDGE HIGH SCHOOL AUDITORIUM
300 QUAKER HIGHWAY, 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 Auditorium, in Precinct 3, in said Uxbridge, and transacted the following business on May 12, 2015:

Moderator Charles E. Maharay called the Spring Annual Town Meeting to order at 7:00pm, declaring the presence of a quorum (50 required, 219 voters present). Rules for conducting business and taking votes of the meeting were announced.

* * *

The following motion was made:

I move that the Spring Annual Town Meeting be recessed in order for the town to conduct the May 12, 2015 Special Town Meeting and further move that the Spring Annual Town Meeting be resumed at the conclusion of the Special Town Meeting.

The motion is seconded

Moderator declares a unanimous vote, motion carries

The Spring Annual Town Meeting was recessed at 7:05pm to conduct the business of the May 12, 2015 Special Town Meeting, two articles were voted upon and the Special Town Meeting was dissolved at 7:44. The business of the Spring Annual Town Meeting was resumed at that point.

ARTICLE 1; REPORTS

Sponsor: Board of Selectmen

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

Or take any other action relating thereto.

No Motion, No Action

ARTICLE 2; FY2015 INTER/INTRA DEPARTMENTAL TRANSFERS

Sponsor: Town Manager

To see if the Town will vote to transfer from available funds a sum of money to balance certain line items within the FY15 budget approved under Article 4, 7, 8, 9, & 10 of the May 13, 2014 Annual Town Meeting or its continued date, or to/from any other enterprise and/or enterprise capital fund.

Or take any action relating thereto.

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, or any additional

appropriations, require town meeting action. These transfers are divided into two main motions, and are needed to eliminate potential deficits in the receiving accounts.

Table A for Main Motion #1 - The transferring departments have available funds due to unfilled positions (Library Director), injuries and deployments (Police Department) or lower than forecast expenditures (Health Insurance). The receiving departments are seeking the transfers for the following reasons:

Finance Department Expenses - Increase cost of Assessors software support, and additional funds for postage

Land Use Salaries - The Administrative Clerk for this department was full time until FY 2011, when it was reduced to part time. The office has seen significant turnover since the position's hours was reduced. The work of the Planning and Zoning Boards is time consuming and requires much attention to detail. We have promoted an existing staff member from part time to full time in order to bring order and continuity to the position.

Conservation Salaries - The Conservation Agent was given a \$300 annual car allowance when she was hired that was not in the FY 2015 budget.

Inspectional Services Salaries - The Building Inspector was originally hired at a salary that reflected service of thirty hours per week. The increased building activity, coupled with the addition of facilities maintenance responsibilities to his duties, requires that the position be increased to a salary based on a forty-hour work week.

DPW Administration Salaries - Increase needed to cover the payout of sick and vacation time to a retiring employee.

Student Transportation - Transferred required to fund the un-budgeted transportation expenses of a student attending Tri-County Regional School.

Police Expenses - Funds needed for vehicle maintenance including tires, stop sticks, ammo, firearms, crime scene supplies and other equipment.

Miscellaneous Capital Expenditures - These capital projects were scheduled to be funded in FY 2015, but were derailed by departmental maintenance costs, which were funded out of the capital fund. Adjustments have been made to the FY 2016 budget to properly categorize those maintenance costs going forward.

Recommendations:

Finance Committee: Favorable Action (5-0-0) - This is a standard financial article used to balance the current year's budget

Board of Selectmen: Favorable Action (2-1-1)

Vote Needed: Requires a simple majority vote.

MAIN MOTION #1: Move that the Town vote to transfer and appropriate the amounts as stated in the preceding Table A, totaling \$227,000, for any legal purpose for which funds may be expended from the latter accounts, each item being considered a separate appropriation for Fiscal Year 2015.

The motion is seconded

Moderator declares a unanimous vote, motion carries

Table B for Main Motion #2 - The transferring departments have available funds due to remaining funds in previously approved projects. The receiving departments are seeking the transfers for the following reasons:

Water Enterprise Retained Earnings Transfer: The Town's engineering consultant for this project, Tata and Howard, has submitted a proposal for construction administration associated with the North and South Main Street water mains construction project. The Town has received approval from Massachusetts DEP to bid this project in April. The state revolving fund, which will fund this project, requires this level of engineering and technical support. We expect that construction will begin in June.

Water Enterprise Capital Fund 403 Transfer: The account balance remaining in this account has been identified as being surplus to the project. During FY 2014, the Town completed an analysis of the water distribution system and developed a capital plan to address needed improvements. This transfer will allow the completion of several capital projects without further borrowing. It should be noted that approval on this transfer will repurpose funds that were borrowed for a particular capital expense as required by Massachusetts General Laws.

Wastewater Enterprise Retained Earnings Transfer: The Wastewater Enterprise Retained Earnings transfer has two components:

\$275,000 - The Town's engineering consultant for this project, GHD, Inc., has submitted a proposal for conceptual design associated with the Wastewater Treatment Facility upgrades and Value Engineering. Value engineering is a specialized cost control technique performed by an independent group of experienced professionals. The technique involves an intensive, systematic and creative study to reduce costs while enhancing reliability and performance. The technique is used to achieve the best functional balance between cost, reliability, and performance of a product, process, system, or facility. The value engineering effort provides a project designer with an additional source of engineering, of engineering, construction, and operations expertise to enhance the projects design and operability. If the transfer is approved, work will progress on the project and allow the DPW to maintain compliance with the Consent Order and NPDES Permit.

\$175,000 - GHD, Inc. has submitted a proposal for final design associated with the West River wastewater pumping station. Over the last year, the DPW has experienced a number of issues with this aging station and we are now at a point that a replacement station is warranted. This wastewater pump station is a critical element of the collection system that services the West River Road and West River Estates (northeast) section of the collection system. If the transfer is approved, the funds will be allow for final design work to be completed and construction funding to be determined.

Recommendations:

Finance Committee: Favorable Action (5-0-0) - *This is a standard financial article used to balance the current year's budget*
Board of Selectmen: Favorable Action (2-1-1)

Vote Needed: Requires a simple majority vote.

MAIN MOTION #2: Move that the Town vote to transfer and appropriate the amounts as stated in the preceding Table B, totaling \$1,476,465, for any legal purpose for which funds may be expended from the latter accounts, each item being considered a separate appropriation for Fiscal Year 2015.

The motion is seconded

Moderator declares a unanimous vote, motion carries

ARTICLE 3; FY2015 STABILIZATION FUND TRANSFER; SNOW & ICE DEFICIT

Sponsor: Town Manager

To see if the Town will vote to transfer from the Town Stabilization Fund a sum of money to balance certain line items within the FY15 budget approved under Article 4 of the May 13, 2014 Annual Town Meeting or its continued date.

Or take any action relating thereto.

General Commentary: The Town budgeted \$255,109 for snow and ice removal in FY 2015. M.G.L. Chapter 44, Section 31D allows the Town to incur liability and make expenditures in excess of available appropriations for snow and ice removal, upon the approval by the Town Manager and the Finance Committee. The excess liability can be either raised on the Recapitulation Sheet when the tax rate is set, or paid for via operating budget of Stabilization Fund transfer. The Town does not have levy capacity available to allow it to be raised,

snow and ice removal, upon the approval by the Town Manager and the Finance Committee. The excess liability can be either raised on the Recapitulation Sheet when the tax rate is set, or paid for via operating budget of Stabilization Fund transfer. The Town does not have levy capacity available to allow it to be raised, nor the available funds in the general fund budget to allow for transfer. A transfer from Stabilization fund transfer is currently the only mechanism to cover this deficit. A chart showing the annual snow/ice deficits for the past eight years is listed below:

Recommendations:

Finance Committee: Favorable Action (5-0-0) - *The Finance Committee believes, and the Town Manager concurs, that this budget should be increased, and anticipate doing so beginning with the Fiscal 2017 budget process.*

Board of Selectmen: Favorable Action (4-0-0)

Vote Needed: A transfer from Stabilization requires a 2/3rds vote per MGL Ch44 § 33B.

MAIN MOTION: Move that the Town vote to transfer and appropriate the amount as stated in the preceding Table C, totaling \$725,000, for any legal purpose for which funds may be expended from the latter accounts, each item being considered a separate appropriation for Fiscal Year 2015.

The motion is seconded

Moderator declares a unanimous vote, motion carries

ARTICLE 4: FY2016 TOWN BUDGET

Sponsor: Town Manager

To see if the Town will vote to fix compensation of all officials of the Town, provide for a reserve fund, determine sums to be raised and appropriated, including those from available funds, in order to defray expenses including debt and interest for fiscal year 2016 (FY16) – approve the budget; or take any other action relating thereto.

General Commentary: Please see the expenditure and revenue details in the FY 2016 Budget document excerpt below. The first set of tables outlines the Town Manager Recommended expense budget for each department, including the dollar change over the previously approved FY 2015 budget. Budgeted FY 2016 salaries and expenses total \$40,590,644, a change of \$1,270,680 or 3.23% from FY 2015. The second set of tables outlines the estimated revenues and sources of funding projected to fund the FY2016 Budget, including the dollar change over the revenue raised via the FY2015 Tax Rate Recapitulation. Budgeted FY 2016 revenues total \$40,590,644, a change of \$1,267,326 or 3.23% from FY2015.

Recommendations:

Finance Committee: Favorable Action (5-0-0) - *The Finance Committee believes that the FY2016 operating budget, with no anticipated funding from Stabilization, is allocated fairly.*

Board of Selectmen: Favorable Action, Vote failed (2-2-0)

Vote Needed: Requires a simple majority, assuming no funding is coming from Stabilization. A transfer from Stabilization requires a 2/3rds vote per MGL Ch44 § 33B.

MAIN MOTION: Move that \$40,590,644 be appropriated, as set forth in individual budget appropriations listed under the column "FY 2016 TM Budget", on the preceding Table D entitled "Total Estimated Financing Uses", for recommendation at the Annual Town Meeting on May 12, 2015, as most recently revised; and as funding therefore; to transfer from local revenue, funds raised via taxation, and any other available funds; to raise and appropriate the total sum of \$40,590,644 as set forth under the column entitled "FY16 Estimated Revenues" on the preceding Table E entitled, "Total Financing Sources", each item considered a separate appropriation.

The motion is seconded

Moderator declares a simple majority vote, motion carries

ARTICLE 5; CMRPC PER CAPITA RATE/APPROPRIATION

Sponsor: Town Manager

To see if the Town will vote to approve a per capita rate of .25944, as assessed upon the population of 13,457 persons in the Town of Uxbridge, as listed on the 2010 national census, and in doing so, vote to confirm the amount of \$3,491.28 appropriated for this purpose in Article 4 to pay the Town's portion of the FY 2016 operating expenses of the Central Massachusetts Regional Planning Commission (CMRPC) pursuant to MGL Chapter 40B, Section 7.

Or take any other action relating thereto.

General Commentary: This article seeks funding for the FY 2016 assessment by CMRPC, as approved by the Regional Planning Commission pursuant Chapter 40B, Section 7 of Massachusetts General Laws. This assessment was previously raised within the general fund budget, but this year it was noted that Town Meeting must also approve the per capita rate upon which the assessment is based, which necessitates a special article.

Recommendations:

Finance Committee: Favorable Action (5-0-0) - *Being a member of the CMRPC should help foster economic growth in Town as well as provide for additional grant opportunities.*

Board of Selectmen: Favorable Action (4-0-0)

Vote Needed: Requires a simple majority vote.

MAIN MOTION: Move that the Town accept the article as written

The motion is seconded

Moderator declares a unanimous vote, motion carries

ARTICLE 6; REVOLVING FUND ACCOUNTS

Sponsor: Town Manager

To see if the Town will vote to establish and authorize GLc.44, §53E ½ revolving funds for the continuation of: Library book repairs, not to exceed \$15,000, derived from late fines and fees, under the Library Trustees; recreation program costs, not to exceed \$10,000, derived from program fees, under the Recreation Committee; compost bin costs, not to exceed \$2,000, derived from compost bin sales, under the Board of Health; operational and restoration costs associated with the Uxbridge Community Garden, not to exceed \$12,000, to be derived from user fees and donations, under the Community Garden Committee; first aid/CPR training, not to exceed \$10,000, derived from course tuition and fees, under the Fire Chief; securing and/or demolition of buildings deemed unsafe and associated site cleanup, not to exceed \$30,000, derived from fees charged for those activities and 2.5% of permit revenue generated by the Inspectional Services Department, under the said department; Operation and restoration costs associated with Pout Pond; under the Pout Pond Recreation Committee, not to exceed \$12,000, derived from user and activity fees and concession sales.

Or take any other action relating thereto.

General Commentary: Annual re-establishment of revolving funds as required by MGL. No appropriation is required; funded by fees charged.

Recommendations:

Finance Committee: Favorable Action (5-0-0) - *This is a standard article which needs to be accepted annually so that these revolving funds may continue to be used.*

Board of Selectmen: Favorable Action (4-0-0)

Vote Needed: Requires a simple majority vote.

MAIN MOTION: Move that the Town accept the article as written

The motion is seconded

Moderator declares a unanimous vote, motion carries

ARTICLE 7; WASTEWATER ENTERPRISE BUDGET

Sponsor: Town Manager

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, or otherwise provide a sum or sums of money for the salaries, expenses and debt service of the Sewer Department (Wastewater) Enterprise Fund for the ensuing fiscal year, such sums of money to be offset by revenues of the Sewer Department Enterprise Fund received during FY2016;
Or take any other action relating thereto.

General Commentary: The Wastewater Enterprise Fund is based upon the collection of sewer charges to over 3,200 billing units and is entirely self-supporting. Debt, fuel and benefit charges for departmental employees are paid from the general fund, and reimbursed by a charge against wastewater departmental revenue. The FY 2016 Wastewater Enterprise budget shows an increase of 27,071, or 2.25% from FY 2015 (Excluding special purpose articles); General fund charges are forecast to increase by 14,355. Total funding increase of \$41,426.

Recommendations:

Finance Committee: Favorable Action (5-0-0) - Passage of this article is required to fund the Wastewater Enterprise personnel, operating expenses, and capital purchases.

Board of Selectmen: Favorable Action (4-0-0)

Vote Needed: Requires a simple majority vote.

MAIN MOTION: Move that the sum of \$1,230,276 as set forth in the preceding table, in the column entitled "FY16 TM Budget", up to and including the line entitled "Table F - 2016 Wastewater Budget" be appropriated to the FY16 Wastewater Department Enterprise Fund Account to be expended for the respective purposes set forth, with each item being considered a separate appropriation

The motion is seconded

Moderator declares a unanimous vote, motion carries

ARTICLE 8; WATER ENTERPRISE BUDGET

Sponsor: Town Manager

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, or otherwise provide a sum or sums of money for the salaries, expenses and debt service of the Water Department Enterprise Fund for the ensuing fiscal year, such sums of money to be offset by revenues of the Water Department Enterprise Fund received during FY2016;
Or take any other action relating thereto.

General Commentary: The Water Enterprise Fund is based upon the collection of water charges to over 4,000 billing units and is entirely self-supporting. Debt, fuel and benefit charges for departmental employees are paid from the general fund, and reimbursed by a charge against water departmental revenue. The FY 2016 water enterprise budget shows an increase of \$57,069 or 6.83% from FY 2015 operating budget (excluding special articles). General fund charges are expected to decrease by \$26,839. Total funding increase of \$30,230.

Recommendations:

Finance Committee: Favorable Action (5-0-0) - Passage of this article is required to fund the Water Enterprise personnel, operating expenses, and capital purchases.

Vote Needed: Requires a simple majority vote.

MAIN MOTION: Move that the sum of \$892,551 as set forth in the preceding table, in the column entitled "FY16 TM Budget", up to and including the line entitled "Table G - 2016 Water Budget" be appropriated to the FY16 Water Department Enterprise Fund Account to be expended for the respective purposes set forth, with each item being considered a separate appropriation

The motion is seconded

Moderator declares a unanimous vote, motion carries

ARTICLE 9; AMBULANCE ENTERPRISE BUDGET

Sponsor: Town Manager

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, or otherwise provide a sum or sums of money for the salaries and expenses of the Ambulance Division Enterprise Fund for the ensuing fiscal year, such sums of money to be offset by revenues of the Ambulance Division received during FY2016;

Or take any other action relating thereto.

General Commentary: The Ambulance Enterprise Fund is based upon the collection of ambulance charges is entirely self-supporting. Debt, fuel and benefit charges for departmental employees are paid from the general fund, and reimbursed by a charge against departmental revenue. The FY 2016 ambulance enterprise budget requests an increase of \$27,557 or 5.20%. General fund charges to the fund are forecast to decrease by \$1,264. Retained earnings are to be charged \$39,740 for new ambulance debt. Total funding increase of \$66,033

Recommendations:

Finance Committee: Favorable Action (5-0-0) - *Passage of this article is required to fund the Ambulance Enterprise personnel, operating expenses, and capital purchases. The Finance Committee is concerned regarding the long term health of this fund due to the variability of the collectible fees, and suggests that the Town Manager does what is necessary to keep the fund viable for the future.*

Board of Selectmen: Favorable Action (4-0-0)

Vote Needed: Requires a simple majority vote.

MAIN MOTION: Move that the sum of \$557,613 as set forth in the preceding table, in the column entitled "FY16 TM Budget", up to and including the line entitled "Table H - 2016 Ambulance Budget" be appropriated to the FY16 Ambulance Department Enterprise Fund Account to be expended for the respective purposes set forth, with each item being considered a separate appropriation

The motion is seconded

Moderator declares a unanimous vote, motion carries

ARTICLE 10; ESTABLISHMENT OF A CABLE TELEVISION PUBLIC ACCESS ENTERPRISE FUND

Sponsor: Town Manager

To see if the Town will vote to establish an Enterprise Fund for the Cable Television Public Access Department under the provisions of Chapter 44, Section 53F ½ of Massachusetts General Laws and to forthwith transfer the a sum of money from the Cable Access Receipts Reserved for Appropriation account to said fund.

Or take any other action relating thereto.

General Commentary: Chapter 352 of the Acts of 2014 amended Chapter 44, Section 53 F 1/2, allows the Cable receipts reserved for appropriation account to be moved to an enterprise fund. This will allow the fund to

retain its' balances year to year, without releasing them to free cash each June and re-appropriating them at the Fall Annual Town Meeting.

Recommendations:

Finance Committee: Favorable Action (5-0-0) - *With the amendment to the law, FY2015 will be the last year that the cable fund balances are closed out to free cash and re-appropriated at Town Meeting.*

Board of Selectmen: Favorable Action (3-1-0)

Vote Needed: Requires a simple majority vote.

MAIN MOTION: Move that the article be approved as written

The motion is seconded

Moderator declares a unanimous vote, motion carries

ARTICLE 11: COMMUNITY ACCESS TELEVISION BUDGET

Sponsor: Cable Committee

To see if the Town will vote to appropriate a sum or sums of money for the salaries and expenses of the Community Access Television budget for the ensuing fiscal year, such sums of money to be offset revenues received during fiscal year 2016 by the Cable PEG Access Enterprise Fund.

Or take any other action relating thereto.

General Commentary: The Community Access Television budget is funded by charges unrelated to the tax levy. Benefit charges for departmental employees are paid from the general fund, and reimbursed by a charge against departmental revenue. The FY 2016 Cable PEG access operating budget shows a decrease of \$23,063 or -13.29% from FY 2015. General fund charges are forecast to decrease by \$12,280. Total funding reduction of \$35,343.

Recommendations:

Finance Committee: Favorable Action (5-0-0) - *Passage of this article appropriates monies to fund the operation of the Cable PEG Access. The Finance Committee hopes to see continued improvements in cable operations.*

Board of Selectmen: Favorable Action (3-0-1)

Vote Needed: Requires a simple majority vote.

MAIN MOTION: Move that the sum of \$150,467 as set forth in the preceding table, in the column entitled "FY16 TM Budget", up to and including the line entitled "Table I - 2016 Cable Access Budget" be appropriated to the FY16 Cable PEG Access Television Enterprise Fund Account to be expended for the respective purposes set forth, with each item being considered a separate appropriation

The motion is seconded

Moderator declares a simple majority vote, motion carries

ARTICLE 12: FY2015 STABILIZATION FUND TRANSFER - COMMUNICATIONS AND EMERGENCY PREPAREDNESS EQUIPMENT

Sponsor: Town Manager

To see if the Town will vote to appropriate and transfer the sum of \$300,000 from the Town Stabilization Fund and to authorize expenditure of up to that amount to purchase replacement two way communications equipment for the Police and Fire Departments, permanent emergency generators for the Town Hall and Senior Center, and/or other emergency preparedness equipment or services deemed necessary, said expenditures to be offset by the acceptance of any grants or gifts given for these purposes;

Or take any action relating thereto.

General Commentary: The Police and Fire Departments are in need of improvements to their two way radio communications capability. This equipment is long past its useful life, and is housed in a structure that is accessible to insects and small animals. The structure is not climate controlled, exposing the equipment to extreme temperature conditions. There are network issues as well. Units in the field cannot communicate sufficiently with dispatch or with other field units because of the systems limited capability. Additionally, outside agencies coming in under mutual aid or as part of a district asset experience the same issue. This impacts quality of service on a daily basis, and under certain circumstances, could put the general public and/or our police officers at risk

Recommendations:

Finance Committee: Favorable Action (5-0-0) - *The Finance Committee believes that this is a public safety issue that needs to be addressed.*

Board of Selectmen: Favorable Action (4-0-0)

Vote Needed: A transfer from Stabilization requires a 2/3rds vote per MGL Ch44 § 33B.

MAIN MOTION: Move that the article be accepted as written.

The motion is seconded

Moderator declares a unanimous vote, motion carries

ARTICLE 13; ACCEPTANCE OF MASSACHUSETTS GENERAL LAW CHAPTER 59, SECTION 5 - CLAUSE 22D RELATED TO PARAPLEGIC VETERANS', SPOUSES, AND SURVIVING SPOUSES

Sponsor: Town Manager

To see if the Town will vote to accept the provisions of G.L. Chapter 59, Section 5, Clause 22d, which will allow an exemption of 100% of taxes on domiciles of paraplegic veterans, their spouses and surviving spouses, to be effective July 1, 2015.

Or take any other action related thereto.

General Commentary: This is a new local acceptance statute, which will allow a 100% tax exemption for paraplegic veterans, their spouses where title is held by the spouse, and surviving spouses.

Recommendations:

Finance Committee: Favorable Action (5-0-0) - *Passage of this article will offer assistance in the form of property tax relief to paraplegic veterans' and their families.*

Board of Selectmen: Favorable Action (4-0-0)

Vote Needed: Requires a simple majority vote.

MAIN MOTION: Move that the article be accepted as written.

The motion is seconded

Moderator declares a unanimous vote, motion carries

ARTICLE 14; ACCEPTANCE OF INCREASE IN EARNED ABATEMENT FOR SENIOR WORK ABATEMENTS, PURSUANT TO MASSACHUSETTS GENERAL LAW CHAPTER 59, SECTION K

Sponsor: Town Manager

To see if the Town will vote to accept an increase in maximum worked abatement under the senior work off program to \$1,000 under the provisions of GL Chapter 59, Section 5k, Or take any other action related thereto.

General Commentary: This will allow the maximum abatement for senior work-off from \$500 to \$1,000.

Recommendations:

Finance Committee: Favorable Action (5-0-0) - *Passage of this article will allow senior citizens who take advantage of the Town's senior work-off program to receive an increased reduction in their real estate tax.*
Board of Selectmen: Favorable Action (4-0-0)

Vote Needed: Requires a simple majority vote.

MAIN MOTION: Move that the article be accepted as written.

The motion is seconded

Moderator declares a unanimous vote, motion carries

ARTICLE 15; ACCEPTANCE OF INCREASE IN EARNED ABATEMENT FOR VETERANS WORK ABATEMENTS, PURSUANT TO MASSACHUSETTS GENERAL LAW CHAPTER 59, SECTION 5N

Sponsor: Town Manager

To see if the Town will vote to accept an increase in maximum worked abatement under the Veteran's work off program to \$1,000 under the provisions of G.L. Chapter 59, Section 5N, Or take any other action related thereto.

General Commentary: This will allow the maximum abatement for veterans work-off from \$500 to \$1,000

Recommendations:

Finance Committee: Favorable Action (5-0-0) - *Passage of this article will allow veterans who take advantage of the Town's veteran's work-off to receive an increased reduction in their real estate tax.*
Board of Selectmen: Favorable Action (4-0-0)

Vote Needed: Requires a simple majority vote.

MAIN MOTION: Move that the article be accepted as written.

The motion is seconded

Moderator declares a unanimous vote, motion carries

ARTICLE 16; ACCEPTANCE OF MASSACHUSETTS GENERAL LAW CHAPTER 71, SECTION 71E; ADULT AND CONTINUING EDUCATION PROGRAMS

Sponsor: Town Manager

To see if the Town will vote to accept Massachusetts General Laws Chapter 71 Section 71E which authorizes the creation of special revenue funds by the School Committee, for the receipt and expenditure of funds received as tuition or fee payments for adult and continuing education programs, Or take any action related thereto.

General Commentary: Acceptance of this statute is required to create special revenue accounts for adult and continuing education programs. The Town has had these funds for a number of years, but we could find no evidence of acceptance 71E. Doing so will give the funds a legal basis to exist going forward.

Recommendations:

Finance Committee: Favorable Action (5-0-0) - *This acceptance corrects an omission from a prior year's warrant.*
Board of Selectmen: Favorable Action (4-0-0)

Vote Needed: Requires a simple majority vote.

MAIN MOTION: Move that the article be accepted as written.

The motion is seconded

Moderator declares a unanimous vote, motion carries

ARTICLE 17; ACCEPTANCE OF MASSACHUSETTS GENERAL LAW CHAPTER 71, SECTION 71F; TUITION PAYMENTS FOR NON RESIDENT STUDENTS AND STATE REIMBURSEMENTS FOR STUDENTS IN FOSTER CARE

Sponsor: Town Manager

To see if the Town will vote to accept Massachusetts General Laws, Chapter 71, Section 71F, which authorizes the creation of special revenue funds by the School Committee, for the receipt and expenditure of funds received as tuition payments for nonresident students and as state reimbursements for students who are foster care children, Or take any action related thereto

General Commentary: Acceptance of this statute is required to create special revenue accounts for nonresident students, such as those who will be coming as part of our international exchange program

Recommendations:

Finance Committee: Favorable Action (5-0-0) - *Acceptance of this statute will allow new revolving funds for non-resident students & foster care children to be lawfully established.*

Board of Selectmen: Favorable Action (4-0-0)

Vote Needed: Requires a simple majority vote.

MAIN MOTION: Move that the article be accepted as written.

The motion is seconded

Moderator declares a unanimous vote, motion carries

ARTICLE 18; DISPOSITION OF TOWN OWNED PROPERTY

Sponsor: Town Manager

To see if the Town will vote to authorize the Town Manager to sell the following town owned properties and to authorize the Town Manager to enter into all agreements and execute any and all instruments as may be necessary to sell such properties and any access easements in and to said properties, Or take any action related thereto.

General Commentary: This article is being passed over at this time. Research is ongoing to determine as to how these parcels were acquired.

Recommendations:

Finance Committee: PASSOVER

Board of Selectmen: PASSOVER

Vote Needed: Requires a simple majority vote.

MAIN MOTION: No Motion

No Motion, No Action

ARTICLE 19; DISPOSITION OF TOWN OWNED PROPERTY AND AUTHORIZATION OF A PAYMENT IN LIEU OF TAX AGREEMENT - 558 HAZEL STREET

Sponsor: Town Manager

To see if the Town will vote to dispose of a portion of Town-owned property, by authorizing a ground mounted solar field, encompassing about 10 acres more or less, to be located on the Town-owned capped sludge landfill,

located at 558 Hazel Street, Uxbridge, MA for a period of at least 20 years, said installation to be subject to the acceptance of an annual lease payment and other terms as negotiated by the Town Manager; furthermore, through acceptance of the this article, the Town authorizes the Town Manager to negotiate a PILOT agreement pursuant to an affirmative vote of the Board of Selectmen, in accordance with G.L. C. 59, §38H, and regulations promulgated thereunder, with respect to annual payments in lieu of personal property taxes over the term of the agreement; furthermore, the Town authorizes the Town Manager to enter into all agreements and execute any and all instruments as may be necessary pursuant to a favorable vote by the Board of Selectmen; Or take any other action related thereto.

General Commentary: Passage of this article will authorize the Town solar energy developer on a parcel of town owned land on 558 Hazel Street. The annual lease payment and terms are currently under negotiation. The article further authorizes the Town Manager to enter into negotiations to establish a payment-in lieu-of-tax or PILOT agreement. MGL requires PILOT agreements to collect essentially the same amount of revenue that would be generated if the subject property and equipment was subject to full and fair taxation. MGL C. 59, §38H requires a vote by Town Meeting in order to authorize such a negotiation.

Recommendations:

Finance Committee: Favorable Action (5-0-0) - *The Committee believes that this is an acceptable use of a capped landfill that currently serves no other purpose.*

Board of Selectmen: Favorable Action (4-0-0)

Vote Needed: Requires a 2/3rds vote per MGL Ch40 § 15A

MAIN MOTION: Move that the article be accepted as written.

The motion is seconded

Moderator declares a 2/3rds vote, motion carries

ARTICLE 20; DISPOSITION OF TOWN OWNED PROPERTY AND AUTHORIZATION OF A PAYMENT IN LIEU OF TAX AGREEMENT - 285 SUTTON STREET

Sponsor: Town Manager

To see if the Town will vote to dispose of a portion of town-owned property, by authorizing a ground mounted solar field, encompassing about 15 acres more or less, to be located on a portion of Town owned property, located at 285 Sutton Street, Uxbridge, MA, known locally as the "100 Acre lot" for a period of at least 20 years, said installation to be subject to the acceptance of an annual lease payment and other terms as negotiated by the Town Manager; furthermore through acceptance of the this article, the Town authorizes the Town Manager to negotiate a PILOT agreement pursuant to an affirmative vote of the Board of Selectmen, pursuant to G.L. C. 59, §38H, and regulations promulgated thereunder, with respect to annual payments in lieu of personal property taxes over the period of the agreement; furthermore the Town authorizes the Town Manager to enter into all agreements and execute any and all instruments as may be necessary pursuant to a favorable vote by the Board of Selectmen; Or take any other action related thereto.

General Commentary: Passage of this article will authorize the Town solar energy developer on a parcel of town owned land on 285 Sutton Street. The annual lease payment and terms are currently under negotiation. The article further authorizes the Town Manager to enter into negotiations to establish a payment-in lieu-of-tax or PILOT agreement. MGL requires PILOT agreements to collect essentially the same amount of revenue that would be generated if the subject property and equipment was subject to full and fair taxation. MGL C. 59, §38H requires a vote by Town Meeting in order to authorize such a negotiation. A Project Summary is included following this article.

Recommendations:

Finance Committee: UnFavorable Action (3-2-0) - *The majority of the Committee felt that the preservation of the character of the property outweighed the potential financial gain.*
Board of Selectmen: Favorable Action (3-1-0)

Vote Needed: Requires a 2/3rds vote per MGL Ch40 § 15A

MAIN MOTION: Move that the article be accepted as written.

The Main motion is seconded

Motion to Amend the Main Motion: I move that the article be revised by removing the words "at least".

The Amended motion was seconded

A vote to accept the amendment was taken by standing count, (simple majority required, 142 For, 122 Against)

Moderator declares a simple majority vote, motion carries

A vote on the amended article was taken by standing count, (2/3rds majority required, 124 For, 97 Against)

Moderator declares the motion fails

A motion was made to take Article 28 out of order.

The motion is seconded

Moderator declares a simple majority vote, motion carries

ARTICLE 28; SCENIC ROAD - LAUREL STREET, CHOCOLOG ROAD

Sponsor: Historic Commission

To see if the Town will vote to make Laurel Street in its entirety and Chocolog Road starting at the intersection of Mill Street to the Douglas line, scenic roads.

General Commentary: The Historic Commission believes that these streets contain attributes that qualify them as scenic roads, and would like to see them designated as such.

Recommendations:

Finance Committee: Unfavorable Action (2-1-2) - *The voting majority of the Committee felt that the scenic road designation was unnecessary and that it restricts the ability of the Town to maintain the road.*
Board of Selectmen: Favorable Action (2-0-2)
Planning Board: Unfavorable Action (2-1-1)

Vote Needed: Requires a simple majority vote per MGL Ch40 § 15C

MAIN MOTION: Move that the article be accepted as written.

The motion is seconded

Moderator declares a simple majority vote, motion carries

ARTICLE 21; PAYMENT IN LIEU OF TAX AGREEMENT - 62 & 74 COMMERCE DRIVE

Sponsor: Town Manager

To see if the Town will vote to authorize the Town Manager to negotiate a PILOT agreement pursuant to G.L. C. 59, §38H, pursuant to acceptance by the Board of Selectmen, and regulations promulgated thereunder, with respect to annual payments in lieu of real and/or personal property taxes over a 25 year period relative to a 6.25 acre +/- parcel of land located at 62 and 74 Commerce Drive, Uxbridge; said PILOT agreement to be based upon the proposed construction and operation of a solar photovoltaic power plant with an expected

nameplate capacity of approximately .72 megawatts AC/1.0 megawatts DC, the starting year of said PILOT agreement to be negotiated.

Or take any other action relating thereto.

General Commentary: Passage of this article will authorize the Town Manager to enter into negotiations with a solar energy developer on a parcel of privately owned land on 62 & 74 Commerce Drive. There is currently no agreement in place on this parcel. MGL requires PILOT agreements to collect essentially the same amount of revenue that would be generated if the subject property and equipment was subject to full and fair taxation. MGL C. 59, §38H requires a vote by Town Meeting in order to authorize negotiations for a new agreement. Please reference parcels 3626 (74 Commerce) and 3681 (62 Commerce) on the map presented at the end of this article.

Recommendations:

Finance Committee: Favorable Action (5-0-0) - *Favorable vote of this article would allow the town to negotiate a PILOT agreement that will allow a steady and predicable tax revenue for the town*

Board of Selectmen: Favorable Action (4-0-0)

Vote Needed: Requires a simple majority vote per MGL Ch59 § 38H

MAIN MOTION: Move that the article be accepted as written.

The motion is seconded

Moderator declares a unanimous vote, motion carries

ARTICLE 22; PAYMENT IN LIEU OF TAX AGREEMENT - 164 PROVIDENCE STREET

Sponsor: Town Manager

To see if the Town will vote to authorize the Town Manager to negotiate PILOT agreement(s) pursuant to G.L. C. 59, §38H, pursuant to acceptance by the Board of Selectmen, and regulations promulgated thereunder, with respect to annual payments in lieu of real and/or personal property taxes over a 25 year period relative to a 9.61 acre +/- parcel of land currently known as 164 Providence Street, to be subdivided into two parcels in FY 2016; said parcels to be described as 142 and 164 Providence Street, Uxbridge; said PILOT agreement(s) to be based upon the proposed construction and operation of two solar photovoltaic power plants with a combined expected nameplate capacity of approximately 1.70 megawatts AC/2.0 megawatts DC, the starting year of said PILOT agreements(s) to be negotiated.

Or take any other action relating thereto

General Commentary: Passage of this article will authorize the Town Manager to enter into negotiations with a solar energy developer on a parcel of privately owned land on 164 Providence Street. MGL requires PILOT agreements to collect essentially the same amount of revenue that would be generated if the subject property and equipment was subject to full and fair taxation. MGL C. 59, §38H requires a vote by Town Meeting in order to authorize negotiations for a new agreement.

Recommendations:

Finance Committee: Favorable Action (5-0-0) - *Favorable vote of this article would allow the town to negotiate a PILOT agreement that will allow a steady and predicable tax revenue for the town*

Board of Selectmen: Favorable Action (4-0-0)

Vote Needed: Requires a simple majority vote per MGL Ch59 § 38H

MAIN MOTION: Move that the article be accepted as written.

The motion is seconded

Moderator declares a simple majority vote, motion carries

A motion was made to take Article 32 out of order.

The motion is seconded

Moderator declares a simple majority vote, motion carries

ARTICLE 32; CITIZEN'S PETITION – AMEND THE ZONING MAP - MENDON STREET

Sponsor: Citizen's Petition

To see if the Town of Uxbridge will vote to amend the Zoning Map of the Town of Uxbridge by adopting the following Zoning Map change:

By enlarging the Industrial (IND) Zoning District to include certain land located northwest of Mendon Street and southeast of West River Road, said land being more particularly described below, or take any other action relative thereto.

A certain parcel of land located in the Commonwealth of Massachusetts, County of Worcester, Town of Uxbridge, situated northerly of a portion of the present Industrial (IND) Zoning District, northwesterly of Mendon Street, Southeasterly of West River Road, and shown on a certain plan entitled "Zoning Exhibit Plan, Uxbridge, MA 1 Inch = 580 Feet, March 11, 2015", more particularly bounded and described as follows:

Beginning: at a point in the centerline of Mendon Street (Route 16), said point being the intersection of the centerline of Mendon Street (Route 16) and the centerline of West River Road;

Thence: running Northerly along the centerline of Mendon Street (Route 16) a distance of Two Thousand Three Hundred (2,300±) Feet, more or less, to a point in the centerline of Mendon Street (Route 16) opposite and southeast of the Southeasterly corner of that certain parcel of land of SAJO Realty Nominee Trust, Albert J. Pellegrini, Trustee, as described in a Deed of the North Uxbridge Italian American Club, Inc. dated July 7, 2014 and recorded with Worcester District Registry of Deeds in Deed Book 52534, Page 250, said parcel being known as and numbered 424 Mendon Street, and further known as Lot 4215 on Uxbridge Assessor's Map 14;

Thence: running at a right angle to the centerline of Mendon Street (Route 16) to the southeasterly corner of land of said SAJO Realty Nominee Trust and the southwesterly corner of that certain parcel of land of Sidney Smith as described in a Deed of Joseph J. DeLuca and Gioachino F. DeLuca dated January 7, 1987 and recorded with Worcester District Registry of Deeds in Deed Book 10215, Page 35, said parcel being known as and numbered 434 Mendon Street, and further known as Lot 4225 on Uxbridge Assessor's Map 14;

Thence: N 3° 47' 35" E partly by the easterly property line of land of said SAJO Realty Nominee Trust, and partly by the westerly property line of land of said Sidney Smith and partly by the westerly property line of land of Thomas H. Barber and Elizabeth A. Lehtola as described in a Deed of Thomas H. Barber dated March 16, 2012 and recorded with Worcester District Registry of Deeds in Deed Book 48749, Page 279, said parcel being known as and numbered 450 Mendon Street, and further known as Lot 3544 on Uxbridge Assessor's Map 14, to a point Four Hundred and 00/100 (400.00') Feet northwest of the westerly sideline of Mendon Street (Route 16);

Thence: running Southwesterly along a line Four Hundred and 00/100 (400.00') feet westerly of and at all points parallel to the westerly sideline of Mendon Street (Route 16) a distance of Two Thousand One Hundred Fifty (2,150±) Feet, more or less, to a point in the centerline of West River Road;

Thence: running Southerly along the centerline of West River Road a distance of Seven Hundred Fifty (750±) Feet, more or less, to the point of

General Commentary: Zoning Map provided for reference following this Article.

Recommendations:

- Finance Committee: Favorable Action (3-2-0)
- Board of Selectmen: Favorable Action (4-0-0)
- Planning Board: Favorable Action (4-0-0)

Vote Needed: Requires a 2/3rds vote per MGL Ch40A § 5

MAIN MOTION: I move that the Town of Uxbridge vote to amend the Zoning Map of the Town of Uxbridge to enlarge the Industrial (IND) Zoning District to include certain land located northwest of Mendon Street and southeast of West River Road, said land being more particularly described in Article 32 of the Warrant for the Town of Uxbridge Spring Annual Town Meeting, or take any other action relative thereto.

The motion is seconded

Moderator declares the motion failed

ARTICLE 23; COMMERCE DRIVE - ABANDONMENT OF SEWER EASEMENT

Sponsor: Town Manager

To see if the Town will vote to abandon a portion of the easement recorded at Book 33257, Page 331 and shown on a plan recorded at Plan Book 793, Page 121, sheet 2/2, as revised and shown on a new plan entitled "Solar Electrical Generating Facility" prepared by Andrews Survey & Engineering, Inc., dated March 13, 2015, to show location of the portion of sewer easement to be abandoned, as further described on said plan as "abandon existing sewer easement" being 4,793 +/- square feet, being bounded and described according to said plan, as said portion of the easement is no longer needed for a public purpose, said plan on file at the Town Clerk's Office; further described as follows:

Beginning at a point on the southwesterly angle of a sewer easement shown in Plan Book 877 as Plan 40;

Thence N 69° 36' 29" E, 20.34 feet by said easement to a point;

Thence S 31° 15' 40" E, 240.80 feet to a point;

Thence N 72° 18' 11" W, 4.98 feet to a point;

Thence S 54° 34' 54" W, 16.77 feet to a point;

Thence N 31° 15' 40" W, 242.10 feet to the point and place of beginning containing 4,793 square feet of land more or less.

Or take any other action relating thereto.

General Commentary: This portion of the easement no longer needed, as the piping was removed from this portion of the property when Commerce Drive was developed. A map illustrating this change is included after Article 25

Recommendations:

- Finance Committee: Favorable Action (5-0-0) - *This easement is no longer needed by DPW.*
- Board of Selectmen: Favorable Action (4-0-0)

Vote Needed: Requires a 2/3rds vote per MGL Ch40 § 15A

MAIN MOTION: Move that the article be accepted as written.

The motion is seconded

Moderator declares a unanimous vote, motion carries

ARTICLE 24; COMMERCE DRIVE - ABANDONMENT OF DRAINAGE EASEMENT

Sponsor: Town Manager

To see if the Town will vote to abandon the drainage easement recorded at Book 44832, Page 114, and shown on a plan recorded at Plan Book 877, Page 40, entitled "Road Acceptance Plan Commerce Drive (Extension) 'Quaker Industrial Park' in the Town of Uxbridge, Massachusetts for John W. and Paul A. Cnossen" dated August 14, 2008, as revised and shown on a new plan entitled "Solar Electrical Generating Facility" prepared by Andrews Survey & Engineering, Inc., dated March 13, 2015, to show location of the drainage easement to be abandoned, and as further described on said plan as "abandon existing drainage easement" being 3,950 +/- square feet, being bounded and described according to said plan, as said easement is no longer needed for a public purpose, said plan on file at the Town Clerk's Office; further described as follows:

Beginning at a point on Commerce Drive said point being westerly and southerly by a curve to the left having a radius of 65.00 feet for a distance of 214.15 feet from a concrete bound;

Thence S 10° 17' 11" W, 187.90 feet to a point;

Thence S 54° 34' 54" W, 28.64 feet to a point;

Thence N 10° 17' 11" E, 208.08 feet to a point on the said Commerce Drive;

Thence easterly by a curve to the left having a radius of 65.00 feet for a distance of 20.08 feet to the point and place of beginning containing 3,950 square feet of land more or less.

Or take any other action relating thereto.

General Commentary: This portion of the easement no longer needed, as the piping was removed from this portion of the property when Commerce Drive was developed. A map illustrating this change is included after Article 25

Recommendations:

Finance Committee: Favorable Action (5-0-0) - *This easement is no longer needed by DPW.*

Board of Selectmen: Favorable Action (4-0-0)

Vote Needed: Requires a 2/3rds vote per MGL Ch40 § 15A

MAIN MOTION: Move that the article be accepted as written.

The motion is seconded

Moderator declares a unanimous vote, motion carries

ARTICLE 25: COMMERCE DRIVE - ACCEPTANCE OF ACCESS EASEMENT

Sponsor: Town Manager

To see if the Town will vote to accept an access easement at the construction entrance of the proposed Solar Electrical Generating Facility, 62 & 74 Commerce Drive, Uxbridge, Massachusetts, by Clean Energy Collective, 401 Tree Farm Drive, Carbondale, Colorado, as shown on a plan entitled "Solar Electrical Generating Facility" prepared by Andrews Survey & Engineering, Inc., dated October 27, 2014, as further revised on a plan with the same title, dated March 13, 2015, to show location of access easement, and as further described on said plan as "proposed access easement" 11,142 +/- square feet, said plan on file at the Town Clerk's Office, further described as follows:

Beginning at a point on the westerly sideline of Commerce Drive said point being northeasterly by a curve to the left having a radius of 473.47 feet for a distance of 9.92 feet from a rebar set in the ground;

Thence S 54° 49' 23" W, 399.02 feet to a point;

Thence S 02° 41' 18" E, 148.91 feet to a point at the existing sewer easement;

Thence N 72° 18' 11" W, 21.34 feet by the said sewer easement to a point;

Thence N 02° 41' 18" W, 152.45 feet to a point;

Thence N 54° 49' 23" E, 413.72 feet to a point on the westerly sideline of Commerce Drive;

Thence southerly by Commerce Drive by a curve having a radius of 473.47 feet for a distance of 20.35 feet to the point and place of beginning containing 11,142 square feet of land more or less.

Or take any other action relating thereto.

General Commentary: Acceptance of this access easement will allow DPW to service existing easements on Commerce Drive, which will now be fenced to contain a solar facility. A map illustrating this change is included after Article 25

Recommendations:

Finance Committee: Favorable Action (5-0-0) - *Acceptance of this easement will allow DPW to service infrastructure on this property.*

Board of Selectmen: Favorable Action (4-0-0)

Vote Needed: Requires a 2/3rds vote

MAIN MOTION: Move that the article be accepted as written.

The motion is seconded

Moderator declares a unanimous vote, motion carries

ARTICLE 26; AMENDMENT TO GENERAL BYLAWS § 120 120-8 POUT POND RECREATION COMMITTEE

Sponsor: Board of Selectmen

To see if the Town will vote to amend § 120-8 of the General Bylaws of the Town which reads:

“The Pout Pond Recreation Committee shall promulgate recreation rules to ensure the health and safety of all visitors to Pout Pond” by removing “ensure” and adding “promote”.

Or take any other action relating thereto

General Commentary: This is a minor editing change to a section of the general bylaws

Recommendations:

Finance Committee: Favorable Action (5-0-0)

Board of Selectmen: Favorable Action (4-0-0)

Vote Needed: Requires a 2/3rds vote

MAIN MOTION: Move that the article be accepted as written.

The motion is seconded

Moderator declares a unanimous vote, motion carries

ARTICLE 27; AMENDMENT TO GENERAL BYLAWS § 327-3 VEHICLES AND TRAFFIC

Sponsor: Town Manager

To see if the Town will vote to amend § 327-3 of the General Bylaws of the Town which reads:

“No person shall place snow, ice or any other materials, including leaves, gravel, sand, 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,” by adding at the end of the section “Whoever violates this section shall be punished by a fine of not more than one hundred and fifty dollars \$150.00.”

Or take any other action relating thereto

General Commentary: The current by-law as written has no penalty for violators, no fine, or and no enforcement ability. Adding a fining component may serve as a deterrent.

Recommendations:

- Finance Committee: Favorable Action (5-0-0)
- Board of Selectmen: Favorable Action, Failed (2-2-0)
- Planning Board: Recommendation to be provided at Town Meeting

Vote Needed: Requires a 2/3rds vote

MAIN MOTION: Move that the article be accepted as written.

No Motion, No Action

ARTICLE 29; AMENDMENT TO THE ZONING BYLAWS, ARTICLE III USE REGULATIONS, SECTION 400-11 ACCESSORY USES AND STRUCTURES AND AMENDMENT TO APPENDIX A, TABLE OF USE REGULATIONS, SECTION F "ACCESSORY USES"

Sponsor: Zoning Board of Appeals

To see if the Town will vote to amend the Zoning Bylaws, Article III, Use Regulations, Section 400-11 Accessory Uses and Structures by deleting the existing section in its entirety and replacing it with the following and deleting Appendix A, Table of Use Regulations, Section F "Accessory Uses":

400-11 Accessory Uses and Structures

Accessory uses and structures are allowed to the extent they are accessory to the lawful, primary use of the land. If the primary use or structure is non-conforming to the zoning district, or would require a special permit under these Zoning Bylaws, then a new accessory use or structure shall be permitted only upon a special permit. If the primary use would require a special permit from the Planning Board, then that board shall be the special permit granting authority, otherwise the special permit granting authority shall be the Zoning Board of Appeals.

A. Home Occupation: As of Right.

Non-withstanding anything to the contrary home occupation shall be considered an allowed accessory use of a residential dwelling, so long as it:

1. is conducted solely within a dwelling and solely by the person(s) occupying the dwelling;
2. is clearly incidental and secondary to the use of the premises for residential purposes;
3. does not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission, or environmental pollution;
4. does not utilize exterior storage of material or equipment;
5. does not utilize any exterior indication, including signs, of its presence or any variation from residential appearance;
6. does not produce any customer, pupil, or client trips to the occupation site and has no non-resident employees;
7. is a registered business with the Town Clerk or Secretary of the Commonwealth of Massachusetts.

B. Home Occupation: By Special Permit

A home occupation in a residential dwelling shall be allowed by Special Permit from the Zoning Board of Appeals so long as it:

1. meets the requirements of section 400-50;
2. complies with sections 2, 3, 4, 5 and 7 of Sub-section A above, except that an exterior sign may be allowed of not more than two square feet in area;
3. is conducted within a dwelling solely by the persons occupying the dwelling as a primary residence and, in addition to the residents of the premises, by not more than two additional employees;
4. has no drive-up or drive-thru business;

Said special permit for Home Occupation may be limited in time, and may limit hours of operation, maximum floor area used, off-street parking, and maximum number of vehicle trips, in addition to other restrictions as may be found necessary by the Zoning Board of Appeals.

C. Signs

1. Except as may be regulated by other sections of this Zoning By-Law, no sign, display, or other advertisement shall be attached, erected, or otherwise installed on any property without first obtaining a sign permit from the Building Inspector, such permit to be granted upon application therefor, so long as the sign, display or advertising:
 - a) is accessory to the use of the property upon which it is located;
 - b) does not impair public safety or interfere with traffic;
 - c) is in compliance with the Historic District Regulations, (if within that District);
 - d) is no more than twelve (12) square feet on one side, and have no more than two sides;
 - e) complies with all dimensional setback requirements;
 - f) is no more than six feet above the ground level at its highest point.
2. A sign, display or other advertisement that does not comply with subsection (d), (e) and/or (f) above may be allowed by a Special Permit from the Special Permit Granting Authority (hereinafter, "SPGA").
3. Internally illuminated signs and luminous signs may be allowed in the Industrial Zone. Signs illuminated from an external source directed solely toward said sign is the only permitted method of illumination in the other zoning districts, unless a special permit from the SPGA is obtained. A permit for an illuminated sign shall be approved only if the applicant shows that the light is shaded, shielded, directed and/or maintained at a sufficiently low level of intensity and brightness that it shall not adversely affect the neighboring premises nor the safe vision of operators of vehicles moving on public ways. Only white lights shall be used for external illumination of a sign.
4. Except by special permit of the SPGA, no changeable electronic variable signs or movable signs shall be allowed.
5. No sign, display or advertisement shall be painted on the exterior of a building or structure (except a sign structure). No sign shall extend beyond the roof line of the building to which it is attached. Roof signs are not allowed.
6. Signs erected by a governmental unit for public purpose are allowed. Temporary signs with public interest or community service announcements, (not including general advertising signs), may be erected on public ways, traffic islands, or other public property upon approval of the Board of Selectmen.
7. No signs, displays or advertisements may be posted upon poles, conduits, switchboxes, or other utilities unless approved by the Board of Selectmen. The Board of Selectmen may adopt rules, regulations and set a fee schedule relative thereto.
8. The following are exempt from regulation under this section:
 - a) vehicle or pedestrian directional signs of no more than two square feet;
 - b) signs specifically mandated, authorized or protected by state or federal law;
 - c) decorative signs of no more than two square feet indicating the owner of residential property;
 - d) temporary realtor signs on the premises of the property for sale;
 - e) temporary political signs, no more than one per candidate;
 - f) signs indicating the name of development projects on land under construction or development, if allowed by the permit granting authority for said construction or development;
 - g) a temporary contractor sign during ongoing work on the premises.
9. The Special Permit Granting Authority under this Section C shall be the Zoning Board of Appeals, unless the landowner/applicant requires a permit or approval from the Planning Board, in which case that Board may act as the Special Permit Granting Authority.

D. Parking of Commercial Vehicles

Except for farm vehicles, used for that purpose and stored on the land where the farming activity is conducted, no commercial box trucks, combination vehicles, tractor trailers, heavy wheeled equipment, buses, or the like shall be stored on land with a primary residential use, unless the vehicle is adequately

screened or garaged so as to preserve the residential nature of the neighborhood. This prohibition shall not include pick-up style trucks or vans.

General Commentary: The Zoning Bylaws are a work in progress. The Board of Appeals reviewed this section of the zoning bylaws. The Zoning Board of Appeals recommends deletion of the existing section of the bylaw and replacing it with the above.

Recommendations:

Finance Committee: Unfavorable Action (3-1-1) - *The Committee felt that the proposed changes to the bylaw may be too cumbersome on home occupations.*

Board of Selectmen: No Action (3-1-0)

Planning Board: Favorable Action (4-0-0)

Vote Needed: Requires a 2/3rds vote per MGL Ch40 § 5

No Motion, No Action

ARTICLE 30; AMENDMENT TO THE ZONING BYLAWS – AMEND APPENDIX A, TABLE OF USE REGULATIONS

Sponsor: Zoning Board of Appeals

To see if the Town will vote to amend the Zoning Bylaws Appendix A, Table of Use Regulations. Under Part B, “Essential Services”, by changing the table to “Y” in all zones.

General Commentary: The Zoning Bylaws are a work in progress. The Zoning Board of Appeals reviewed this section of the zoning bylaws. The Zoning Board of Appeals recommends the above amendment.

Recommendations:

Finance Committee: Favorable Action (5-0-0) - *The Committee feels that this is an administrative correction to the bylaw.*

Board of Selectmen: Favorable Action (3-1-0)

Planning Board: Favorable Action (4-0-0)

Vote Needed: Requires a 2/3rds vote per MGL Ch40 § 5

MAIN MOTION: Move that the article be accepted as written.

The motion is seconded

Moderator declares a 2/3rds vote, motion carries

ARTICLE 31; AMENDMENT TO THE GENERAL BYLAWS – CHAPTER 181 EXCAVATIONS

Sponsor: Planning Board

To see if the Town will vote to amend the General Bylaws, Chapter 181 Excavations by deleting the existing section in its entirety and replacing it with the following (changes requested are in bold type, with the exception of titles and headings):

**Chapter 181
EXCAVATIONS**

ARTICLE I

Earth Removal

§ 181-1. Permit required.

§ 181-2. Application for permit.

§ 181-3. Procedure for issuing license.

§ 181-4. Conditions of license.

§ 181-5. Duration of license.

§ 181-6. Annual reports and inspections.

§ 181-7. License fees.

§ 181-8. Violations and penalties.

ARTICLE II

Barriers

§ 181-9. Safety measures required.

§ 181-10. Violations and penalties

GENERAL REFERENCES

ARTICLE I

Earth Removal

181-1. Permit required.

The removal of soil, loam, sand, or gravel from any parcel of land in the Town of Uxbridge is prohibited unless a written permit therefor is obtained from the **Board of Selectmen (BOS)** as herein provided; **except however, that no permit shall be necessary when soil, loam, sand, fill, or gravel must be removed to:**

- A) **Construct a single or multi-family building being built in accordance with a permit issued by the proper Town Authority. This will be exempt from a permit for up to 1,500 yards of material removed.**
- B) **Construct a commercial building or facility that has met Planning and Town approvals for a permit. Removal and/or hauling of material is permitted up to the amounts necessary to complete project according to approved plans. Additional removal beyond the scope of construction of over 3,000 yards shall require a Gravel Removal Permit.**
- C) **Construct a public or private way within the town that has met all town approvals, and after the developer has put a covenant in place and recorded said covenant along with the conditions of approval by the Planning Board. Additional removal of the material beyond the scope of construction of over 3,000 yards shall need a Gravel Removal Permit.**
- D) **Operate a licensed landscape/materials facility to sell/remove materials produced offsite and hauled into said facility.**

N.B.: Removal of soils/materials is not considered part of a normal operation of a farm or garden and is not exempt from this Bylaw.

§ 181-2. Application for permit.

A. Any person wishing to obtain a permit to remove soil, loam, sand, or gravel from any parcel of land within the Town shall file a written application with the **BOS**, which shall include the following information and documentation:

- (1) **The legal name and address of the applicant. The name, address and phone number of the individual overseeing the gravel operation.**
- (2) **The location of the proposed excavation.**
- (3) **The legal name and address of the owner of the property to be excavated.**
- (4) **A list of abutters, and abutters to abutters, within 300 feet of the location of the proposed excavation, as appearing in the records maintained by the Assessor's Office of the Town.**
- (5) **A site plan of the land prepared by a registered land surveyor or registered professional engineer showing the existing contours and topography of the entire site of the proposed excavation and all abutting land within 100 feet of the proposed excavation. The site plan shall locate monuments sufficient to delineate the perimeter of the site at intervals of not less than 500 feet.**
- (6) **A plan of the land showing the proposed contours and topography of the site when the proposed excavation is completed, showing a typical cross-section of the proposed final cover as well as any drainage or other structures that may be necessary.**
- (7) **A proposal concerning the provisions of security for the final completion of the excavation project in accordance with plans submitted and any additional conditions that may be attached to the permit.**
- (8) **BOS will send these forms and plans to the Planning Board for their review, comments and approval.**

B. The **BOS** may, by regulation, prescribe forms for initial applications, extensions, and renewals, and such forms may require additional information as the **BOS** shall determine to be necessary.

§ 181-3. Procedure for issuing license.

A. Prior to issuing any permit hereunder, the BOS shall hold a public hearing, notice of which shall be given by publication in a newspaper having general circulation within the Town and copies of which are mailed to each of the abutters shown on the list submitted with the application, at least seven days prior to the hearing.

B. Prior to such hearing the BOS shall also send notice of the application to the Board of Health, Conservation Commission, and Planning Board and request such comment or advice as said Boards or Commission may deem appropriate.

C. If, after hearing, the BOS determines that the license application conforms to the requirements of § 181-2 hereof, and that the licensed operation would conform with the requirements of public health and welfare and be consistent with the sound development of the Town, the BOS may issue such license upon the terms specified in this bylaw and subject to such additional conditions as the Planning Board may determine to be necessary.

§ 181-4. Conditions of license.

Every license issued shall be subject to the following conditions:

A. The portions of the licensed premises which have been excavated shall be graded and leveled to conform to the approved final contour plan at least annually.

B. After final grading and leveling and not later than **October 15** of each year, the excavated portion shall be covered with not less than four inches of suitable topsoil, and shall be seeded and planted with suitable ground cover **within 200 feet of current excavation operations. All final contour slopes will conform to a 2 to 1 maximum. That is for every two (2) feet of horizontal travel only a one (1) foot drop maximum is allowed.**

C. No excavation shall be undertaken within **100** feet of a public or private way or within **150** feet of a building or structure, unless the BOS specifically finds that such excavation will not undermine the way or structure or otherwise be seriously detrimental to the neighborhood and such finding is endorsed on the license.

D. No swamp, pond, watercourse, or other wetland will be altered or polluted in any way without all necessary permits and no watercourses, drains, swales, culverts or other water channeling contours or structures shall be constructed unless shown on the plan submitted and approved.

E. No excavation will begin until security by surety bond, cash, or other approved method is provided to insure that the excavation will be carried out in accordance with the license and that the final grades and cover are provided. Such security shall not be less than \$2,000 for each acre of the proposed site. The security shall be released when suitable vegetation has been reestablished on the portion of the site for which it was provided.

§ 181-5. Duration of license.

Every license granted under this bylaw shall be valid for a period not to exceed one year. Any license issued may be renewed by the BOS, without hearing, if the proposed excavation will be conducted in accordance with a plan previously approved and if the annual report required by § 181-6 has been filed. Any expansion or extension of a licensed excavation will also be subject to a public hearing.

§ 181-6. Annual reports and inspection.

A. One month prior to license expiration, the licensed operator of an excavation shall submit a report showing the following information for the preceding licensed period of operation:

(1) The amount of material removed.

(2) The type of material removed.

(3) The area (square feet or acres) excavated and the area regraded, covered, and seeded.

B. Every licensed excavation shall be open for inspection by the proper local officials at all reasonable times. **Every November the Building Inspector will do an annual site visit to verify that proper restoration has been completed according to the submitted plan and report findings to the BOS.**

§ 181-7. License fees.

The Board of Selectmen thereto shall set all application and renewal fees.

§ 181-8. Violations and penalties.

Each day of excavation without the permit required, or otherwise, in violation of this bylaw shall constitute a separate offense and shall be individually punishable by the fine provided in MGL c. 40, §21, Clause (17).

ARTICLE II

Barriers

§ 181-9. Safety measures required.

Every person excavating land, in charge of such excavation, or owning land which has been excavated shall erect barriers or take other suitable measures to protect the public within two days after having been notified in writing by **BOS** or the Building Inspector that in their opinion such excavation constitutes a hazard to public safety. **Policing Authority shall reside with the Building Inspector.**

§ 181-10. Violations and penalties.

The penalty for failure to comply with such written notice by the **BOS** or Building Inspector shall be \$200 per day for every day such person is in violation of such notice commencing with the fourth day thereof.

General Commentary: The Planning Board proposes this revision to the bylaws to better regulate the removal of soil, loam and gravel

Recommendations:

Finance Committee: Favorable Action (5-0-0) - *The Committee believes that this change to the bylaw adds needed protection, latitude and clarity to it.*

Board of Selectmen: Unfavorable Action (4-0-0)

Planning Board: Favorable Action (4-0-0)

Vote Needed: Requires a 2/3rds vote

MAIN MOTION: Move that the article be accepted as written.

No Motion, No Action

* * * * *

A motion was made and seconded to dissolve the 2015 Spring Annual Town meeting. The motion carried unanimously and town meeting was adjourned at 11:06pm.

A true copy attest,



Kelly J. Dumas
Uxbridge Town Clerk