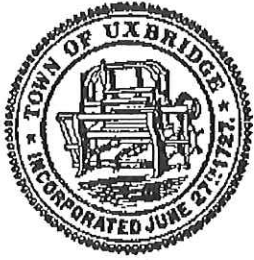


OCT 25 '18 AM 9:28



TOWN OF UXBRIDGE  
BOARD OF SELECTMEN MEETING MINUTES  
BOARD OF SELECTMEN MEETING ROOM  
21 S. MAIN STREET, UXBRIDGE, MASS  
MONDAY, OCTOBER 15, 2018 – 8:00 AM

Received by  
Uxbridge  
Town Clerk

Present: Jennifer Modica/Chair, Susan Franz/Vice Chair, Jeffrey Shaw/Selectman  
Not Present: Brian Plasko/Clerk

1) CALL TO ORDER

2) BUSINESS

a. Approve and Endorse Fall Annual Town Meeting Warrant.

The Board reviewed the warrant. **MOTION: Mr. Shaw made a motion to endorse the Fall Annual Town Meeting Warrant for Tuesday, October 23, 2018. Seconded by Ms. Franz. The motion carried 3-0-0.**

3) ADJOURNMENT

Ms. Modica adjourned the meeting at 8:13 a.m.

Minutes respectfully submitted by Ellen Welch.

October 15, 2018 Minutes approved by the Board of Selectmen:

  
Jennifer Modica, Chair

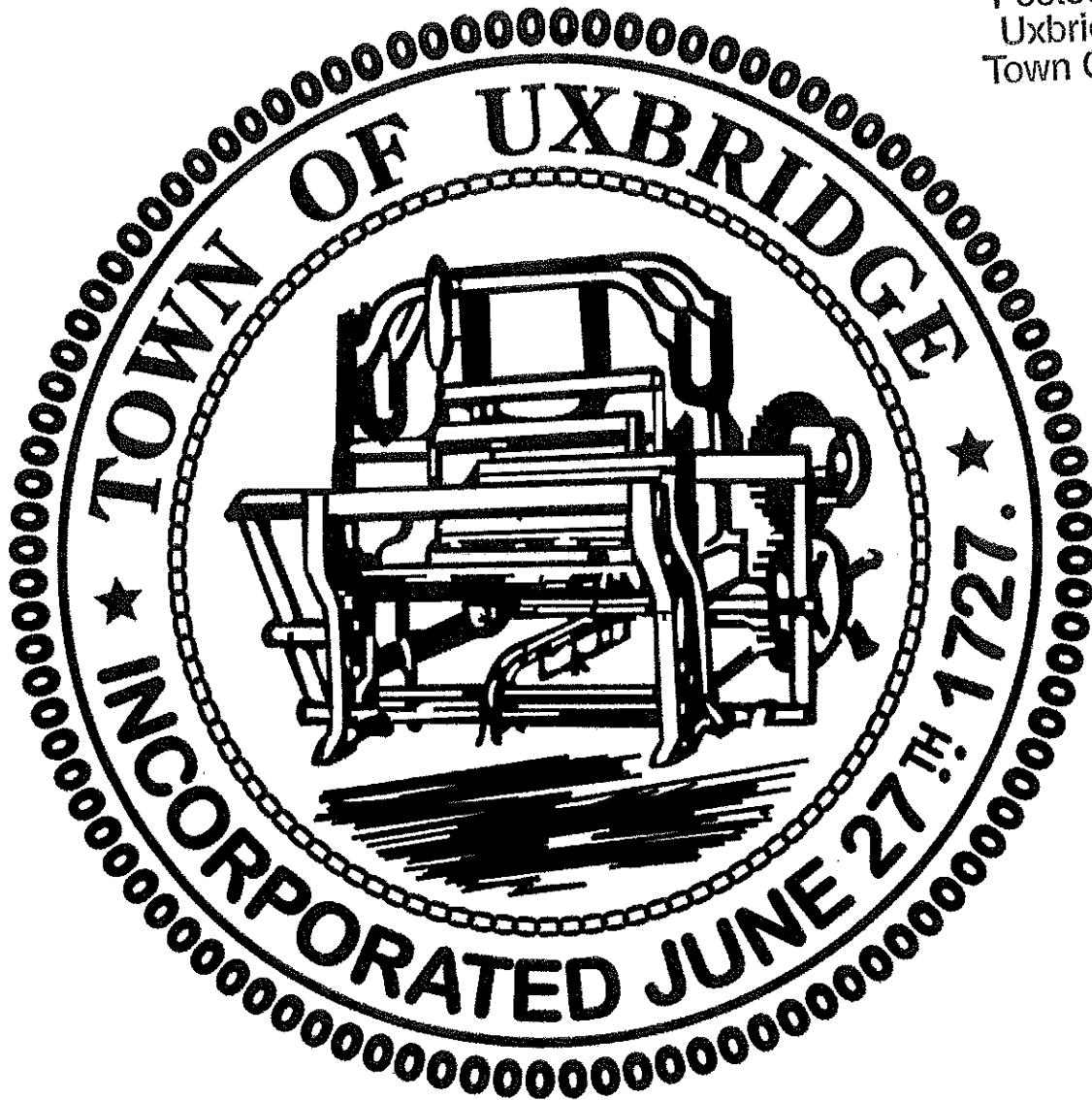
  
Susan Franz, Vice Chair

  
Jeffrey Shaw, Selectman

Date Approved: 10/22/18

OCT 15 '18 AM 9:48

Posted by  
Uxbridge  
Town Clerk



FALL ANNUAL TOWN MEETING WARRANT  
TUESDAY, OCTOBER 23, 2018 – 7:00 P.M.  
VALLEY CHAPEL AUDITORIUM  
14 HUNTER ROAD, UXBRIDGE, MASSACHUSETTS

## TOWN MEETING THE CONDUCT OF THE MEETING

- A. Voting
- i. Only registered voters with a clicker can vote.
  - ii. Votes will be taken electronically.
- B. Warrant Articles
- i. Articles will be acted upon in the order they appear on the warrant unless the meeting votes otherwise.
  - ii. All main motions must be in writing, with copies given to the Town Clerk and Moderator.
  - iii. All motions and amendments dealing with the expenditure of money must be in writing, again with copies given to the Town Clerk and Moderator.
  - iv. No person shall address a town meeting without leave of the moderator. [MGL Ch. 39, Sec. 17]
  - v. The sponsor of the article will be recognized to place a motion before the meeting.
  - vi. The sponsor will be asked to speak to the merits of the motion.
  - vii. An opponent to the article, if there is one, will then be recognized to speak.
  - viii. The Finance Committee, Planning Board (for zoning articles) and Board of Selectmen will be recognized for their recommendations.
  - ix. Following the recommendations, the article will be open for debate.
- C. Open Debate
- i. Voters wishing to speak should proceed to the speaker seats to be recognized.
  - ii. Non-voters, other than department heads, must request and be granted permission by the meeting before they can speak.
  - iii. Each speaker has a total of 10 minutes to speak.
  - iv. A speaker cannot move the question after concluding his remarks.
  - v. A motion to move the question requires a 2/3 majority vote to shut off debate.
- D. Town Meeting will be run in accordance to the following four rules:
- i. All debate will be conducted in a respectful and courteous manner.
  - ii. Comments will be limited to the subject being debated.
  - iii. No comments of a personal nature are to be made.
  - iv. Anyone unwilling or unable to comply with these rules will be removed.
- E. Following the vote on the last article, the Moderator will entertain a motion to "Dissolve" the meeting.

### SAFETY ANNOUNCEMENT FROM THE FIRE CHIEF

There are seven exits to the auditorium. Please take a moment to locate the exits nearest you in case there is a need to evacuate the building. Once outside the auditorium, follow the exit signs to leave the building. Please do not block any aisles with chairs or other items.



## FALL ANNUAL TOWN MEETING WARRANT

TUESDAY, OCTOBER 23, 2018 – 7:00 P.M.

VALLEY CHAPEL AUDITORIUM

14 HUNTER ROAD

UXBRIDGE, MASSACHUSETTS

WORCESTER, S.S.

TO EITHER OF THE CONSTABLES OF THE TOWN, IN SAID  
COUNTY

GREETINGS:

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, YOU ARE DIRECTED TO NOTIFY THE  
INHABITANTS OF THE TOWN OF UXBRIDGE, QUALIFIED TO VOTE IN THE TOWN ELECTIONS AND IN TOWN  
AFFAIRS, TO MEET AT THE VALLEY CHAPEL AUDITORIUM, AT 14 HUNTER ROAD, IN SAID UXBRIDGE, ON THE  
FOLLOWING ARTICLES TO WIT:

\* \* \*

### ARTICLE 1: FY19 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 Free Cash, Stabilization Fund 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 other action related thereto.

**SPONSOR:** Town Manager

**COMMENTARY:** *The purpose of this article is to transfer funds within department budgets or from one department to another. Per M.G.L., transfers between salary and expense line items require Town Meeting action.*

#### **Table A**

- Item 1: This transfer will cover the salary for a BOS administrative assistant. Current admin splits time 50/50 between BOS & Town Manager.*
- Item 2: This transfer will cover the salary for a fulltime Town Manager administrative assistant. Currently admin splits time 50/50 with BOS.*
- Item 6: This transfer will cover professional services required to complete prior year audits.*

#### **Table B**

- Item 1: This transfer will restore funds that were taken out of the FY19 budget that were used for unforeseen maintenance and repairs.*
- Item 2: This transfer will cover the cost to remove asbestos containing materials that were discovered during repairs to the library's skylights.*
- Item 3: This transfer will cover the reduction for trade-in allowance for the old COA shuttle. The engine blew on the old shuttle prior to taking delivery of the new shuttle and thus reduce the trade-in allowance.*

**Table A**

**MOTION:** Move that the Town vote to transfer and appropriate as stated in Table A in the Fall Annual Town Meeting warrant, for any legal purpose for which funds may be expended, and appropriation for FY19 for the total amount of \$24,301.00

Table A	Source of Funding	Available Appropriation	Use of Funding	New Appropriation Amount
1	Finance Professional Salaries	\$226,314.00	BOS Admin Salaries	\$7,700.00
2	BOS Admin Salaries	\$11,601.00	Manager Admin Salaries	\$11,601.00
3	COA Prof. Salary	\$5,000.00	Finance Professional Services	\$5,000.00
	<b>Total Reallocated Appropriations</b>			<b>\$24,301.00</b>

*Vote required for passage: requires a simple majority vote.*

**THE FINANCE COMMITTEE RECOMMENDATIONS:**

**Items 1 & 2**

**Unfavorable Action (5-0-0)**

The Committee is not in favor of adding positions at the Fall Town Meeting. Any new positions should be created during the annual budget cycle and presented at the Spring Town Meeting. With several key management positions open, the Town Manager should concentrate on filling those positions.

**Item 3**

**Favorable Action (5-0-0)**

**THE BOARD OF SELECTMEN RECOMMENDATION:**

**Favorable Action (2-2-0)**

**Table B**

**MOTION:** Move that the Town vote to transfer and appropriate as stated in Table B in the Fall Annual Town Meeting warrant, for any legal purpose for which funds may be expended, and appropriation for FY19 for the total amount of \$116,793.74

Table B	Source of Funding	Available Appropriation	Use of Funding	New Appropriation Amount
1	Stabilization Fund	\$2,603,754.00	Town Capital/Maintenance	\$100,000.00
2	Stabilization Fund	\$2,603,754.00	Library Building Repairs	\$13,614.11
3	Stabilization Fund	\$2,603,754.00	COA replacement van account	\$3,179.63
	<b>Total Reallocated Appropriations</b>			<b>\$116,793.74</b>

*Vote required for passage: requires a 2/3 majority vote.*

**THE FINANCE COMMITTEE RECOMMENDATIONS:**

**Item 1**

**Unfavorable Action (5-0-0)**

In the FY18 budget, this account line included \$200,000. In the Town Managers FY19 budget this account line was reduced to zero and the funds were used elsewhere in the operational budget. The impact of this reduction was discussed at several budget public hearings yet the Town Managers budget

was not adjusted. This budget line should be funded out of the annual operational budget presented at the Spring Town Meeting and not as an off cycle transfer from the Stabilization fund.

Item 2

Favorable Action (5-0-0)

Item 3

Favorable Action (5-0-0)

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

## **ARTICLE 2: TRANSFER TO CAPITAL STABILIZATION FUND**

To see if the Town will vote to transfer and appropriate the remaining sum or sums of monies above \$2.5 million from the general stabilization fund to the capital stabilization fund.

SPONSOR: Town Manager

**COMMENTARY:** *By voting to transfer funds into capital stabilization, it will increase the funds available for the town to make capital purchases and alleviate the need for an override. The capital stabilization fund was created by special legislation in 2002 as well as the Policy of the Board of Selectmen, Financial Management Policy and Objectives, Reserve, D, 4.*

**MOTION:** *Move that the Town vote to transfer and appropriate the remaining sum or sums of monies above \$2.5 million from the general stabilization fund to the capital stabilization fund.*

*Vote required for passage: A transfer from Stabilization Fund requires a 2/3 vote per MGL Ch. 40, §5B*

THE FINANCE COMMITTEE RECOMMENDATION: Unfavorable Action (5-0-0)

While the Finance Committee agrees with the concept of transferring excess funds from the Stabilization Fund to the Capital Fund, we do not have the appropriate account balance to make the transfer at this time. To make this annual motion successful, free cash from the prior fiscal year must be certified.

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

## **ARTICLE 3: BILLS OF PRIOR FISCAL YEAR**

To see if the Town will vote pursuant to M.G.L. c.44, §64 to raise and appropriate and/or transfer from available funds such sums of money necessary for the purpose of paying outstanding bills from prior fiscal years, or take any other action related thereto.

SPONSOR: Town Manager

**COMMENTARY:** This article seeks authorization to pay prior year's bills; which is required pursuant to M.G.L. c.44, §64.

**MOTION:** *Move that the Town authorize the payment of prior fiscal year's bills, amounting in total of \$616.27 from current year appropriations, to be determined by the Town Manager.*

*Vote required for passage: 4/5<sup>th</sup> majority vote (M.G.L. c.44, §64)*

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

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

**ARTICLE 4: FY18 APPROPRIATION DEFICIT OF THE PRIOR YEAR**

To see if the Town will vote to raise and appropriate or transfer from available funds \$30,000 to cover an appropriation deficit in the FY2018 Technology Department Budget, or take any action relating thereto.

**SPONSOR:** Town Manager

**COMMENTARY:** *This article seeks authorization to pay prior years' bills; which is required pursuant to M.G.L. c.44, §64. Attempts to have a year-end line item transfer were referred back to town meeting. If this does not pass, it will need to be raised on the recap as an illegal appropriation deficit (the money has already been spent.)*

**MOTION:** *Move that the Town vote to transfer and appropriate from the stabilization fund the sum of \$30,000 to cover an appropriation deficit in the FY2018 Technology Department Budget*

*Vote required for passage: 4/5<sup>th</sup> majority vote (M.G.L. c.44, §64)*

**THE FINANCE COMMITTEE RECOMMENDATION:** Passover

**THE BOARD OF SELECTMEN RECOMMENDATION:** Passover

**ARTICLE 5: AMEND THE ZONING BYLAWS FOR MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS**

To see if the Town will vote to increase the number of marijuana facilities (excluding retailers and medical treatment centers) from three (3) to twelve (12) by amending the zoning bylaw §400-23, subsection B, Marijuana establishments, and medical marijuana treatment centers as follows

**B. Number of Marijuana Establishments and Medical Marijuana Treatment Centers**

1. The maximum number of marijuana retailers shall be no more than 20% of the total number of licensees which have been issued within Uxbridge for the retail of alcoholic beverages not to be drunk on the premises for the preceding fiscal year, or three in total, whichever is greater.
2. The maximum number of marijuana cultivators, marijuana testing facilities, research facilities, marijuana product manufacturers or any other type of licensed marijuana-related businesses (exclusive of marijuana retailers or marijuana treatment centers) shall be no more than twelve in total.
3. The maximum number of medical marijuana treatment centers shall be no more than three.

Or take any other action related thereto.

**SPONSOR:** Board of Selectmen

**COMMENTARY:**

*This article changes the number of testing, research, manufacture and cultivation facilities from 3 to 12 in total; The Town has had an increase of businesses requesting community host agreements beyond the allotted 3. A yes vote would allow the Town to determine a more accurate representation of the different types of facilities.*

**MOTION:** *Move that the Town vote to amend the Town of Uxbridge Zoning By-laws, by amending the § 400-23, subsection B as written.*

*Vote required for passage: requires a 2/3 majority, per M.G.L. c. 40A, §5*

THE FINANCE COMMITTEE RECOMMENDATION:  
THE BOARD OF SELECTMEN RECOMMENDATION:  
PLANNING BOARD RECOMMENDATION:

No recommendation (5-0-0)  
Favorable Action (4-0-0)  
Favorable Action (5-0-0)

## **ARTICLE 6: ESTABLISH A MARIJUANA LICENSING AUTHORITY**

To see if the Town will vote to amend the Town of Uxbridge General By-laws, by adding the following chapter, or take any action thereto:

### **CHAPTER 60.** **MARIJUANA LICENSE**

§ 60-1. Only licensed facilities  
§ 60-2. Rules and Regulations  
§ 60-3. Application  
§ 60-4. Timeframe

§ 60-5. Decision  
§ 60-6. Enforcement and Fines  
§ 60-7. Home Rule Amendment

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**§60-1. Only licensed facilities** No person shall carry on the business cultivate, process, package, deliver, obtain, manufacture, process, package, brand, sell or otherwise transfer, or test marijuana or marijuana products, or otherwise operate a Marijuana Establishment as defined by Massachusetts General Laws Chapter 94G within the Town unless first duly licensed thereof by the Board of Selectmen.

**§60-2: Rules and Regulations** The Board may adopt reasonable rules and regulations related to the issuance of such licenses, including the fees to be paid therefore and the conditions to be satisfied by any applicant for such a license.

**§60- 3. Application** Applicants for a license shall file an application on a form by the Board of Selectmen, signed under the penalties of perjury by the applicant, containing such information as the Board of Selectmen may reasonably require from time to time. Each applicant shall pay an application fee as may be reasonably determined from time to time by the Board of Selectmen.

**§60-4. Timeframe** The Board of Selectmen must act upon the application at one of their next two regularly scheduled meetings, holding a public hearing thereon, with due written notice provided to the applicant of the time, date and location where such hearing will be heard.

**§60-5. Decision** The Board of Selectmen may approve, deny or approve the application with conditions. Such decision shall be based on the evidence taken at the public hearing, consistent with the protection of the health, safety and welfare of the public, and consistent with the regulations promulgated by such board.

**§60-6. Enforcement and Fines** The Board of Selectmen may issue orders as appropriate to aid in the enforcement of this regulation and may enforce these provisions in equity, including the request for injunctive relief, in a court of competent jurisdiction. Any failure to comply with any Order issued hereunder shall result in the issuance of a formal warning. Any failure to comply with such a warning shall result in a fine of \$100.00. Any failure to comply after the issuance of said initial fine may be punishable by a subsequent fine of \$300.00. Each day of a continued non-compliance shall constitute a separate violation. Further, the Board of Selectmen may hold a hearing, with notice to the licensee, to determine if such license should be modified, suspended or revoked.



**§60- 7: Home Rule Amendment** [art. 89 of the Amendments to the Massachusetts Constitution]; Charter, Article 3, Section 2(c), Massachusetts General Laws, Chapter 94G, § 3, 935 CMR 500.000.

**SPONSOR:** Board of Selectmen

**COMMENTARY:** *This article enables the Board of Selectmen to serve as the licensing authority of Marijuana Establishments organized pursuant to M.G.L c. 94G.*

**MOTION:** *Move that the Town vote to amend the Town of Uxbridge General By-laws, by adding the Chapter 60 Licensing Marijuana as written.*

*Vote required for passage: requires a 2/3 majority vote.*

**THE FINANCE COMMITTEE RECOMMENDATION:**

**Favorable Action (5-0-0)**

**THE BOARD OF SELECTMEN RECOMMENDATION:**

**Favorable Action (4-0-0)**

**ARTICLE 7: CITIZEN'S PETITION – STREET ACCEPTANCE: WALNUT GROVE STREET**

To see if the Town will vote to accept as a public way the street known as Walnut Grove Street 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 of which public ways are used in the Town; or take any other action relating thereto.

**SPONSOR:** Citizen's Petition

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

*Vote required for passage: requires a 2/3 majority vote.*

**THE FINANCE COMMITTEE RECOMMENDATION:**

**Favorable Action (5-0-0)**

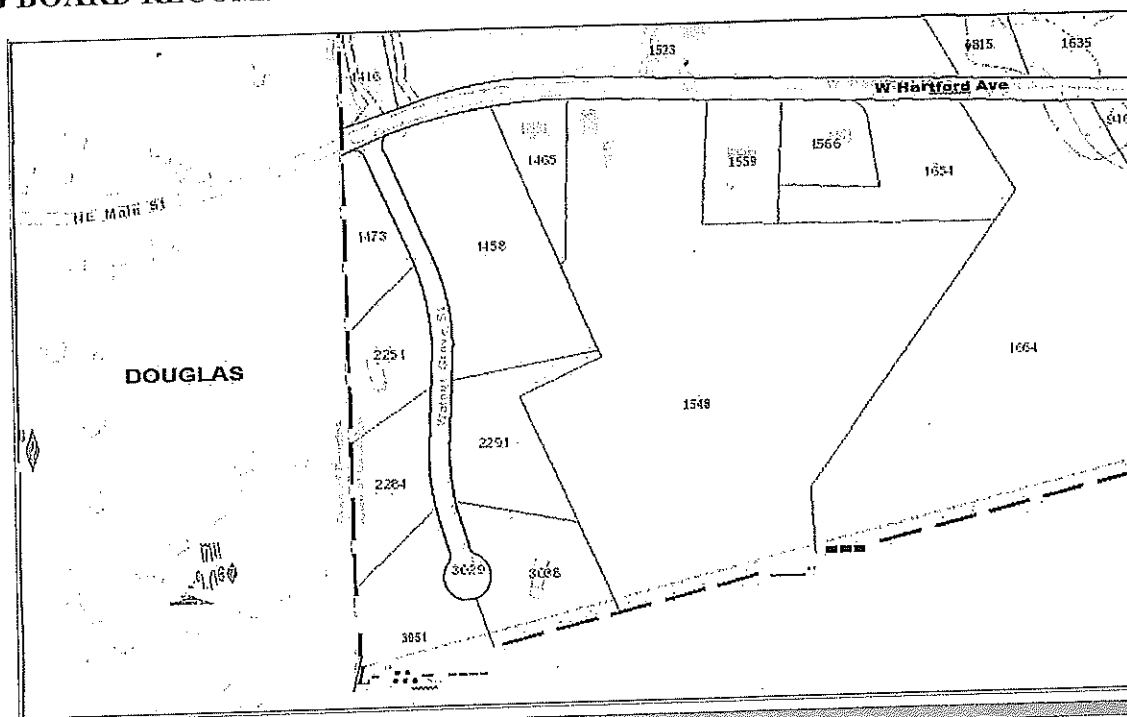
Contingent upon positive recommendation from the DPW Director.

**THE BOARD OF SELECTMEN RECOMMENDATION:**

**Favorable Action (4-0-0)**

**PLANNING BOARD RECOMMENDATION:**

**Favorable Action (5-0-0)**



## **ARTICLE 8: CITIZEN'S PETITION – ADJUSTMENT TO FY19 SCHOOL BUDGET**

To see if the Town will vote to approve an adjustment to the FY19 School budget to turn back school 2018 funds used to prepay out of district tuition for 3 months (Sept, Oct, Nov. 2018). This will return the FY19 School Budget to the amount approved for Uxbridge Public Schools to \$24,095,036. (recapture 2018 town funding paving 2019 Budgeted expenses)

**SPONSOR:** Citizen's Petition

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

*Vote required for passage: requires a 2/3 majority vote.*

**THE FINANCE COMMITTEE RECOMMENDATION:**

**Unfavorable Action (3-2-0)**

**Majority opinion:** We should not be adjusting the school budget 3 months into the fiscal year. The budget, right or wrong, was presented to and adopted by the voters at the Spring Town Meeting.

**Minority opinion:** At the Spring Town Meeting, we transferred \$393,676 from stabilization to cover the final year's payment for the McCloskey school bond. The alternate put forward by the School Committee involved cutting 8 educational positions impacting services to students; and other cuts would've been made at the DPW. However, at the time of the Spring Town Meeting the school administration knew, based on a presentation at the School Committee meeting on 3 October 2018, that they were running a budget surplus for FY18 of >\$450K with approximately 1 month left in the fiscal year. This surplus could've been used to help offset the final bond payment and reduce the transfer from the town's stabilization fund. Instead they chose to put forth cutting of services and using the surplus to prepay for FY19 expenses. Thus we are in favor of the citizen's petition.

**THE BOARD OF SELECTMEN RECOMMENDATION:**

**Unfavorable Action (3-1-0)**

\* \* \* \* \*

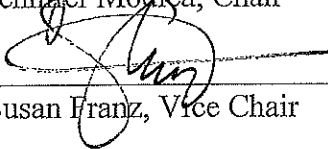
*And you are directed to serve this warrant by posting up attested copies thereof, one at the Town Hall, one at DPW, one at the Uxbridge Post Office, one at the North Uxbridge Post Office and one at the Linwood Post Office, at least Seven (7) days before the time of holding said meeting, in accordance with M.G.L. Chapter 39, Section 10.*

*Hereof, fail not and make due return of this warrant, with your doings thereon, to the Town Clerk at the time of the meeting aforesaid.*

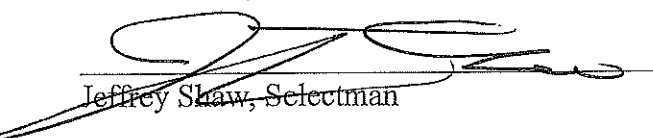
*Given under our hands this day 15<sup>th</sup> day of October in the year 2018.*

**Uxbridge Board of Selectmen:**

  
\_\_\_\_\_  
Jennifer Modica, Chair

  
\_\_\_\_\_  
Susan Franz, Vice Chair

\_\_\_\_\_  
Brian Plasko, Clerk

  
\_\_\_\_\_  
Jeffrey Shaw, Selectman

**A True Copy -- Attest:**

  
\_\_\_\_\_  
Constable, Town of Uxbridge

10/15/18  
Date