

Meeting Minutes:

MOTION by Atty. Knapik to accept the meeting minutes as amended of June 7, 2021. Motion was seconded by Dr. Lindenmayer. Motion carried **5-0-1** (Chief Lourie abstained, as he wasn't at the meeting).

MOTION by Chief Lourie to accept the meeting minutes as amended for June 14, 2021. Motion was seconded by Dr. Lindenmayer. Motion carried **6-0-0**.

Chairman Stephan started a discussion about committee members who have not been attending committee meetings. Per the Charter, the committee can vote to remove the members and a registered or certified letter can be sent to notify the members about the decision. The Chair requested feedback from the members present. Since no motion was made for removal of the absent members, the absent members will still be listed on the committee.

NEW BUSINESS:

Chairman Stephan mentioned that a subcommittee of himself, Dr. Lindenmayer and Mr. Talke met 3 times to discuss what has occurred over the last year to go through the Charter line by line and word by word, along with reviewing state law to be sure the information was accurate. Mr. Talke, as Clerk, mentioned that he changed the formatting, font, and incorporated Oxford commas for clarification of the amended Charter for deliberations by the full committee. The committee then entered into deliberations and was able to review Articles 1 - 5 of the Charter and vote on amendments which are included in the attachment to these minutes.

MOTION by Dr. Lindenmayer to accept Article 2 as presented during this meeting of July 12, 2021 to be submitted as a Warrant Article at the next Town Meeting. Seconded by Mr. Potaski. **MOTION** carried **5-0-0**.

MOTION by Mr. Potaski to accept Article 3 as presented during this meeting of July 12, 2021 to be submitted as a Warrant Article at the next Town Meeting. Seconded by Dr. Lindenmayer. **MOTION** carried **5-0-0**.

MOTION by Dr. Lindenmayer to accept Article 4 as presented during this meeting of July 12, 2021 to be submitted as a Warrant Article at the next Town Meeting. Seconded by Atty. Knapik. **MOTION** carried **5-0-0**.

MOTION by Mr. Potaski to accept Article 5 as presented during this meeting of July 12, 2021 to be submitted as a Warrant Article at the next Town Meeting. Seconded by Atty. Knapik. **MOTION** carried **5-0-0**.

The twenty-fourth meeting of the Uxbridge Charter Review Committee, held on a Zoom platform, was called to order by Chair Patrick Stephan at 6:38 PM, Monday, July 12, 2021.

Members Present: Patrick Stephan, Chairman; Ray Talke, Clerk;

Committee Members: Atty. Rob Knapik, Dr. Joann Lindenmayer, Michael Potaski & Chief Jeff Lourie

Members Absent: Barry Desruisseaux, Melissa Desmarais and Ron Parsons

OPEN PUBLIC FORUM:

No one present from the public.

REC'D LND TOWN CLERK
2021 AUG 5 AM 8:01

OLD BUSINESS:

Atty. Knapik commented about an amendment voted on in the previous meeting about changing how the members of the Finance Committee are appointed and elected. He suggested that the committee should revisit this topic because of discussions with previously elected Moderators. Chairman Stephan stated that this topic will be addressed again because the entire Charter will be reviewed in its entirety again from the beginning.

Review timeline for Committee deliverables -

Chairman Stephan discussed getting the review of the Charter completed by the end of July so it could be sent to the Town's attorney for review and possible deliberation of further amendments based on the legal review. Committee meetings will continue on August 2nd & 16th to review comments that may come back for further deliberation. The committee is expected to be called upon by the Board of Selectmen and Finance Committee after the Charter petition is submitted to be included on the Fall Town Meeting warrant. Also, in that same time frame, public informational meetings will need to be conducted. Mr. Talke recommended putting together a presentation as a committee to deliver at those informational meetings. Discussions also included having highlights at the town meeting about various amendments, e.g. the name change from Board of Selectmen to Select Board and establishment of a Board of Public Works.

Atty. Knapik reviewed various legal points about getting charter amendments through town meeting and state attorney general approval. The town's attorney has suggested using the special act approach through the state legislature to put the amended charter into effect. Atty. Knapik was asked by the chairman to work with the town clerk, moderator and town attorney to make sure that the petition from the Charter Review Committee is in the proper form for submission to the town clerk for inclusion on the town warrant for the 2021 Fall Town Meeting. The target is to have the committee's recommendations submitted prior to August 26, 2021.

MOTION to adjourn by Mr. Potaski and seconded by Dr. Lindenmayer. Motion carried 5-0-0. The meeting adjourned at approximately 8:41 PM.

Respectfully submitted,

Donna C. Hardy, Uxbridge Charter Review Committee Assistant

Article 1: Incorporation; Title; Powers

REC'D UXB TOWN CLERK
2021 AUG 5 AM 8:01

Section 1: Incorporation

The inhabitants of the Town of Uxbridge within the corporate limits as established by law shall continue to be a body corporate and politic with perpetual succession under the name "Town of Uxbridge."

~~SECTION 2: SHORT TITLE~~Section 2: Title

This instrument shall be known as the Uxbridge Home Rule Charter and may be cited as such or as the charter, the Uxbridge Home Rule Charter, or the town charter.

Section 3: Powers of the Town

Subject only to express limitations on the exercise of any power or function by a municipality in the constitution or laws of the Commonwealth of Massachusetts, it is the intent and the purpose of the voters of Uxbridge to secure through ~~the adoption of this charter~~ all of the powers it is possible to secure for a municipal government under the constitution and laws of the ~~Commonwealth~~commonwealth.

The powers of the Town of Uxbridge under this charter are to be construed liberally in its favor and the specific mention of any particular power is not intended to limit in any way the general powers of the Town of Uxbridge as stated above. Upon the effective date of this act, the Town of Uxbridge shall be governed by the provisions of this act. To the extent that the provisions of this act conflict with existing by-laws of the Town of Uxbridge, this act shall govern.

Section 4: Intergovernmental Relations

Subject to the applicable requirements of any provision of the constitution or statutes of the ~~Commonwealth~~commonwealth, the Town of Uxbridge may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more states or civil divisions or agencies thereof or the United States government or any one or more agencies thereof.

Section 5: Definitions

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in this charter shall have the following meanings:

(a) Charter - The word "charter" shall mean ~~this charter~~the Uxbridge Home Rule Charter and any amendments to it which may hereafter be adopted.

Attachment to July 12, 2021 Charter Review Committee Meeting Minutes

(b) Days - The word “days” shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven (7) days; when the time set is seven (7) days or more, every day shall be counted.

(c) Emergency - The word “emergency” shall mean a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action by emergency medical personnel or a public safety -agency.

(d) general laws - The words “general laws” (all ~~lower-case~~lower-case letters) shall mean laws which apply alike to all cities and towns, to all towns, or to a class of municipalities of which Uxbridge is a member.

(e) General Laws - The words “General Laws” (used with initial capital letters) shall refer to the General Laws of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and ~~including~~ all amendments thereto subsequently adopted.

(f) Local Newspaper - The words “local newspaper” shall mean a newspaper of general circulation in the town of Uxbridge.

(g) Majority Vote - The words “majority vote” shall mean a majority of those present and voting, provided that a quorum of the body is present when the vote is taken, unless a higher number is required by law.

(h) Multiple Member Body - The words “multiple member body” shall mean any town body consisting of two or more persons and whether styled board, commission, committee, however elected or appointed or otherwise constituted.

(i) Policy Making Body – The words “policy making body” shall mean any multiple member body which has authority, under the charter, town by-laws, or general laws, to enact rules or issue decisions which have the force of law and affect one or more persons or entities.

(j) Quorum - The word “quorum,” unless otherwise required by law or this charter, shall mean a majority of the members of a multiple member body then in office, ~~not including any vacancies which might then exist.~~

(k) Select Board – The words “select board” shall be functionally equivalent, and possess all the attributes and powers assigned, to the term “board of selectmen” as used in the Massachusetts Constitution and general laws.

(l) Select Board Member – The words “select board member” shall be functionally equivalent, and possess all the attributes and powers assigned, to the term “selectman” as used in the Massachusetts Constitution and general laws.

(jm) Town - The word “town” shall mean the Town of Uxbridge.

(kn) Town Agency - The words “town agency” shall mean any board, commission, committee,

department, division or office of the town government.

(l~~o~~) Town Bulletin Board - The words “town bulletin board” shall mean the bulletin board in the town hall on which official town notices are posted and those at other locations within the town which may from time to time be designated as town bulletin boards by by-law.

(m~~p~~) Town Officer~~Official~~ - The words “town officer~~official~~,” when used without further qualification or description, shall mean a person having charge of an office or department of the town who in the exercise of the powers or duties of that position exercises some portion of the sovereign power of the town.

(q) Town Website – The words “town website” shall refer to the official website of the Town of Uxbridge.

(r) Vacancy – The word “vacancy” shall mean an unfilled, yet authorized, position caused by a failure to elect, failure to appoint, removal, resignation, incapacity, or death.

(s) Voters - The word “voters” shall mean valid registered voters of the town of Uxbridge.

Article 2: Legislative Branch

Section 1: Town Meeting

The legislative powers of the town shall be exercised by a town meeting open to all voters.

Section 2: Moderator

The moderator, elected as provided in Article 3, Section 4, shall preside at all sessions of the town meeting. The moderator may appoint deputy or assistant moderators as needed. The deputy moderator shall serve as acting moderator in the event of the temporary absence or disability of the moderator. The deputy moderator shall have all of the powers of the moderator when presiding at town meeting sessions, but shall have no other powers or duties of the moderator.

The moderator, at town meetings, shall regulate the proceedings, decide all questions of order, make public declaration of all votes, and may exercise such additional powers and duties as may be authorized by general law, by this charter, by by-law, or by other vote of the town meeting.

Section 3: Finance Committee

There shall be a finance committee of seven (7) members of which ~~4~~three (3) members shall be appointed by the moderator and ~~3~~four (4) members shall be elected by the voters. If an elected position remains open after an election, the moderator shall appoint a member to fill the vacancy until the next annual town election. The term of office and any other conditions of appointment

or service as may be deemed necessary or desirable shall be established by by-law. The subject matter of all proposals to be submitted to a town meeting by warrant articles shall be referred to the finance committee by the ~~board of selectmen~~select board at the earliest practicable time following their receipt by the ~~board of selectmen~~select board. The finance committee ~~shall~~may report the action it recommends be taken on any or all of the articles contained in a town meeting warrant, in writing, together with a brief statement of the reasons for each such recommendation. Provisions for the format and distribution of such report shall be made by by-law. The finance committee shall have such additional powers and duties as may be provided by general law or by by-law.

Section 4: Annual Town Meetings

The annual town meetings shall be held on dates fixed by by-law. The annual town meetings shall meet in regular session twice in each calendar year. The first such meeting is to be held on a date fixed by by-law; and shall be primarily concerned with the determination of matters involving the expenditure of town funds, including, but not limited to, the adoption of the annual operating budget for all town agencies and for the purpose of electing ~~officer~~officials.

The second such meeting, the powers of which ~~shall be~~shall be deemed to be those of an annual town meeting, except that it shall not include the election of ~~officer~~officials or the determination of other matters to be decided by ballots of voters, shall be held during the last four calendar months, on a date fixed by by-law.

Section 5: Special Meetings

Special town meetings may be held in the manner provided by general law.

Section 6: Warrants

Every town meeting shall be called by a warrant issued by the ~~board of selectmen~~select board which shall state the time and place at which the meeting is to convene and, by separate articles, the subject matter to be acted upon. The publication of the warrant for every town meeting shall be in accordance with a town by-law governing such matters.

Section 7: Initiation of Warrant Articles

(a) Initiation - The ~~board of selectmen~~select board shall receive at any time petitions addressed to it which request the submission of any matter to the town meeting and which are filed by: ~~(1)~~ any elected town ~~officer~~official, or ~~(2)~~(i) any multiple member body either elected and/or appointed, acting by a majority of its members. The ~~selectman~~select board shall insert in the warrant for the annual town meeting all subjects the insertion of which shall be requested of them in writing by ten (10) or more registered voters of the town and in the warrant for a special town meeting all subjects the insertion of which shall be requested of them by one hundred (100) registered voters or by ten percent (10%) of the total number of registered voters of the town, whichever is the lesser. The ~~selectmen~~select board ~~shall~~ call a special town meeting upon

request in writing of two hundred (200) registered voters or of twenty percent (20%) of the total number of registered voters of the town, whichever is the lesser, as provided by General Law.

(b) Referral - Forthwith following the receipt of any petition containing a proposed warrant article, the ~~board of selectmen~~select board shall cause a copy of the proposal to be emailed to the chair of the finance committee if an email address is on file in the ~~board of selectmen~~select board's office and sent by U.S. Mail to the chair if he/she does not have an email address. The chair of the finance committee shall notify the ~~board of selectmen~~select board's office of receipt of the proposed article. ~~In addition a~~A copy of the proposed article shall be posted on the town bulletin board and town website, and the ~~board of selectmen~~select board shall cause such other distribution to be made of each such proposal as may be required by law or by-law.

(c) Inclusion on Warrant - The ~~board of selectmen~~select board shall include on the warrant, for an annual town meeting, the subject matter of all petitions which have been received by it sixty (60) or more days prior to the date fixed by by-law for town meeting to convene, except in emergencies. The ~~board of selectmen~~select board shall not include in any such warrant the subject matter of any petition which has been received by it after said day nor shall any matter originating with the board be included after said date, unless the board, by a majority vote, determines the subject matter to be of an emergency nature. Whenever a special town meeting is to be called, the ~~board of selectmen~~select board shall give notice by publication in a local newspaper and on the town website, ~~or and may~~ broadcast through media or medium that provides public notice throughout the town of such intention and shall notify all town agencies of its intention to do so. The ~~board of selectmen~~select board shall include in the warrant, for such special town meeting, the subject matter of all petitions which are received at its office on or before the close of the fifth business day following such publication.

Section 8: Availability of Town Officials at Town Meetings

Every town ~~officer~~official, the chairperson of each multiple member body, the head of each department, and the head of each division within the said departments shall attend all sessions of the town meeting at which warrant articles pertinent to their agency are or may be acted upon for the purpose of providing the town meeting with information pertinent to all such matters as appear in the warrant for the town meeting.

In the event any town ~~officer~~official, chairperson of a multiple member body, or department or division head is to be absent due to illness or other reasonable ~~cause~~cause, such person shall designate a deputy to attend to represent the office, multiple member body, department, or division. If any person designated to attend the town meeting under this section is not a voter, such person shall, notwithstanding, have a right to address the meeting for the purpose of compliance with this section.

Section 9: Clerk of the Meeting

The town clerk shall serve as clerk of the town meeting, record its proceedings, and perform such additional duties in connection therewith as may be provided by general law, this charter, by-

law, or other town meeting vote. Minutes of town meetings shall be posted on the town website and be available for inspection in the town clerk's office within thirty (30) days of the conclusion of each town meeting.

Section 10: Rules of Procedure

The town meeting may, by by-law, establish and, from time to time, amend, revise, or repeal rules to govern the conduct of all town meetings.

Section 11: General Powers and Duties

All legislative powers of the town, except as otherwise provided by law or this charter, shall be vested in the town meeting. The town meeting shall provide for the exercise of all of the powers of the town and for the performance of all duties and obligations imposed upon the town for which no other provision is made in this charter, or by by-law.