

The twenty-second 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, June 7, 2021.

Members Present: Patrick Stephan, Chairman; Ray Talke, Clerk;
Committee Members: Atty. Rob Knapik, Dr. Joann Lindenmayer, Michael Potaski and Barry Desruisseaux.

Members Absent: Melissa Desmarais, Ron Parsons and Jeff Lourie

OLD BUSINESS:

REC'D UXB TOWN CLERK
2021 JUL 27 PM12:17

Meeting Minutes:

MOTION by Dr. Joann Lindenmayer to accept the amended meeting minutes of April 19, 2021. Motion was seconded by Mr. Potaski. Motion carried 6-0-0.

MOTION by Dr. Joann Lindenmayer to accept the amended meeting minutes of May 7, 2021. Motion was seconded by Mr. Potaski. Motion carried 6-0-0.

Input from Community:

Ms. Jane Keegan contacted the chairman about trying to fill out the survey and providing her comments.

Additional discussions included whether some of the topics should be addressed by the Bylaw Committee or be reviewed directly by the Charter Review Committee. The Uxbridge Charter overrules the Bylaws, but certain subjects should be placed in the Bylaws.

One option is to make an amendment to the Bylaws adding details related to subjects which might be included in the Uxbridge Charter as a description, such as powers of the Police chief and the establishment of a potential Water & Sewer Commission.

NEW BUSINESS:

Town Meeting Feedback:

The chairman gave a report of committee activities and plans at the most recent Spring Town Meeting and encouraged residents to provide input.

Mr. Talke will put together a PowerPoint presentation for the community open meeting to provide an update of the Charter Review Committee activities and plans.

The committee discussed options about absent members. The chairman mentioned he has not been able to connect with Melissa Desmarais or Ron Parsons. The chairman asked Mr. Desruisseaux to contact Mr. Parsons. Mr. Desruisseaux informed the Chairman that Mr. Parsons has been quite overwhelmed with his job and will do his best to attend the meetings. Mr. Talke inquired about the rules for members in the committee.

The chairman also asked Mr. Knapik to clarify procedures for finishing committee activities with Town Counsel and to report at the next meeting.

Mr. Desruisseaux left the meeting at 7:19 pm.

The chairman pulled up the Charter for the committee to start deliberations for potential amendments to the Charter.

Discussions included that an advisory committee can be 7 members (e.g. Finance Committee) and policy making committees should be at least 5 members.

MOTION by Mr. Talke to accept Article 1 with the omission of definitions (i) in Section (5). Seconded by Dr. Lindenmayer. **MOTION** passed 5-0.

MOTION by Dr. Lindenmayer to accept Article 2 with proposed amendments. Seconded by Mr. Potaski. **MOTION** carried 5-0-0.

Dr. Lindenmayer inquired about how the Board of Health members are considered, i.e. officers, officials, volunteers, etc.

Dr. Lindenmayer recommended we include mediation or mediator, not involving contract negotiations or arbitrations.

Mr. Talke commented that Water and Sewer Commissioners be appointed instead of elected and prefers that the Town Manager be the appointee. Also, to have it changed to Committee instead of Commissioners.

Chairman, commented that the BOS are responsible for the enactment and enforcement of the Charter.

Deliberations will continue at the next meeting.

MOTION to adjourn by Mr. Talke 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; ~~SHORT~~ TITLE; POWERS

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."

REC'D UMB TOWN CLERK
2021 JUL 27 PM 12:17

SECTION 2: ~~SHORT~~ TITLE

This instrument shall be known as the Uxbridge Home Rule Charter and may be cited as that name or 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, 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.

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 and dates for any subsequent revisions 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.

~~Revised January 3, 2019 by act of Legislature~~

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.
- (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 days; when the time set is seven 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.
- (d) general laws - The words "general laws" (all 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 all amendments thereto subsequently adopted.
- (f) Local Newspaper - The words "local newspaper" shall mean one or more newspapers 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 the ability, under the charter, the town by-laws, or general laws to enact rules or issue decisions affecting one or more persons or entities which have the force of law.
- (ij) 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.
- (jk) Town - The word "town" shall mean the Town of Uxbridge.
- (kl) Town Agency - The words "town agency" shall mean any board, commission, committee, department, division or office of the town government.
- (lm) 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.
- (mn) 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.

(o) Town Website - The words "Town Website" shall refer to the official website of the Town of Uxbridge.

(p) Voters - The word "voters" shall mean registered voters of the town of Uxbridge.

ARTICLE 2 - LEGISLATIVE BRANCH

SECTION 3: FINANCE COMMITTEE

There shall be a finance committee of 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 to be held on a date fixed by by-law, 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 ~~officers~~ officials.

The second such meeting, the powers of which shall be deemed to be those of an annual town meeting, except that it shall not include the election of ~~officers~~ 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.

~~Revised January 3, 2019 by act of Legislature~~

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) any multiple member body either elected 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 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 registered voters or by ten percent 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 200 registered voters or of twenty percent 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 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, on the town website or 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, department or division head is to be absent due to illness or other reasonable 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.

ARTICLE 3 – ELECTED ~~OFFICERS~~ OFFICIALS

SECTION 1: IN GENERAL

- (a) Elective Town Offices – The town offices to be filled by the voters shall be a ~~board of selectmen~~ select board, a school committee, a board of health and a town moderator.
- (b) Other Offices Filled at Town Elections – In addition to the town offices enumerated above, members of an Uxbridge housing authority, a board of library trustees, Edward B. Thayer fund trustees, a Blackstone Valley regional vocational school district committee representative, ~~three~~ four members of the finance committee, and such other ~~officers~~ officials or representatives to regional authorities or districts as may be established by law or by inter-local agreement shall also be filled by ballot at town elections.

Town Manager section (d) To appoint a professional in human resources to administer a town personnel system, including, but not by way of limitation, personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, personnel-by-law and collective bargaining agreements entered into by the town.

The ~~town manager~~ human resources professional shall also prepare and keep current a plan establishing the personnel staffing requirements for each town agency, except the school committee.