

FALL ANNUAL TOWN MEETING WARRANT

TUESDAY, OCTOBER 26 & WEDNESDAY, OCTOBER 27, 2021

7:00 P.M.

**VALLEY CHAPEL – 14 HUNTER ROAD
UXBRIDGE, MASSACHUSETTS**

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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. (M.G.L. c.39, §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 5 minutes to speak.
- iv. A speaker cannot move the question after concluding his remarks.
- v. A motion to move the question requires a 2/3rds 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 26, 2021 – 7:00 P.M. &
WEDNESDAY, OCTOBER 27, 2021 – 7:00 P.M.
VALLEY CHAPEL – 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:*

* * *

Estimated Free Cash (as of July 1, 2021) is \$5,394,393. Certified Retained Earnings from the Enterprise Funds are forecast as follows: Sewer Enterprise Fund: \$1,985,263; Water Enterprise Fund: \$1,961,873; and Cable Enterprise Fund: \$162,898.

Legend

c. = Chapter

§ = Section

M.G.L. = Massachusetts General Laws

ARTICLE 1: TRANSFER TO STABILIZATION

To see if the Town will vote to transfer and appropriate a sum or sums of money, including Free Cash to the Stabilization Fund Account, or take any other action relating thereto.

SPONSOR: Town Manager

COMMENTARY: This article serves to transfer FY2021 Free Cash to the Stabilization Fund. The opening balance in the Stabilization Fund before any other activity is \$3,914,304.52; with the proposed transfer of \$5,394,393.00, the Stabilization Fund new account balance will be \$9,308,695.52.

MOTION: Move that the Town vote to transfer and appropriate the sum of \$5,394,393.00 in Free Cash to the Stabilization Fund.

Vote required for passage: simple majority vote per M.G.L., c. 40, §5 B to transfer to the stabilization fund

FINANCE COMMITTEE RECOMMENDATION: Recommend Favorable (6-0-0)

This is a standard article that moves unused funds from the previous fiscal year into the Town's reserve account. Transfers *out of* the stabilization account require a supermajority or two-thirds vote at Town Meeting.

BOARD OF SELECTMEN RECOMMENDATION:

ARTICLE 2: TRANSFER TO CAPITAL STABILIZATION FUND

To see if the Town will vote to transfer and appropriate a sum or sums of money from the General Stabilization Fund to the Capital Stabilization Fund, or take any other action relating thereto.

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. The Board of Selectmen, the Finance Committee, and the Town Manager are in agreement however that the Stabilization Fund balance at \$2.5 million dollars is too low for the size of the Town budget and are recommending that that amount be increased to \$??? million dollars as of this year with an overall goal of a greater percentage the annual operating budget over time.

MOTION: To see if the Town will vote to transfer and appropriate the sum \$\$\$\$\$\$ from the general stabilization fund to the capital stabilization fund.

Vote required for passage: 2/3rds majority vote per M.G.L., c. 40, § 5B

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

The Committee supports the transfer of funds for capital purchases but believes that we should also increase the minimum balance of the Capital Stabilization account to reflect a greater percentage of the annual operating budget. Finance Committee again recommends that the Board of Selectmen and Town Manager institute a policy as to how much is reserved in both General Stabilization and Capital Stabilization funds.

BOARD OF SELECTMEN RECOMMENDATION:

ARTICLE 3: CAPITAL PURCHASES

To see if the Town will vote to appropriate a sum or sums of money for capital purchases and/or projects as recommended by the Town Manager in conjunction with the Capital Planning Committee, or take any other action relating thereto.

SPONSOR: Town Manager

COMMENTARY: The source of funding for all of the capital purchases will be from Capital Stabilization. The projects listed below in the table were discussed by the Capital Committee and accepted by the Town Manager for inclusion on the warrant for the FY2021 Fall Annual Town Meeting.

Department	Amount	Capital Project/Details
Council on Aging	\$38,000	Replacement of Flooring

Police Department	\$125,000	Upgrade Dispatch Console Center. (This was originally \$175,000 for a 2-seat dispatch center. A third seat was added and it brought the cost to \$200,000. The Department received a grant in the amount of \$75,000 from the state through Senator Ryan Fattman.
	\$20,000	Replace Cell Block Floor Carpeting/20 years old and worn
	\$17,000	Replace/Install HVAC Compressor
Fire Department	\$29,000	Purchase 4-Wheel Utility Vehicle
Recreation Committee	\$189,008	Replace Basketball Courts and Lighting at Hecla Street Courts
DPW	\$350,000	Purchase 2 (two) D-Rated Snow Plow Trucks
	\$160,000	Removal of Mass DEP Legacy Material from DPW
	\$39,000	Purchase Flail Mower Head
TOTAL	\$967,008	

MOTION: Move that the Town vote to appropriate the sum of \$807,008 for the purchase of departmental projects in the table contained in the Town Meeting Report, and to meet said appropriation, transfer the sum of \$807,008 from the Capital Stabilization Fund and to amend the amount of the suggested appropriation for the removal of the Legacy Material from the DPW facility from \$160,000 to \$480,000 with the funding source for this item to be an appropriation from the General Stabilization Fund; each item being considered a separate appropriation to be carried until said appropriation is moved via Fall Annual Town Meeting action or exhausted

Vote required for passage: 2/3rds majority vote per M.G.L., c. 40, §5 B if a transfer from the stabilization fund is required and M.G.L., c. 44, § 7 if borrowing — otherwise simple majority

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

Finance Committee believes these items should be addressed. However, the DPW request for \$160,000 should come from General Stabilization Fund. Unfavorable vote is based upon necessary financial information not being supplied in advance of the Finance Committee's vote on the Article.

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

CAPITAL PLANNING COMMITTEE RECOMMENDATION:

Council on Aging	\$ 38,000	Replacement of Flooring Favorable Action (4-0-1)
Police Department	\$125,000	Upgrade Dispatch Console Center Favorable Action (3-0-2)
	\$ 20,000	Replace Cell Block Floor Carpeting Favorable Action (4-0-1)
	\$ 17,000	Replace/Install HVAC Compressor Favorable Action (4-0-1)
Fire Department	\$ 29,000	Purchase 4-Wheel Utility Vehicle Favorable Action (5-0-0)
Recreation	\$189,008	Courts and Lighting at Hecla Street Courts Favorable Action (4-0-1)
DPW	\$350,000	Purchase 2 Snow Plow Trucks Favorable Action (4-0-1)
	\$160,000	Removal of Mass DEP Legacy Material Favorable Action (3-1-1)
	\$ 39,000	Purchase Flail Mower Head Favorable Action (4-0-1)

ARTICLE 4: ADOPTION OF SEALER FEES

To see if the Town will vote, according to M.G.L, c. 98, § 56 to adopt a bylaw to set sealer fees within the Town, said bylaw to read as follows:

PART II GENERAL LEGISLATION

Chapter 144 – Fees of the Sealer of Weights and Measures

§1.1. The Town may charge and demand the following fees for sealing and inspecting the following weighing or measuring devices:

Type	Fee Per Inspection
A. Scales	
0 lbs. - 10 lbs.	\$ 22.00
10 lbs. – 100 lbs.	\$ 24.00
100 lbs. – 1,000 lbs.	\$43.00
1,000 lbs.- 5,000 lbs.	\$61.00
5,000 lbs. – 10,000 lbs.	\$82.00
Over 10,000 lbs.	\$127.00
Weights All Types (pharmacy weights or medallions for stone/slate	\$4.00
B. Measuring Devices	
Gasoline Meters	\$ 25.00
Vehicle Tank	\$ 52.00
Bulk Storage	\$ 78.00
Taxi Meters	\$ 28.00
Fabric Measure	\$ 12.00
Yard Sticks	\$ 8.00
C. Miscellaneous	
Reverse Vending (bottle return)	\$ 23.00
D. Automated Retail Checkout System (every 24 months)	
Scanner 1-3	\$ 75.00
Scanner 4-11	\$ 150.00
Scanner 12+	\$ 250.00

, or take any other action relating thereto.

SPONSOR: Town Manager

COMMENTARY: The Town contracts with the Commonwealth of Massachusetts-Division of Standards to complete testing and sealing of commercial weighing and measuring devices in the Town. Uxbridge has not previously established or adopted any weight or measure fees. The Town has been absorbing fees of each business until now and up until a scale of fees is approved by the Town. This bylaw will allow the Town to bill these businesses going forward. The current amount paid annually by the Town is \$2500; the fees proposed and subsequently collected from the affected businesses, in relation to the type of scales etc. that are to be tested and sealed by the state will reimburse the Town for what it will pay.

MOTION: Move that the Town hereby accept the article as written.

Vote required for passage: 2/3rds majority vote

FINANCE COMMITTEE RECOMMENDATION: Favorable Action(6-0-0)

Finance Committee believes this will allow the Town to recoup fees for State inspections from private businesses for a necessary cost of business previously paid by the Town.

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

ARTICLE 5: DECLARATION OF SURPLUS PROPERTY – OLD FIRE HOUSE – Pass Over

To see if the Town will vote to authorize the Town Manager to declare the property located at 313 North Main Street, encompassing a total parcel of 0.07 acres (3,049 SF) described as Assessors Map 12C, Parcel 2794 as surplus Town land, or take any other action relating thereto.

SPONSOR: Board of Selectmen

COMMENTARY: Pass Over

MOTION: Pass Over

Vote required for passage: Pass Over

FINANCE COMMITTEE RECOMMENDATION: Pass Over

BOARD OF SELECTMEN RECOMMENDATION: Pass Over

ARTICLE 6: OLD FIRE HOUSE PROJECT

To see if the Town will vote to transfer the sum of \$30,000 from Stabilization to fund the removal of the old Fire House structure located at 313 North Main Street, described as Assessors Map 12C, Parcel 2794, and to secure the site in advance of and for future municipal purposes under the direction of the Town Manager, and furthermore, the Town authorizes the Town Manager to execute any and all instruments as necessary, or take any other action relating thereto.

SPONSOR: Town Manager

COMMENTARY: The Old Fire House has been unused for over a decade. The property has fallen into major disrepair, and poses a threat to public safety. In addition, due to a lack of security, the property has been used from time-to-time with no permission from the Town, by private entities for storage of vehicles, equipment, and materials. The UPD has needed to police the property, as has the Town's Facilities Manager. The property has been offered for sale on several occasions through the RFP process. No bids were received. The Uxbridge Fire Museum has taken possession of the memorabilia that they believe is important to the story of the Uxbridge Fire Department. The UFD has declared the property as surplus, and have no need for it. In 2020, the property value was determined to be \$30,000 by a professional real estate appraiser. Once the site is cleared, the property will be considered for a pocket park under the Main Street Initiative. The park would be a community asset that pays tribute to and honors our first responders and essential personnel that have been vital to response and recover efforts during disasters, and most recently the pandemic.

MOTION: Move that the Town hereby accept the article as written.

Vote required for passage: 2/3rds majority vote per M.G.L., c.40, § 5B if a transfer from the stabilization fund is required

FINANCE COMMITTEE RECOMMENDATION: Favorable Action (4-2-0)

Finance Committee recommends with the understanding that this unsafe building will be demolished without specific prescription as to any future use. Unfavorable Votes are based upon the Lot possibly having a higher value to an abutter, which may eliminate the estimated \$30,000 it will cost to tear it down.

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

ARTICLE 7: SALE OF TOWN-OWNED PROPERTY – OLD FIRE HOUSE

To see if the Town will vote to approve the disposition of the Town-owned property located at 313 North Main Street, Uxbridge, MA encompassing a total parcel of 0.07 acres (3,049 SF), described as Assessors Map 12C, Parcel 2794 by selling, renting, or leasing said property through an agreement negotiated by the Town Manager; through acceptance of this Article, it authorizes the Town Manager to negotiate any agreements pursuant to an affirmative vote of the Board of Selectmen and furthermore, the Town authorizes the Town Manager to execute any and all instruments as necessary, subject to a favorable vote by the Board of Selectmen, or take any other action relating thereto.

SPONSOR: Board of Selectmen

COMMENTARY: The old Fire House has been unused for over a decade. The property has fallen into major disrepair, and poses a threat to public safety. The property has been offered for sale through the RFP process. Any future planned use of the property needs to be consistent with the goals of the Town and the Main Street Initiative. The Uxbridge Fire Department has declared the property as surplus and no other Town Department has declared a need for the property.

MOTION: Move that the Town hereby accept the article as written.

Vote required for passage: 2/3rds majority

FINANCE COMMITTEE RECOMMENDATION: Favorable Action (6-0-0)

Finance Committee recommends favorable action to dispose of unused Town Property.

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

ARTICLE 8: FARNUM HOUSING FUNDING RESTORATION PROJECT – PHASE I AND PHASE II

To see if the Town will vote to transfer a sum of \$514,280 from Capital Stabilization for the purposes of funding the Cornet John Farnum House Restoration Project Phases I and II, or take any other action relating thereto.

SPONSOR: Uxbridge Historical Commission

COMMENTARY: During 2020/2021 an architectural study was conducted by the firm of Spencer, Sullivan and Vogt (SS&V), preservation architects with offices in Charlestown, MA. Their study concluded that the structure is in need of both immediate and long-term maintenance and improvements. Failure to address the issues raised, will result in a further deterioration and could lead to the eventual loss of this important part of Uxbridge history. The Cornet John Farnum House is owned by the Town of Uxbridge. It is the oldest standing example of 18th century life in the community, and serves as the home to both the Uxbridge Historical Commission and the Uxbridge Historical Society. The structure has not received the regular maintenance that should have been afforded a property that offers the historical significance that

The Farnum House does. The result is a need to replace and restore much of the buildings structural elements. The property should receive a complete renovation to make it authentic, including the restoration of an ell (as was original to the structure) that can house a rest room and welcome center, as well as climate-controlled storage of important artifacts and documents related to the Farnum House and the history of the owners and families associated with its nearly 300-hundred-year life. Refer to Attachment #1

MOTION: Move that the Town hereby accept the article as written.

Vote required for passage: 2/3rds majority, per M.G.L. c. 40, § 5B

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

Finance Committee recommends favorable action only because of the urgent nature for restoration for this historic site and building. Expenditures of this magnitude should not be presented to the Town without going through the Capital Planning Committee and being part of a capital improvement plan incorporating all of the capital needs of the Town. Unfavorable vote because all Town capital projects should be addressed as a whole.

BOARD OF SELECTMEN RECOMMENDATION:

CAPITAL PLANNING COMMITTEE RECOMMENDATION: No Action (5-0-0)

Funding for this project should come from the Stabilization Fund Account and not the Capital Stabilization. This is a structural emergency.

ARTICLE 9: SPECIAL INJURY LEAVE INDEMNITY FUND

To see if the Town will accept the fourth paragraph of M.G.L. c. 41, § 111F, which allows Uxbridge to create a special injury leave indemnity fund to be expended by the Uxbridge Town Manager, or take any other action relating thereto.

SPONSOR: Town Manager

COMMENTARY: This article allows the Town to create this special fund to accumulate resources to pay for injured on duty costs for police and fire personnel. Currently, these costs are paid out of each department's operating budget when they occur. Fortunately, the Town has had good experience in recent years on these costs, but when long-term absences do occur, they have significant impact on that years' annual operating budget and the ability for the police and fire department to maintain appropriate staffing and normal operations. Adopting this fund provides a mechanism for the Town to pay for these costs outside of the operating budget therefore normalizing each department's operating budget and reducing impacts due to a long-term injury.

MOTION: Move that the Town accept the fourth paragraph of M.G.L. c. 41, § 111F to allow the Town to establish a special injury leave indemnity fund.

Vote required for passage: simple majority

FINANCE COMMITTEE RECOMMENDATION: UnFavorable Action (6-0-0)

Finance Committee does not find any need to add complexity to a process that is already in place and which has been shown to work. Over the past five years, there does not appear to have been a related monetary request from either the Fire or Police Departments outside of each departments' respective budgets.

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

ARTICLE 10: ADOPTION OF PUBLIC SAFETY RETIREMENT

To see if the Town will accept the provision contained within M.G.L. c. 32, § 4(2)(b) written as such:

“For a reserve or permanent-intermittent police officer or a reserve, permanent-intermittent or call fire fighter retiring from a governmental unit accepting the provisions of this sentence, the board shall credit, in addition to the five years of credit allowed pursuant to the preceding sentence, as one day of full-time service each day in any year which is subsequent to the fifth year following said appointment and on which a reserve or permanent-intermittent police officer or a reserve, permanent-intermittent or call fire fighter was assigned to and actually performed duty as a reserve or permanent-intermittent police officer or reserve, permanent-intermittent or call fire fighter; provided, however, that such service as a permanent-intermittent or call fire fighter shall be credited only if such fire fighter was later appointed as a permanent member of the fire department; provided, further, that this sentence shall take effect in a city by vote of the city council in accordance with its charter, in a town which maintains a separate contributory retirement system by vote of the town meeting, in a town whose eligible employees are members of the county retirement system of the county wherein such town lies by vote of a town meeting and by acceptance by the county commissioners of said county, in a district which maintains a separate contributory retirement system by vote of the district meeting, and in a district the eligible employees of which are members of a county retirement system by vote of the district meeting and by acceptance of the county commissioners of said county.”, or take any other action relating thereto.

SPONSOR: Town Manager

COMMENTARY: This wording is part of the State retirement law that requires local adoption in order to be in effect. Approval of the Article will aid in recruiting and recognizing the service of on-call firefighters and part-time police officers who have or will move into career positions in Town, by having their service time over the first five years credited on a pro-rated basis by the amount of part-time hours worked each year before moving into a career position.

MOTION: Move that the Town hereby accept the article as written.

Vote required for passage: majority vote

FINANCE COMMITTEE RECOMMENDATION: Favorable Action (4-0-0) (1 Member recused)

Finance Committee believes that this will bring the part-time Police and Fire personnel in line with all other municipal departments. Additionally, the cost of the buy-back by the employee will be on the employee and not the Town. It will also not have any effect on currently retired individuals.

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

ARTICLE 11: ESTABLISH UXBRIDGE COMMISSION ON DISABILITY

To see if the Town will vote to accept M.G.L. c. 40, § 8J in order to establish a volunteer Town of Uxbridge commission known as the Commission on Disability, or take any other action relating thereto.

SPONSOR: Town Manager

COMMENTARY: The establishment of the Commission on Disability will serve to have a group of volunteer local residents serve as advisors to the Town Manager and Board of Selectmen with regard to matters related to accessibility, education, and awareness. In addition, the Commission on Disability will make the Town more competitive when seeking funding from state and federal agencies, foundations, and philanthropic organizations for matters related to making the Town an All Abilities Community. The Town

conducted, with the assistance of a consulting firm, a full Disabilities assessment in 2020. The assessment concluded that the Town buildings and public spaces are deficient with regard to being accessible to all residents and visitors; it is estimated that the cost of making the Town compliant is in excess of \$1 million. Subsequently, the Town applied for State funding to address a portion of the deficiencies; the request was not funded. The MA Office on Disability pointed to the fact that Uxbridge does not have a Commission on Disability as one of the key reasons for the failure to receive funding. In addition, as the Town begins a process of a complete and comprehensive approach to community planning, it is imperative that issues such as accessibility be addressed aggressively.

MOTION: Move that the Town hereby accept the article as written.

Vote required for passage: simple majority

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

Finance Committee finds this will allow a more detailed review of the Town's ability to respond to disability issues as well as promote access to State Funds and Grants.

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

ARTICLE 12: ACCEPTANCE OF DONATION (GIFT) OF PROPERTY - Pass Over

To see if the Town will vote pursuant to M.G.L. c. 60, § 77C to authorize the Town, acting by and through the Board of Selectman, acting by and through the Town Manager, to accept a donation (gift) of property located at Douglas Street, encompassing a total parcel of 3.34 acres (148,104 SF) described as Assessors Map 27, Parcel 836 for municipal purposes, and furthermore, the Town authorizes the Town Manager to execute any and all instruments as necessary, subject to a favorable vote by the Board of Selectmen, or take any other action relating thereto.

SPONSOR: Town Manager

COMMENTARY: Pass Over

MOTION: Pass Over

Vote required for passage: Pass Over

FINANCE COMMITTEE RECOMMENDATION: Pass Over

BOARD OF SELECTMEN RECOMMENDATION: Pass Over

ARTICLE 13: AMEND & ADOPTION OF THE ZONING BYLAWS AND TABLE OF USES
TABLE A

To see if the Town will vote to amend § 400-23 and Table of use (Table A) of the Town of Uxbridge Zoning Bylaw by deleting the text shown with a ~~strike through~~ and inserting the underline text shown on the proposed bylaw and the proposed Table A, both on file with the Town Clerk, or take any other action relating thereto.

§400-23 Marijuana establishments, and medical marijuana treatment centers
Establishments, and Medical Marijuana Treatment Centers

A. Definitions

Under Chapter 400, ZONING BYLAWS, the following definitions shall be provided:

1. Consumer - a person who is at least 21 years of age.
2. Host Community – The Town of Uxbridge.
3. Host Community Agreement (HCA) – an agreement setting forth the conditions to have a marijuana establishment or medical marijuana treatment center located within the host community which shall include, but not be limited to, all stipulations of responsibilities between the host community and the marijuana establishment or a medical marijuana treatment center.
4. Marijuana - all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydro cannabinalol as defined in Section 1 of Chapter 94C of the Massachusetts General Laws; provided that Marijuana shall not include:
 - a. The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
 - b. Hemp; or
 - c. The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.
5. Marijuana cultivator - an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.
6. Marijuana establishment - a marijuana cultivator, marijuana testing facility, marijuana research facility, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business.
7. Medical marijuana treatment center - shall mean an entity, as defined by Massachusetts law only, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.
8. Marijuana testing facility - an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.
9. Marijuana research facility – an entity licensed to cultivate, purchase or acquire marijuana to conduct research regarding marijuana and marijuana products.

10. Marijuana products - products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.
11. Marijuana product manufacturer - an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.
12. Marijuana retailer - an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

B. Number of Marijuana Establishments and Medical Marijuana Treatment Centers

~~The maximum number of marijuana retailers shall be no more than twenty percent (20%) the total number of licenses 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 the greater.~~

1. The maximum number of marijuana retailers shall be no more than eight (8).
2. There shall be no maximum on the number of marijuana cultivators, marijuana testing facilities, research facilities, marijuana product manufacturer or any other type of licensed marijuana-related business (exclusive of marijuana retailers or marijuana treatment centers)
3. The maximum number of medical marijuana treatment centers shall be no more than three (3).
4. Marijuana establishments or medical marijuana treatment centers are prohibited in all zoning districts, except as otherwise permitted by these Bylaws and listed within the Table of Uses (Table A), following the standards herein.
~~Marijuana establishments or medical marijuana treatment centers are prohibited in all zoning districts, except as otherwise permitted by these Bylaws, following the standards herein.~~

C. Standards

Number of Marijuana Establishments and Medical Marijuana Treatment Centers

1. The Board of Selectman shall negotiate and execute a Host Community Agreement (HCA) with the proposed marijuana establishment or medical marijuana treatment center.
2. Said uses shall additionally not be located within seven hundred fifty (750) feet from the nearest school providing education for grades K-12.

The distances specified above shall measure by straight line from the nearest corner of the building on which the proposed said use is to be located, to the nearest boundary line to the nearest property line of the school.

3. Except during transportation, marijuana or marijuana products held at any marijuana establishment or medical marijuana facility shall be located within a secure indoor facility.
4. No use covered herein shall be allowed to disseminate or offer to disseminate marijuana products or product advertising to minors or to allow minors to view displays or linger on the premises, except for medical marijuana treatment centers.
5. No use covered herein shall be allowed to have a freestanding accessory sign in the Town of Uxbridge.

D. Enforcement and Violations

The Board of Selectmen, or its designee, shall enforce these regulations and may pursue all available remedies for violations, or take any other action relative thereto.

Violations of any provision of this Bylaw may be addressed administratively; by non-criminal disposition as provided in MGL Chapter 40 Section 21D with fine of three hundred dollars (\$300) per violation; or prosecuted through criminal complaint procedure.

Each day a violation occurs shall be considered a separate violation hereunder.

E. Municipal Charges Lien

If any fine remains unpaid after six (6) months from its due date, it shall become a Municipal Charge Lien pursuant to the provisions of M.G.L. Chapter 40, Section 58. If the bill(s) remains unpaid when the Assessors are preparing a real estate tax list and warrant to be committee under MGL Chapter 59, Section 53, the Board or officer in charge of the collection of the municipal fee or charge shall certify such charge or fee to the Assessors, who shall add such to the tax bill on the property to which it relates and commit it with their warrant to the Tax Collector as part of such tax bill.

F. Validity and Severability

The invalidity of one or more sections, subsections, clauses or provisions of this bylaw shall not invalidate or impair the bylaw as a whole or any other part thereof.

**TABLE A
TABLE OF USES**

USE	ZONING DISTRICTS							
	R-A	R-B	R-C	A	B	IA	IB	MTMC
Marijuana establishment (retail)	N	N	N	N	N	Y N	N Y	Y
Marijuana establishment (cultivation, production)	N	N	N	N	N	Y	Y	Y

Medical marijuana treatment center	N	N	N	N	N	N	Y	N <u>Y</u>
------------------------------------	---	---	---	---	---	---	---	-----------------------

SPONSOR: Board of Selectmen

COMMENTARY: This article has appeared before Town Meeting many times and has had both additions to the article made as well as changes made to the Zoning Use tables as the adult retail use of cannabis and the consumption market has changed. The number of changes has resulted in confusing and sometimes conflicting language in the bylaw and in the last iteration, resulted in the Zoning Table of Use to be changed so that the approved areas for adult retail cannabis businesses were reversed. The proposed change looks to clearly show by striking through incorrect language and inserting correct underlined areas what has changed in the article. The proposed change also asks to set the number of retail cannabis establishments at the same number (8) as the number of alcohol licensed business where alcohol can be bought but not consumed on the premises and to allow licensed delivery of cannabis products within the Town of Uxbridge.

MOTION: Move that the Town hereby accept the article as written in the warrant report dated 10/25/2021.

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

FINANCE COMMITTEE RECOMMENDATION:

A. Table of Uses Favorable Action (6-0-0)

Finance Committee recommends favorable action because the changes to the Table of Uses Table A is for correction of scrivener's errors.

B. Amend & Adoption of the Zoning Bylaws Unfavorable Action (4-2-0)

Finance Committee recommends unfavorable action because the Article is poorly written and ambiguous, and changes were made to the Article after the Warrant closed. The proposed increase to retail licenses has no clear benefit to the Town. Votes against Unfavorable Action was because we believe the Article will benefit the Town by increasing tax revenue and provide the opportunity for marijuana delivery licenses.

BOARD OF SELECTMEN RECOMMENDATION:

PLANNING BOARD RECOMMENDATION: Favorable Action (4-0-1)

ARTICLE 14: STREET ACCEPTANCE – MASLOW'S WAY

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

QUITCLAIM DEED

TTK Real Estate, LLC, a Massachusetts limited liability company with a principal office at 230 Albee Road, P.O. Box 586, Uxbridge, Worcester County, Massachusetts

for valuable consideration paid

grants to the Town of Uxbridge, a municipal corporation having a usual place of business at 21 South Main Street, Uxbridge, Massachusetts,

with quitclaim covenants

A certain parcel of land, together with the improvements thereon, situated on the northeasterly side of Richardson Street in Uxbridge, Worcester County, Massachusetts and shown as MASLOW'S WAY on a plan of land entitled "ROAD ACCEPTANCE PLAN OF MASLOW'S WAY IN UXBRIDGE, MA OWNED BY TTK REAL ESTATE, LLC" and filed with the Worcester County (Worcester District) Registry of Deeds in herewith in Plan Book , which said parcel is bounded and described as follows:

Beginning at a drill hole in a concrete bound on the westerly side of Maslow's Way and the northerly sideline of Tucker Hill Road;

Thence with a curve turning to the left with an arc length of 40.30', with a radius of 30.00' to a drill hole in a concrete bound;

Thence N 12° 04' 22" W a distance of 15.86' to a drill hole in a concrete bound;

Thence with a curve turning to the right with an arc length of 141.11', with a radius of 225.00', to a drill hole in a concrete bound;

Thence N 23° 51' 39" E a distance of 152.69' to a drill hole in a concrete bound;

Thence with a curve turning to the left with an arc length of 101.52', with a radius of 175.00', to a drill hole in a concrete bound;

Thence N 09° 22' 34" W a distance of 493.81' to a drill hole in a concrete bound;

Thence with a curve turning to the left with an arc length of 27.40', with a radius of 30.00', to a drill hole in a concrete bound;

Thence with a reverse curve turning to the right with an arc length of 298.10', with a radius of 60.00', to a drill hole in a concrete bound;

Thence with a reverse curve turning to the left with an arc length of 27.40', with a radius of 30.00', to a drill hole in a concrete bound;

Thence S 09° 22' 34" E a distance of 493.81' to a drill hole in a concrete bound;

Thence with a curve turning to the right with an arc length of 130.52', with a radius of 225.00', to a drill hole in a concrete bound;

Thence S 23° 51' 39" W a distance of 152.69' to a drill hole in a concrete bound;

Thence with a curve turning to the left with an arc length of 109.75', with a radius of 175.00', to a drill hole in a concrete bound;

Thence S 12° 04' 22" E a distance of 14.75' to a drill hole in a concrete bound;

Thence with a curve turning to the left with an arc length of 40.91', with a radius of 30.00', to a drill hole in a concrete bound on the westerly sideline of Tucker Hill Road;

Thence with a curve turning to the left with an arc length of 97.83' along the northerly sideline of Tucker Hill Road, with a radius of 225.00', to a drill hole in a concrete bound;

Being the point and place of beginning, having an area of 58,673 square feet, more or less.

Drainage Easement A

Said parcel is conveyed together with a drainage easement situated on the northwesterly side of said Maslow's Way and shown as EXISTING DRAINAGE EASEMENT A 43,542 S.F. ± on said plan and bounded and described as follows:

Beginning at a point on the westerly sideline of Maslow's Way, said point being 47.46' distant from a drill hole in a concrete bound along a curve to the right having a radius of 60.00';

Thence N 86° 46' 02" W a distance of 237.96' to a point;

Thence N 03° 15' 11" W a distance of 41.67' to a drill hole;

Thence N 00° 20' 17" W a distance of 107.20' to a drill hole;

Thence N 82° 05' 41" E a distance of 193.83' to a point;

Thence S 50° 46' 43" E a distance of 110.24' to a point;

Thence S 36° 29' 06" E a distance of 53.87' to a point on the sideline of Maslow's Way;

Thence with a curve to the left with an arc length of 122.75', having a radius of 60.00', to a point;

Being the point and place of beginning, having an area of 43,542 square feet, more or less.

The Town shall have the perpetual right to drain water into and onto said drainage easement area from the roadway known as Maslow's Way as shown on said Plan, from time to time and for all purposes and uses incidental to the discharge of storm water, including but not limited to, the construction, installation, removal, maintenance and/or repair of the drainage facilities and all necessary appurtenances thereto and to renew, repair, alter, take up, change, relay and maintain any part thereof.

Grantor agrees not to grant any other easements, leases, or licenses to the premises which will interfere with the Town's perpetual easements on the premises without the prior written permission of the Town. Any easements, leases, or licenses granted in violation of this provision will be immediately null and void.

Being a portion of the premises conveyed to the Grantor by deed dated August 31, 2015 and recorded with the Worcester County (Worcester District) Registry of Deeds in Book 54245, Page 268 and by deed dated February 1, 2017 and recorded with said Deeds in Book 56698, Page 241.

Witness my hand and seal this _____ day of _____, 2020.

TTK Real Estate, LLC

w

By: James F. Smith, Manager

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared James F. Smith, Manager as aforesaid, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of TTK Real Estate, LLC.

_____, Notary Public
My Commission Expires:

SPONSOR: Board of Selectmen

COMMENTARY: The Board of Selectmen, at their September 27, 2021, meeting unanimously voted to layout this road. This step is necessary prior to the road being presented for acceptance as a Town Road. Refer to Attachment #2

MOTION: To see if the Town will vote to accept as a public way the street known as Maslow's Way, as laid out by the Board of Selectmen, in the name and behalf of the Town, to acquire by gift, easements, and appurtenant rights in and for said way for the purpose for which public ways are used in the Town, or take any other action related thereto.

Vote required for passage: simple majority

FINANCE COMMITTEE RECOMMENDATION: Unfavorable Action (6-0-0)

The Finance Committee recommends unfavorable action as there is an unresolved Condition (No. 10) contained on the original recorded Definitive Subdivision Plan and Certificate of Approval for this Subdivision.

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

PLANNING BOARD RECOMMENDATION: Favorable Action (4-0-1)

ARTICLE 15: STREET ACCEPTANCE – RIFLEMAN WAY & BRADY COURT – Pass Over

To see if the Town will vote to accept as public ways the streets known as Rifleman Way and Brady Court 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 ways for the purpose for which public ways are used in the Town, or take any other action relating thereto.

SPONSOR: Board of Selectmen

COMMENTARY: Pass Over - On 9/27/21, Rifleman Properties, LLC submitted a formal request to withdraw the street acceptance request for Rifleman Way and Brady Court.

MOTION: Pass Over

Vote required for passage: simple majority

FINANCE COMMITTEE RECOMMENDATION: Pass Over

BOARD OF SELECTMEN RECOMMENDATION: Pass Over

PLANNING BOARD RECOMMENDATION: Pass Over (5-0-0)

ARTICLE 16: CITIZEN'S PETITION – AMENDMENT TO ZONING BYLAWS; ARTICLE VIII, OVERLAY DISTRICT REGULATIONS, SECTION 400-41 – AGE RESTRICTED DEVELOPMENT OVERLAY DISTRICT - Pass Over

To see if the Town will vote to amend Section 400-41 in Article VIII of the Town of Uxbridge Zoning bylaw as shown on the attached sheets.

SPONSOR: Citizen's Petition

COMMENTARY: Pass Over

MOTION: Motion, if any, to be made by petitioner – Pass Over

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

FINANCE COMMITTEE RECOMMENDATION: Unfavorable Action (6-0-0)

The Finance Committee recommends unfavorable action as the Article is missing Information from the original Zoning Bylaw and would effect not only the Lots in question but other properties existing in this Overlay District in an unknown way.

BOARD OF SELECTMEN RECOMMENDATION: Pass Over

PLANNING BOARD RECOMMENDATION: Pass Over (5-0-0)

ARTICLE 17: AMEND THE HOME RULE CHARTER

To see if the Town will vote to petition the General Court to approve a Special Act amending the Uxbridge Town Charter, as described in the attached handout, or take any other action relating thereto.

SPONSOR: Charter Review Committee

COMMENTARY: Refer to Attachment #3

MOTION: I move to authorize the Board of Selectmen and Town Manager to petition to the General Court for Special Legislation amending the Town's home Rule Charter, as specified in the warrant and the attachments thereto.

Vote required for passage: simple majority

FINANCE COMMITTEE RECOMMENDATION:

BOARD OF SELECTMEN RECOMMENDATION:

ATTACHMENTS



Spencer, Sullivan & Vogt
ARCHITECTURE • PRESERVATION

ARCHITECTURAL SURVEY & FEASIBILITY STUDY for the
CORNET JOHN FARNUM HOUSE

44 MENDON STREET, UXBRIDGE, MASSACHUSETTS • 13 AUGUST 2021

EXECUTIVE SUMMARY

It has been a privilege to prepare this Architectural Survey and Feasibility Study for the Town of Uxbridge and the Uxbridge Historical Society. Possibly the town's most notable landmark, the Cornet John Farnum House is a critical resource with a storied past, treasured by locals and visitors alike. We appreciate the Town's ongoing efforts to preserve this ancient building and their willingness – in fact, enthusiasm – to secure its legacy for decades to come. Here is a structure that has stood the test of time, a landmark that has over the course of two and a half centuries become the subject of legends and a symbol of pride. To preserve this valuable resource is to secure its long-term place in Uxbridge's rich cultural landscape and ensure its continued ability to teach the public about life in the 18th century.

Having been awarded a pre-development grant from the Massachusetts Historical Commission's *Massachusetts Preservation Projects Fund*, the Town of Uxbridge, acting through a building committee comprised of representatives from the Historical Commission and Historical Society, commissioned this study to further explore the building's uncertain history, assess its current condition, and to kickstart a campaign of overdue building improvements. The stated goals of the study, as outlined in the Request for Proposals, were as follows:

- To conduct research into the history of the building and the people who lived there.
- To provide a detailed description of the building, noting its evolution over time and 'character defining' historic features
- To comprehensively assess the physical condition of the house and site, with consideration for applicable code requirements, and provide recommendations for the treatment of deficiencies
- To conduct a feasibility study determining how best to display the house's "period of significance"
- To prepare outline plans and specifications identifying the scope items, phased according to priority
- Provide a phased cost estimate for the recommended restoration scope
- Provide recommendations for ongoing maintenance of the building over the next twenty years

The study has independently addressed each of the above goals, and the resulting findings, recommendations, and designs have been compiled herein. The section of this executive summary titled 'The Report' gives a more detailed summary of the way in which this document is organized.

A significant portion of this report is devoted to identifying the building's historic features and assessing their condition. We have worked diligently with a team of specialists to track the many changes that have been made to the structure during its roughly 250-year lifespan. Bill Finch of *Finch & Rose Preservation and Design Consultants* was engaged to assess the building's historic fabric. Using historical photographs, primary documents, paint analysis, and in-person investigation, Bill has been assigned an approximate fabrication/installation date to many of the house's key features. We subsequently assessed the condition of each item addressed in Bill's narrative, identifying deficiencies and providing recommendations for their treatment. The 'Historic Fabric and Existing Conditions' narrative at the beginning of Part Three reflects a collaborative effort between *Spencer, Sullivan & Vogt* and *Finch & Rose*.

Thorough investigation of the building's condition has been possible thanks to restoration contractor Gerard O'Doherty, who joined members of the project team and building committee at the site to remove cladding and create exploratory openings at the interior. Once openings were made, other consultants engaged for the study were able to conduct their assessments. John Wathne of *Structures North Consulting Engineers* assessed the existing timber framing, noting that the existing wood perimeter sills are severely rotted. This condition, along with the related deterioration of plank and post bottoms, has caused the building's walls to buckle dramatically. Its remediation is urgent and should be among the first work items executed as part of the restoration.

Exposing the structural members also allowed for more detailed dating of the structure's framing. Dendrochronology, or tree ring dating, was determined to be the ideal method and Lynne Spencer engaged *Bill Flynt*, a reputed dendrochronologist and former Director of Historic Preservation at Historic Deerfield. Bill took core samples from several timbers throughout the house, analyzed them over the course of two weeks, and ultimately determined that most of the house's timbers were felled in the 1760s, with some dating to the 1720s. The logical conclusion was that the existing house had been built with some timbers recycled from a previous house around 1770. These findings challenged the long-held belief that the house dated to ca. 1710 and housed Uxbridge's first town meeting. In fact, it is now apparent that Cornet John Farnum did not live in the house at all as it was likely built by one of his progeny over twenty years after his death.

Understanding the Historical Society's need for increased space at the Farnum House, we later developed conceptual designs for an addition. Historical photos indicate that there was a small, gabled ell connecting to the east side of the house. Recreating the ell would not only increase the square footage of the first floor and basement, but would also allow for an accessible entrance and restroom. Conceptual drawings of the ell have been modeled on the aforementioned historical photographs and are provided and annotated in *Part Two* of this report.

Mechanical, electrical, plumbing, and fire protection (MEP/FP) engineers from *Garcia Galsuka DeSousa* were engaged to assess the Farnum House's existing systems and determine if they are suited for the addition. Plumbing is largely sound and only requires minor updates like installing accessible fixtures in the new restroom and replacing antiquated valves. The electrical system is similarly in working condition, but installing exit signage and emergency lighting will be required for code compliance. All electrical and phone lines should be relocated underground so as not to disrupt the building's historic appearance. The heating system needs more substantial work, such as the removal of the duct to the second floor and the installation of heat pump units at the addition.

All consultant reports are included in *Part Three* of this report. A cost has been estimated for each of the recommended treatments, all of which are included in the cost estimate provided in *Part Four*. The **total budget of \$1.05 million** has been broken into three phases, providing the Town with an opportunity to ease the burden of a serious up-front expense and instead carry out successive projects as funds become available.

Scope items are identified by phase in plans and elevations, also provided in *Part Four*. Each phase and its estimated budget are outlined as follows:

- **Phase I:** urgent structural repairs; replacement of siding and trim; selective repointing.....**\$406,650**
- **Phase II:** replacement of windows and south entrance.....**\$110,630**
- **Phase III:** roof replacement; chimney reconstruction;
systems upgrades; interior refurbishment; addition.....**\$535,210**

The Report

Part One of the report, 'History & Significance,' begins with a brief history of the Farnum House, including a chronology in which all research findings pertaining to the Farnum House and its inhabitants are synthesized and cited. This is followed by a list of 'Character Defining Features,' the physical elements that define the building's architectural significance that should be retained in any restoration scheme. The 'Preservation Guidelines' section describes how alterations to the building should be approached to retain and celebrate its architectural significance.

Part Two, 'Conceptual Design,' begins with a brief summary of the Building Committee's expressed needs for the building, with particular emphasis on storage models for the Historical Society's multimedia collections. This narrative is followed by drawings illustrating two distinct schemes for renovations to the building. All

proposed interventions are aimed at improving user experience and augmenting storage space. Each drawing is annotated to explain the benefits and drawbacks of the renovation scheme.

Part Three, ‘Existing Conditions & Treatment Recommendations,’ includes an examination of current conditions at the building – both exterior and interior, from the roof to framing to the foundation – and recommendations for the repair of deficiencies. Architectural observations are followed by four consultant reports, which provide insights as to the building’s historical materials and structural integrity, as well as its likely construction date(s) as determined by tree ring dating (dendrochronology). These reports are supplemented by a mechanical assessment in which the building’s existing heating, electrical, plumbing, and fire protection systems are assessed and options for their modernization are proposed. Finally a building code (or ‘regulatory’) analysis is provided for the existing structure.

Part Four, ‘Scope and Cost Estimates,’ includes plans and elevations identifying prioritized repair and restoration items followed by a specification comprehensively outlining the scope. A cost estimate is included at the end of the report and includes projected costs for the phased restoration, and later renovation, of the building. Estimates for all scope items are informed by the cost of similar work that we have carried out as part of recent projects.

The *Appendices* include key historical resources like primary documents, photographs, newspaper articles, and books, which have provided valuable insights into the history of the Farnum House and the family who built it. Many of these documents were located with the invaluable assistance of Mike Potaski of the Uxbridge Historical Commission and Jim Beauchamp of the Historical Society, who dedicated much of their time in recent months combing through archives (both digital and physical) to uncover the storied past of this local landmark.

COST ESTIMATE

COMBINED						Phase 1 - Urgent Structural Repairs	Phase 2 - Comprehensive Restoration	Phase 3 - Visitor Services, Infrastructure
DIVISION	QTY	UNITS	UNIT RATE					
01 - General Requirements								
1 Access, disposal, general equipment	1	LS	45,000	\$ 45,000		20,000	5,000	20,000
Subtotal				\$ 45,000		20,000	5,000	20,000
02 - Site Construction								
1 Perimeter drip edge and grading	1	LS	5,000	\$ 5,000		5,000		
Subtotal				\$ 5,000		5,000	0	0
04 - Masonry								
1 Rebuild upper chimney	1	LS	20,000	\$ 20,000				20,000
2 crack repair at chimney base	1	LS		5,000		5,000		
3 Selectively re-set foundation stones, repoint foundation	1	LS		20,000		20,000		
4 Flue Installation	1	LS		20,000				20,000
Subtotal				\$ 65,000		25,000	0	40,000
06 - Wood, Plastics, & Composites								
1 Rough carpentry repairs to framing	1	LS	120,000	\$ 120,000		120,000		
Replace rotted sills								
Add scarf jointed post dutchmen								
Selectively sister first floor framing								
Treat first floor framing with boric acid								
2 Finish carpentry: Frontispiece replacement	1	LS	30,000	\$ 30,000			30,000	
3 Finish carpentry: Siding and trim replacement	1	LS	100,000	\$ 100,000		100,000		
Subtotal				\$ 250,000		220,000	30,000	0
07 - Thermal & Moisture Protection								
1 Roof replacment	1	LS	90,000	\$ 90,000				90,000
Subtotal				\$ 90,000		0	0	90,000
08 - Openings								
1 Replacement window casings and sash	18	LS	2,000	\$ 36,000			36,000	
Subtotal				\$ 36,000		0	36,000	0
09 - Finishes								
1 Interior restoration	1	LS		\$ 30,000				30,000
2 Viewports	1	LS	3,000	\$ 3,000			3,000	
Subtotal				\$ 33,000		0	3,000	30,000
24 - Electrical								
1 Electrical Recommendations	1	LS	50,000	\$ 50,000				50,000
Subtotal				\$ 50,000		0	0	50,000
New Addition								
1 New accessible addition including restroom, reception space, kitchenette	320	SF	400	\$ 128,000				128,000
Subtotal				\$ 128,000		0	0	128,000
CONSTRUCTION SUBTOTAL				702,000		270,000	74,000	358,000
General Conditions, O&P: 15%				\$ 105,300		40,500	11,100	53,700
CONSTRUCTION TOTAL				\$ 807,300		310,500	85,100	411,700
Contingency 15%				121,095		46,575	12,765	61,755
Architectural Fees 15%				121,095		46,575	12,765	61,755
PROJECT COST TOTAL				1,049,490		403,650	110,630	535,210

H:\1055-LUXBRIDGE-MASLOWS WAY\DWG\AS-BUILT\1055-ROAD ACCEPTANCE.DWG



P.O. Box 969 • Milford, MA 01757
P:(508) 381-1515 F:(508) 647-0189
www.tpecivildesign.com

APPROVAL BY UXBRIDGE PLANNING BOARD

UXBRIDGE BOARD OF SELECTMEN

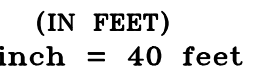
BEING A MAJORITY DATE: _____

ATTEST: _____
TOWN CLERK

HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THE PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIP AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR NEW WAYS ARE SHOWN.


THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS IN THE COMMONWEALTH OF MASSACHUSETTS AND IN COMPLIANCE WITH THE RULES AND REGULATIONS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS. THIS CERTIFICATION IS INTENDED TO MEET THE REQUIREMENTS OF THE REGISTRY OF DEEDS AND IS NOT A CERTIFICATION OF THE TITLE OR OWNERSHIP OF THE LAND SHOWN HEREON.

GRAPHIC SCALE



SHEET TITLE

ROAD ACCEPTANCE PLAN
OF
MASLOW'S WAY
IN
UXBRIDGE, MA
OWNED BY
TTK REAL ESTATE, LLC
SHEET 1 OF 2

LEGEND	
NOW OR FORMERLY	N/F
SQUARE FEET	S.F.
DRILL HOLE	D.H.
FOUND	FND
CONCRETE BOUND W/ D.H.	

|

Uxbridge

Massachusetts

Home Rule Charter

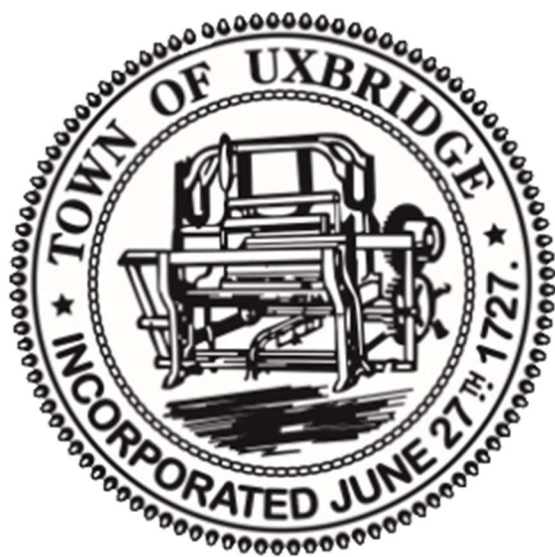


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Article 1: Incorporation; Title; Powers

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.”

~~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.

(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.

(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.

(~~h~~) 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.~~

(j) Regulatory Body – The words “regulatory body” shall mean any multiple member body that has legal authority to promulgate rules and regulations, decide individual cases, and enact policy.

(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, general laws, and any other governing document in Uxbridge or the commonwealth.

(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, general laws, and any other governing document in Uxbridge or the commonwealth.

(~~j~~m) 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.

(~~lo~~) 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.

(~~mp~~) 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.

(~~ns~~) Voters - The word “voters” shall mean 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 report the action it recommends be taken on any financial articles contained in a town meeting warrant and may report the action it recommends on other articles contained in a town meeting warrant. Such recommendation shall be provided in writing along with a brief statement of the reasons for each such recommendation. ~~The finance committee shall report the action it recommends be taken on 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) 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~~ 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. In instances in which town hall is closed on the sixtieth day preceding the annual town meeting, petitions must be submitted by the last day town hall is open before the sixtieth day preceding the annual town meeting. 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.

Article 3: Elected 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, a board of public works, 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 (4) members of the finance committee, and such other ~~officer~~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.

(c) Eligibility - Any Uxbridge voter shall be eligible to hold any elective town office.

~~((d) Town Election - The annual election of town officer~~officials and for the determination of all questions to be referred to the voters, shall be held on such date as may, from time to time, be provided by by-law.

(e) Compensation - Elected town ~~office~~officials shall receive such compensation for their services as may be appropriated, annually, for such purpose.

(f) Coordination – Notwithstanding their election by the voters, the town ~~office~~officials named in this section shall be subject to the call of the ~~board of selectmen~~select board or of the town manager, at all reasonable times, for consultation, conference, and discussion on any matter relating to their respective offices.

(g) Filling of Vacancies

(1) Elected Multiple Member Body - If there is a vacancy in an elected board consisting of two (2) or more members, other than the ~~board of selectmen~~select board and finance committee, the remaining members shall forthwith give written notice of the existence of any such vacancy to the ~~board of selectmen~~select board. The ~~board of selectmen~~select board with the remaining members or member of such elected board shall fill such vacancy by a joint vote, after one week's notice of the date on which the vote shall be taken until the next town election, at which time the vacancy will be filled by the voters for the remainder of the original term. If such notice is not given within thirty (30) days following the date on which said vacancy occurs, the ~~board of selectmen~~select board shall, after one week's notice, fill such vacancy without participation by the remaining members of the multiple member body.

(2) ~~Board of Selectmen~~Select Board – If there is a failure to elect or if a vacancy occurs in the office of ~~the selectmen~~the select board, the remaining ~~selectmen~~select board members may call a special election to fill the vacancy and shall call such special election upon the request in writing of two hundred (200) voters of the town.

Section 2: Select Board ~~SECTION 2: BOARD OF SELECTMEN~~

(a) Composition, Term of Office - There shall be a ~~board of selectmen~~select board consisting of five (5) members elected for terms of three (3) years each, so arranged that the term of office of as nearly equal number of members as is possible shall expire each year.

(b) Powers and Duties – The ~~selectmen~~select board members shall have and possess all powers it is possible for ~~selectmen~~select board members to hold under the general laws of the commonwealth which are not specifically assigned to some other office or agency under this charter or by special act of the legislature.

The ~~board of selectmen~~select board shall have the power to enact rules and regulations establishing town policies not otherwise governed by by-law, by this charter, or by statute.

Except as may be authorized by this charter, the ~~selectmen~~select board members shall deal with all town ~~office~~officials and employees who are subject to the direction or supervision of the town manager solely through the town manager. The ~~selectmen~~select board members shall not attempt to give orders to such persons, either in public or private.

(c) Licensing Authority - The ~~board of selectmen~~select board shall be a licensing board for the town and shall have power to issue licenses and set fees, except as otherwise provided by law, and to make all necessary rules and regulations regarding the issuance of such licenses and to attach conditions and to impose restrictions on any such license as it may issue as it deems to be in the public interest, and to enforce such conditions and restrictions for which it issues any license.

(d) Appointments - The ~~board of selectmen~~select board shall appoint: a town manager, to serve for an indefinite term; a town counsel, to serve for an indefinite term; a board of registrars of voters with the necessary technical skills in the operation of the Central Voter Registry/VRIS- or any other program as required to accomplish the task, ~~and~~; other election ~~officers~~officials in the manner provided by general ~~law~~; a trust fund commission; a historic cemetery committee; a historical commission; a council on aging; a recreation commission; a cultural arts council; ~~a~~ cable advisory committee. The ~~board of selectmen~~select board may, in addition, ~~and~~ from time to time, establish ~~and~~, appoint, or abolish such study or advisory committees of a temporary nature as it deems necessary or desirable.

(e) Investigations - The ~~board of selectmen~~select board may make investigations ~~and or~~ may authorize the town manager to investigate the affairs of the town and the conduct of any town agency including any doubtful claims against the town. The report of the results of such investigation shall be placed on file in the office of the ~~board of selectmen~~select board and published on the town website.

Section 3: **School Committee**

(a) Composition, Term of Office - There shall be a school committee consisting of seven (7) members elected for terms of three (3) years each so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year.

(b) Powers and Duties - The school committee shall have all of the powers and duties which are given to the school committees by general laws and it shall have such additional powers and duties as may be authorized by the charter, by by-law, or by other town meeting vote.

The powers of the school committee shall include, but are not intended to be limited to the following:

- (i). to select and to terminate the superintendent, ~~and~~;
- (ii). to review and approve budgets for public education in the district, ~~and~~;
- (iii). to establish educational goals and policies for the schools in the district with in the requirements of law and in accordance with statewide goals and standards established by the board of education.

Section 4: **Town Moderator**

(a) Term of Office - There shall be a town moderator elected for a term of three (3) years.

(b) Powers and Duties - The town moderator shall be the presiding ~~officer~~official of the town meeting, as provided in Article 2, Section 2, regulate its proceedings₂ and perform such other duties as may be provided by general law, by charter, by by-law₂ or by other town meeting vote.

Section 5: Uxbridge Housing Authority

(a) Composition, Term of Office - There shall be an Uxbridge housing authority which shall consist of five (5) members serving for terms of five (5) years each so arranged that the term of one member shall expire each year. Four (4) of these members shall be elected by the voters and the fifth member shall be appointed as provided in the General Laws.

(b) Powers and Duties - The Uxbridge housing authority shall make studies of the housing needs of the community and shall provide programs to make available housing for families of low income and for elderly persons of low income. The Uxbridge housing authority shall have such other powers and duties as are assigned to housing authorities by General Law.

Section 6: Board of Library Trustees

(a) Composition, Term of Office – Six (6) members of the board of library trustees shall be elected for terms of three (3) years each, so arranged that the term of office of an equal number of members shall expire each year.

(b) Powers and Duties - The library trustees shall have the custody and management of the public library and of all property of the town related to the said library. All of the funds of money and property that the town may receive by gift or bequest for the purpose of library support and maintenance shall be administered by the board in accordance with the provisions of any such gift or bequest. The board shall have all of the other powers and duties which have been given to boards of library trustees by general law, by this charter, by by-laws₂ or by town meeting vote.

Section 7: Blackstone Valley Regional Vocational School District Committee (Uxbridge Representative)

(a) Composition, Term of Office – The voters shall elect such members of the Blackstone Valley regional vocational school committee for such terms as may be provided under the agreement and laws establishing the same.

(b) Powers and Duties - The members of the Blackstone Valley regional vocational school committee shall, along with members of the committee from other municipalities participating therein, be responsible for the management and supervision of said school according to the agreement and laws governing the same.

Section 8: Board of Health

(a) Composition, Term of Office – There shall be a board of health elected by the voters which shall consist of ~~three~~five (5) members serving for terms of ~~three~~ (3) years each so arranged that

the term of term of office of as nearly an equal number of members as is possible ~~one member~~ shall expire each year.

(b) Powers and Duties - The members of the board of health shall have the powers and duties which have been conferred upon their office by federal law, general law, this charter, town by-law, or by town meeting vote.

Section 9: Board of Public Works

(a) Composition, Term of Office – There shall be a board of public works elected by the voters which shall consist of five (5) members serving for terms of three (3) years each so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year.

(b) Powers and Duties - The board shall have all the powers and duties now or from time to time vested by general law or special act in the following boards, departments and offices, or in boards, departments and offices having corresponding powers and duties in Uxbridge, as required, including: road commissioners, surveyors of highways, superintendent of streets, water commissioners, sewer commissioners, municipal light board or commissioners, park commissioners, cemetery commissioners, tree warden, moth superintendent, and forestry department, and such boards, departments, and offices shall thereupon be abolished.

The board shall have such additional powers with respect to the furnishing of engineering services, the maintenance and repair of town buildings and property, and the performance of such duties of any other boards, departments and offices of the town as may be reasonably related to the duties and responsibilities of a board of public works, as the town may, from time to time, by by-law provide, any other provisions of law to the contrary notwithstanding.

(c) Superintendent of Public Works - The board shall appoint and fix, subject to appropriations, the compensation of a superintendent of public works, who shall exercise and perform, under the supervision and direction of the board, such of the powers, rights and duties found in this section as it may from time to time designate. The superintendent of public works shall be responsible for the efficient exercise and performance of such powers, rights and duties and shall hold office subject to the will of the board. He/she shall be specially fitted by education, training, and experience to perform the duties of said office, and may or may not be a resident of the town or the commonwealth. During his/her tenure, the superintendent of public works shall hold no elective or other appointive office, nor shall he/she be engaged in any other business or occupation unless such action is approved in advance and in writing by the board of public works. He/she shall give to the town a bond with a surety company authorized to transact business in the commonwealth as surety, for the faithful performance of his/her duties, in such sum and upon such conditions as the board may require, and shall, subject to the approval of the board, appoint such assistants, agents and employees as the exercise and performance of his/her powers, rights and duties may require. He/she shall keep full and complete records of the doings of his/her office and render to the board as often as it may require a full report of all operations under his/her control during the period reported upon; and annually, and from time to time, as required by the board, he/she shall make a synopsis of such reports for publication. He/she shall keep the board fully advised as to the needs of the town within the scope of his/her duties, and

shall furnish to the board each year upon its request a carefully prepared and detailed estimate in writing of the appropriations required during the next succeeding fiscal year for the proper exercise and performance of all said powers, rights, and duties.

Section 10: Other Elected Officials

~~SECTION 9: OTHER ELECTED OFFICERS~~

Powers and Duties – All other elected ~~officer~~officials shall have the powers and duties which have been conferred upon their offices by general law, by this charter, by by-laws, or by town meeting vote.

Section 11: Recall of Elected Officials

~~SECTION 10: RECALL OF ELECTED OFFICIALS~~

(a) Application – An official who holds an elected town office and has more than six (6) months remaining in the official's term of office may be recalled from the office by the voters in the manner provided in this section.

(b) Recall Petitions – A recall affidavit, signed by not less than fifty (50) voters in each of the precincts into which the town is divided, shall be filed with the town clerk and shall contain the name of the official whose recall is sought. The board of registrars of voters shall, not more than seven (7) days after the filing of the affidavit, certify the names of voters whose signatures are affixed to the affidavit. Not more than seven (7) days after the certification, the town clerk shall issue petition blanks demanding the recall by notifying the ten (10) voters who have been identified as the lead petitioners or, if no such lead petitioners have been identified, then the first ten (10) voters named on the ~~affidavit~~affidavit of the availability of the petition ~~blanks~~blanks. The town clerk shall keep printed petition blank forms available. The petition blanks shall be addressed to the ~~board of selectmen~~select board and shall contain the typewritten or printed names of the first ten (10) voters named on the petition blanks or the ten (10) voters who were otherwise identified as the lead petitioners, as applicable. The petition blanks shall demand the election of a successor to the office and shall be dated and signed by the town clerk by hand or electronically. A copy of the petition blanks shall be entered into the record book to be kept in the office of the town clerk.

The recall petitions shall be returned to the office of the town clerk not more than 14-forty-five (45) days after the date they are issued and shall be signed by not less than 20-twenty per-cent (20%) of the qualified voters of the town as of the date that the affidavit was filed with the town clerk. Not more than five (5) days after the recall petitions have been returned to the office of the town clerk, the town clerk shall submit the petitions to the board of registrars of voters who shall, not more than five (5) days after receiving the petitions, certify the names of the voters who signed the petitions.

(c) Recall Elections – If the petitions are certified by the board of registrars of voters as having a sufficient number of voter signatures, the town clerk shall immediately submit the petitions and

the certification thereof to the ~~board of selectmen~~ select board. Upon receipt of the certified petitions, the ~~board of selectmen~~ select board shall immediately give written notice of the petitions to the official whose recall is sought. If the official does not resign from office within seven (7) days after delivery of the notice, the ~~board of selectmen~~ select board shall order a special election. The special election shall be held not less than sixty-four (64) days nor more than ninety (90) days after the election is ~~ordered~~ ordered. If a regular annual town election is to be held not less than sixty-four (64) days ~~nor more~~ nor more than ninety (90) -days -after the date of the certification, the recall election shall be held in conjunction with that election and not at a special election. If a vacancy occurs in the position from which the official is being recalled after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

(d) Nomination of Candidates – An official whose recall is sought shall be a candidate to succeed to the same office unless the official requests otherwise. If the official requests otherwise in writing, the town clerk shall place the name of the official on the ballot without nomination. Unless otherwise provided in this section, the nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the election shall be in conformity with the laws relating to town elections generally.

(e) Propositions on the Ballot –

(1) Ballots used at the recall election shall state the proposition in the order indicated:

For the recall of (name of official):

Against the recall of (name of official):

Adjacent to each proposition shall be a place to vote for that proposition.

(2) After the propositions shall appear the word “candidates” and the names arranged alphabetically.

(3) If a majority of the votes cast is in favor of the recall, ~~and not less than 25 per cent of the total number of qualified voters as of the date of the most recent town election have participated in the recall election,~~ the official shall be deemed to be recalled. If the official is recalled, the ballots for candidates shall then be counted and the candidate receiving the highest number of votes shall be declared elected.

(f) Officeholder – The official whose recall is sought shall continue to hold office and perform the duties of the office until the recall election. If not then recalled, the official shall continue in office for the remainder of the unexpired term, subject to recall as provided in subsection (g).

If the official is recalled, the office shall be deemed vacant upon the certification of the election results and the candidate who receives the highest number of votes shall then serve for the balance of the unexpired term.

(g) Repeat of Recall Petition – No recall affidavit shall be filed:

- (i) against an official within six (6) months after taking office; and
- (ii) in the case of an official previously subject to a recall election and not recalled by such election, until not less than six (6) months after the election at which the recall was submitted to the voters.

~~SECTION 2. This act shall take effect upon its passage.~~

Article 4: Town Manager

Section 1: Appointment; Qualification; Term

The ~~board of selectmen~~select board shall appoint the town manager to serve at the pleasure of the board and who shall be the chief administrative ~~officer~~official of the town. The town manager shall be appointed on the basis of demonstrated executive and administrative ability. The town manager shall be a person deemed to be qualified by education, training, and previous experience to perform the duties of the office.

The town manager is responsible to the people of Uxbridge and is charged with providing for the efficient, effective, and economical operation of all governmental agencies and personnel under the control and supervision of the town manager.

The town manager shall attend and shall be a ~~non-voting~~non-voting active participant in meetings of the ~~board of selectmen~~select board.

A town manager need not be resident of the town or of the ~~Commonwealth~~commonwealth. The town manager shall not have served as a member of the ~~board of selectmen~~select board in the town government for at least twelve (12) months prior to appointment. The town may, from time to time, establish, by by-law, such additional qualifications as seem necessary and proper.

The town manager shall devote full time to the office and shall not hold any other public office, elective or appointive, nor be actively engaged in any other business or occupation during such service, unless such action is approved in advance and in writing by the ~~board of selectmen~~select board.

The ~~board of selectmen~~select board shall provide for an annual review of the job performance of the town manager, which shall, ~~at least in summary form,~~ be a public record.

Section 2: Powers and Duties

The powers and duties of the town manager shall include, but are not intended to be limited to, the following:

- (a) To supervise, direct, and be responsible for the efficient administration of all functions and activities for which the office of town manager is given authority, responsibility, or control by this charter, by by-law, by town meeting vote, by vote of the

~~board of selectmen~~select board, or otherwise. In furtherance of these duties, the town manager may inquire, at any time, into the conduct or performance of duties of any ~~officer~~official or employee, department, board, commission, or other town agency.

(b) To appoint a town accountant; a town treasurer/collector; a town clerk; an assessor; a police chief; a fire chief; ~~a superintendent of public works;~~ an emergency management director and related emergency management personnel; a conservation commission; an industrial development committee; a capital planning committee; an inspector of buildings; a wire inspector; an inspector of gas appliances and gas fittings; a plumbing inspector; a sealer of weights and measures in accordance with the civil service law and rules; a parking clerk; a right-to know coordinator; a veteran's services director, veteran's agent, veteran's graves ~~officer~~official and burial agent; a dog ~~officer~~official; a zoning board of appeals; ~~a tree warden;~~ and a planning board.

All of the above appointees shall have all of the powers and duties which have been given to them by general law, by this charter, by by-laws, or by other town meeting vote.

Unless otherwise provided, all appointments made by the town manager shall be for a term of three (3) years, ~~and~~ appointments to multiple member bodies shall be so arranged that as nearly an equal number of the terms as possible shall expire each year.

(c) To appoint, ~~to and~~ remove, subject to applicable statutory provisions or collective bargaining agreements, all department heads, ~~officer~~officials, members of boards and commissions, and employees for whom no other method of selection or removal is provided by this charter or by law. ~~Copies of the notices of all such appointments shall be posted on the town bulletin board. The names and positions of all such appointees shall be published on the town website and posted on the town bulletin board.~~

(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, mediation, personnel by-laws, and collective bargaining agreements entered into by the town. The human resources professional, under the direction of the town manager, shall also prepare and keep current a plan establishing the personnel staffing requirements for each town agency, except the school department and board of public works.

(e) To fix, subject to appropriations, the compensation of all ~~officer~~officials and employees appointed by the town manager unless such compensation is otherwise fixed.

~~(f) To be responsible for the maintenance and repair of all town buildings and facilities placed under the town manager's control by this charter, by by-law, by vote of the town or otherwise.~~

~~(g)~~ To negotiate all contracts involving any subject within the jurisdiction of the office of town manager, including contracts with town employees, involving wages, hours, and other terms and conditions of employment.

(hg) To be responsible for the purchase and disposal of all supplies, materials and equipment for all departments and activities of the town unless otherwise provided by statute or by-law.

(ih) To reorganize, consolidate, or abolish, in the manner provided in Article 5, Section 1(a), town agencies serving under the supervision of the town manager, in whole or in part, provide for new town agencies, and provide for a reassignment of powers, duties, and responsibilities among such agencies so established or existing.

(ji) To coordinate the activities of all town agencies serving under the office of town manager and the office of ~~board of selectmen~~ select board with those under the control of other ~~officer~~ officials and multiple member bodies elected directly by the voters. For this purpose, the town manager shall have authority to require the persons so elected, or their representatives, to meet with the town manager, at reasonable times, for the purpose of effecting coordination and cooperation among all agencies of the town.

(kj) To perform any other duties as required to be performed by the town manager by by-laws, administrative code, votes of the town meeting, ~~or~~ votes of the ~~board of selectmen~~ select board, or otherwise.

Section 3: Delegation of Authority

The town manager may authorize any subordinate ~~officer~~ official or employee to exercise any power or perform any function or duty which is assigned to the office of town manager, provided, however, that all acts performed under any such delegation shall at all times be deemed to be the acts of the town manager.

Section 4: Acting Town Manager

(a) Temporary Absence - By letter filed with the town clerk, the town manager, with the approval of the ~~board of selectmen~~ select board, shall designate a qualified town administrative ~~officer~~ official or employee to exercise the powers and perform the duties of town manager during a temporary absence.

(b) Vacancy - Any vacancy in the office of town manager shall be filled as soon as possible by the ~~board of selectmen~~ select board in the manner provided in Article 4, Section 1, but, pending such regular appointment, the ~~board of selectmen~~ select board shall appoint a qualified town administrative ~~officer~~ official or employee to perform the duties of the office on an acting basis. Such temporary appointment may not exceed three (3) months but one renewal may be voted by the ~~board of selectmen~~ select board not to exceed a second three (3) months. Compensation for such person shall be set by the ~~board of selectmen~~ select board.

Section 5: Removal and Suspension

The ~~board of selectmen~~ select board, by the affirmative votes of three (3) or more members, may

terminate and remove, or suspend, the town manager from office in accordance with the following procedure:

- (a) Board members shall not be eligible to vote under this provision until in office for a minimum of ~~one year~~six (6) months.
- (b) The ~~board of selectmen~~select board shall adopt a preliminary resolution of removal by the affirmative vote of at least three (3) of its members which must state the reason or reasons for removal. This preliminary resolution may suspend the town manager for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered to the town manager forthwith.
- (c) Within five (5) days after receipt of the preliminary resolution, the town manager may request a hearing by filing a written request for such hearing with the ~~board of selectmen~~select board. This hearing shall be held at a meeting of the ~~board of selectmen~~select board not later than thirty (30) days after the request is filed nor earlier than twenty (20) days. The town manager may file a written statement responding to the reasons stated in the resolution of removal with the ~~board of selectmen~~select board provided the same is received at its office more than forty-eight (48) hours in advance of the hearing.
- (d) The ~~board of selectmen~~select board may adopt a final resolution of removal, which may be made effective immediately, by the affirmative votes of three (3) of its members not less than ten (10) nor more than twenty-one (21) days following the date of delivery of a copy of the preliminary resolution to the town manager, if the town manager has not requested a hearing; or, within ten (10) days following the close of the hearing if the town manager has requested one. Failure to adopt a final resolution of removal within the time periods as provided in this section shall nullify the preliminary resolution of removal and the town manager shall, at the expiration of said time, forthwith resume the duties of the office.

The town manager shall continue to receive a salary until the effective date of a final resolution of removal.

The action of the ~~board of selectmen~~select board in suspending or removing the town manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal solely in the ~~board of selectmen~~select board.

Article 5: Administrative Organization

Section 1: Organization of Town Agencies

The organization of the town into operating agencies for the provision of services and the administration of the government may be accomplished through either of the methods provided

in this article.

(a) By-laws - Subject only to express prohibitions in a general law or the provisions of this charter, the town meeting may, by by-law, reorganize, consolidate, create, merge, divide, or abolish any town agency, in whole or in part; establish such new town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such entities; provided, however, that no function assigned by this charter to a particular town agency may be discontinued, or assigned to any other town agency, unless this charter specifically so provides.

(b) Administrative Code - The town manager may, from time to time, prepare and propose plans of organization or reorganization for the orderly, efficient, or convenient conduct of that portion of the business of the town for which the town manager is responsible by or under this charter.

Whenever the town manager prepares such a plan, the town manager and the ~~board of selectmen~~ select board shall hold one or more public hearings on the proposal, giving notice by publication in a local newspaper and on the town website, and may broadcast through media or medium that provides public notice throughout the town, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held, not later than fourteen (14) days following said publication. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the ~~board of selectmen~~ select board for its final review.

An organization or reorganization plan submitted by the town manager shall become effective at the expiration of thirty (30) days following the date of its submission to the ~~board of selectmen~~ select board unless the ~~board of selectmen~~ select board by a vote of a majority of its members has sooner voted to approve or to reject it.

Section 2: Publication of Administrative Code and Staffing Plan

For the convenience of the public, the administrative code and any amendment thereto shall be printed as an appendix to the ~~by~~ By-laws of the ~~town~~ Town of Uxbridge.

Section 3: Merit Principle

All appointments and promotions of town officers and employees shall be made on the basis of merit and fitness demonstrated by examination, or by other evidence of competence and suitability.

Article 6: Finance and Fiscal Procedures

Section 1: Fiscal Year

The fiscal year of the town shall begin on the first day of July and shall end on the last day of

June, unless another period is required by general law.

Section 2: School Committee Budget

(a) Public Hearing - ~~At least seven days before the meeting at which the school committee is to vote on its final budget request, the school committee shall cause to be published in a local newspaper a general summary of its proposed budget. The school committee will post the date, time, and place of the public hearing of the proposed budget at least seven (7) days prior to the public hearing. The date, time, and place of the public hearing are to be displayed on the town bulletin board, published in a local newspaper, and published on the town website. A general summary of the proposed budget will be published in a local newspaper as part of the notice of public hearing. A budget summary and the complete proposed budget shall be posted on the town website and shall be available for public examination in the town clerk's office at least seven (7) days before the public hearing. The summary shall specifically indicate any variations from the current budget. It shall further indicate the times and places at which complete copies of its proposed budget are available for examination by the public, and the date, time and place when a public hearing will be held by the school committee on the proposed budget. The~~

The school committee shall take its vote on its proposed budget after the public hearing.

(b) Submission to Town Manager - The budget as adopted by the school committee shall be submitted to the town manager within the time fixed by the town manager in accordance with Article 6, section ~~7(c)6(d)~~ to enable the town manager to consider the effect of the school department's requested appropriation upon the total town operating budget which is required to be submitted under this article.

Section 3: Board of Public Works Budget

(a) Public Hearing - The board of public works will post the date, time, and place of the public hearing of the proposed budget at least seven (7) days prior to the public hearing. The date, time, and place of the public hearing are to be displayed on the town bulletin board, published in a local newspaper, and published on the town website. A general summary of the proposed budget will be published in a local newspaper as part of the notice of public hearing. A budget summary and the complete proposed budget shall be posted on the town website and shall be available for public examination in the town clerk's office at least seven (7) days before the public hearing. The summary shall specifically indicate any variations from the current budget.

The board of public works shall take its vote on its proposed budget after the public hearing.

(b) Submission to Town Manager - The budget as adopted by the board of public works shall be submitted to the town manager within the time fixed by the town manager in accordance with Article 6, section 7(e) to enable the town manager to consider the effect of the board of public work's requested appropriation upon the total town operating budget which is required to be submitted under this article.

Section 4: Elected Officials' Budgets

~~SECTION 3: ELECTED OFFICIALS' BUDGETS~~

The budgets as prepared by all elected officials shall be submitted to the town manager within the time frame fixed by the town manager, in accordance with Article 6, Section ~~6(d)~~7(e).

Section 5: Submission of Budget and Budget Message ~~SECTION 4: SUBMISSION OF BUDGET AND BUDGET MESSAGE~~

~~Within the time fixed by the town manager, before the town meeting is to convene~~No less than sixty (60) days prior to town meeting convening in its annual session, the town manager, after presentation to the ~~board of selectmen~~select board, shall submit to the finance committee a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The town manager shall simultaneously provide for the publication of a general summary of the proposed budget in a local newspaper and on the town website and may ~~or~~ broadcast it through media or medium that provides public notice throughout the town ~~a general summary of the proposed budget~~. The summary shall specifically indicate any variations from the current operating budget. ~~The notice shall further indicate the times and places at which complete copies of the proposed operating budget are available for examination by the public. Simultaneously, the town manager shall also post the complete proposed budget on the town website and make copies available for public examination at town hall during regular business hours.~~

Section 6: Budget Message ~~SECTION 5: BUDGET MESSAGE~~

The budget message of the town manager shall explain the budget for all town agencies both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the town's debt position, and include other material as the town manager deems desirable, or the ~~board of selectmen~~select board may reasonably require.

Section 7: The Budget ~~SECTION 6: THE BUDGET~~

The proposed operating budget shall provide a complete financial plan for all town funds and activities for the ensuing fiscal year. The budget shall show in detail all estimated income from the proposed property tax levy and other sources and all proposed expenditures, including debt service, for the following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current, and ensuing fiscal years and shall indicate:

- (a) Proposed expenditures for current operations during the ensuing fiscal year detailed by town department and position in terms of work programs, and the method of financing

such expenditures;

(b) Proposed capital expenditures during the ensuing fiscal year, detailed by town department, and the proposed method of financing each such capital expenditure; ~~and~~

(c) Estimated surplus revenue and unencumbered funds at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes; ~~;~~

(d) General long-term debt group of accounts and a statement of general long-term debt that shall include: - inside and outside debt limit, date of bond, maturity year, rate of interest, amount of original issue, bonds outstanding at end of current fiscal year, and bonds outstanding at end of proposed budget year.

~~(de)~~ Time for Submission of Proposed Operating Budgets – For the purpose of Article 6-~~2~~, Sections ~~2(b), 3(b), and 4, and Article 6 Section 3~~ the following shall apply: The town manager shall submit a proposed town operating budget to the finance committee not less than sixty (60) days prior to the date on which the town meeting is to convene in its annual session. The school committee, board of public works, and other elected officials shall submit ~~its-their~~ proposed operating budgets to the town manager at least seventy-five (75) days prior to the date on which the town meeting is to convene in its annual session.

Section 8: Action on the Budget

~~SECTION 7: ACTION ON THE BUDGET~~

(a) Public Hearing — Forthwith, upon its receipt of the proposed operating budget, the finance committee shall provide for the publication in a local newspaper and the town website and mayor broadcast through media or medium that provides public notice throughout the town a notice stating the time and place, not less than seven (7) nor more than fourteen (14) days following such publication, at which it will hold a public hearing on the proposed operating budget as submitted.

(b) Review - The finance committee shall consider, in open public meetings, the detailed expenditures proposed for each town agency and may confer with representatives of each such agency in connection with its review and consideration. The finance committee may require the town manager, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review and consideration of the proposed operating budget.

(c) Action by Town Meeting - The finance committee shall file a report containing its recommendations for the action to be taken by the town meeting on each line item in the proposed operating budget, which report shall be available at least seven (7) days before the date on which the town meeting acts on the proposed budget. When the amendments which have been submitted subsequent to its initial filing, ~~is-are~~ before the town meeting for action, ~~it-the town~~ budget shall first be subject to amendments, if any, proposed by the finance committee before any other amendments shall be proposed.

(d) Reports of the Finance Committee – The report of the finance committee shall be printed and copies shall be posted on the town website and made available for distribution to every person who shall request a copy thereof at the office of the town clerk, at the public library, and at other places in the town chosen by the finance committee for the convenience of the voters. The reports shall be available at least seven (7) days before the town meeting is to act on any article contained in the warrant for the said town meeting.

Section 9: Capital Planning Program ~~SECTION 8: CAPITAL PLANNING PROGRAM~~

The town manager shall submit a capital plan to the ~~board of selectmen~~select board and the finance committee and hold a public hearing at least one hundred fifty (150) days before the start of each fiscal year. It shall be based on material prepared by a capital planning committee. ~~The material shall include:~~include:

- (a) a clear and concise general summary of its contents;
- (b) a list of all capital improvements proposed to be undertaken during the next ensuing five (5) years, with supporting information as to the need for each capital improvement;
- (c) cost estimates, methods of financing, and recommended time schedules for each improvement; ~~and,~~
- (d) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information is to be annually revised by the town manager with regard to the capital improvements still pending or in the process of being acquired, improved, or constructed.

Section 10: Approval of Warrants ~~SECTION 9: APPROVAL OF WARRANTS~~

The town manager shall be the chief fiscal ~~officer~~official of the town. Warrants for the payment of town funds prepared by the town accountant in accordance with the provisions of the general laws shall be submitted to the town manager. The approval of any such warrant by the town manager shall be sufficient authority to authorize payment by the town treasurer, but the ~~board of selectmen~~select board alone shall approve all warrants in the event of the absence of the town manager or a vacancy in the office of town manager.

Section 11: Audits ~~SECTION 10: AUDITS~~

(a) The ~~board of selectmen~~select board shall provide for an independent audit of all financial books and records of the town at least once every year. ~~If the select board whenever it~~ deems an audit of the whole town, or, of any particular town agency, to be necessary before the expiration of one (1) year, financial audits may be conducted more often.

(b) A complete forensic audit of all financial books and records of the town shall be conducted at least once every four (4) years.

(c) Audits of the town's financial books and records shall be conducted by a certified public accountant, or firm of such accountants, having no interest, direct or indirect, in the affairs of the town.

Article 7: General Provisions

Section 1: Charter Changes

This charter may be replaced, revised, or amended in accordance with any procedures made available under the state constitution and any statutes enacted to implement the said constitutional provisions.

Section 2: Severability

The provisions of this charter are severable. If any provision of this charter is held invalid, the other provisions of this charter shall not be affected thereby. If the application of this charter or any of its provisions to any person or circumstances is held invalid, the application of this charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 3: Specific Provisions to Prevail

To the extent that any specific provision of this charter shall conflict with any provision expressed in general terms, the specific provisions shall prevail.

Section 4: Number and Gender

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words importing ~~the feminine gender shall include the masculine gender; words importing the masculine gender shall include the feminine gender~~ a specific gender shall include any gender.

Section 5: Rules and Regulations

A copy of all rules and regulations adopted by any town agency shall be filed in the office of the town clerk before any such rule or regulation shall become effective, and copies shall be posted on the town website and made available for review by any person who requests such information. No rule or regulation adopted by any town agency shall become effective until ten (10) days following the date it has been so filed in the office of the town clerk.

Section 6: Periodic Review – Charter and By-laws

(a) Charter Review –The ~~board of selectmen~~select board shall, at ~~ten-year~~ten-year intervals in each year ending in a zero (0), appoint a special committee to be composed of nine (9) members. Appointments to the committee shall be made as follows: the ~~board of selectmen~~select board, school committee, ~~and finance committee, and moderator committee~~ shall each designate two (2) members, and the ~~town moderator~~board of public works shall appoint ~~three members~~one (1) member. -Persons appointed shall not be members of the boards or committees appointing them. Following the final adjournment of the annual town meeting, the committee shall meet to organize forthwith.

Such committee shall be established for ~~the purpose of reviewing this charter and to make a report to town meeting. Such report shall include any proposed amendments~~the purpose of reviewing this charter and to make a report to town meeting. Such report shall include any proposed amendments to the charter as the committee may determine to be necessary or desirable. The committee shall report to the annual town meeting in the year following its appointment.

(b) By-law Review - The ~~board of selectmen~~select board shall at ~~five-year~~five-year intervals, in each year ending in five (5) or in zero (0), cause to be prepared by a special committee appointed by it for that purpose, a proposed revision or recodification of all by-laws of the town which shall be presented to the town meeting for reenactment not later than at the annual town meeting in the year following the year in which the said committee is appointed. The said committee in its final or in an interim report shall include recommendations for such substantive change in town by-laws as it deems necessary or advisable. The review of town by-laws shall be in conjunction with the town counsel, or, by special counsel retained for that purpose. Subsequent to enactment by the town meeting, copies of the revised by-laws shall be forwarded to the attorney general of the commonwealth for approval, and they shall be otherwise published, all as required by general laws. Copies of the revised by-laws shall be posted on the town website and made available for distribution to the public at a charge not to exceed the actual cost, per copy, of reproduction.

Section 7: Procedures Governing Multiple Member Bodies

(a) Meetings - All multiple member bodies shall meet regularly at such times and places within the town as they may by their own rules prescribe. Except in cases of emergency, special meetings of any multiple member body shall be held on the call of the respective chairperson or by one-third of the members thereof by suitably written notice delivered to the residence ~~or~~ place of business or email address of each member at least forty-eight (48) hours in advance of the time set or longer, if specified by general laws. A copy of the said notice shall also be posted on the town bulletin board and town website(s). Special meetings of any multiple member body shall also be called within one (1-week) week after the date of the filing with the town clerk of a petition signed by at least fifty (50) voters and which states the purpose or purposes for which the meeting is to be called. Except as authorized by law, all meetings of all multiple member bodies shall be open and public. All meetings shall be held in places to which members of the public have a convenient right of access.

(b) Agendas - At least forty-eight (48) hours (or longer, if specified by general laws)- before any meeting of a multiple member body is to be held, an agenda containing all items which are scheduled to come before the multiple member body at the meeting shall be posted on the town bulletin board and town website. No action taken on a matter not included in the posted agenda shall be effective unless the multiple member body first adopts, by a separate vote, ~~a~~ resolution declaring that the particular matter must be acted upon at that meeting for the immediate preservation of the peace, health, safety, or convenience of the town.

(c) Rules and Minutes of Meetings - Each multiple member body shall determine its own rules and order of business unless otherwise provided by this charter ~~or, by-by-law, or law,~~ and shall provide for keeping minutes of its proceedings. These rules and minutes shall be public records, and certified copies shall be kept available in the office of the town clerk and posted on the town website.

(d) Voting - Except on procedural matters, all votes of all multiple member bodies shall be taken by a call of the roll and the vote of each member shall be recorded in the ~~journal~~ minutes, provided, however, that if the vote is unanimous only that fact need be recorded.

(e) Filling of Vacancies - Whenever a vacancy shall occur in the membership of an appointed multiple member body the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If, at the expiration of thirty (30) days following the delivery of such notice to the appointing authority said appointing authority has not appointed some person to fill the vacancy the remaining members of the multiple member body shall fill such vacancy for the remainder of any unexpired term by majority vote of the remaining members.

Section 8: Composition and Size of Multiple Member Bodies

(~~fa~~) Composition of Multiple Member Bodies - All multiple member bodies, when established, shall be composed of an odd number of members, unless otherwise specified in general laws or this charter. Whenever the terms of office of a multiple member body are for more than one (1) year, such terms of office shall be so arranged that as nearly an equal number of terms as is possible will expire each year.

(b) Unless otherwise provided by general laws, any multiple member body functioning as a regulatory body must contain a minimum of five (5) members.

Section 9: Removals and Suspensions ~~SECTION 8: REMOVALS AND SUSPENSIONS~~

Any appointed town ~~officer~~ official, member of a multiple member body, or employee of the town, not subject to the provisions of the state civil service law, or covered by the terms of a collective bargaining agreement which provides a different method, and whether appointed for a fixed or an indefinite term, may be suspended or removed from office, without compensation, by the appointing authority for just cause. The term cause shall include, but not be limited to, the following: incapacity other than temporary illness, inefficiency, insubordination, and conduct

unbecoming the office.

Any appointed ~~officer~~official, member of a multiple member body, or employee of the town may be suspended from office by the appointing authority if such action is deemed by said appointing authority to be necessary to protect the interests of the town. However, no suspension shall be for more than fifteen (15) days. Suspension may be coterminous with removal and shall not interfere with the rights of the ~~officer~~official or employee under the removal procedure given below.

The appointing authority when removing any such ~~officer~~official, member of a multiple member body, or employee of the town shall act in accordance with the following procedure:

(a) A written notice of the intent to remove and a statement of the cause or causes therefor shall be delivered in hand, or by certified mail, return receipt requested, to the last known address of the person sought to be removed.

(b) Within five (5) days following delivery of such notice the ~~officer~~official, member of a multiple member body, or employee of the town may request a public hearing at which such person may be represented by counsel, shall be entitled to present evidence, call witnesses, and to question any witness appearing at the hearing.

(c) Between one (1) and ten (10) days after the public hearing is adjourned, or if the ~~officer~~official, member of a multiple member body, or employee of the town fails to request a public hearing between six (6) and fifteen (15) days after delivery of the notice of intent to remove, the appointing authority shall take final action, either removing the ~~officer~~official, member of a multiple member body, or employee of the town or notifying such person that the notice is rescinded. Failure of the appointing authority to take any action within the time periods as stated in this section shall be deemed to be a rescission of the original notice and the ~~officer~~official, member of a multiple member body, or employee shall, forthwith, be reinstated.

Nothing in this section shall be construed as granting a right to such a hearing when a person who has been appointed for a fixed term is not reappointed when the term for which such person was appointed has expired.

Section 10: Censure of Multiple Member Bodies

(a) The members of all multiple member bodies shall comply with all pertinent requirements of Massachusetts General Laws (MGL), the Code of Massachusetts Regulations (CMR), the By-laws of the Town of Uxbridge, and this charter. Failure to meet these requirements may subject the multiple member body to a vote of censure at town meeting.

(b) An article calling for the censure of a multiple member body shall be placed on the warrant of a regular or special town meeting if requested by fifty (50) or more voters. Such article shall specify with which MGL, CMR, by-law, or charter provision the multiple member body was in violation.

Section 11: Sunset Provision

Any multiple member body not explicitly required by general law, by-law, or this charter will exist for a term not exceeding three (3) years, unless reapproved by voters at town meeting every three (3) years. Any such committee or multiple member body will cease to exist after three (3) years if not reapproved at town meeting.

Section 12: Notice of Vacancies ~~SECTION 9: NOTICE OF VACANCIES~~

Whenever a vacancy occurs in any town office, position, or employment, or whenever by reason of a pending retirement or expiration of a fixed term a vacancy can be anticipated, the appointing authority shall forthwith cause public notice of such vacancy to be posted on the town bulletin board and town website for not less than ten (10) days. Such notice shall contain a description of the duties of the office, position, or employment and a listing of the necessary or desirable qualifications to fill the office, position, or employment. No permanent appointment to fill such office, position, or employment shall be effective until fourteen (14) days following the date such notice was posted to permit reasonable consideration of all applicants. This section shall not apply to positions covered by the civil service law and rules or if in conflict with the provisions of any collective bargaining agreement.

Section 13: Loss of Office; Excessive Absence ~~SECTION 10: LOSS OF OFFICE, EXCESSIVE ABSENCE~~

If any person appointed to serve as a member of a multiple member body shall fail to attend five (5) or more consecutive regular meetings, or one-half (1/2) or more of all of the meetings of such body held in one calendar year, the remaining members of the multiple member body may, by a majority vote of the remaining members of such body, declare the office to be vacant, provided, however, that not less than ten (10) days prior to the date said vote is scheduled to be taken the body has given in hand, or mailed, by certified mail, return receipt requested, notice of such proposed or pending vote to the last known address of such person.