

**MINUTES**  
**FALL ANNUAL TOWN MEETING**  
**TUESDAY, NOVEMBER 20, 2012 – 7:00 P.M.**  
**UXBRIDGE HIGH SCHOOL AUDITORIUM**  
**300 QUAKER HWY, UXBRIDGE, MASSACHUSETTS**

Pursuant to the foregoing Warrant, the inhabitants of the Town of Uxbridge, qualified to vote in the Town elections and in Town affairs, met at the High School Auditorium, in Precinct 3, in said Uxbridge, and transacted the following business on November 20, 2012:

Moderator Charles E. Maharay called the Fall Annual Town Meeting to order at 7:00pm, declaring the presence of a quorum (50 required, 109 voters present). Rules for conducting business and taking votes of the meeting were announced.

A welcome to the New High School was given by School Committee Chairman Ernest Esposito.

**ARTICLE 1: REPORTS**

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

A report was given by the Trustees of Soldiers Memorial, Chairman Harry Romasco. The names of soldiers added to the monuments were announced and are listed below:

**Vietnam Monument:**

James Givner  
John Givner

**Post Vietnam War Monument:**

Alan J. Stinchfield  
John A. Harris  
Joshua M. Hall  
Andrew P. Monaco  
Mathew D. Moriarty

**SPONSOR:** Board of Selectmen

**MOTION:** No Motion

**RECOMMENDATION OF THE FINANCE COMMITTEE:** No Motion

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** No Motion

**VOTE NEEDED:** N/A

**No Motion.**

**No Action Taken.**

**ARTICLE 2: TRANSFER OF UNEXPENDED UNENCUMBERED FUND BALANCE TO THE PEG CABLE ACCESS ACCOUNT**

To see if the Town will vote to transfer and appropriate a sum or sums, including so called Unexpended Unencumbered Fund Balance to the Cable Access Account.

Or take any action relating thereto.

**SPONSOR:** Finance Director

**COMMENTARY:** *This article serves to transfer the portion of FY 2012 Unexpended Unencumbered Fund Balance that is related to the \$340,279 in the Cable Access Account that was closed to surplus revenue at the end of the fiscal year. The Town receives an annual license fee payment, which according to section 13.4 of the contract with the provider, Charter Communications, is equivalent to 4.00% of gross annual revenue from its Uxbridge cable subscribers. The Town deposits these funds into a Cable PEG Access fund, from which the cable access budget is appropriated at Town Meeting. Closing the balance in this fund to Unexpended Unencumbered Fund Balance at the end of the fiscal year allows the Town to adhere to M.G.L. Re-appropriating the amount of funds closed out back to the Cable Access Account to allow the funds to be expended for cable access purpose allows the Town to adhere to the current contract with Charter..*

**MOTION:** *Move that the Town vote to transfer and appropriate the sum of \$340,279 from Unexpended Unencumbered Fund Balance to the Community Access Receipts Reserved.*

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (4-0-0)

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

**VOTE NEEDED:** Requires a simple majority vote provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3rds vote per M.G.L. c.40 § 5B.

The motion is seconded.

Moderator declares a unanimous vote, motion carries.

**ARTICLE 3: TRANSFER TO STABILIZATION**

To see if the Town will vote to transfer and appropriate a sum or sums, including Unexpended Unencumbered Fund Balance to the Stabilization Fund Account.

Or take any action relating thereto.

**SPONSOR:** Finance Director

**COMMENTARY:** *This article serves to transfer the balance of FY 2012 Unexpended Unencumbered Fund Balance(Less the sum listed in Article 2) to the Stabilization Fund. Stabilization Fund monies may be appropriated for any lawful purpose via 2/3<sup>rd</sup>'s vote at any town meeting, including this one. If all articles in the warrant are approved without amendment, the Stabilization Fund balance at the end of Town Meeting will be \$2,626,179.*

**MOTION:** *Move that the Town vote to transfer and appropriate the sum of \$1,535,175 from Unexpended Unencumbered Fund Balance to the Stabilization Fund.*

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (4-0-0)

At the time of the Public Hearings, the dollar amount of Unencumbered Unexpended Fund Balance was not available, which prevented the Finance Committee from making a recommendation. A recommendation will be offered at Town Meeting.

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

**VOTE NEEDED:** Requires a 2/3rds vote to transfer to Stabilization per M.G.L. c.40 § 5B.

The motion is seconded.

Moderator declares a unanimous vote, motion carries.

**ARTICLE 4: PRIOR YEAR BILLS**

To see if the Town will vote to raise and appropriate, or transfer from available funds such sums as required to pay prior fiscal year's bill(s).

Or take any other action relating thereto.

**SPONSOR:** Finance Director

**MOTION:** *Pass Over*

**COMMENTARY:** *This is a standing town meeting warrant article in the case any prior fiscal year bills are identified. There are no prior year bills that require action at this Town Meeting.*

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Pass Over (6-0-0)

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Pass Over (4-0-0)

**VOTE NEEDED:** Requires a 4/5<sup>th</sup>s majority vote per M.G.L. C. 44, § 64

No Motion.

No Action Taken.

**ARTICLE 5: FY13 INTER/INTRA DEPARTMENTAL TRANSFERS**

To see if the Town will vote to transfer and appropriate from available funds, including funds previously appropriated to other uses or Unexpended Unencumbered Fund Balance and enterprise fund retained earnings, or to raise a sum or sums of money to appropriate to accounts and for purposes to be specified at the Fall Annual Town Meeting.

Or take any action relating thereto.

**SPONSOR:** Finance Director

**GENERAL COMMENTARY:** *The purpose of this article is to transfer funds within department budgets or from one department to another. Per MGL, transfers between individual municipal budgets require Town Meeting action. For this article, transfers between accounts require a simple majority vote, and total \$72,950. There are no transfers requested from Stabilization.*

**FINANCE COMMITTEE GENERAL COMMENTARY:** This is a standard financial article to adjust departmental budgets after the Spring Annual Town Meeting in May.

**MOTION:** *Move that the Town vote to transfer and appropriate the amounts as stated in the following charts for any purpose for which funds may be expended from the latter accounts, each item being considered a separate appropriation for FY13:*

A1.	FROM:	Amount	TO:	Amount
	Overlay Surplus	\$68,000	Assessor's Revaluation Account	\$68,000

**COMMENTARY:** *All properties must be revalued on a three year cycle according to MGL. These funds are being transferred from overlay surplus, as requested by the Assessor in order to fund a contract with our vendor to assist with the revaluation process.*

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-0-0)

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

**VOTE NEEDED:** Requires a simple majority vote provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3rds vote per M.G.L. c.44 § 33B.

A2.	FROM:	Amount	TO:	Amount
	Municipal Debt	\$4,950	Landfill Monitoring	\$4,950

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**COMMENTARY:** *For a number of years, the DPW has been involved in the monitoring of the closed solid waste landfill located on Hazel Street. For the past few years, the annual budget allotment has been \$20,000 which is used for technical support services related to the sampling and analysis of groundwater, surface water and drinking water locations. We are in the middle of a two year monitoring program and the most recent sampling effort returned some exceedances for a variety of controlled parameters. I have coordinated with our consultant, and M.G.L. requires that we perform additional sampling and analysis to confirm the exceedances and potential remedial actions.*

*The FY2013 budget for this service is \$20,000. The FY2013 sampling under contract is \$13,700. I have received an amendment from the consultant to do the out of scope work required by Mass DEP which totals \$11,250, leaving a projected budget deficit of \$4,950.*

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-0-0)

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

**VOTE NEEDED:** Requires a simple majority vote provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3rds vote per M.G.L. c.44 § 33B.

**The motion is seconded.**

**Moderator declares a unanimous vote, motion carries.**

#### **ARTICLE 6: FY13 BUDGET AMENDMENTS**

To see if the Town will vote to transfer from available funds, including Unexpended Unencumbered Fund Balance, stabilization and enterprise retained earnings, and to appropriate, or to raise and appropriate, or to approve budget reductions, in order to balance the FY 2013 Town Budget approved under Articles 4, 7, 8, 9, and 10 of the May 8, 2012 Spring Annual Town Meeting.

Or take any other action relating thereto.

**SPONSOR:** Town Manager

**GENERAL COMMENTARY:** *The purpose of the article is to make adjustments to balance the FY 2013 budget as voted at the Spring Annual Town Meeting; including new appropriations and/or budget reductions. Please see the spreadsheets at the back of the warrant for comparisons between the budget voted at the Spring Annual Town Meeting and the budget that will be in place if the appropriation changes listed below are enacted. Please note that the overall Town budget is increasing by a total of \$259,937 from the budget approved at the Spring Annual Town Meeting due to the finalization of local aid by the Commonwealth over the summer months. Distributions between municipal and school departments are apportioned through the Revenue Share Agreement. The FY 2013 budget, at the close of Town Meeting, will be \$37,100,554. There are separate motions required to increase the municipal/school budget at this meeting due to the approval of a legal settlement as required by the Uxbridge General Bylaws.*

**FINANCE COMMITTEE GENERAL COMMENTARY:** This article allows the municipal and school budgets to be adjusted, based on requested changes and revenue adjustments.

**MOTION #1:** *Move that the Town vote to raise and appropriate the amount of \$55,162 for the purpose of supplementing the FY 2013 Property and Liability Insurance appropriation as approved under Article 4 of the May 8<sup>th</sup> Spring Annual Town Meeting (Account #100.945.5740).*

**ADDITIONAL COMMENTARY:** *This amount is being raised to accommodate changes to the Town's statement of values, most notably the addition of the new high school at a 43 million dollar replacement cost.*

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-0-0)

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

**VOTE NEEDED:** Requires a simple majority vote per M.G.L. c.44 § 33B provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3rds majority vote per M.G.L. c.40 § 5B.

The motion is seconded.

Moderator declares a 2/3rds majority vote, motion carries.

**MOTION #2:** *Move that the Town vote to authorize payment of a \$15,000 settlement for legal fees, pursuant to Chapter 59, Section 2 of the General Bylaws of the Town of Uxbridge, said payment to be raised and appropriated for the purpose of supplementing the Uxbridge Public Schools FY 2013 appropriation as approved under Article 4 of the May 8<sup>th</sup> Spring Annual Town Meeting (Account #100.301.5300).*

**ADDITIONAL COMMENTARY:** *This amount is being raised to pay for legal fees associated with a confidential settlement. According to Chapter 59, Section 2 of the General Bylaws, town meeting authorization is required for any proposed settlements in excess of \$500*

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-0-0)

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

**VOTE NEEDED:** Requires a simple majority vote per M.G.L. c.44 § 33B provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3rds majority vote per M.G.L. c.40 § 5B.

The motion is seconded.

Moderator declares a Simple majority vote, motion carries.

**MOTION #3:** *Move that the Town vote to raise and appropriate the amount of \$100,906 for the purpose of supplementing the School Transportation FY 2013 appropriation as approved under Article 4 of the May 8<sup>th</sup> Spring Annual Town Meeting (Account #100.390.5330).*

**ADDITIONAL COMMENTARY:** *This amount is being raised pursuant to the revenue share agreement. The School Department received an allotment of \$115,906 after the final budget was tallied See breakout below for calculation. \$15,000 was appropriated to the School Budget in Motion #2.*

Add: Additional forecast receipts -- Based on a 50/50 split with municipal departments	\$69,271
Add: Additional Chapter 70 revenue	\$77,000
Deduct: Increase in School Department Health Insurance	-\$30,365
Deduct: Settlement funds raised In Motion 1	-\$15,000
Total: Motion #3	\$100,906

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

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

**VOTE NEEDED:** Requires a simple majority vote per M.G.L. c.44 § 33B provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3rds majority vote per M.G.L. c.40 § 5B.

The motion is seconded.

Moderator declares a Simple majority vote, motion carries.

**MOTION #4:** *Move that the Town vote to raise and appropriate the amount of \$83,323 for the purpose of supplementing the Municipal Capital Projects FY 2013 appropriation as approved under Article 4 of the May 8<sup>th</sup> Spring Annual Town Meeting (Account #100.930.5820).*

**ADDITIONAL COMMENTARY:** *This amount is being raised pursuant to the revenue share agreement. The municipal budget received an allotment of \$83,324 after the final budget was tallied. See breakout below:*

Add: Additional forecast receipts – Based on a 50/50 split with municipal departments	\$69,271
Add: Decrease in Municipal Departments Health Insurance	\$20,880
Deduct: Reduction in veteran's benefit payments on final cherry sheet	-\$6,827
Total: Motion #4	\$83,324

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-0-0)

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

**VOTE NEEDED:** Requires a simple majority vote per M.G.L. c.44 § 33B provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3rds majority vote per M.G.L. c.40 § 5B.

The motion is seconded.

Moderator declares a Simple majority vote, motion carries.

**MOTION #5:** *Move that the Town vote to raise and appropriate the amount of \$5,545 for the purpose of supplementing the FY 2013 Health Insurance appropriation as approved under Article 4 of the May 8<sup>th</sup> Spring Annual Town Meeting (Account #100.914.5740).*

**ADDITIONAL COMMENTARY:** *This amount is being raised to accommodate a small change in the municipal portion of the health insurance appropriation, which was deducted from the municipal budget increase requested in Motion #4.*

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-0-0)

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

**VOTE NEEDED:** Requires a simple majority vote per M.G.L. c.44 § 33B provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3rds majority vote per M.G.L. c.40 § 5B.

The motion is seconded.

Moderator declares a simple majority, motion carries.

#### **ARTICLE 7: FUNDING APPROPRIATION FOR THE PURCHASE OF CABLE PEG ACCESS EQUIPMENT**

To see if the Town will vote to transfer \$25,000 for the purchase of Cable PEG access equipment for the current fiscal year, such sums of money to be offset by Cable PEG Access "Receipts Reserved for Appropriation Account," or take any other action related thereto.

**SPONSOR:** Cable Access Coordinator

**Commentary:** *These funds will be utilized to install equipment and wiring to allow live broadcasting from the new high school. Passage of this article will result in a total of \$266,000 being allocated for the cable studio in the new Uxbridge High School.*

**MOTION:** *Move that the article be accepted as written*

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-0-0)  
The funds are needed to complete the Uxbridge High School cable studio.  
**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (5-0-0)  
**VOTE NEEDED:** Requires a simple majority per M.G.L. c.44 § 33B

The motion is seconded.  
Moderator declares a simple majority, motion carries.

**ARTICLE 8: REVOLVING FUND ACCOUNT FOR FIRST AID/CPR TRAINING**

To see if the Town will vote to establish and authorize pursuant to GL c.44, §53E ½ a revolving fund for First Aid/CPR Training, under the Fire Chief, to be derived from course tuition and fees, not to exceed \$10,000.00.

Or take any action relating thereto.

**SPONSOR:** Fire Chief

*Commentary: Creation of this fund will allow the fees derived from First Aid/CPR training courses offered to general public to be used to offset the cost of offering the courses. Currently, the Department the department lawfully uses the fees during the fiscal year, but any remaining fund balance at the end of the year is closed to Free Cash. Establishment of a revolving fund pursuant to 53 E ½ will allow the fund balance to be carried from fiscal year to year, assuming the fund is reauthorized annually at the Spring Annual Town Meeting.*

**MOTION:** *Move that the article be accepted as written*

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-0-0)

With this new fund, we will be creating a revenue source that allows for ongoing CPR training for the public at no expense to the general fund.

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (5-0-0)

**VOTE NEEDED:** Requires a simple majority vote per M.G.L. c.44 § 53 E½

The motion is seconded.  
Moderator declares a simple majority, motion carries.

**ARTICLE 9: BORROWING AUTHORIZATION – AMBULANCE CHASSIS**

To see if the Town will vote to appropriate \$107,000 for the purpose of purchasing and equipping an Ambulance Chassis for the Fire Department; and further, to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen is authorized to borrow under Chapter 44 of Massachusetts General Laws or any other enabling authority; that the repayment of said borrowing to be made from the Ambulance Enterprise fund budget; and that the Board of Selectmen is authorized to apply for and accept any federal or state funds or grants and/or gifts of any kind for the purpose of this acquisition;  
or take any other action related thereto.

**SPONSOR:** Fire Chief

*COMMENTARY: This article seeks a borrowing authorization to replace the Department's 2007 Ford Ambulance Chassis. The service area of the ambulance will be removed from the old chassis and placed on the new chassis, rather than replacing the entire apparatus. This will be a five year borrowing, which is expected to cost approximately \$116,630 with an average annual cost of \$23,000 based on current borrowing rates.*

**MOTION:** *Move that the article be accepted as written*

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-0-0)

This funding provides a cost effective approach to ambulance replacement, and allows the Ambulance Revolving Account not to be drained.

**RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)**  
**VOTE NEEDED:** A borrowing authorization requires a 2/3rds vote per M.G.L. c.44 § 7

The motion is seconded.

Moderator declares a 2/3rds majority vote, motion carries.

**ARTICLE 10: BORROWING AUTHORIZATION – WATER MAIN DESIGN AND CONSTRUCTION**

To see if the Town will vote to appropriate a sum of money for the design and construction of the “Uxbridge Water Distribution System Improvements, Main Street (Route 122) and North Main Street (Route 122) Water Mains”; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise; That \$3,186,000 is appropriated for the purpose of financing the design and construction of “Uxbridge Water Distribution System Improvements, Main Street (Route 122) and North Main Street (Route 122) Water Mains” including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$3,186,000 and issue bonds or notes therefore under (Chapter 44 of the General Laws or insert reference to other applicable general or special law governing the issuance of local bonds) and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Selectmen determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, c.78; that the Treasurer with the approval of the Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project; and to take any other action relative thereto.

**SPONSOR:** DPW Director

*Commentary: The warrant article cannot be approved by Bond Counsel in its current format. A revised article will be presented at a future town meeting.*

**MOTION:** *Pass Over*

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Pass Over (6-0-0)

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Pass Over (4-0-0)

**VOTE NEEDED:** A borrowing authorization requires a 2/3rds vote per M.G.L. c.44 §7

No Motion.

No Action Taken.

**ARTICLE 11: TRANSFER FROM WASTEWATER ENTERPRISE RETAINED EARNINGS FOR THE PURCHASE OF WASTEWATER DIVISION EQUIPMENT**

To see if the Town will vote to transfer and appropriate the sum of \$100,000 from Wastewater Enterprise retained earnings in the Wastewater Enterprise Fund and transfer to the Wastewater Enterprise Capital Fund for the purchase of department equipment for the current fiscal year;



or take any other action related thereto.

**SPONSOR:** DPW Director

*Commentary: The USEPA is imposing strict CMOM (Capacity, Management, Operations, and Maintenance) requirements regarding the draft NPDES discharge permit. These requirements will impose even stricter operation and maintenance activities on the collection system. Passage of this article will allow the DPW to purchase a new pipe inspection camera for use by the Wastewater Division to assist the Town in complying with the USEPA discharge permit.*

**MOTION:** Move that the article be accepted as written

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-0-0)

This is a needed piece of equipment to facilitate maintenance of the Town's sewer pipes.

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

**VOTE NEEDED:** Requires a simple majority per M.G.L. c.44 § 33B

The motion is seconded.

Moderator declares a simple majority, motion carries.

**ARTICLE 12: ACCEPTANCE OF MASSACHUSETTS GENERAL LAW CHAPTER 59, SECTION 5N, RELATIVE TO VETERAN'S PROPERTY TAX WORK-OFF PROGRAM**

To see if the Town will vote to accept the provisions of G.L. Chapter 59, Section 5N, to allow the Board of Selectmen to establish a program to allow veterans, as defined in clause forty-three of section 7 of Chapter 4 or Massachusetts General laws to volunteer to provide services to the Town which shall allow the Town to reduce real property tax obligations of that veteran on the veteran's tax bills.

or take any other action related thereto.

**SPONSOR:** Town Manager

*Commentary: This is a local option statute, that if accepted, will allow a program similar to the senior work-off that the Town already offers be established for veterans of the armed services that would allow a veteran to provide services at the minimum hourly rate to the Town in exchange for a property tax abatement of up to \$1000 per fiscal year. The abatements would be paid from the assessor's overlay reserve.*

**MOTION:** Move that the article be accepted as written

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-0-0)

This provision will help veterans lower their property taxes, while providing the town assistance with jobs around town.

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (5-0-0)

**VOTE NEEDED:** Requires a simple majority per M.G.L. c.59 §5N

The motion is seconded.

Moderator declares a simple majority, motion carries.

Moderator Charles E. Maharay recused himself for Article 13 & Article 14, at which Harold Klei was acting moderator.

**ARTICLE 13: CITIZEN'S PETITION - ESTABLISH COMMUNITY GARDEN COMMITTEE**

To see if the Town will vote to establish pursuant to the Uxbridge Home Rule Charter, Article 5, Section 1, a Community Garden Committee, to consist of five (5) members, to be appointed by the Town Manager for a term of office of three (3) years, said terms to be staggered in the Committee's first year to 2 three-year appointments, 2 two-year appointments and 1 one-year

appointment for the purpose of overseeing and managing the activities of the Uxbridge Community Gardens.

or take any action relating thereto.

**SPONSOR:** Citizen's Petition

**MOTION:** *I move that the town vote to establish, pursuant to the Uxbridge Home Rule Charter, Article 5, section 1, a Community Garden Committee, to consist of five (5) members to be appointed by the Town Manager for a term of office of three (3) years, said terms to be staggered in the Committee's first year to 2 three-year appointments, 2 two-year appointments and 1 one-year appointment, for the purpose of overseeing and managing the activities of the Uxbridge Community Gardens – or take any action related thereto.*

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-0-0)

The Finance Committee sees the many benefits of the community gardens and welcomes the committee, much like other specialty committees in Town.

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Unfavorable Action (4-1-0)

**VOTE NEEDED:** Requires a simple majority.

The motion is seconded.

Moderator declares a simple majority, motion carries.

#### **ARTICLE 14: CITIZEN'S PETITION - REVOLVING FUND ACCOUNT FOR UXBRIDGE COMMUNITY GARDEN**

To see if the Town will vote to establish and authorize pursuant to GLc.44, §53E ½ a revolving fund for operation and restoration costs associated with the Uxbridge Community Garden, under the Community Garden Committee, to be derived from user fees and donations, not to exceed \$12,000;

or take any action relating thereto.

**SPONSOR:** Citizen's Petition

**MOTION:** *I move that the town vote to establish and authorize, pursuant to Massachusetts General Law Chapter 44, section 53E and ½, a revolving fund for operation and restoration costs associated with the Uxbridge Community Garden, under the Community Garden Committee, to be derived from user fees and donations, not to exceed \$12,000 – or take any action related thereto.*

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable Action (6-0-0)

Similar to other revolving funds, this will help the Community Gardens manage anticipated revenue, grants etc.

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Unfavorable Action (4-1-0)

**VOTE NEEDED:** Requires a simple majority per M.G.L. c.44 § 53 E ½

The motion is seconded.

Moderator declares a simple majority, motion carries.

#### **ARTICLE 15: AMEND THE HOME RULE CHARTER**

To see if the Town will vote, pursuant to MGL Chapter 43B, Section 10, to adopt the proposed amendments to its Home Rule Charter; the proposed amendments found below in the attached draft, along with original Charter language to provide context, which if adopted by Town Meeting and approved by the voters at the next Town election, in accordance with MGL Chapter 43B, Section 11, will be incorporated into the text of the Uxbridge Home Rule Charter; or take any other action relating thereto.

**SPONSOR:** Charter Review Committee

*MOTION: I move that the Town, pursuant to MGL Chapter 43B, Section 10, adopt the proposed amendments to its Home Rule charter; the proposed amendments found in the draft attached to the Town Meeting warrant, along with original Charter language to provide context, which if adopted by Town Meeting and approved by the voters at the next Town election, in accordance with MGL chapter 43B, Section 11, will be incorporated into the text of the Uxbridge Home Rule Charter.*

**Main Motion Seconded**

**RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action for all Charter Articles, except Article 3 (5-0-0)**

The Charter Review Committee has worked diligently over the past 18+ months. Most of the proposed changes are already incorporated in the Town's daily practices.

**Favorable Action for Charter Article 3 (4-1-0)**

Charter Article 3 better defines the limited role of the Board of Selectmen, as well as other boards and elected officials of the Town.

**RECOMMENDATION OF THE BOARD OF SELECTMEN: Unfavorable Action (4-0-1)**

**VOTE NEEDED:** Requires a 2/3rds majority per M.G.L. c.43B § 10. Majority vote at the next town election per M.G.L. c.43B § 11 is also required.

*Commentary:* The moderator decided to break this question into eight votes. A vote took place for each of the articles in the original Town Charter. The changes proposed to the original Charter are identified by underlining the text to be added to the Charter and italicizing the text to be removed. Shown below are the individual Charter articles followed by the vote for the corresponding article. The proposed charter in its entirety directly follows the vote on Article 8 as stated in the main motion. The main motion, unless otherwise stated, will be used for all votes taken in regards to this warrant article.

Motion to move Article 15 be ruled out of order and passed over.

**Motion is seconded.**

**Motion Failed.**

## **ARTICLE 1**

### **INCORPORATION; SHORT TITLE; POWERS**

#### **SECTION 1: INCORPORATION**

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

#### **SECTION 2: SHORT TITLE**

This instrument shall be known and may be cited as the Uxbridge Home Rule Charter.

#### **SECTION 3: POWERS OF THE TOWN**

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

*[The administration of all of the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch headed by a board of selectmen, unless otherwise specified in this charter. The legislative powers of the town shall be vested in a town meeting open to all voters.]*

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, 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 and any amendments to it which may hereafter be adopted.
- (b) Days - The word "days" shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted.
- (c) Emergency - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action.
- (d) general laws - The words "general laws" (all lower case letters) shall mean laws which apply alike to all cities and towns, to all towns, or to a class of municipalities of which Uxbridge is a member.
- (e) General Laws - The words "General Laws" (used with initial capital letters) shall refer to the General Laws of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and 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, *[subcommittee, or otherwise and]* however elected or appointed or otherwise constituted.

(i) 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) Town - The word "town" shall mean the Town of Uxbridge.

(k) Town Agency - The words "town agency" shall mean any board, commission, committee, department, division or office of the town government.

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

(m) Town Officer - The words "town officer" 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.

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

#### Article 1:

Moderator declares a 2/3rds majority, motion carries.

### 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: *[COMMITTEES]* FINANCE COMMITTEE

*[(a) Finance Committee -]* There shall be a finance committee of 7 members of which 4 members shall be appointed by the moderator and 3 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*

*number of members, t/* 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 at the earliest practicable time following their receipt by the board of selectmen. 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 to be held on a date fixed by by-law, shall be primarily concerned with the determination of matters involving the expenditure of town funds, including but not limited to the adoption of the annual operating budget for all town agencies and for the purpose of electing officers, *[and which shall be deemed to be the annual town meeting.]*

The second such meeting, the powers of which shall be deemed to be those of *[a Fall]* an annual town meeting, except that it shall not include the election of officers 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 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 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, or (2) any multiple member body either elected or appointed acting by a majority of its members. *[(3) any ten certified voters for a regular town meeting and any one hundred certified voters for a special town meeting, or any 200 certified voters]* The selectman shall insert in the warrant for the annual town meeting all subjects the insertion of which shall be requested of them in

writing by ten or more registered voters of the town and in the warrant for a special town meeting all subjects the insertion of which shall be requested of them by one hundred registered voters or by ten percent of the total number of registered voters of the town whichever is the lesser. The selectmen shall call a special town meeting upon request in writing of 200 registered voters or of twenty percent of the total number of registered voters of the town, whichever is the lesser as provided by General Law.

(b) Referral - Forthwith following the receipt of any petition containing a proposed warrant article, the board of selectmen 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'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'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 the board of selectmen 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 shall include on the warrant, for an annual town meeting, the subject matter of all petitions which have been received by it 60 or more days prior to the date fixed by by-law for town meeting to convene, except in emergencies. The board of selectmen 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 shall give notice by publication in a local newspaper or broadcast through media or medium that provides public notice throughout the town of such intention and shall notify all town agencies of its intention to do so. The board of selectmen 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, 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, chairperson of a multiple member body, department or division head is to be absent due to illness or other reasonable cause, such person shall designate a deputy to attend to represent the office, multiple member body, department or division. If any person designated to attend the town meeting under this section is not a voter, such person shall, notwithstanding, have a right to address the meeting for the purpose of compliance with this section.

## **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.

## **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 2:

Moderator declares a 2/3rds majority, motion carries.

### **Motion to Amend the Main Motion:**

I move to amend the proposed amendment to Article 3, section 2, subsection (b) by removing the words "for the purpose of such investigation" from the first sentence in the third paragraph. This paragraph would now start with "Except as may be authorized by this charter,".

### Article 3:

The motion to amend the main motion is seconded.

Moderator declares a 2/3rds majority, motion carries.

## **ARTICLE 3**

### **ELECTED OFFICERS**

#### **SECTION 1: IN GENERAL**

(a) Elective Town Offices – The town offices to be filled by the voters shall be a board of selectmen, a school committee, a board of health, and a town moderator.

(b) Other Offices Filled at Town Elections – In addition to the town offices enumerated above, members of an Uxbridge housing authority, a board of library trustees, Edward B. Thayer fund trustees, *[a Board of Health,]* a Blackstone Valley regional vocational school district committee representative, three members of the finance committee, and such other officers 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 voter shall be eligible to hold any elective town office.



(d) Town Election - The annual election of town officers 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 officers 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 officers named in this section shall be subject to the call of the board of selectmen 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 or more members, other than the board of selectmen and finance committee, the remaining members shall forthwith give written notice of the existence of any such vacancy to the board of selectmen. The board of selectmen 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 days following the date on which said vacancy occurs the board of selectmen shall, after one week's notice, fill such vacancy without participation by the remaining members of the multiple member body.

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

## SECTION 2: BOARD OF SELECTMEN

(a) Composition, Term of Office - There shall be a board of selectmen consisting of five members elected for terms of three 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 in General – [The executive powers of the town shall be vested in the board of selectmen which shall be deemed to be the chief executive office of the town.] The board of selectmen shall have all of the [executive] powers [it is possible] for a board of selectmen to have and to exercise. The board of selectmen shall serve as the chief policy making agency of the town. The board of selectmen shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected town officers and multiple member bodies to develop and promulgate policy guidelines designed to bring all town agencies into harmony. Provided however, nothing in this section shall be construed to authorize any member of the board of selectmen, nor a*

*majority of such members, to become involved in the day-to-day administration of any town agency.]*

(b) Powers and Duties – The selectmen shall have and possess all powers it is possible for selectmen 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 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 for the purpose of such investigation as may be authorized by this charter, the selectmen shall deal with all town officers and employees who are subject to the direction or supervision of the town manager solely through the town manager. The selectmen shall not attempt to give orders to such persons, either in public or private.

(c) Licensing Authority - The board of selectmen 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 shall appoint a town manager], *selected in accordance with Article 8, Section 5(b)*], 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 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. *[a town manager and other offices of the town as listed in this Charter, Article 8, Section 5 subsection d(1). ]* The board of selectmen may, in addition, from time to time, establish and appoint such study or advisory committees of a *[non-permanent]* temporary nature as it deems necessary or desirable.

(e) Investigations - The board of selectmen may make investigations and 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.

### SECTION 3: SCHOOL COMMITTEE

(a) Composition, Term of Office - There shall be a school committee consisting of seven members elected for terms of three 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.
- (ii). to review and approve budgets for public education in the district.
- (iii). to establish educational goals and policies for the schools in the district with 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 years.

(b) Powers and Duties - The town moderator shall be the presiding officer of the town meeting, as provided in Article 2, Section 2, regulate its proceedings and perform such other duties as may be provided by general law, by charter, by by-law 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 members serving for terms of five years each so arranged that the term of one member shall expire each year. Four 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 - ~~/Five/~~ Six members of the board of library trustees shall be elected for terms of three years each, so arranged that the term of office of ~~/as nearly/~~ an equal number of members ~~/as possible/~~ 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-laws 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 members serving for terms of 3 years each so arranged that the term of 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: OTHER ELECTED OFFICERS**

Powers and Duties – All other elected officers 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.

The amended motion is seconded.

Moderator declares a 2/3rds majority, motion carries.

### **ARTICLE 4**

#### **TOWN MANAGER**

#### **SECTION 1: APPOINTMENT; QUALIFICATION; TERM**

*[The board of selectmen shall appoint a town manager from a list prepared by a screening committee at the inception of this Charter as provided in Article 8, Section 3, and subsequent appointments shall be made by the board of selectmen alone.]* The board of selectmen shall appoint the town manager to serve at the pleasure of the board and who shall be the chief administrative officer 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 active participant in meetings of the board of selectmen.

A town manager need not be resident of the town or of the Commonwealth. The town manager shall not have served as a member of the board of selectmen in the town government for at least twelve 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.

The board of selectmen 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, 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 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 and burial agent; a dog officer; 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 years, 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 remove, subject to applicable statutory provisions or collective bargaining agreements , all department heads, officers, 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.

(d) To administer a town personnel system, including, but not by way of limitation, */to/* personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, personnel by-law and collective bargaining agreements entered into by the town. The town manager shall also prepare and keep current a plan establishing the personnel staffing requirements for each town agency, except the school department.

(e) To fix, subject to appropriations, the compensation of all officers 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.

(h) 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.

(i) 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.

(j) To coordinate the activities of all town agencies serving under the office of town manager and the office of board of selectmen with those under the control of other officers 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.**

**(k) 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, or otherwise.**

### **SECTION 3: DELEGATION OF AUTHORITY**

**The town manager may authorize any subordinate officer 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 selectman shall designate a qualified town administrative officer 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 in the manner provided in Article 4, Section 1, but, pending such regular appointment the board of selectmen shall appoint a qualified town administrative officer or employee to perform the duties of the office on an acting basis. Such temporary appointment may not exceed three months but one renewal may be voted by the board of selectmen not to exceed a second three months. Compensation for such person shall be set by the board of selectmen.**

### **SECTION 5: REMOVAL AND SUSPENSION**

**The board of selectmen by the affirmative votes of three 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.**
- (b) The board of selectmen shall adopt a preliminary resolution of removal by the affirmative vote of at least three 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 days. A copy of the resolution shall be delivered to the town manager forthwith.**
- (c) Within five 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. This hearing shall be held at a meeting of the board of selectmen not later than thirty days after the request is filed nor earlier than twenty days. The town**

manager may file a written statement responding to the reasons stated in the resolution of removal with the board of selectmen provided the same is received at its office more than forty-eight hours in advance of the hearing.

(d) The board of selectmen may adopt a final resolution of removal, which may be made effective immediately, by the affirmative votes of three of its members not less than ten nor more than twenty-one 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 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 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.

Article 4:

Moderator declares a 2/3rds majority, motion carries.

## 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 shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper or 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 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 for its final review.

An organization or reorganization plan submitted by the town manager shall become effective at the expiration of thirty days following the date of its submission to the board of selectmen unless the board of selectmen 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-laws of the town of Uxbridge.

### Article 5:

Moderator declares a 2/3rds majority, motion carries.

## **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 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 school committee shall take its *[final]* vote on its proposed budget *[not sooner than at its next regularly scheduled meeting following]* 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 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: 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) .

### **SECTION 4: SUBMISSION OF BUDGET AND BUDGET MESSAGE**

Within the time fixed by the town manager, before the town meeting is to convene in its annual session, the town manager, *[after consultation with the board of selectmen]* after presentation to the board of selectmen, 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 in a local newspaper or broadcast through media or medium that provides public notice throughout the town *[of]* 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.

### **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 may reasonably require.

### **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 ~~[[free cash]~~ unencumbered funds at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

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.

(d) Time for Submission of Proposed Operating Budgets – For the purpose of Article 6-Section 2(b) 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 days prior to the date on which the town meeting is to convene in its annual session. The school committee shall submit its proposed operating budget to the town manager at least seventy-five days prior to the date on which the town meeting is to convene in its annual session.

## **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 or broadcast through media or medium that provides public notice throughout the town ~~[of]~~ a notice stating the time and place, not less than seven nor more than fourteen 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 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 before the town meeting for action it 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 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 days before the town meeting is to act on any article contained in the warrant for the said town meeting.

## **SECTION 8: CAPITAL PLANNING PROGRAM**

The town manager shall submit a capital *[improvement program]* plan to the board of selectmen and the finance committee and hold a public hearing at least one hundred fifty days before the start of each fiscal year. It shall be based on material prepared by *[the]* a capital planning committee. *[, if any including]* The material shall 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 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 9: APPROVAL OF WARRANTS**

The town manager shall be the chief fiscal officer 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 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 10: AUDITS**

The board of selectmen shall provide for an independent audit of all financial books and records of the town, whenever it deems an audit of the whole town, or, of any particular town agency, to be necessary.

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 6:

Moderator declares a 2/3rds majority, motion carries.

## **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.**

## **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 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 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 – *[At least once in every ten years, in each year ending in a zero, a special committee to consist of nine members shall be established for the purpose of reviewing this charter and to make a report, with recommendations, to the town meeting concerning any proposed amendments which said committee may determine to be necessary or desirable. The committee shall consist of nine members who shall be chosen as follows: the board of selectmen, the school committee, and the finance committee shall each designate two persons, and three persons shall be appointed by the town moderator. Persons appointed by the said agencies may, not be members of the agency by which they are designated. The***

*committee shall meet to organize forthwith following the final adjournment of the annual town meeting.]* The board of selectmen shall, at ten year intervals in each year ending in a zero, appoint a special committee to be composed of nine members. Appointments to the committee shall be made as follows: the board of selectmen, school committee, and finance committee shall each designate two members, and the town moderator shall appoint three members, 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 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 shall at five year intervals, in each year ending in five, or in zero, 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 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 of each member at least forty-eight hours in advance of the time set. A copy of the said notice shall also be posted on the town bulletin board(s). Special meetings of any multiple member body shall also be called within one week after the date of the filing with the town clerk of a petition signed by at least fifty 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 *[twenty-four]* forty-eight hours 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. 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, as 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 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.

(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, 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 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.

(f) Composition of Multiple Member Bodies - All multiple member bodies when established shall be composed of an odd number of members. Whenever the terms of office of a multiple member body are for more than one year such terms of office shall be so arranged that as nearly an equal number of terms as is possible will expire each year.

## **SECTION 8: REMOVALS AND SUSPENSIONS**

Any appointed town officer, 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, 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 days. Suspension may be coterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure given below.

**The appointing authority when removing any such officer, 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 days following delivery of such notice the officer, 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 and ten days after the public hearing is adjourned, or if the officer, member of a multiple member body or employee of the town fails to request a public hearing between six and fifteen days after delivery of the notice of intent to remove, the appointing authority shall take final action, either removing the officer, 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, 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 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 for not less than ten 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 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 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 or more consecutive regular meetings, or one-half 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 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.

Article 7:

Moderator declares a 2/3rds majority, motion carries.

*[ARTICLE 8]*

TRANSITIONAL PROVISIONS

*SECTION 1: CONTINUATION OF EXISITING LAWS*

*All general laws, special laws, town by-laws, votes, rules and regulations of or pertaining to the town which are in force when the charter takes effect and which are not specifically or by implication repealed directly or indirectly hereby, shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own limitation.*

*SECTION 2: CONTINUATION OF GOVERNMENT*

*All town agencies shall continue to perform their duties until reappointed, reelected, or until successors to their respective positions are duly appointed or elected, or their duties have been transferred and assumed by another town agency in accordance with the provisions of this charter.*

*SECTION 3: CONTINUATION OF ADMINISTRATIVE PERSONNEL*

*Any person holding an office or position in the administrative service of the town, or any person serving in the employment of the town as an administrator shall retain such office or position and shall continue to perform their duties until provisions shall have been made in accordance with the charter for the performance of the said duties by another person or agency.*

*Upon the effective date of this act the incumbents serving as Town Clerk and Treasurer-Collector shall be appointed in accordance with Article 8, Section, (d)-1 of this act for the balance of the terms for which they were elected. Upon the effective date of this act the incumbents serving in the office of Town Clerk and Treasurer-Collector shall be subject to provisions of the compensation advisory board and shall be granted all benefits provided by said board. The incumbents shall be granted sick leave, vacation leave, or other such leaves based upon the number of years said incumbents have served in an elective office and as an employee of the Town of Uxbridge.*

*Upon the effective date of this act the incumbents serving as members of the Planning Board shall continue to serve in said offices for the balance of the terms for which they were elected. Upon the expiration of said terms of office or if a vacancy shall sooner occur, the offices shall be appointed by the town manager.*

*Upon the effective date of this act the incumbents serving as members of the Board of Health shall continue to serve in said offices for the balance of the terms for which they were elected.*

*Upon the expiration of said terms of office or if a vacancy shall sooner occur, the offices shall be appointed by the town manager.*

*One year after the effective date of the adoption of this charter the board of assessors shall be dismissed upon the time that the provisions of this charter shall take effect.*

*One year after the effective date of the adoption of this charter the department of public works board of commissioners shall be dismissed upon the time that the provisions of this charter shall take effect.*

#### **SECTION 4: TRANSFER OF RECORDS AND PROPERTY**

*All records, property and equipment whatsoever of any office, department, or agency or part thereof, the powers and duties of which are assigned in whole or in part to another office or agency shall be transferred forthwith to the office, department or agency to which such powers and duties are assigned.*

#### **SECTION 5: TIME OF TAKING EFFECT**

*This charter shall take effect upon its adoption by the voters of Uxbridge, except as is hereinafter provided:*

*(a) Forthwith following the election at which this charter is adopted each town agency shall designate some person to represent it at all sessions of the town meeting to be held in this calendar year, in accordance with the provisions of Article 2, section 8.*

*(b) To choose a Town Manager, there shall be a screening committee which shall consist of nine persons who shall be chosen as follows: the board of selectmen, the the school committee, and the finance committee shall each designate two persons, and three persons shall be chosen by the town moderator, at least one of whom shall have been a member of the charter commission. Persons chosen by said agencies may, but need not be, members of the agency by which they are designated: appointments made by the town moderator shall be made last in time in order that in making appointments the moderator may, insofar as it may be feasible so to do, appoint persons who will broaden the membership base of the committee to be most representative of the demographic and occupational base of the town.*

*Not later than 45 days from the year and date in which the charter is adopted, the town clerk shall call and convene a meeting of the several persons chosen as aforesaid who shall meet to organize and to plan a process to advertise the vacancy and to solicit by other means qualified candidates for the office. The committee shall proceed notwithstanding the failure of any town agency to designate its representatives.*

*The screening committee shall review all applications that are received by it, screen all such applicants it intends to advance by checking and verifying work records and other credentials, and provide for interviews to be conducted with such number of candidates as it deems to be necessary, desirable or expedient.*

*Not more than one hundred and twenty days following the date on which the committee meets to organize, the committee shall submit to the board of selectmen the names of not less than three nor more than five persons whom it believes to be best suited to perform the duties of the office of town manager.*

*Within thirty days following the date the list of nominees is submitted to it the board of selectmen shall choose one of the said nominees to serve as town manager.*

*Upon the appointment of a town manager the committee established hereunder shall be considered discharged.*

*(c) The position of administrative assistant/Administrator to the board of selectmen is hereby abolished effective upon the assumption of office by the first town manager appointed pursuant to the provision of this charter. Provided, however, the incumbent of said office may be continued in town service for a period of up to ninety days following such assumption of office for the purpose of providing transitional assistance to the first town manager. While it is the intention of this provision, that there be a widespread, diligent search for candidates for the office of town manager and that the incumbent administrative assistant is not automatically to be continued in office as the town manager, nothing contained in this document should be construed in any way as to prevent the incumbent of said office from applying for, or from being considered as a candidate qualified to fill such position.*

*(d) Until such time as the town meeting may act, by by-law, to amend, repeal or otherwise revise them, the following provisions shall have the force of town by-laws and shall be construed so as to supercede any contrary or inconsistent provision of any existing by-law:*

*(1) Town Administrative Organization – Until such time as a different form of organization shall be provided, in accordance with the provisions of Article 5, Section 1 of this charter, the following outline of organization shall be operative:*

**THE BOARD OF SELECTMEN SHALL APPOINT:**

*a town manager, selected in accordance with Article 8, Section 5(b), 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, in the manner provided by general law; a trust fund commission; -a historic cemetery committee; a historical commission, to consist of seven members; a council on aging to consist of 11 members; a recreation commission consisting of 7 people; a cultural arts council to consist of seven members; a cable advisory committee; and a compensation advisory board consisting of 3 members.*

**THE TOWN MANAGER SHALL APPOINT:**

*a town accountant; a town treasurer/collector; a town clerk; an assessor; a police chief ; a fire chief; a dpw superintendent; an emergency management director and related emergency management personnel; a conservation commission, to consist of seven members; an industrial development committee, to consist of five members; a capital planning committee in accordance with Town By-laws; 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 and burial agent; a dog officer; a board of appeals, as provided in the zoning by-law; a tree warden; a planning board consisting of five members. [; and a board of health consisting of three members.]*

*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.*

*(2) All other officers, department heads, and employees for whom no other method of selection is provided.*

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

*(e) All town officers and all members of all boards, commissions and committees who have heretofore been elected and who will henceforth be appointed under the provisions of this charter, shall serve for the balance of the term for which they were elected, unless a vacancy in the office shall have sooner occurred, but their successors shall be appointed.*

*(f) All town officers and all members of all boards, commissions and committees who have heretofore been appointed and who will henceforth be elected under the provisions of this charter, shall serve for the balance of the term for which they were appointed, unless a vacancy in the office shall have sooner occurred, but their successors shall be elected.*

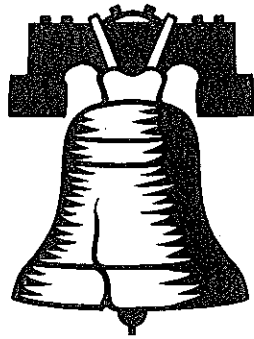
*(g) One member of the finance committee shall be elected annually beginning one year after the adoption of the charter. The Moderator shall determine the position to be filled by election in the event there is not a vacancy or more than one term is expiring during the three years following the adoption of the charter.*

*(h) Forthwith following the election at which this charter is adopted a special committee of seven members shall be appointed by the board of selectmen to revise the by-laws of the town in order to fully implement the provisions of this charter. The said committee shall submit a report and recommendations to the town meeting for adoption by a warrant article at a session of the town meeting held not later than the annual town meeting in the year following the year in which the charter is adopted. At least one member of the said committee shall have been a member of the charter commission.]*

**\*\* Italicized words are current Charter wording proposed to be removed, underlined words are proposed additions to the Charter**

Article 8:

**Moderator declares a 2/3rds majority, motion carries.**



# UXBRIDGE CHARTER



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## **ARTICLE 1**

### **INCORPORATION; SHORT TITLE; POWERS**

#### **SECTION 1: INCORPORATION**

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

#### **SECTION 2: SHORT TITLE**

This instrument shall be known and may be cited as the Uxbridge Home Rule Charter.

#### **SECTION 3: POWERS OF THE TOWN**

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

*[The administration of all of the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch headed by a board of selectmen, unless otherwise specified in this charter. The legislative powers of the town shall be vested in a town meeting open to all voters.]*

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, 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 and any amendments to it which may hereafter be adopted.
- (b) Days - The word "days" shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted.
- (c) Emergency - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action.
- (d) general laws - The words "general laws" (all lower case letters) shall mean laws which apply alike to all cities and towns, to all towns, or to a class of municipalities of which Uxbridge is a member.
- (e) General Laws - The words "General Laws" (used with initial capital letters) shall refer to the General Laws of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and 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, *[subcommittee, or otherwise and]* however elected or appointed or otherwise constituted.
- (i) 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) Town - The word "town" shall mean the Town of Uxbridge.
- (k) Town Agency - The words "town agency" shall mean any board, commission, committee, department, division or office of the town government.
- (l) Town Bulletin Board - The words "town bulletin board" shall mean the bulletin board in the town hall on which official town notices are posted and those at other locations within the town which may from time to time be designated as town bulletin boards by by-law.
- (m) Town Officer - The words "town officer" 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.
- (n) 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: *[COMMITTEES]* FINANCE COMMITTEE

*[(a) Finance Committee -]* There shall be a finance committee of 7 members of which 4 members shall be appointed by the moderator and 3 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 number of members, t]* 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 at the earliest practicable time following their receipt by the board of selectmen. 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 to be held on a date fixed by by-law, shall be primarily concerned with the determination of matters involving the expenditure of town funds, including but not limited to the adoption of the annual operating budget for all town agencies and for the purpose of electing officers. *[and which shall be deemed to be the annual town meeting.]*

The second such meeting, the powers of which shall be deemed to be those of *[a Fall]* an annual town meeting, except that it shall not include the election of officers 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 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 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, or (2) any multiple member body either elected or appointed acting by a majority of its members. *[(3) any ten certified voters for a regular town meeting and any one hundred certified voters for a special town meeting, or any 200 certified voters]* The selectman shall insert in the warrant for the annual town meeting all subjects the insertion of which shall be requested of them in writing by ten or more registered voters of the town and in the warrant for a special town meeting all subjects the insertion of which shall be requested of them by one hundred registered voters or by ten percent of the total number of registered voters of the town whichever is the lesser. The selectmen shall call a special town meeting upon request in writing of 200 registered voters or of twenty percent of the total number of registered voters of the town, whichever is the lesser as provided by General Law.

(b) Referral - Forthwith following the receipt of any petition containing a proposed warrant article, the board of selectmen 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'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'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 the board of selectmen 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 shall include on the warrant, for an annual town meeting, the subject matter of all petitions which have been received by it 60 or more days prior to the date fixed by by-law for town meeting to convene, except in emergencies. The board of selectmen 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 shall give notice by publication in a local newspaper or broadcast through media or medium that provides public notice throughout the town of such intention and shall notify all town agencies of its intention to do so. The board of selectmen 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, 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, chairperson of a multiple member body, department or division head is to be absent due to illness or other reasonable cause, such person shall designate a deputy to attend to represent the office, multiple member body, department or division. If any person designated to attend the town meeting under this section is not a voter, such person shall, notwithstanding, have a right to address the meeting for the purpose of compliance with this section.

#### **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.

#### **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 OFFICERS

#### SECTION 1: IN GENERAL

(a) Elective Town Offices – The town offices to be filled by the voters shall be a board of selectmen, a school committee, a board of health, and a town moderator.

(b) Other Offices Filled at Town Elections – In addition to the town offices enumerated above, members of an Uxbridge housing authority, a board of library trustees, Edward B. Thayer fund trustees, *[a Board of Health,]* a Blackstone Valley regional vocational school district committee representative, three members of the finance committee, and such other officers 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 voter shall be eligible to hold any elective town office.

(d) Town Election - The annual election of town officers 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 officers 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 officers named in this section shall be subject to the call of the board of selectmen 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 or more members, other than the board of selectmen and finance committee, the remaining members shall forthwith give written notice of the existence of any such vacancy to the board of selectmen. The board of selectmen 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 days following the date on which said vacancy occurs the board of selectmen shall, after one week's notice, fill such vacancy without participation by the remaining members of the multiple member body.

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

## **SECTION 2: BOARD OF SELECTMEN**

(a) Composition, Term of Office - There shall be a board of selectmen consisting of five members elected for terms of three 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 in General – [The executive powers of the town shall be vested in the board of selectmen which shall be deemed to be the chief executive office of the town.] The board of selectmen shall have all of the [executive] powers [it is possible] for a board of selectmen to have and to exercise. The board of selectmen shall serve as the chief policy making agency of the town. The board of selectmen shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected town officers and multiple member bodies to develop and promulgate policy guidelines designed to bring all town agencies into harmony. Provided however, nothing in this section shall be construed to authorize any member of the board of selectmen, nor a majority of such members, to become involved in the day-to-day administration of any town agency.]*

(b) Powers and Duties – The selectmen shall have and possess all powers it is possible for selectmen 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 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 for the purpose of such investigation as may be authorized by this charter, the selectmen shall deal with all town officers and employees who are subject to the direction or supervision of the town manager solely through the town manager. The selectmen shall not attempt to give orders to such persons, either in public or private.

(c) Licensing Authority - The board of selectmen 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 shall appoint a town manager, *selected in accordance with Article 8, Section 5(b)*, 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 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. *[a town manager and other offices of the town as listed in this Charter, Article 8, Section 5 subsection d(1).]* The board of selectmen may, in addition, from time to time, establish and appoint such study or advisory committees of a *[non-permanent]* temporary nature as it deems necessary or desirable.

(e) Investigations - The board of selectmen may make investigations and 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.

### **SECTION 3: SCHOOL COMMITTEE**

(a) Composition, Term of Office - There shall be a school committee consisting of seven members elected for terms of three 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.
- (ii). to review and approve budgets for public education in the district.
- (iii). to establish educational goals and policies for the schools in the district with 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 years.

(b) Powers and Duties - The town moderator shall be the presiding officer of the town meeting, as provided in Article 2, Section 2, regulate its proceedings and perform such other duties as may be provided by general law, by charter, by by-law 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 members serving for terms of five years each so arranged that the term of one member shall expire each year. Four 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** – *[Five]* Six members of the board of library trustees shall be elected for terms of three years each, so arranged that the term of office of *[as nearly]* an equal number of members *[as possible]* 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-laws 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 members serving for terms of 3 years each so arranged that the term of 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: OTHER ELECTED OFFICERS**

**Powers and Duties – All other elected officers 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.**

## **ARTICLE 4**

### **TOWN MANAGER**

#### **SECTION 1: APPOINTMENT; QUALIFICATION; TERM**

*[The board of selectmen shall appoint a town manager from a list prepared by a screening committee at the inception of this Charter as provided in Article 8, Section 3, and subsequent appointments shall be made by the board of selectmen alone.]* The board of selectmen shall appoint the town manager to serve at the pleasure of the board and who shall be the chief administrative officer 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 active participant in meetings of the board of selectmen.

A town manager need not be resident of the town or of the Commonwealth. The town manager shall not have served as a member of the board of selectmen in the town government for at least twelve 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.

The board of selectmen 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, 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 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 and burial agent; a dog officer; 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 years, 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 remove, subject to applicable statutory provisions or collective bargaining agreements, all department heads, officers, 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.

(d) To administer a town personnel system, including, but not by way of limitation, *[to]* personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, personnel by-law and collective bargaining agreements entered into by the town. The town manager shall also prepare and keep current a plan establishing the personnel staffing requirements for each town agency, except the school department.

(e) To fix, subject to appropriations, the compensation of all officers 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.**

**(h) 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.**

**(i) 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.**

**(j) To coordinate the activities of all town agencies serving under the office of town manager and the office of board of selectmen with those under the control of other officers 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.**

**(k) 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, or otherwise.**

### **SECTION 3: DELEGATION OF AUTHORITY**

**The town manager may authorize any subordinate officer 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**

- (c) Temporary Absence - By letter filed with the town clerk, the town manager with the approval of the board of selectman shall designate a qualified town administrative officer or employee to exercise the powers and perform the duties of town manager during a temporary absence.**
- (d) Vacancy - Any vacancy in the office of town manager shall be filled as soon as possible by the board of selectmen in the manner provided in Article 4, Section 1, but, pending such regular appointment the board of selectmen shall appoint a qualified town administrative officer or employee to perform the duties of the office on an acting basis. Such temporary appointment may not exceed three months but one renewal may be voted by the board of selectmen not to exceed a second three months. Compensation for such person shall be set by the board of selectmen.**

## **SECTION 5: REMOVAL AND SUSPENSION**

**The board of selectmen by the affirmative votes of three 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.**

**(b) The board of selectmen shall adopt a preliminary resolution of removal by the affirmative vote of at least three 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 days. A copy of the resolution shall be delivered to the town manager forthwith.**

**(c) Within five 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. This hearing shall be held at a meeting of the board of selectmen not later than thirty days after the request is filed nor earlier than twenty days. The town manager may file a written statement responding to the reasons stated in the resolution of removal with the board of selectmen provided the same is received at its office more than forty-eight hours in advance of the hearing.**

**(d) The board of selectmen may adopt a final resolution of removal, which may be made effective immediately, by the affirmative votes of three of its members not less than ten nor more than twenty-one 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 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 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.**

## **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 shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper or 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 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 for its final review.

An organization or reorganization plan submitted by the town manager shall become effective at the expiration of thirty days following the date of its submission to the board of selectmen unless the board of selectmen 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-laws of the town of Uxbridge.

## **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 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 school committee shall take its *[final]* vote on its proposed budget *[not sooner than at its next regularly scheduled meeting following]* 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 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: 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) .

### **SECTION 4: SUBMISSION OF BUDGET AND BUDGET MESSAGE**

Within the time fixed by the town manager, before the town meeting is to convene in its annual session, the town manager, *[after consultation with the board of selectmen]* after presentation to the board of selectmen, 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 in a local newspaper or broadcast through media or medium that provides public notice throughout the town *[of]* 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.

### **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 may reasonably require.

### **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 [[free cash]/ unencumbered funds] at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.**

**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.**

- (d) Time for Submission of Proposed Operating Budgets – For the purpose of Article 6-Section 2(b) 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 days prior to the date on which the town meeting is to convene in its annual session. The school committee shall submit its proposed operating budget to the town manager at least seventy-five days prior to the date on which the town meeting is to convene in its annual session.**

## **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 or broadcast through media or medium that provides public notice throughout the town ~~/of/~~ a notice stating the time and place, not less than seven nor more than fourteen 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 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 before the town meeting for action it 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 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 days before the town meeting is to act on any article contained in the warrant for the said town meeting.

## **SECTION 8: CAPITAL PLANNING PROGRAM**

The town manager shall submit a capital *[improvement program]* plan to the board of selectmen and the finance committee and hold a public hearing at least one hundred fifty days before the start of each fiscal year. It shall be based on material prepared by *[the]* a capital planning committee. *[, if any including]* The material shall 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 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 9: APPROVAL OF WARRANTS**

The town manager shall be the chief fiscal officer 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 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 10: AUDITS**

The board of selectmen shall provide for an independent audit of all financial books and records of the town, whenever it deems an audit of the whole town, or, of any particular town agency, to be necessary.

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.

#### **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 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 days following the date it has been so filed in the office of the town clerk.

#### **SECTION 6: PERIODIC REVIEW, CHARTER AND BY-LAWS**

- (b) Charter Review – *[At least once in every ten years, in each year ending in a zero, a special committee to consist of nine members shall be established for the purpose of reviewing this charter and to make a report, with recommendations, to the town meeting concerning any proposed amendments which said committee may determine to be necessary or desirable. The committee shall consist of nine members who shall be chosen as follows: the board of selectmen, the school committee, and the finance committee shall each designate two*

*persons, and three persons shall be appointed by the town moderator. Persons appointed by the said agencies may, not be members of the agency by which they are designated. The committee shall meet to organize forthwith following the final adjournment of the annual town meeting.]* The board of selectmen shall, at ten year intervals in each year ending in a zero, appoint a special committee to be composed of nine members. Appointments to the committee shall be made as follows: the board of selectmen, school committee, and finance committee shall each designate two members, and the town moderator shall appoint three members. 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 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 shall at five year intervals, in each year ending in five, or in zero, 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 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 of each member at least forty-eight hours in advance of the time set. A copy of the said notice shall also be posted on the town bulletin board(s). Special meetings of any multiple member body shall also be called within one week after the date of the filing with the town clerk of a petition signed by at least fifty 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 *[twenty-four]* forty-eight hours 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. 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, as 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 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.**

**(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, 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 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.**

**(f) Composition of Multiple Member Bodies - All multiple member bodies when established shall be composed of an odd number of members. Whenever the terms of office of a multiple member body are for more than one year such terms of office shall be so arranged that as nearly an equal number of terms as is possible will expire each year.**

## **SECTION 8: REMOVALS AND SUSPENSIONS**

**Any appointed town officer, 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, 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 days. Suspension may be coterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure given below.**

**The appointing authority when removing any such officer, 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 days following delivery of such notice the officer, 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 and ten days after the public hearing is adjourned, or if the officer, member of a multiple member body or employee of the town fails to request a public hearing between six and fifteen days after delivery of the notice of intent to remove, the appointing authority shall take final action, either removing the officer, 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, 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 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 for not less than ten 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 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 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 or more consecutive regular meetings, or one-half 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 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.

## **[ARTICLE 8]**

### **TRANSITIONAL PROVISIONS**

#### **SECTION 1: CONTINUATION OF EXISITING LAWS**

*All general laws, special laws, town by-laws, votes, rules and regulations of or pertaining to the town which are in force when the charter takes effect and which are not specifically or by implication repealed directly or indirectly hereby, shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own limitation.*

#### **SECTION 2: CONTINUATION OF GOVERNMENT**

*All town agencies shall continue to perform their duties until reappointed, reelected, or until successors to their respective positions are duly appointed or elected, or their duties have been transferred and assumed by another town agency in accordance with the provisions of this charter.*

#### **SECTION 3: CONTINUATION OF ADMINISTRATIVE PERSONNEL**

*Any person holding an office or position in the administrative service of the town, or any person serving in the employment of the town as an administrator shall retain such office or position and shall continue to perform their duties until provisions shall have been made in accordance with the charter for the performance of the said duties by another person or agency.*

*Upon the effective date of this act the incumbents serving as Town Clerk and Treasurer-Collector shall be appointed in accordance with Article 8, Section, (d)-1 of this act for the balance of the terms for which they were elected. Upon the effective date of this act the incumbents serving in the office of Town Clerk and Treasurer-Collector shall be subject to provisions of the compensation advisory board and shall be granted all benefits provided by said board. The incumbents shall be granted sick leave, vacation leave, or other such leaves based upon the number of years said incumbents have served in an elective office and as an employee of the Town of Uxbridge.*

*Upon the effective date of this act the incumbents serving as members of the Planning Board shall continue to serve in said offices for the balance of the terms for which they were elected. Upon the expiration of said terms of office or if a vacancy shall sooner occur, the offices shall be appointed by the town manager.*

*Upon the effective date of this act the incumbents serving as members of the Board of Health shall continue to serve in said offices for the balance of the terms for which they were elected. Upon the expiration of said terms of office or if a vacancy shall sooner occur, the offices shall be appointed by the town manager.*

*One year after the effective date of the adoption of this charter the board of assessors shall be dismissed upon the time that the provisions of this charter shall take effect.*

*One year after the effective date of the adoption of this charter the department of public works board of commissioners shall be dismissed upon the time that the provisions of this charter shall take effect.*

#### **SECTION 4: TRANSFER OF RECORDS AND PROPERTY**

*All records, property and equipment whatsoever of any office, department, or agency or part thereof, the powers and duties of which are assigned in whole or in part to another office or agency shall be transferred forthwith to the office, department or agency to which such powers and duties are assigned.*

#### **SECTION 5: TIME OF TAKING EFFECT**

*This charter shall take effect upon its adoption by the voters of Uxbridge, except as is hereinafter provided:*

*(a) Forthwith following the election at which this charter is adopted each town agency shall designate some person to represent it at all sessions of the town meeting to be held in this calendar year, in accordance with the provisions of Article 2, section 8.*

*(b) To choose a Town Manager, there shall be a screening committee which shall consist of nine persons who shall be chosen as follows: the board of selectmen, the the school committee, and the finance committee shall each designate two persons, and three persons shall be chosen by the town moderator, at least one of whom shall have been a member of the charter commission. Persons chosen by said agencies may, but need not be, members of the agency by which they are designated: appointments made by the town moderator shall be made last in time in order that in making appointments the moderator may, insofar as it may be feasible so to do, appoint persons who will broaden the membership base of the committee to be most representative of the demographic and occupational base of the town.*

*Not later than 45 days from the year and date in which the charter is adopted, the town clerk shall call and convene a meeting of the several persons chosen as aforesaid who shall meet to organize and to plan a process to advertise the vacancy and to solicit by other means qualified candidates for the office. The committee shall proceed notwithstanding the failure of any town agency to designate its representatives.*

*The screening committee shall review all applications that are received by it, screen all such applicants it intends to advance by checking and verifying work records and other credentials, and provide for interviews to be conducted with such number of candidates as it deems to be necessary, desirable or expedient.*

*Not more than one hundred and twenty days following the date on which the committee meets to organize, the committee shall submit to the board of selectmen the names of not less than three nor more than five persons whom it believes to be best suited to perform the duties of the office of town manager.*

*Within thirty days following the date the list of nominees is submitted to it the board of selectmen shall choose one of the said nominees to serve as town manager.*

*Upon the appointment of a town manager the committee established hereunder shall be considered discharged.*

*(c) The position of administrative assistant/Administrator to the board of selectmen is hereby abolished effective upon the assumption of office by the first town manager appointed pursuant to the provision of this charter. Provided, however, the incumbent of said office may be continued in town service for a period of up to ninety days following such assumption of office for the purpose of providing transitional assistance to the first town manager. While it is the intention of this provision, that there be a widespread, diligent search for candidates for the office of town manager and that the incumbent administrative assistant is not automatically to be continued in office as the town manager, nothing contained in this document should be construed in any way as to prevent the incumbent of said office from applying for, or from being considered as a candidate qualified to fill such position.*

*(d) Until such time as the town meeting may act, by by-law, to amend, repeal or otherwise revise them, the following provisions shall have the force of town by-laws and shall be construed so as to supercede any contrary or inconsistent provision of any existing by-law:*

*(1) Town Administrative Organization – Until such time as a different form of organization shall be provided, in accordance with the provisions of Article 5, Section 1 of this charter, the following outline of organization shall be operative:*

*THE BOARD OF SELECTMEN SHALL APPOINT:*

*a town manager, selected in accordance with Article 8, Section 5(b), 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, in the manner provided by general law; a trust fund commission; -a historic cemetery committee; a historical commission, to consist of seven members; a council on aging to consist of 11 members; a recreation commission consisting of 7 people; a cultural arts council to consist of seven members; a cable advisory committee; and a compensation advisory board consisting of 3 members.*

*THE TOWN MANAGER SHALL APPOINT:*

*a town accountant; a town treasurer/collector; a town clerk; an assessor; a police chief; a fire chief; a dpw superintendent; an emergency management director and related emergency management personnel; a conservation commission, to consist of seven members; an industrial development committee, to consist of five members; a capital planning committee in accordance with Town By-laws; 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 and burial agent; a dog officer; a board of appeals, as provided in the zoning by-law; a tree warden; a planning board consisting of five members. [; and a board of health consisting of three members.]*

*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.*

*(2) All other officers, department heads, and employees for whom no other method of selection is provided.*

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

*(e) All town officers and all members of all boards, commissions and committees who have heretofore been elected and who will henceforth be appointed under the provisions of this charter, shall serve for the balance of the term for which they were elected, unless a vacancy in the office shall have sooner occurred, but their successors shall be appointed.*

*(f) All town officers and all members of all boards, commissions and committees who have heretofore been appointed and who will henceforth be elected under the provisions of this charter, shall serve for the balance of the term for which they were appointed, unless a vacancy in the office shall have sooner occurred, but their successors shall be elected.*

*(g) One member of the finance committee shall be elected annually beginning one year after the adoption of the charter. The Moderator shall determine the position to be filled by election in the event there is not a vacancy or more than one term is expiring during the three years following the adoption of the charter.*

*(h) Forthwith following the election at which this charter is adopted a special committee of seven members shall be appointed by the board of selectmen to revise the by-laws of the town in order to fully implement the provisions of this charter. The said committee shall submit a report and recommendations to the town meeting for adoption by a warrant article at a session of the town meeting held not later than the annual town meeting in the year following the year in which the charter is adopted. At least one member of the said committee shall have been a member of the charter commission.]*

#### **ARTICLE 16: CITIZEN'S PETITION - STREET ACCEPTANCE – SAND WEDGE DRIVE**

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

**SPONSOR:** Citizen's Petition

**MOTION:** *To be provided by Petitioner*

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Unfavorable Action, without prejudice (5-0-0)

Not enough information was available at the time of the public hearings for the Finance Committee to make a favorable recommendation.

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (5-0-0), contingent upon receipt of all appropriate documents

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

**VOTE NEEDED:** Requires a simple majority per M.G.L. c.82 § 23



No Motion  
No Action

**ARTICLE 17: CITIZEN'S PETITION - STREET ACCEPTANCE – MURPHY'S WAY**

To see if the Town will vote (a) to accept Murphy's Way as a public way, as laid out by the Board of Selectmen, a copy of which layout is on file with the Town Clerk; (b) to authorize the Board of Selectmen, in the name and behalf of the Town, to acquire by gift, purchase, or eminent domain the necessary fee interests or easements and appurtenant rights in and for said way for the purposes for which public ways are used in the Town; and (c) to see what sums the Town will raise and appropriate or transfer from available funds for such purposes; or take any other action relating thereto.

**SPONSOR:** Citizen's Petition

**MOTION:** *I move that the Town vote (a) to accept Murphy's Way as a public way, as laid out by the Board of Selectmen, a copy of which is on file with the Town Clerk; (b) to authorize the Board of Selectmen, in the name and behalf of the Town to acquire by gift, purchase, or eminent domain the necessary fee interests or easements and appurtenant rights in and for said way for the purposes for which public ways are used in the Town; and (c) to authorize the Board of Selectmen to accept gifts and contributions in such amounts as may be required for such purposes.*

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

It appears as though Murphy's Way has overcome all the hurdles to becoming an accepted street

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (5-0-0), contingent upon receipt of all appropriate documents

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

**VOTE NEEDED:** Requires a simple majority per M.G.L. c.82 § 23. Eminent domain taking authorizations without an appropriation of funds for damages, requires a majority vote; with a damages appropriation, a 2/3rds vote is required.

**The motion is seconded.**

**Moderator declares a unanimous vote, motion carries.**

**ARTICLE 18: AMEND THE ZONING BYLAWS BY AMENDING THE ZONING MAP (HAZEL STREET)**

To see if the Town will vote to amend the Zoning Bylaws by amending the Zoning Map (as most recently amended) to rezone the land bounded by Hazel Street to the Northwest, North Main Street (a/k/a Rte. 122) to the Northeast, and the Southeasterly boundaries of land shown on Assessor's Map 18B as Block 2967 and 2958 and Southwesterly boundary of land shown on Assessor's Map 18B as Block 2958 from Residence A to Business Zone.

**SPONSOR:** Citizen's Petition

**MOTION:** *I hereby move that the Town vote to amend the Zoning By-Laws by amending the Zoning Map (as most recently amended) to rezone the land bounded by Hazel Street to the Northwest, North Main Street (a/k/a Route 122) to the Northeast, and the Southeasterly boundaries of land shown as Assessor's Map 18B at Block 2967 and 2958 and Southwesterly boundary of land shown on Assessor's Map 18B at Block 2958 from Residence A to Business Zone.*

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

Historical use of this area is business. This article would update the zoning.

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

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

**VOTE NEEDED:** Requires a 2/3rds majority per M.G.L. c.40A § 5

**The motion is seconded.**

**Moderator declares a unanimous vote, motion carries.**

**ARTICLE 19: AMEND THE ZONING BYLAWS BY AMENDING THE ZONING MAP  
(FLETCHER STREET)**

To see if the Town will vote to amend the Zoning Bylaws by amending the Zoning Map (as most recently amended) to rezone the land bounded by Fletcher Street to the Northwest, North Main Street (a/k/a Rte. 122) to the Northeast, Hazel Street to the Southeast, and the Southwesterly boundary lines of two lots shown on the Town of Assessor's Map 18B as Block 2919 and Block 2954 from Residence B to Business zone.

**SPONSOR:** Citizen's Petition

**MOTION:** *I hereby move that the town vote to amend the Zoning Bylaw by amending the Zoning Map (as most recently amended) to rezone the land bounded by Fletcher Street to the Northwest, North Main Street (a/k/a Rout 122) to the Northeast, Hazel Street to the Southeast, and the Southwesterly boundary lines of two lots shown on the Town of Assessor's map 18B Block 2919 and Block 2954 from Residence B to Business Zone.*

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

Historical use of this area is business. This article would update the zoning.

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

**RECOMMENDATION OF THE PLANNING BOARD:** Favorable Action (3-0-1)

**VOTE NEEDED:** Requires a 2/3rds majority per M.G.L. c.40A § 5

**The motion is seconded.**

**Moderator declares a 2/3rds majority vote, motion carries.**

**ARTICLE 20: AMEND THE ZONING BYLAWS BY AMENDING THE ZONING MAP  
(LACKEY DAM ROAD)**

To see if the Town will vote to amend the Zoning By-law of the Town of Uxbridge by amending the Town of Uxbridge Zoning Map (as most recently amended) to rezone the parcels shown as Assessor Map 15, Block 1433 and Assessor's Map 15, Parcel 3153 from Agricultural to Industrial. Said parcels are located on Lackey Dam Rd and contain 39.850 acres more or less.

**SPONSOR:** Citizen's Petition

**MOTION:** *I hereby move that the Town vote to amend the Zoning By-law of the Town of Uxbridge by amending the Town of Uxbridge Zoning Map (as most recently amended) to rezone the parcels shown as Assessor Map 15, Block 1433 and Assessor's Map 15, Parcel 3153 from Agricultural to Industrial. Said parcels are located on Lackey Dam Road and contain 39.850 acres more or less.*

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

The Petitioner points out that the area zoned Agricultural is better suited for industrial use, thus being able to bring more businesses to the Town. The Finance Committee agrees.

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (2-0-2)

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

**VOTE NEEDED:** Requires a 2/3rds majority per M.G.L. c.40A § 5

**\*\* Italicized words are current Charter wording proposed to be removed, underlined words are proposed additions to the Charter**

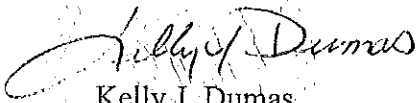
**The motion is seconded.**

**Moderator declares a 2/3rds majority vote, motion carries.**

\*\*\*\*\*

A motion was made and seconded to dissolve the 2012 Fall Town meeting. The motion carried unanimously and town meeting was adjourned at 9:45pm.

A true copy attest,

A handwritten signature in cursive script that reads "Kelly J. Dumas".

Kelly J. Dumas  
Uxbridge Town Clerk

