

FALL ANNUAL TOWN MEETING MINUTES
TUESDAY, NOVEMBER 18, 2014 – 7:00 P.M.
UXBRIDGE HIGH SCHOOL AUDITORIUM
300 QUAKER HIGHWAY, 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 18, 2014:

Moderator Charles E. Maharay called the Fall Annual Town Meeting to order at 7:00pm, declaring the presence of a quorum (50 required, 91 voters present). Rules for conducting business and taking votes of the meeting were announced.

* * *

ARTICLE 1: ENGINEERING STUDY – INSTALLATION OF WATER/SEWER LINES TO SOUTH UXBRIDGE

To see if the Town will vote to transfer and appropriate a sum of monies from Water and Wastewater Enterprise retained earnings to the Water and Wastewater Enterprise Capital Funds to perform engineering and feasibility studies of running water and sewer lines into South Uxbridge for the purpose of resident assistance and economic development;
or take any other action related thereto.

SPONSOR: Town Manager

COMMENTARY: *Passage of this article will authorize the Town to perform feasibility studies to determine the cost of running water and sewer lines into South Uxbridge. The Town would then use the study to apply for a Massworks grant to defray the costs of the project in June of 2015.*

MOTION: *Move if the Town will vote to transfer and appropriate \$20,000.00 from Water and \$20,000.00 from Wastewater Enterprise retained earnings to the Water and Wastewater Enterprise Capital Funds to perform engineering and feasibility studies of running water and sewer lines into South Uxbridge for the purpose of resident assistance and economic development pursuant to ;*

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (3-2-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (6-0-0) *This study will help determine the feasibility of continuing water and sewer down 146a. The committee feels that when this expansion is completed it will promote more business in the industrial zone located in South Uxbridge.*

VOTE NEEDED: Requires a simple majority vote.

Motion made to table the article.

Motion to table was objected to, and there for a vote must be taken.

Motion to table failed by simple majority.

The Main motion is seconded.

Moderator declares a simple majority.

ARTICLE 2: ACCEPTANCE OF M.G.L. CHAPTER 40, SECTION 58

To see if the Town will vote to accept the provisions of M.G.L. Chapter 40, §58, to establish a municipal charges lien for the purpose of Treasurer/Collector fees & charges; or take any action relative thereto.

SPONSOR: Town Manager

COMMENTARY: *The article requests acceptance of a section of MGL which allows a city or town to establish a municipal charges lien, which will be added to the real estate tax bill of individuals who owe the Town for the specific charges listed in the article.*

MOTION: *Move that the Town will vote to accept the provisions of M.G.L. Chapter 40, Section 58, to establish a municipal charges lien for the purpose of unpaid bad check charges issued by the Treasurer/Collector's Office.*

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

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (6-0-0) *Acceptance of this Mass State law will allow the town a recourse in recouping bounced check fees.*

VOTE NEEDED: Requires a simple majority vote.

The motion is seconded.

Moderator declares a simple majority.

ARTICLE 3: PAYMENT IN LIEU OF TAX AGREEMENT - 15 BUXTON ROAD

To see if the Town will vote to authorize the Board of Selectman to negotiate a PILOT agreement pursuant to G.L. C. 59, §38H, and regulations promulgated thereunder, with respect to annual payments in lieu of real and personal property taxes over a 20 year period relative to a 6.5 acre +/- parcel of land located at 15 Buxton Road, Uxbridge; said PILOT agreement is based upon the proposed construction and operation of a solar photovoltaic power plant with an expected nameplate capacity of approximately 1.0 megawatts effective July 1, 2015 through June 30, 2035. or take any other action relating thereto.

SPONSOR: Town Manager

COMMENTARY: *Passage of this article will authorize the Town Manager to enter into negotiations with a solar energy developer on a parcel of privately owned land on 15 Buxton Road. Any agreement reached under these negotiations will be approved by the Board of Selectmen. There is currently no agreement in place on this parcel. MGL requires PILOT agreements to collect essentially the same amount of revenue that would be generated if the subject property and equipment was subject to full and fair taxation. MGL C. 59, §38H requires a vote by Town Meeting in order to either authorize negotiations for a new agreement or to ratify an agreement that is already negotiated. This vote seeks to authorize negotiations.*

MOTION: *Move that the Town vote to authorize the Town Manager to negotiate a PILOT agreement for approval by the Board of Selectmen, pursuant to G.L. C. 59, §38H, and regulations promulgated thereunder, with respect to annual payments in lieu of real and personal property taxes over a 20 year period relative to a 6.5 acre +/- parcel of land located at 15 Buxton Road, Uxbridge; said PILOT agreement is based upon the proposed construction and operation of a solar photovoltaic power plant with an expected nameplate capacity of approximately 1.0 megawatts effective July 1, 2015 through June 30, 2035.*

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (6-0-0) *Favorable vote of this article would allow the town to negotiate a PILOT agreement that will allow a steady and predicable tax revenue for the town.*

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

VOTE NEEDED: Requires a simple majority (MGL Ch. 59, §38H)

***A Scribner's error occurred in both the Article and Motion, the word "Road" should be replaced with "Street" in all locations within the article and motion.*

The motion is seconded.

Moderator declares a simple majority.

ARTICLE 4: AMENDMENT TO THE GENERAL BYLAWS - FALSE ALARMS – POLICE AND FIRE

To see if the Town will vote to amend the general bylaws of the Town of Uxbridge by adding Chapter 205 False Alarms – Police and Fire, which shall read:

§ 205-1. Purpose

The purpose of this By-law is to reduce the number of false alarms and to promote the responsible use of alarm devices in the Town.

§ 205-2. Definitions

As used in this bylaw, the following terms shall have the following meanings:

ALARM DEVICE: Any device which, when activated, calls for a police or fire response and (i) transmits a signal to police or fire headquarters, (ii) transmits a signal to an external entity who relays information to the Police, or Fire Department or (iii) produces an audible or visible signal to which the Police or Fire Department are expected to respond. Excluded from this definition and the scope of this By-law are devices which are designated to alert or signal only persons within the premises in which the device is installed and devices which are activated by the release of water from a sprinkler system.

ALARM USER: The owner of any premises on which an alarm device is used, provided that an occupant who expressly accepts responsibility for an alarm device by registration, pursuant to this By-law, shall be deemed the alarm user.

AUTOMATIC DIAL ALARM: A telephone device or attachment that mechanically or electronically selects a telephone line to the Police or the Fire Department and produces at the Police or Fire station a prerecorded voice message reporting a criminal act, fire, or other emergency calling for police or fire response.

CONTRACTOR: Any individual, firm, or corporation in the business of supplying and installing alarm devices or servicing the same.

FALSE ALARM: Any activation of an alarm device to which the Police or Fire Rescue Department responds and which is not caused by a criminal act, fire, or other emergency, except an activation caused by:

- (i) Malfunction of telephone company equipment or lines as verified by monitoring facilities at police or fire headquarters, or as verified by the Administrator, or

- (ii) Power failure as verified by the Administrator.

§ 205-3. Administrators.

There shall be Administrators for alarm devices who shall have the powers and duties granted under this By-law. The Police Chief or his or her Designee and the Fire Chief or his or her Designee shall be the Administrators.

§ 205-4. Registration required.

Each alarm user shall register his or her alarm device with the Administrator prior to use, provided that alarm devices in use as of the effective date of this By-law may be registered no later than sixty (60) days from such date.

§ 205-5. Registration procedure.

Alarm device registration shall be accomplished by filling out a form provided by the appropriate Administrator. It shall include information concerning the identity of the prospective alarm user, the identity of the alarm user's contractor, if any, and the nature of the proposed alarm device. The Administrator shall issue the alarm user written acknowledgment of proper registration. Every alarm user shall submit to the appropriate Administrator the names and telephone numbers of a sufficient number of persons who can be reached at any time, day or night, and who are authorized to reset, repair, or otherwise respond to an emergency signal transmitted by an alarm device. It shall be the user's responsibility to keep this list current at all times.

§ 205-6. Confidential Information.

All information in the possession of the Administrators and the Police or Fire Department concerning particular alarm users and particular alarm devices shall, to the extent permissible under State law, be confidential and shall not be divulged without the written consent of the alarm user or users concerned.

§ 205-7. Automatic Dialer Alarms.

An automatic dial alarm system shall not be allowed to be connected to the Police Department or Fire Department.

§ 205-8. Exterior Audible Devices.

Unless required by law, no alarm device, which produces an exterior audible signal, shall be installed unless its operation is automatically restricted to a maximum of fifteen (15) minutes. Any alarm device in use as of the effective date of this By-law must comply with this section within one hundred twenty (120) days of such date.

§ 205-9. False Alarm Fees.

When the Police Department or Fire Department have responded to two false alarms within a one year timeframe, the appropriate Administrator shall impose a fee on the responsible alarm user for each

additional false alarm. In instances where both the Police and Fire Departments respond to a false alarm, the Administrator shall be the Fire Chief or his or her Designee.

§ 205-10. Fees.

The fees charged pursuant to this bylaw shall be established by the Board of Selectmen

§ 205-11. Notification and Appeal.

The Administrator shall notify the responsible alarm user of any false alarm fee by mail within thirty (30) days. After the mailing of such notice, the alarm user may file with the Administrator information to show that the alarm was not a false alarm. The Administrator shall, within thirty (30) days, consider such information, reaffirm or rescind the false alarm fee, and notify the alarm user of his or her decision by mail. Within thirty (30) days after mailing of such notice, the alarm user may file a written appeal with the Town's Hearing Officer as appointed by the Town Manager.

§ 205-12. Appeal to the Town Hearing Officer.

Upon receipt of a timely appeal from a false alarm fee, the Town Hearing Officer shall hold a hearing. At least fifteen (15) days before the hearing, he or she shall mail notice of the time and place of said hearing to the alarm user making the appeal at his or her last known address. On the basis of information provided by the alarm user and other information introduced at the hearing, the Town Hearing Officer shall affirm the fee if he or she finds that the fee was properly imposed, or rescind the fee if the fee was not properly imposed.

§ 205-13. Refusal or Failure to pay fee.

Refusal or failure to pay a fee properly levied shall result in an additional penalty set by the Board of Selectmen. Refusal or failure to pay fee may also result in denial, revocation or suspension of licenses and permits per Chapter 233 of the general bylaws of the Town.

§ 205-14. Exceptions.

The provisions of this By-law shall not apply to alarm devices on premises owned or controlled by the Town nor to alarm devices installed in a motor vehicle or trailer.

§ 205-15. Severability.

SPONSOR: Board of Selectmen

COMMENTARY: *Passage of this by-law is to reduce the number of false alarms and to promote the responsible use of alarm devices in the Town.*

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

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

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (6-0-0) *This article would establish a system by which false alarms registered by automatic alarm system will be charged a fee for repeated false alarms. This will also require a responsible party to supply contact information with the fire/police department so in the event of an alarm the police and fire departments will know who to contact.*

VOTE NEEDED: Requires a 2/3rds vote

The motion is seconded.

Moderator declares a unanimous vote, motion carries.

ARTICLE 5: ACCESS EASEMENT FOR THE GIFFORD CEMETERY

To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift or eminent domain, an easement for access to the Gifford Cemetery on a portion of the property located at 620 Quaker Highway, described in the Deed recorded at the Worcester County Registry of Deeds at Book 49389, Page 141, said easement area containing 11,612 s.f. of area, more or less, as shown on a plan dated March 4, 2014, entitled "Easement Plan of 620 Quaker Highway" prepared by Andrews Survey & Engineering, Inc. which is on file with the Office of the Town Clerk, and to authorize the Selectmen to execute any documents or instruments necessary to effect said easement upon such terms as they deem to be in the best interest of the Town, or take any action relating thereto.

SPONSOR: Historic Cemetery Committee

COMMENTARY: *This article will allow the town access to the Gifford Cemetery.*

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

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

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (6-0-0) *Acceptance of this article will ensure permanent access to the Gifford Cemetery.*

VOTE NEEDED: 2/3rd's majority per MGL Chapter 40, Section 14

The motion is seconded.

Moderator declares a unanimous vote, motion carries.

ARTICLE 6: CONVEYANCE OF LAND - THE SOUTHWICK CEMETERY AND ALDRICH CEMETERY OFF CHOCOLOG ROAD

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift and to accept a deed of land for property owned by FIKOW, LLC to the Town of Uxbridge located on Chocolog Road, described in the Deed recorded at the Worcester County Registry of Deeds at Book 52122, Page 321, also identified on the Assessor's Map 39, parcel 4254 said area containing 23,066 s.f. of area, more or less, as shown on a plan dated September 17, 2014, entitled Division of Land of 255 Chocolog Road in Uxbridge, MA owned by FIKOW, LLC prepared by Andrews Survey & Engineering, Inc. which is on file with the Office of the Town Clerk, and to authorize the Selectmen to execute any documents or instruments necessary to effect said acquisition upon such terms as they deem to be in the best interest of the Town, or take any action relating thereto, for general municipal purposes, conveyance including access for maintenance of both the Southwick Cemetery and Aldrich Cemetery #36.

SPONSOR: Historic Cemetery Committee

COMMENTARY: *2 Historic Cemeteries are located on this property.*

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

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

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (6-0-0) *Just as with Article 5 a favorable vote on this article will allow a permanent access to the South Cemetery and Aldrich Cemetery.*

VOTE NEEDED: 2/3rd's majority per MGL Chapter 40, Section 14

The motion is seconded.

Moderator declares a unanimous vote, motion carries.

ARTICLE 7: CITIZEN'S PETITION - SCENIC ROAD - CHOCOLOG ROAD

To see if the Town will vote to make Chocolog Road starting at the intersection of 146A to the Douglas, MA line, a scenic road.

SPONSOR: Citizen's Petition

MOTION: *To be provided by petitioner, if any.*

RECOMMENDATION OF THE BOARD OF SELECTMEN: No Recommendation (3-2-0); No adverse inference should be assumed.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (3-2-1) *The members who voted favorable action on this article felt that if the residents wanted their road to be recognized as scenic road the members would support it. This also has no financial ramifications to the Town.*

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

VOTE NEEDED: Simple Majority per MGL Chapter 40, Section 15C

Moderator declares article out of order.

ARTICLE 8: CITIZEN'S PETITION - TOWN OF UXBRIDGE ZONING PROPOSAL
("RESIDENTIAL C" TO "INDUSTRIAL" 775 MILLVILLE ROAD

To see if the Town will vote to amend the Town of Uxbridge Zoning Map by re-zoning from "Residential C" to "Industrial" the following parcel of land situated on the southwesterly side of Millville Road, Uxbridge, Massachusetts, containing 227 acres, more or less, being more particularly bounded and described as follows:

Beginning at a point on the centerline of said Millville Road, at station 61 + 61.30, as shown on the State Highway layout dated May 24, 1955, recorded at Worcester District Registry of Deeds; Plan Book 206, Plan 55;

Thence Southerly and Southeasterly, a distance of 3,661.30 feet, following the centerline of said Millville Road, to a point at station 25 + 0.00, as shown on State Highway layout dated January 7, 1958, recorded in Plan Book 230, Plan 29;

Thence Due South, a distance of 1,466 feet, more or less, to the centerline of the Blackstone River;

Thence Southwesterly, Westerly, Northwesterly, and Northerly, a distance of 6,270 feet, more or less, following the centerline of said Blackstone River, to a point opposite the southwesterly corner of the land shown as Lot 8 on Worcester Registry District Plan 2036B;

Thence Easterly, a distance of 50 feet, more or less, to said southwesterly corner of said Lot 8;

Thence Northeasterly, a distance of 1,187 feet, more or less, following the southerly bounds of said Lot 8, to the southeasterly corner of said Lot 8;

Thence Northeasterly, a distance of 250 feet, more or less, to the point of beginning.

Or take any other action relative thereto.

SPONSOR: Citizen's Petition

MOTION: *I move the Town vote to amend the Town of Uxbridge Zoning Map by rezoning from "Residential C" to "Industrial" 227 acres of land on the southwesterly side of Millville Road as set forth in the Warrant.*

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

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (6-0-0) *By rezoning this lot the developer will be allowed to bring in more soil and soil types. The Town is in negotiations with the owner to receive a set fee for each truck load brought onto the property so this article could potentially increase that fee income to the town.*

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

VOTE NEEDED: Requires 2/3rds majority vote

The motion is seconded.

Motion Fails.

ARTICLE 9: CITIZEN'S PETITION - AMEND THE ZONING MAP INCORPORATED INTO ITS ZONING BYLAWS BY REZONING 124/126 NORTH MAIN STREET

To see if the Town will vote to amend the Zoning Map incorporated into its Zoning Bylaws by rezoning a parcel of land located at 124/126 North Main Street and shown on Uxbridge Assessors Map 18B as Lot 2966 (containing 7,062 sq. ft. and more particularly described in a deed recorded in Worcester District Registry of Deeds Book 34960, Page 391) from the existing Residential A zone to the Business zone thereby extending the existing Business zone on the westerly side of North Main Street; or take any other action relating thereto.

SPONSOR: Citizen's Petition

MOTION: *I move the Town vote to amend the Zoning Map incorporated into the Zoning Bylaws by rezoning from "Residential A" to "Business" the land at 124/126 North Main Street as set forth in the warrant.*

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

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action: (6-0-0) *Acceptance of this article will extend the business zone further south on north main street. If the zone is changed there is a potential business interested in this lot and the surrounding ones.*

RECOMMENDATION OF THE PLANNING BOARD: Favorable Action 4-0

VOTE NEEDED: Requires 2/3rds majority vote per MGL Chapter 40A, Section 5

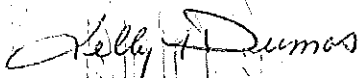
The motion is seconded.

Motion Fails by standing count, 47 in the affirmative, 28 negative.

* * * * *

A motion was made and seconded to dissolve the 2014 Fall Annual Town meeting. The motion carried unanimously and town meeting was adjourned at 8:15pm.

A true copy attest,



Kelly J. Dumas
Uxbridge Town Clerk