



**FALL ANNUAL TOWN MEETING MINUTES  
WEDNESDAY, OCTOBER 27, 2021 – 7:00 P.M.  
&  
WEDNESDAY, NOVEMBER 10, 2021 – 7:00 P.M.  
VALLEY CHAPEL – 14 HUNTER ROAD  
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 Valley Chapel Auditorium, in Precinct 1, in said Uxbridge, and transacted the following business on October 27, 2021 and November 10, 2021. The originally scheduled meeting on October 26, 2021 was postponed due to severe weather:

Moderator Charles “Ed” Maharay called the Fall Town Meeting to order at 7:00pm, declaring the presence of a quorum (50 required, 150 voters present). Rules for conducting business and taking votes of the meeting were announced. All Town Meeting votes will be taken by electronic vote.

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

**Legend**

c. = Chapter

§ = Section

M.G.L. = Massachusetts General Laws

\* \* \*

**Motion: I move to take Article 17 out of order and move it to the top of this evening’s agenda.**

**The motion was seconded**

**Moderator declares a simple majority vote, motion carries, Yes-117, No-6**

**ARTICLE 17: AMEND THE HOME RULE CHARTER**

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

**SPONSOR:** Charter Review Committee

**COMMENTARY:** TBA Refer to Attachment #4

*Vote required for passage: simple majority*

**FINANCE COMMITTEE RECOMMENDATION:** Unfavorable Action (5-1-0)

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

The chairman of the Charter review Committee read the report of the committee:

The Uxbridge Home Rule Charter ("Charter") requires that a committee is to be established every ten years to review the Charter and prepare a report to Town Meeting. A Charter Review Committee ("CRC") was formed in March, 2020 through selection of 9 individuals, with 3 selected by the Moderator, 2 by the Selectmen, 2 by the Finance Committee and 2 by the School Committee. Due to the Covid-19 pandemic, the committee postponed meetings until August, 2020, after which it started discussions about how the work of the committee should be conducted. The committee conducted interviews with current and former town employees, as well as current and former members of boards and committees to gather suggestions for changes to the Charter. Comments were received from town residents through an online survey and meetings.

Through deliberations, the CRC developed significant topics to present to Fall Town Meeting for consideration. To conclude the work of the Uxbridge 2020-2021 Charter Review Committee, the committee is required under the Town Charter to present a report to town meeting in the year following its appointment. This report concludes the work of the committee. No motion will be brought forward from the committee to this Fall Town Meeting.

**No motion**

**No action**

**Motion: I move to recess the Meeting of October 27, 2021 and reconvene November 10, 2021 at 7pm at Valley Chapel.**

**The motion was seconded**

**Moderator declares a simple majority vote, motion carries, Yes-85, No-33**

**The Meeting was recessed at 7:14pm**

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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 Valley Chapel Auditorium, in Precinct 1, in said Uxbridge, and transacted the following business on November 10, 2021. The originally scheduled meeting on October 26, 2021 was postponed due to severe weather:

Moderator Charles "Ed" Maharay resumed the Fall Town Meeting at 7:00pm, declaring the presence of a quorum (50 required, 240 voters present). Rules for conducting business and taking votes of the meeting were announced. All Town Meeting votes will be taken by electronic vote.

### **ARTICLE 1: TRANSFER TO STABILIZATION**

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

**SPONSOR:** Town Manager

**COMMENTARY:** This article serves to transfer FY2021 Free Cash to the Stabilization Fund. The opening balance in the Stabilization Fund before any other activity is \$3,914,304.52; with the proposed transfer of \$5,394,393.00, the Stabilization Fund new account balance will be \$9,308,697.52.

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

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

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

This is a standard article that moves unused funds from the previous fiscal year into the Town's reserve account. Transfers out of the stabilization account require a supermajority or two-thirds vote at Town Meeting. (language taken from 2020 FATM FC recommendation)

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

**The motion was seconded**

**Moderator declares a Simple majority vote, motion carries, Yes-140, No-7**

## **ARTICLE 2: TRANSFER TO CAPITAL STABILIZATION FUND**

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

**SPONSOR:** Town Manager

**COMMENTARY:** By voting to transfer funds into capital stabilization, it will increase the funds available for the Town to make capital purchases and alleviate the need for an override. The capital stabilization fund was created by special legislation in 2002 as well as the Policy of the Board of Selectmen, Financial Management Policy and Objectives, Reserve, D, 4. The Board of Selectmen, the Finance Committee, and the Town Manager are in agreement however that the Stabilization Fund balance at \$2.5 million dollars is too low for the size of the Town budget and are recommending that that amount be increased to \$6 million dollars as of this year with an overall goal of a greater percentage of the annual operating budget over time.

**MOTION:** To see if the Town will vote to transfer and appropriate the sum \$3,308,695.52 from the general stabilization fund to the capital stabilization fund.

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

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

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

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

**The motion was seconded**

**Moderator declares a 2/3rds majority vote, motion carries, Yes-150, No-8**

## **ARTICLE 3: CAPITAL PURCHASES**

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

**SPONSOR:** Town Manager

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

Department	Amount	Capital Project/Details
Council on Aging	\$38,000	Replacement of Flooring
Police Department	\$125,000	Upgrade Dispatch Console Center. (This was originally \$175,000 for a 2-seat dispatch center. A third seat was added and it brought the cost to \$200,000. The Department received a grant in the amount of \$75,000 from the state through Senator Ryan Fattman.
	\$20,000	Replace Cell Block Floor Carpeting/20 years old and worn
	\$17,000	Replace/Install HVAC Compressor
Fire Department	\$29,000	Purchase 4-Wheel Utility Vehicle
Recreation Committee	\$189,008	Replace Basketball Courts and Lighting at Hecla Street Courts
DPW	\$350,000	Purchase 2 (two) D-Rated Snow Plow Trucks
	\$160,000	Removal of Mass DEP Legacy Material from DPW
	\$39,000	Purchase Flail Mower Head
<b>TOTAL</b>	<b>\$967,008</b>	

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

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

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

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

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

**CAPITAL PLANNING COMMITTEE RECOMMENDATION:** NO ACTION Funding for this project should come from the Stabilization Fund Account and not the Capital Stabilization. This is a structural emergency.

**Council on Aging, \$38,000 Replacement of Flooring, Favorable Action (4-0-1)**

**Police Department, \$125,000 Upgrade Dispatch Console Center.** (This was originally \$175,000 for a 2-seat dispatch center. A third seat was added and it brought the cost to \$200,000. The Department received a grant in the amount of \$75,000 from the state through Senator Ryan Fattman, **Favorable Action 3-0-2**

**Police Department, \$20,000, Replace Cell Block Floor Carpeting/20 years old and worn, Favorable Action 4-0-1**

**Police Department**, \$17,000, Replace/Install HVAC Compressor, **Favorable Action 4-0-1**  
**Fire Department**, \$29,000 Purchase 4-Wheel Utility Vehicle, **Favorable Action 5-0-0**  
**Recreation Committee**, \$189,008 Replace Basketball Courts and Lighting at Hecla Street Courts  
**Favorable Action 4-0-1**  
**DPW**, \$160,000, Removal of Mass DEP Legacy Material from DPW, **Favorable Action 3-1-1**  
**DPW**, \$39,000, Purchase Flail Mower Head, **Favorable Action 4-0-1**

The motion was seconded

Moderator declares a 2/3rds majority vote, motion carries, Yes-180, No-25

#### **ARTICLE 4: ADOPTION OF SEALER FEES**

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

#### **PART II GENERAL LEGISLATION**

##### **Chapter 144 – Fees of the Sealer of Weights and Measures**

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

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

Scanner 4-11	\$ 150.00
Scanner 12+	\$ 250.00

, or take any other action relating thereto.

**SPONSOR:** Town Manager

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

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

*Vote required for passage: 2/3rds majority vote*

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

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

**The motion was seconded**

**Moderator declares a 2/3rds majority vote, motion carries, Yes-194, No-16**

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

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

**SPONSOR:** Board of Selectmen

**COMMENTARY:** Pass Over

**MOTION:** Pass Over

*Vote required for passage: Pass Over*

**FINANCE COMMITTEE RECOMMENDATION:** Pass Over

**BOARD OF SELECTMEN RECOMMENDATION:** Pass Over

**No Motion**

**No Action**

#### **ARTICLE 6: OLD FIRE HOUSE PROJECT**

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

**SPONSOR:** Town Manager

**COMMENTARY:** The Old Fire House has been unused for over a decade. The property has fallen into major disrepair, and poses a threat to public safety. In addition, due to a lack of security, the property has

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

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

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

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

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

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

**The motion was seconded**

**Moderator declares a 2/3rds majority vote, motion carries, Yes-169, No-38**

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

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

**SPONSOR:** Board of Selectmen

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

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

*Vote required for passage: 2/3rds majority*

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

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

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

**The motion was seconded**

**Moderator declares a 2/3rds majority vote, motion carries, Yes-173, No-35**

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

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

**SPONSOR:** Uxbridge Historical Commission

**COMMENTARY:** During 2020/2021 an architectural study was conducted by the firm of Spencer, Sullivan and Vogt (SS&V), preservation architects with offices in Charlestown, MA. Their study concluded that the structure is in need of both immediate and long-term maintenance and improvements. Failure to address the issues raised, will result in a further deterioration and could lead to the eventual loss of this important part of Uxbridge history. The Cornet John Farnum House is owned by the Town of Uxbridge. It is the oldest standing example of 18th century life in the community, and serves as the home to both the Uxbridge Historical Commission and the Uxbridge Historical Society. The structure has not received the regular maintenance that should have been afforded a property that offers the historical significance that The Farnum House does. The result is a need to replace and restore much of the buildings structural elements. The property should receive a complete renovation to make it authentic, including the restoration of an ell (as was original to the structure) that can house a rest room and welcome center, as well as climate-controlled storage of important artifacts and documents related to the Farnum House and the history of the owners and families associated with its nearly 300-hundred-year life. Refer to Attachment #1

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

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

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

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

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

**CAPITAL PLANNING COMMITTEE RECOMMENDATION:**

**The motion was seconded**

**Motion to Amend the main motion as follows was made and seconded: Motion to amend the main motion to change the funding source for \$514,280 from the Capital stabilization fund to the General stabilization fund. This requires a simple majority.**

**Moderator declares a simple majority vote, motion to amend carries, Yes-149, No-46**

**Moderator declares the amended motion fails, Yes-146, No-78**

**ARTICLE 9: SPECIAL INJURY LEAVE INDEMNITY FUND**

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



**SPONSOR:** Town Manager

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

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

*Vote required for passage: simple majority*

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

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

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

**The motion was seconded**

**Moderator declares the motion fails, Yes-69, No-129**

## **ARTICLE 10: ADOPTION OF PUBLIC SAFETY RETIREMENT**

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

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

**SPONSOR:** Town Manager

**COMMENTARY:** This wording is part of the State retirement law that requires local adoption in order to be in effect. Approval of the Article will aid in recruiting and recognizing the service of on-call firefighters

and part-time police officers who have or will move into career positions in Town, by having their service time over the first five years credited on a pro-rated basis by the amount of part-time hours worked each year before moving into a career position.

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

*Vote required for passage: majority vote*

**FINANCE COMMITTEE RECOMMENDATION:** Favorable Action (4-0-0) (1 Member recused)  
Finance Committee believes that this will bring the part-time Police and Fire personnel in line with all other municipal departments. Additionally, the cost of the buy-back by the employee will be on the employee and not the Town. It will also not have any effect on currently retired individuals.

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

**The motion was seconded**

**Moderator declares a Simple majority vote, motion carries, Yes-150, No-50**

### **ARTICLE 11: ESTABLISH UXBRIDGE COMMISSION ON DISABILITY**

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

**SPONSOR:** Town Manager

**COMMENTARY:** The establishment of the Commission on Disability will serve to have a group of volunteer local residents serve as advisors to the Town Manager and Board of Selectmen with regard to matters related to accessibility, education, and awareness. In addition, the Commission on Disability will make the Town more competitive when seeking funding from state and federal agencies, foundations, and philanthropic organizations for matters related to making the Town an All Abilities Community. The Town conducted, with the assistance of a consulting firm, a full Disabilities assessment in 2020. The assessment concluded that the Town buildings and public spaces are deficient with regard to being accessible to all residents and visitors; it is estimated that the cost of making the Town compliant is in excess of \$1 million. Subsequently, the Town applied for State funding to address a portion of the deficiencies; the request was not funded. The MA Office on Disability pointed to the fact that Uxbridge does not have a Commission on Disability as one of the key reasons for the failure to receive funding. In addition, as the Town begins a process of a complete and comprehensive approach to community planning, it is imperative that issues such as accessibility be addressed aggressively.

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

*Vote required for passage: simple majority*

**FINANCE COMMITTEE RECOMMENDATION:** Favorable Action (5-0-0)  
Finance Committee finds this will allow a more detailed review of the Town's ability to respond to disability issues as well as promote access to State Funds and Grants

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

**The motion was seconded**

**Moderator declares a Simple majority vote, motion carries, Yes-177, No-29**

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

To see if the Town will vote pursuant to M.G.L. c. 60, § 77C to authorize the Town, acting by and through the Board of Selectman, acting by and through the Town Manager, to accept a donation (gift) of property

located at Douglas Street, encompassing a total parcel of 3.34 acres (148,104 SF) described as Assessors Map 27, Parcel 836 for municipal purposes, and furthermore, the Town authorizes the Town Manager to execute any and all instruments as necessary, subject to a favorable vote by the Board of Selectmen, or take any other action relating thereto.

**SPONSOR:** Town Manager

<b>COMMENTARY:</b> Pass Over
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**MOTION:** Pass Over

*Vote required for passage: Pass Over*

**FINANCE COMMITTEE RECOMMENDATION:** Pass Over

**BOARD OF SELECTMEN RECOMMENDATION:** Pass Over

**No Motion**

**No Action**

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

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

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

**A.      Definitions**

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

1. Consumer - a person who is at least 21 years of age.
2. Host Community – The Town of Uxbridge.
3. Host Community Agreement (HCA) – an agreement setting forth the conditions to have a marijuana establishment or medical marijuana treatment center located within the host community which shall include, but not be limited to, all stipulations of responsibilities between the host community and the marijuana establishment or a medical marijuana treatment center.
4. Marijuana - all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydro cannabinol as defined in Section 1 of Chapter 94C of the Massachusetts General Laws; provided that Marijuana shall not include:
  - a. The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt,

derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;

- b. Hemp; or
  - c. The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.
- 5. Marijuana cultivator - an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.
  - 6. Marijuana establishment - a marijuana cultivator, marijuana testing facility, marijuana research facility, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business.
  - 7. Medical marijuana treatment center - shall mean an entity, as defined by Massachusetts law only, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.
  - 8. Marijuana testing facility - an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.
  - 9. Marijuana research facility – an entity licensed to cultivate, purchase or acquire marijuana to conduct research regarding marijuana and marijuana products.
  - 10. Marijuana products - products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.
  - 11. Marijuana product manufacturer - an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.
  - 12. Marijuana retailer - an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

**B. Number of Marijuana Establishments and Medical Marijuana Treatment Centers**

~~The maximum number of marijuana retailers shall be no more twenty percent (20%) the total number of licenses which have been issued within Uxbridge for the retail of alcoholic~~

~~beverages not to be drunk on the premises for the preceding fiscal year, or three in total, whichever the greater.~~

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

#### C. Standards

##### Number of Marijuana Establishments and Medical Marijuana Treatment Centers

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

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

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

#### D. Enforcement and Violations

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

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

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

**E. Municipal Charges Lien**

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

**F. Validity and Severability**

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

**TABLE A  
TABLE OF USE**

USE	ZONING DISTRICTS							
	R-A	R-B	R-C	A	B	IA	IB	MTMC
Marijuana establishment (retail)	N	N	N	N	N	<del>Y</del> <u>N</u>	<del>N</del> <u>Y</u>	Y
Marijuana establishment (cultivation, production)	N	N	N	N	N	Y	Y	Y
Medical marijuana treatment center	N	N	N	N	N	N	Y	<del>N</del> <u>Y</u>

**SPONSOR:** Board of Selectmen

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

**MOTION:** Move that the Town hereby accept the article as written in the warrant report dated 10/25/2021 to change the Table of Use table.

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

**FINANCE COMMITTEE RECOMMENDATION:**

**A. Table of Uses: Favorable Action (6-0-0)**, Finance Committee recommends favorable action because the changes to the Table of Uses Table A is for correction of scrivener's errors

**B. Amend & Adoption of the Zoning Bylaws: Unfavorable Action (4-2-0)**, Finance Committee recommends unfavorable action because the Article is poorly written and ambiguous, and changes were made to the Article after the Warrant closed. The proposed increase to retail licenses has no clear benefit to the Town. Votes against Unfavorable Action was because we believe the Article will benefit the Town by increasing tax revenue and provide the opportunity for marijuana delivery licenses

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

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

**This Article will be divided into two votes; The first vote being the "Table of Use" correction as shown in the warrant. The second vote will be the remainder of the article.**

**The motion for the "Table of Use" vote was seconded**

**Moderator declares a 2/3rds majority vote, motion carries, Yes-164, No-23**

**Motion to allow a Non-voting speaker – Attorney Nicholas Obolensky**

**The motion to allow Attorney Nicholas Obolensky to speak passes by majority vote, Yes-124, No-68**

**The motion for the "# of retail establishments" was seconded**

**Moderator declares the motion fails, Yes-62, No-123**

**ARTICLE 14: STREET ACCEPTANCE – MASLOW'S WAY**

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

## QUITCLAIM DEED

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

for valuable consideration paid

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

with quitclaim covenants

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

#### **Drainage Easement A**

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

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

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

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

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

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

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

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

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

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

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

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

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

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

TTK Real Estate, LLC

w

\_\_\_\_\_  
By: James F. Smith, Manager

#### COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

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

\_\_\_\_\_, Notary Public  
My Commission Expires:

**SPONSOR:** Board of Selectmen

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

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

*Vote required for passage: simple majority*

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

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

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

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

**The motion was seconded**

**Moderator declares the motion fails, Yes-53, No-101**

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

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

**SPONSOR:** Board of Selectmen

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

**MOTION:** Pass Over

*Vote required for passage: simple majority – Pass Over*

**FINANCE COMMITTEE RECOMMENDATION:**

**BOARD OF SELECTMEN RECOMMENDATION:**

**PLANNING BOARD RECOMMENDATION:**

**No Motion**

**No Action**

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

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

**SPONSOR:** Citizen's Petition

**COMMENTARY:** Pass Over

**MOTION:** Motion, if any, to be made by petitioner.

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

**FINANCE COMMITTEE RECOMMENDATION: Pass Over**

**BOARD OF SELECTMEN RECOMMENDATION: Pass Over**

**PLANNING BOARD RECOMMENDATION: Pass Over**

**No Motion**

**No Action**

\* \* \* \* \*

**All Articles having been acted upon a motion was made to dissolve the meeting.**

**The motion was seconded**

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

**The Meeting adjourned at 9:37pm.**

A true copy attest,



Kelly J. Cote, CMC  
Uxbridge Town Clerk