



**FALL ANNUAL TOWN MEETING MINUTES**  
**TUESDAY, OCTOBER 27, 2020 @ 7:00 P.M.**  
**LOCATION: VALLEY CHAPEL, 14 HUNTER ROAD**  
**UXBRIDGE, MASSACHUSETTS**

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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 October 27, 2020 and December 15, 2020:

Moderator Charles "Ed" Maharay called the Fall Town Meeting to order at 7:00pm, declaring the presence of a quorum (50 required, 74 voters present). Rules for conducting business and taking votes of the meeting were announced. All Town Meeting votes will be taken by electronic vote.

*Certified Free Cash (as of July 1, 2020) is \$2,342,575; Certified Retained Earnings from the Enterprise Funds are as follows: Sewer Enterprise Fund: \$1,711,480; Water Enterprise Fund: \$1,275,899; and Cable Enterprise Fund: \$165,850.*

**Legend**

c. = Chapter

§ = Section

M.G.L. = Massachusetts General Laws

**ARTICLE 1: TRANSFER TO STABILIZATION**

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

**SPONSOR:** Town Manager

**COMMENTARY:** This article serves to transfer FY2020 Free Cash to the Stabilization Fund. The opening balance in the Stabilization Fund before any other activity is \$5,067,192.13; with the proposed transfer of \$2,342,575, the Stabilization Fund new account balance will be \$7,409,767.13.

***MOTION: Move that the Town vote to transfer and appropriate the sum of \$2,342,575 in Free Cash to the Stabilization Fund.***

*Vote required for passage:* simple majority vote per M.G.L., c.4, §5B to transfer to the stabilization fund

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

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.

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

**The motion was seconded**

**Moderator declares a simple majority vote, motion carries, Yes-67, No-3**

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

To see if the Town will vote to transfer and appropriate the remaining sum or sums of monies above \$2.5 million from the General Stabilization Fund to the Capital Stabilization Fund, or take any other action relative 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 \$4.0 million dollars as of this year with an overall goal of a greater percentage the annual operating budget over time.

**MOTION:** *To see if the Town will vote to transfer and appropriate the sum \$3,409,767.13 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*

**THE FINANCE COMMITTEE RECOMMENDATION:** The committee recommends the transfer of money above \$4,000,000 from Stabilization to the Capital Stabilization Fund **(5-0-0)**.

The committee supports the transfer of funds for capital purchases but believes that we should also increase the minimum balance of the Stabilization account to reflect a greater percentage of the annual operating budget.

**THE BOARD OF SELECTMEN RECOMMENDATION:** **Favorable Action** with amendment on the floor from \$2.5M to \$4M. **(4-0-0)**

The motion was seconded

Moderator declares a 2/3rds majority vote, motion carries, Yes-67, No-4

## **ARTICLE 3: ACCEPTANCE OF STABILIZATION FUND PROVISIONS**

To see if the Town will vote to accept the fourth paragraph of M.G.L., c.40, §5B, which allows dedication without further appropriation, of all or a percentage of particular fees, charges or receipts to a Stabilization Fund established under said §5B, such acceptance to be effective for fiscal year 2022, beginning on July 1, 2021, or take any other action relative thereto.

**SPONSOR:** Town Manager

**COMMENTARY:** A vote on this article is needed to allow the Town to dedicate all or a percentage (not less than 25%) of receipts to a Town Meeting established Stabilization Fund for use only as specified by that fund; unless those receipts are already restricted to a use by M.G.L.

**MOTION:** *Move that the article be voted as written.*

*Vote required for passage: majority*

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

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

The motion was seconded

Moderator declares a simple majority vote, motion carries, Yes-67, No-7

## **ARTICLE 4: REVENUE DEDICATION TO CAPITAL STABILIZATION FUND**

To see if the Town will dedicate, without further appropriation, 50% of the annual Cannabis Tax Revenue to the Capital Stabilization Fund established under M.G.L., c.40, §5B, effective for fiscal year 2022, beginning on July 1, 2021, or take any other action relative thereto.

**SPONSOR:** Capital Planning Committee

**COMMENTARY:** With current cannabis tax revenue and projections for Fiscal 2021 payments, we anticipate this dollar amount to equate to \$190,000 annually.

**MOTION:** *To see if the Town will dedicate, without further appropriation, 50% of the annual Cannabis Tax Revenue to the Capital Stabilization Fund.*

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

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

For several years, the Town has struggled to fund much needed capital purchases such as building repairs, roads, bridges and vehicles. This dedicated revenue will enhance the Town's ability to fund capital projects that will replace end of life equipment, maintain buildings, enhance infrastructure and improve our community.

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

**THE CAPITAL PLANNING COMMITTEE RECOMMENDATION: Favorable Action (5-0-0)**

The motion was seconded

Moderator declares a 2/3rds majority vote, motion carries, Yes-67, No-5

#### **ARTICLE 5: 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 relative thereto.

**SPONSOR:** Capital Planning Committee

**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 FY2020 Fall Annual Town Meeting.

**MOTION:** *Move that the Town vote to appropriate the sums of (i) \$1,065,285 for the purchase of the Fire Department and DPW Department equipment described below, and to meet said appropriation, the Treasurer, with the approval of the Board of Selectmen is authorized to borrow said amounts under c.44, s.7(1) of the General Laws, and (ii) \$1,242,135 in the amounts stated in the table below in the Fall Annual Town Meeting warrant, and to meet said appropriation transfer the sum of \$1,242,135 from the Capital Stabilization Fund, each item being considered a separate appropriation to be carried until said appropriation is moved via Town Meeting action or exhausted. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.*

Department	Capital Project/Details	Amount
Fire Department	First Year's Estimated Interest on the Purchase of Engine 3 at \$720,000 and M1 Utility Truck at \$65,000 through a Bond Anticipation Note (BAN). The purchase will be made as part of a Bond Anticipation Note (BAN) to be secured by the Town	\$3,925
DPW	First Year's Estimated Interest on the Purchase of the 2022 Mack Truck at \$229,452 and the 2022 Ford F-350 SRW Road Ready Utility Truck with Options at \$50,833 through a Bond Anticipation Note (BAN). The purchase will be made as part of a Bond Anticipation Note (BAN) to be secured by the Town	\$1,410
Police Department	Purchase and installation of the mini split at the police department in the amount of \$10,500 from free cash.	\$10,500

Taft School Roof	Roof Restoration at the Taft School in the amount of \$666,300 from free cash with the following stipulations.  #1.Monthly progress reports be submitted to Capital Planning #2.Any funds due above the request to paid through the School Operating Budget. #3.Any balance not spent at the end of the project be closed out and returned to the General Fund. #4.The amount of \$666,300 be spent on Taft School Roof Restoration only and no other project	\$666,300
Whitin School Roof	Roof Restoration at the Whitin School in the amount of \$560,000 from free cash with the following stipulations.  #1.Monthly progress reports be submitted to Capital Planning #2.Any funds due above the request to paid through the School Operating Budget. #3.Any balance not spent at the end of the project be closed out and returned to the General Fund. #4.The amount of \$560,000 be spent on Whitin School Roof Restoration only and no other project.	\$560,000
TOTAL		<b>\$1,242,135</b>

*Vote required for passage: 2/3rds majority vote per MG.L., c.4, §5B if a transfer from the stabilization fund is required and MGL., C.44, §7 if borrowing — otherwise simple majority*

#### **THE FINANCE COMMITTEE RECOMMENDATIONS:**

##### **Fire Department apparatus Favorable Action (5-0-0)**

Engine 3 (1995) and utility truck M1 (2005) have reached the end of useful life and need to be replaced. The Fire Department recommends the purchase of a Rescue/Pumper combination apparatus to replace Engine 3 and Rescue 1. The reduction in fleet will produce annual savings while improving operational efficiency

##### **DPW apparatus Favorable Action (5-0-0)**

Truck H2 (1990) and utility truck H22 (2008) have reached the end of useful life and need to be replaced. The DPW recommends the purchase of a 6-wheel truck complete with plow and accessory packages and a 4WD utility truck.

##### **Police Station HVAC Favorable Action with funding from Capital Stabilization (5-0-0)**

The committee supports the Police Department request to install the proper HVAC system to provide climate control in the 2nd floor evidence room.

##### **Taft School Roof Restoration Favorable Action with funding from Capital Stabilization (5-0-0)**

##### **Whitin School Roof Restoration Favorable Action with funding from Capital Stabilization (5-0-0)**

##### **Taft Doors Unfavorable Action (5-0-0)**

The committee is satisfied that the existing balance is suitable to fund the next phase of the project. Continued funding of this 5-year initiative can be allocated at a future Town Meeting.

##### **Whitin Doors Unfavorable Action (5-0-0)**

The committee is satisfied that the existing balance is suitable to fund the next phase of the project. Continued funding of this 5-year initiative can be allocated at a future Town Meeting.

**THE BOARD OF SELECTMEN RECOMMENDATIONS:**

**Fire Department apparatus Favorable Action (4-0-0)**

**DPW apparatus Favorable Action (4-0-0)**

**Police Station HVAC Favorable Action (4-0-0)**

**Taft School Roof Restoration Favorable Action (4-0-0)**

**Whitin School Roof Restoration Favorable Action (4-0-0)**

**Taft Doors Unfavorable Action (4-0-0)**

**Whitin Doors Unfavorable Action (4-0-0)**

**THE CAPITAL PLANNING COMMITTEE RECOMMENDATIONS:**

**Fire Department apparatus Favorable Action (4-0-0)**

**DPW apparatus Favorable Action (4-0-0)**

**Police Station HVAC Favorable Action (4-0-0)**

**Taft School Roof Restoration Favorable Action 4-0-0**

**Whitin School Roof Restoration Unfavorable Action (2-2-0)**

**Taft Doors Unfavorable Action (2-2-0)**

**Whitin Doors Unfavorable Action (2-2-0)**

The motion was seconded

Moderator declares a 2/3rds majority vote, motion carries, Yes-72, No-4

**ARTICLE 6: ESTABLISH DRUG AWARENESS TASK FORCE**

To see if the Town will vote to authorize a minimum sum of \$5,000 funded by proceeds from cannabis host agreement to establish a Drug Awareness Task Force, that will support current efforts in the Uxbridge Schools and community to make students and residents aware of the growing problems associated with drug abuse, through education and events in the community, or take any other action relative thereto.

**SPONSOR:** Town Manager

**COMMENTARY:** This article is to establish and fund the activities of a Drug Awareness Task Force, to be appointed by the Town Manager, that will support current efforts in the Uxbridge Schools and community to make students and residents aware of the growing problems associated with drug abuse, through education and events in the community. Funds for this purpose are derived from Host Community Agreements with Marijuana establishments in Town.

**MOTION:** *Move that the Town vote to appropriate and transfer \$10,000 from the Cannabis Host Agreements to establish and fund the activities of a Drug Awareness Task Force .*

*Vote required for passage: simple majority*

**THE FINANCE COMMITTEE RECOMMENDATION:** Favorable Action with a minimum of \$5,000. (4-0-0)

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

The motion was seconded

Moderator declares a simple majority vote, motion carries, Yes-50, No-23

**ARTICLE 7: EMPLOYEE COMPENSATION STUDY**

To see if the Town will vote to authorize the Town Manager to conduct an employee compensation study, or take any other action relative thereto.

**SPONSOR:** Town Manager



**COMMENTARY:** This article will authorize the Town Manager to conduct an employee compensation study and to appropriate a sum of funds for such study.

**MOTION:** *Move that the Town vote to authorize the Town Manager to conduct an employee compensation study and to transfer the sum of \$45,000, from account, 10-430-5210-0000, Street Lighting Electricity for the study.*

*Vote required for passage: simple majority*

**THE FINANCE COMMITTEE RECOMMENDATION: Favorable Action up to \$50,000 (5-0-0)**

This study is long overdue. The last compensation study/comparison was adopted from another town and was not specific to Uxbridge. Accurate total compensation information will help the Town Manager establish equitable pay and benefit levels for employees based on a criterion of relevant factors.

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

The motion was seconded

Moderator declares a simple majority vote, motion carries, Yes-67, No-9

#### **ARTICLE 8: LEASE OF SURPLUS PROPERTY- 59 HAZEL STREET**

To see if the Town will vote to approve the disposition of a portion of town-owned property, located at 59 Hazel Street, Uxbridge, MA, encompassing a portion of the total parcel consisting of approximately 4.78 Acres (203,860 +/- SF), described as Assessors Map 18C, Lot 2765, by permitting a 10 year renewal term of a lease of said property or a portion thereof for a new cell tower, for a total lease term of up to 20 years, said installation to be subject to the acceptance of an annual lease payment agreement and other terms as negotiated by the Town Manager; through acceptance of this article, the Town authorizes the Town Manager to negotiate any agreements pursuant to an affirmative vote of the Board of Selectman, or take any other action relative thereto.

**SPONSOR:** Board of Selectmen

**COMMENTARY** This \$25,000 annual lease will effectively provide for a revenue stream from a portion of a dormant Town-owned parcel that has no current or future use for municipal purposes, nor does the parcel offer the potential to be marketed and added to the tax rolls. for an amount of The Town-Owned property in question is a 4.78-acre (203,860 +/- SF) parcel situated on Hazel Street abutting commercial and residential properties. Two bidders offered responses to an RFP issued in 2019. The intent is to install a cell tower on the portion of the parcel that is the subject of the lease. The subject property was offered through the Request for Proposal process with a minimum bid stipulation.

**MOTION:** *Move that the Town vote to approve the disposition of a portion of town-owned property, located at 59 Hazel Street, Uxbridge, MA, encompassing a portion of the total parcel consisting of approximately 4.78 Acres (203,860 +/- SF), described as Assessors Map 18C, Lot 2765, by permitting a 10 year renewal term of a lease of said property or a portion thereof for a new cell tower, for a total lease term of up to 20 years, said installation to be subject to the acceptance of an annual lease payment agreement and other terms as negotiated by the Town Manager; through approval of this article, the Town authorizes the Town Manager to negotiate any agreements pursuant to an affirmative vote of the Board of Selectman.*

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

**THE FINANCE COMMITTEE RECOMMENDATION: Pass over**

The article was approved at the 2019 Spring Annual Town Meeting.

**THE BOARD OF SELECTMEN RECOMMENDATION: Pass over**

**No Motion**

**No Action**

## **ARTICLE 9 – ESTABLISH RE-ADOPT OPEB TRUST (M.G.L. c.32B, §20)**

To see if the Town will vote to re-adopt and re-accept the provisions of §20 of c.32B of the M.G.L., as amended by §15 of c.218 of the Acts of 2016, establishing an Other Post-Employment Benefits Liability Trust Fund (OPEB Fund); to authorize the Board of Selectmen and Treasurer to execute a declaration of trust creating an expendable trust for the purpose of holding monies appropriated to such OPEB Fund; to designate the Treasurer as the trustee of such trust; to authorize the Trustee of the OPEB Fund to employ reputable and knowledgeable investment consultants to assist in determining appropriate investments and pay for those services from the OPEB Fund; to dedicate to the OPEB Fund any and all monies received and to be received in the future by the town as a sponsor of a Medicare Part D qualified retiree prescription drug plan; and to authorize the trustee to invest and reinvest the monies in such OPEB Fund accordance with the Prudent Investor Rule established under c.203C of the M.G.L., or take any other action relative thereto.

**SPONSOR:** Board of Selectmen

### **COMMENTARY:**

Why re-adopt Chapter 32b Section 20?

- When the town originally adopted Chapter 32b Section 20, a trust document was never created. (no clear guidance from the State on how to do this)
- On 11/7/2016, the Municipal Modernization Act was passed which gave better guidance on creating a trust document.
- If there had been a trust document created at the original adoption, it would be grandfathered in and we would not have to re-adopt.
- Since there was no trust document, we had town counsel create one for Uxbridge – this document will be adopted once the Treasurer signs it and it goes to the BOS for filing and Town Clerk for Public Notice posting.
- The re-adoption of Chapter 32b Section 20 is advised since it coincides with the adoption of an actual trust document and makes it clean and cohesive.

What is the purpose of the trust document?

- The trust document provides another layer of protection for the Other Post Employment Benefit funds.
- Auditors and bond agencies look for these protections:
  - Town adopts Chapter 32b Section 20
  - Town creates a trust document to protect the funds
  - Town adopts the trust document via Treasurer's signature and 90-day public posting with Town Clerk
- These layers of protection look good to bond agencies
- They are meant to protect the funds. In the event that the Town goes bankrupt or falls on hard times, those funds can ONLY be used for their original purpose of funding Post-Employment benefits for retirees. No other use of those funds will be permitted.

### **REFER TO ATTACHMENT # 2**

**MOTION:** *Move that the Town vote to approve Article 9 as printed in the warrant.*

*Vote required for passage: simple majority*

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

This article will allow the Town to properly establish a dedicated OPEB trust which will ensure that the funds can only be used for the intended purpose.

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

**The motion was seconded**

**Moderator declares a simple majority vote, motion carries, Yes-68, No-1**

**ARTICLE 10: VOLUNTARY DONATION TO MUNICIPAL VETERANS ASSISTANCE FUND  
BY DESIGNATION ON MUNICIPAL PROPERTY TAX OR MOTOR VEHICLE EXCISE**

**BILLS**

To see if the town will accept the provisions of M.G.L., c.60, §3F, (inserted by c.141 of the Acts of 2016 known as an Act Relative to Housing, Operations, Military Service, and Enrichment (“HOME Act”)), signed into law July 14, 2016, which provides that a city, town or district that accepts this section may designate a place on its municipal property tax bills or motor vehicle excise bills or mail with such bills a separate form whereby taxpayers of the city, town or district may voluntarily check off, donate and pledge an amount of money which shall increase the amount already due to establish and fund a municipal veterans assistance fund which shall be under the supervision of the local veterans agent, the board or officer in charge of the collection of the municipal charge, fee or fine or the town collector of taxes.

Any amounts donated to the fund shall be deposited into a special account in the general treasury and shall be in the custody of the treasurer. The treasurer shall invest the funds at the direction of the officer, board, commission, committee or other agency of the city or town who or which is otherwise authorized and required to invest trust funds of the city or town and subject to the same limitations applicable to trust fund investments except as otherwise specified in this section. The fund and any interest thereon shall be used for the purposes of this section without further appropriation.

Money in the fund shall be used to provide support for veterans and their dependents in need of immediate assistance with food, transportation, heat and oil expenses. The city, town or district's veterans' services department shall: (i) establish an application process for veterans and their dependents to obtain assistance; (ii) establish standards for acceptable documentation of veteran status or dependent status; and (iii) establish financial eligibility criteria for determining need and amount of assistance for eligible applicants. The veterans' services department shall be responsible for reviewing each applicant and fairly applying the eligibility and level-of-need standards.

**SPONSOR:** Veteran Services Director

**COMMENTARY:** This law, with local adoption, allows citizens to add a donation to the amount paid for property and motor vehicle excise tax bills in order to support local Veterans, their widows and dependents, and for various Veterans’ services, supplies, activities, and those in need of assistance. Such donations would go into the already established Veterans’ Gift Fund of the town. Local citizens often ask how they may donate to Veterans and their dependents. The proliferation of reputable and less than trustworthy Veterans charities has made it difficult for supporters to decide if the charity is trustworthy. The adoption of this provision ensures that no administrative costs are associated with the distribution of Veterans’ assistance funds. Lastly, this provision allows local citizens to donate directly to local Veterans in need.

**MOTION:** *That the Town accept the provisions of M.G.L., c.60, §3F, (inserted by c.141 of the Acts of 2016 known as an Act Relative to Housing, Operations, Military Service, and Enrichment (“HOME Act”)).*

*Vote required for passage: simple majority*

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

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

**The motion was seconded**

**Moderator declares a simple majority vote, motion carries, Yes-72, No-1**

**ARTICLE 11: GRANT OF EASEMENT: WEST RIVER PUMP STATION – 145 HECLA ST.**

To see if the Town will vote to authorize the Board of Selectmen to grant an easement to the Massachusetts Electric Company as submitted, or take any other action relative thereto.

**SPONSOR:** Board of Selectmen



**COMMENTARY:** NGRID is requesting an easement to access certain infrastructure associated with the West River Pump Station located at 145 Hecla Street. On March 23, 2020, the Board approved a license in the interim while the documents were being prepared for an official easement.

**REFER TO ATTACHMENT #3**

**MOTION:** *Move that the Town vote to authorize the Board of Selectmen to grant an easement to the Massachusetts Electric Company as described in the caption thereunto.*

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

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

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

**THE PLANNING BOARD RECOMMENDATION:**

The motion was seconded

Moderator declares a 2/3rds majority vote, motion carries, Yes-65, No-4

A motion to take Article 16 out of order was made and seconded

Moderator declares a simple majority vote, motion carries, Yes-59, No-5

**ARTICLE 16: CITIZEN'S PETITION - TO NO LONGER CHARGE CANNABIS RETAIL BUSINESSES A COMMUNITY IMPACT FEE**

To see if the Town will vote to no longer charge cannabis retail businesses a community impact fee.

**SPONSOR:** Citizen's Petition

**COMMENTARY:** Municipalities are currently permitted to include a community impact fee of up to 3% of annual gross revenues on any cannabis establishment operating in Town. The Massachusetts Cannabis Control Commission's guidance clarifies that community impact fees must be reasonably related to the cannabis establishment's operations and may only be collected for the actual and anticipated costs of the Marijuana Establishment's operation. To date, there have been zero costs to the Town from cannabis retail sales operations and this proposed removal of a community impact fee is intended to treat these retail stores the same as any other business in Town.

**MOTION:** *To see if the Town will vote to instruct the Board of Selectmen and the Town Manager to not impose a community impact fee in all current and future Host Community Agreements ("HCAs") with adult-use cannabis retailers and medical marijuana treatment centers and to amend any executed HCAs in accordance here with.*

*Vote required for passage: simple majority*

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

The committee believes that the community impact fee is the cost of doing business and that the funds can be used by the Town for expenses reasonably related to the costs imposed upon the municipality by the cannabis operation. By law, the community impact fee is limited to a term of 5 years.

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

The motion was seconded

Moderator declares, motion fails, Yes-22, No-48

A motion was made to recess the Town Meeting until Wednesday, November 18, 2020 at 7pm at Valley Chapel for the consideration of articles 12 through 15.

The Motion was seconded

Moderator declares a simple majority vote, motion carries, Yes-48, No-6

The Meeting recessed at 8:18pm.

**Due to the impacts of Covid-19, the reconvening of the Town Meeting scheduled for November 18, 2020 was postponed to December 15, 2020 at 7pm. Meeting location was changed to be under a tent at the field behind the former McCloskey Middle School.**

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Moderator Charles “Ed” Maharay reconvened the Fall Town Meeting to order at 7:00pm at the former McCloskey Middle School field, outdoors, under a tent. The temperature being 32°, declaring the presence of a quorum (50 required, 106 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 12: AMEND THE ZONING BYLAWS BY AMENDING ZONING TABLE OF USE REGULATIONS & ZONING TABLE OF DIMENSIONAL REQUIREMENTS**

To see if the Town will vote to Amend the Zoning Bylaws by Amending Table A Zoning Table of Use Regulations, and Table B Zoning Table of Dimensional Requirements as printed in the attachment, or take any other action relative thereto.

**SPONSOR:** The Planning Board

**COMMENTARY:** This article will allow corrections to the Table of Use Regulations and Table of Dimensional Requirements, as well as clarify the applicability of cogeneration facilities. Upon review, Massachusetts Attorney General Maura Healey ruled that the amendment to Appendix A Table of Use Regulations as written and accepted by Fall Annual Town Meeting (October 2019) failed to meet the standard of acceptability and M.G.L., c.40A §3. The Attorney General remanded the by-law back to the Town with the direction to add/include religious facilities to the newly created Multi-Town Mixed Commerce zoning.

Citing the same M.G.L., c.40A §3, the Attorney General suggested that the Town cannot prohibit, restrict, unreasonably regulate, or require a special permit for the use of land for the primary purpose of commercial agriculture, etc.

In addition, a change to the Table of Use Regulations were made in order to provide for cogeneration facilities with a capacity of three hundred-fifty (350) megawatts or less. This will provide opportunities for cannabis cultivation and manufacturers that are heavily dependent on electricity to be able to generate power to satisfy their demand.

Corrections and changes were made to the Table of Dimensional Requirements as well that increased the height allowed. **REFER TO ATTACHMENT #4**

**MOTION:** Move that the Town Amend Article 12 by breaking it into 4 separate votes as the following:

- 1. Amend the Zoning Bylaws by Amending Table A Table of Use Regulations Section B and Section F as printed in the amendment to the warrant, or take any other action relative thereto.**

USE	ZONING DISTRICTS							
	R-A	R-B	R-C	A	B	IA	IB	MTMC
<b>SECTION B. Exempt and Institutional Uses</b>								
Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel that is more than five (5) acres in area.	Y	Y	Y	Y	Y	Y	Y	<del>N</del> Y
Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	<del>N</del> Y

SECTION F. Other Uses								
	ZBA	ZBA	ZBA	ZBA	N	N	N	N
Cemetery or crematory, non-profit (not religious)								
Cemetery or crematory, (religious)	Y	Y	Y	Y	Y	Y	Y	Y

2. Amend the Zoning Bylaws by Amending Table A Table of Use Regulations Section D as printed in the amendment to the warrant, or take any other action relative thereto.

	ZONING DISTRICTS							
USE	R-A	R-B	R-C	A	B	IA	IB	MTMC
SECTION D. Commercial Uses								
Marijuana establishment (retail)	N	N	N	Y N	N	Y	N	Y
Marijuana establishment (cultivation, production)	N	N	N	Y N	N	Y	Y	Y
Medical marijuana treatment center	N	N	N	Y N	N	N	Y	N

3. Amend the Zoning Bylaws by Amending Appendix B Table of Dimensional Requirements Section B as printed in the amendment to the warrant, or take any other action relative thereto

Zone	Minimum Lot Size Sq. Ft.	Setbacks Principal Use			Setbacks Detached Garage or Accessory Use			Frontage		Height	
		Front <sup>1</sup> (feet)	Side (feet)	Rear (feet)	Front <sup>2</sup> (feet)	Side (feet)	Rear (feet)	Interior Lot (feet)	Corner Lot (feet)	Maximum Height (feet)	Maximum Number of Stories
R-A	20,000 <sup>3</sup>	30	25	30	65	5	5	125	140	35	25-3.5
R-B	43,560 (1Acre)	30	25	30	65	5	5	185	200	35	25-3.5
R-C	43,560 (1Acre)	40	30	Lesser of 40 ft. or 25% of lot depth, if at least 30 ft.	75	10	10	200	200	35	25-3.5
A	87,120 (2 Acres)	40	30	Lesser of 40 ft. or 25% of lot depth if at least 30 ft.	75	10	10	300	300	35	25-3.5

4. Amend the Zoning Bylaws by Amending Appendix B Table of Dimensional Requirements Section B with as printed in the amendment to the warrant, or take any other action relative thereto

B	15,000	30	25	30	65	5	5	125	140	45-60	3-4.5
I-A	30,000	30	30	20	30	30	20	175	200	45-60	3-4.5
I-B	30,000	30	30	20	30	30	20	175	200	45-60	3-4.5
MTMC	87,120 (2 acres)	40	40	40	40	40	40	300	300	60	4.5

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

**THE FINANCE COMMITTEE RECOMMENDATION: No recommendation**

The committee will consider the merits of this article after the Planning Board Public Hearing scheduled for October 26, 2020.

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

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

The motion was seconded

**Vote #1 - Moderator declares a 2/3rds majority vote, motion carries, Yes-71, No-16**

**Vote #2 - Moderator declares a 2/3rds majority vote, motion carries, Yes-75, No-19**

**Vote #3 - Moderator declares a 2/3rds majority vote, motion carries, Yes-73, No-24**

**Vote #4 - Moderator declares the motion fails, Yes-59, No-37**

**ARTICLE 13: ZONING BYLAW REVIEW**

To see if the Town will vote to amend the Zoning Bylaws by adding a new Section 400-43, entitled Mixed Commerce Overlay District (MCOD) Zoning, amending the Zoning Map, amending Table A Zoning Table of Use Regulations and amending Table B Zoning Table of Dimensional Requirements, all as printed in the attachment, with the addition of a footnote to the MCODE column of the Table of Uses to read as follows "Uses allowed as a matter of right in the MCODE district are required to file application materials and undergo review as detailed in Section 400-43, and may also be required to submit to Site Plan Review.", or take any other action relative thereto.

**SPONSOR:** Department of Economic Development and Community Planning

**COMMENTARY:** This article seeks to amend the Zoning Bylaw by adding a new section "Mixed Commerce Overlay District" in order to provide for the development of parcels situated within the defined Route 146 Commerce Corridor.

**REFER TO ATTACHMENT #5**

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

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

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

The committee is concerned that the proposed Mixed Commerce Overlay District (MCOD) is overreaching and jeopardizes established residential zoning. There were no documented criteria for the establishment of the MCODE boundaries offered by the Director of Economic Development and Community Planning, simply a single interpretation of "what made sense".

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

**THE PLANNING BOARD RECOMMENDATION:**

**No Motion**

**No Action**

**ARTICLE 14: CITIZEN'S PETITION - ACCEPT TUCKER HILL ROAD AS A PUBLIC WAY**

To see if the Town will vote to accept a public way the street known as Tucker Hill Rd. 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 action relating thereto.

**SPONSOR:** Citizen's Petition

**COMMENTARY:** Citizen's petition articles are voted upon as written.

**REFER TO ATTACHMENT #6**

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

*Vote required for passage: simple majority*

**THE FINANCE COMMITTEE RECOMMENDATION: No recommendation**

The petitioner did not present the article at the public hearing.

**THE BOARD OF SELECTMEN RECOMMENDATION: Pass over until 10/26/20 BOS meeting**

**THE PLANNING BOARD RECOMMENDATION:**

**No Motion**

**No Action**

**ARTICLE 15: CITIZEN'S PETITION - ACCEPT MASLOW'S WAY AS A PUBLIC WAY**

To see if the Town will vote to accept 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 ways for the purpose for which public ways are used in the Town, or any action related thereto.

**SPONSOR:** Citizen's Petition

**COMMENTARY:** Citizen's petition articles are voted upon as written.

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

*Vote required for passage: simple majority*

**THE FINANCE COMMITTEE RECOMMENDATION: No recommendation**

The petitioner did not present the article at the public hearing.

**THE BOARD OF SELECTMEN RECOMMENDATION: Pass over until 10/26/20 BOS meeting**

**THE PLANNING BOARD RECOMMENDATION:**

**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 7:42pm.**

A true copy attest,



Kelly J. Cote, CMC  
Uxbridge Town Clerk