



## Minutes

### **Town of Uxbridge Town Hall Spring Annual Town Meeting 13 May 2008**

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 Gymnasium, in Precinct 2, in said Uxbridge, and transacted the following business on May 13, 2008:

Quorum Required: 50

Voters Present: 391

Town Moderator Harold Klei called the Annual Spring Town Meeting to order at 7:09pm declaring the presence of a quorum and led the assembly in the Pledge of Allegiance to the flag.

Moderator Klei announced the appointment of the following tellers for the evening: Phillip Wheelock, Barbara Hill, Hurley Silbor, Nancy Hanson, Sarah Douglas, Dan Deveau, Gial Benedict, and Ray Miller. Bob Pennell was appointed head teller. Sarah Douglas was appointed time keeper.

The Moderator acknowledged the presence of Larry Bombara who is retiring as the Superintendent of Public Works. He also thanked outgoing Finance Committee members: Mary Pat Wickstrom for her service as an appointed member, and C. Edward Maharay for his service as an elected member of the Finance Committee.

#### **ARTICLE 1: REPORTS**

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

**SPONSOR:** Board of Selectmen

The Capital Planning Committee presented a report.

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

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

**VOTE NEEDED:** N/A

A motion was made and seconded to consider Article 32 out of order for immediate consideration. The motion carried.

#### **ARTICLE 32: UNDERRIDE BALLOT QUESTION BY PETITION**

To see if the Town will vote to authorize the Board of Selectmen, by a majority vote of the Selectmen, to place an override ballot question before the voters of Uxbridge? The question follows (MGL Ch 59 Section 21C(h)): "Shall the Town of Uxbridge be required to reduce the amount of real estate and personal property taxes to be assessed for fiscal year beginning July first two thousand and eight by an amount equal to \$1,200,000?"

YES \_\_\_\_\_ NO \_\_\_\_\_

**SPONSOR:** Citizen Petition

MOTION: Move that the Town of Uxbridge authorize the Board of Selectmen to place an underride ballot question before the voters of Uxbridge which reads: “Shall the Town of Uxbridge be required to reduce the amount of real estate and personal property taxes to be assessed for the fiscal year beginning July first two thousand and eight by an amount equal to \$1,200,200.00, yes or no”.

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Unfavorable action (2-1-0)

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Unfavorable action (7-0-0)

Uxbridge’s tax burden is on par with the communities around us. At last fall’s Budget Summit, the Finance Director provided the following information from the Department of Revenue:

Town	Average Household Assessed Value	2007 Tax Bill	Town Expenditures	Per Capita Cost
Uxbridge	\$333,698	\$3,427	\$37,795,464	\$2,997
Sutton	\$365,460	\$3,560	\$29,019,329	\$3,211
Mendon	\$424,856	\$4,040	\$11,311,545	\$1,961
Northbridge	\$322,221	\$2,752	\$48,551,389	\$3,366
Douglas	\$317,409	\$3,263	\$26,442,108	\$3,323
Upton	\$415,243	\$4,522	\$15,480,395	\$2,387
<b>Average</b>	<b>\$363,148</b>	<b>\$3,594</b>	<b>\$28,100,038</b>	<b>\$2,874</b>

The Finance Committee believes that a cut in taxes will hurt the town.

**VOTE NEEDED:** Simple Majority vote.

Motion seconded.

Moderator declares motion fails.

**ARTICLE 2: FY08 INTER/INTRA DEPARTMENTAL TRANSFER FROM AMBULANCE RETAINED EARNINGS**

To see if the Town will vote to transfer \$60,000.00 from Ambulance Fund retained earnings in the Ambulance Receipts Reserved for Appropriation account to operating account # 602-231-5900-0000-000 for the purpose of purchasing equipment to outfit Town ambulances for advanced life support (ALS) service. Said funds to be made available for expenditure in FY08 and upon approval of this article, or take any other action relative thereto.

**SPONSOR:** Board of Selectmen (Town Manager)

**COMMENTARY:** *This action will fund purchase of cardiac monitoring equipment for the two ambulances from the Ambulance Capital Reserves in the current fiscal year. These units are required as part of the Ambulance Service upgrade to Advanced Life Support (ALS), paramedic level due to the discontinuation of services provided by Milford Regional Hospital.*

**MOTION:** *Move to transfer \$60,000.00 from FY08 Ambulance Fund retained earnings in the Ambulance Receipts Reserved for Appropriation account to operating account # 602-231-5900-0000-000 for the purpose of purchasing equipment to outfit Town ambulances for advanced life support (ALS) service. Said funds to be made available for expenditure in FY08 and upon approval of this article.*

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

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

The transfers are to fund life saving equipment for two ambulances. In a communication from the Milford Hospital they plan on eliminating their Advanced Life Care ambulance service. These two units are needed as part of a plan to address the change in service.

**VOTE NEEDED:** Requires a simple majority provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3 majority vote.

Motion received second.

Motion carried in the affirmative by (majority or unanimous) vote.

A motion was made and seconded to consider Article 27 out of order for immediate consideration. The motion carried.

**ARTICLE 27: AMENDMENT TO THE TOWN ZONING BYLAWS BY PETITION**

To See if the Town will vote to:

**ITEM 1**

Amend the Zoning By-Laws by AMENDING Section VIII B 6 by adding the following language “with production capacity greater than 500 Megawatts.” at the end of the existing sentence; and

By adding a NEW provision “E” to Section VIII A 2. “E. Electric Generation Facilities with a capacity of less than 500 Megawatts”; and

By adding a NEW provision “5” to Section VII E. “5. Any of the following uses authorized by special permit by The Planning Board in accordance with Section VIIIA: Electric Generation Facilities with capacity of less than 500 megawatts on a minimum site area of 15 acres.”

**ITEM 2**

AMEND the Zoning by-laws §400, by:

AMENDING Subsection 10 D 6 adding the following language “with a production capacity of greater than 500 Megawatts” at the end of the existing sentence; AND

By ADDING a NEW Subsection 5 to Section –20 B “5. Electrical Generation Facilities with capacity less than 500 Megawatts” AND

By AMENDING Subsection E of the Use Regulation Table (Attachment A) by adding the following: “Electrical Generation Facilities with capacity less than 500 Megawatts on a minimum site area of 15 acres.”

Or take any other action relating thereto.

**SPONSOR:** Citizen Petition

**MOTION: I move for the town to accept either Item 1 or Item 2 as follows:**

**ITEM 1**

**Amend the Zoning By-Laws by AMENDING Section VIII B 6 by adding the following language “with production capacity greater than 500 Megawatts.” at the end of the existing sentence; and**

**By adding a NEW provision “E” to Section VIII A 2. “E. Electric Generation Facilities with a capacity of less than 500 Megawatts and only those using natural gas, renewable and ultra low sulfur fuels, wind and solar energy”; and**

**By adding a NEW provision “5” to Section VII E. “5. Any of the following uses authorized by special permit by The Planning Board in accordance with Section VIIIA: Electric Generation**

**Facilities with capacity of less than 500 megawatts on a minimum site area of 15 acres, and only those using natural gas, renewable and ultra low sulfur fuels, wind and solar energy.”**

## **ITEM 2**

**AMEND the Zoning by-laws §400, by:**

**AMENDING Subsection 10 D 6 adding the following language “with a production capacity of greater than 500 Megawatts” at the end of the existing sentence; AND**

**By ADDING a NEW Subsection 5 to Section –20 B “5. Electrical Generation Facilities with capacity less than 500 Megawatts and only those using natural gas, renewable and ultra low sulfur fuels, wind and solar energy” AND**

**By AMENDING Subsection E of the Use Regulation Table (Attachment A) by adding the following: “Electrical Generation Facilities with capacity less than 500 Megawatts on a minimum site area of 15 acres and only those using natural gas, renewable and ultra low sulfur fuels, wind and solar energy.”**

**PLANNING BOARD REPORT:** Favorable action (3-0-0)

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable action (2-1-0)

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable action (6-1-0)

The change in the bylaw will allow the construction of power plants 500 megawatts or less in the industrial zone. As stated in our narrative on the budget, the Finance Committee believes the town needs to find ways of bringing new revenues to the town.

**VOTE NEEDED:** 2/3 majority vote

Motion seconded.

The Moderator declared that the vote did not receive the necessary 2/3 vote for passage so the motion failed.

A standing vote was requested by at seven voters at the assembly.

The standing vote: Yes – 277, No – 219

The motion did not receive the 2/3 necessary for passage – motion fails.

### **ARTICLE 3: FY08 INTER/INTRA DEPARTMENTAL TRANSFERS**

To see if the Town will vote to transfer from available funds a sum of money to balance certain line items within the FY08 budget approved under Article 5 of the May 8, 2007 Annual Town Meeting or its continued date of June 13, 2007, or take any other action relative thereto.

**SPONSOR:** Board of Selectmen (Town Manager)

**COMMENTARY:** *Transfers from miscellaneous Town department line items to others which are needed to fund FY08 anticipated budget deficiencies; additional appropriation from Stabilization as noted. Intra- and interdepartmental transfers without Stabilization transfers total: \$100,207.31. Stabilization Fund transfer total: \$818,590.89 Grand total transfers: \$918,798.20.*

**\*Update (05/13/08):** *Transfer #13 was added to transfer \$63,478.63 from the Town’s insurance recovery account (over \$20,000). If approved, Intra- and interdepartmental transfers without Stabilization transfers total: \$163,685.94. Stabilization Fund transfer total: \$676,076.89 Grand total transfers: \$839,762.83.*

#### **MOTION:**

**Motion 1: (Non Stabilization Transfer):** *Move that the Town vote to transfer an appropriate the sum of \$163,685.94 as stated in the following chart, transfers numbered 1 – 8, and transfer*

number 13, for any purpose for which funds may be expended from the latter accounts, each being considered a separate appropriation for FY08.

**Motion 2: (Stabilization Transfer):** Move that the Town vote to transfer an appropriate the sum of \$676,076.89 as stated in the following chart, transfers numbered 9 -12, for any purpose for which funds may be expended from the latter accounts, each being considered a separate appropriation for FY08.

1.	FROM:	Amount	TO:	Amount
	Police Salaries (001-210-5100-0000-000)	12,000.00	Police Expense (001-210-5200-0000-000)	12,000.00

*Commentary: Intradepartmental transfer to fund shortfalls in heat, electricity and cruiser maintenance accounts.*

2.	FROM:	Amount	TO:	Amount
	Debt Service (001-710-5900-0000-000)	5,000.00	DPW Expense (001-421-5200-0000-000)	5,000.00

*Commentary: To fund shortfall in town-wide fuel account, due to significant price increases. This account serves all municipal and school vehicles.*

3.	FROM:	Amount	TO:	Amount
	Tax Title Expense (001-158-5789-0000-000)	11,000.00	Sick Leave Buyback Expense (001-911-5190-0000-000)	11,000.00

*Commentary: Funds are needed to cover sick leave buyback on unanticipated retirements. Tax title funds are from an unspent FY 2007 encumbrance.*

4.	FROM:	Amount	TO:	Amount
	Treasurer/Collector Expense (001-145-5789-0000-000)	1,261.92	Town Hall Expense (001-192-5200-0000-000)	15,369.31
	Tax Title Expense (001-158-5789-0000-000)	722.36		
	Computer Expense (001-155-5789-0000-000)	5,181.05		
	Election Registration Expense (001-162-5789-0000-000)	2,491.43		
	Conservation Expense (001-171-5789-0000-000)	225.00		
	Planning Ec Dev Expense (001-175-5789-0000-000)	1,853.44		
	Zoning Expense (001-176-5789-0000-000)	300.91		
	Town Hall (001-192-5789-0000-000)	2,239.53		
	Fire Expense (001-220-5789-0000-000)	366.62		
	Board of Health Expense (001-510-5789-0000-000)	569.89		
	Library Expense (001-610-5789-0000-000)	130.91		
	Historical Commission (001-691-5789-0000-000)	26.25		
	Total	15,369.31	Total	15,369.31

*Commentary: Funds are needed to cover anticipated shortfalls in the Town Hall utility accounts. These funds are from unexpended FY 2007 encumbrance accounts.*

5.	FROM:	Amount	TO:	Amount
	Debt Service (001-710-5900-0000-000)	3,510.00	Town Hall Expense (001-192-5200-0000-000)	3,510.00

**Commentary:** Funds are needed to cover anticipated shortfalls in the Town Hall utility accounts. The source of funding for this transfer is surplus in the Debt account.

6.	FROM:	Amount	TO:	Amount
	Conservation Salaries (001-171-5100-0000-000)	500.00	Planning Salaries (001-175-5100-0000-000)	500.00

**Commentary:** Unanticipated shortfall in account due to staff turnover. The Conservation Administrator position is currently vacant.

7.	FROM:	Amount	TO:	Amount
	Property/Liability Insurance (001-945-5200-0000-000)	20,000.00	Medicare Expenses (001-916-5100-0000-000)	26,828.00
	Worker's Comp Insurance (001-912-5100-0000-000)	3,000.00		
	Town Counsel (001-151-5200-0000-000)	3,828.00		
	Total	26,828.00	Total	26,828.00

**Commentary:** This account was formerly commingled within the health insurance budget and it represents the employer's share of Medicare deductions, which is 1.45% of employee's gross pay. Changes instituted in accounting for the teachers' summer deductions have put this account into deficit.

8.	FROM:	Amount	TO:	Amount
	Library Salaries (001-610-5110-0000-000)	26,000.00	Health Insurance Expenses (001-914-5100-0000-000)	26,000.00

**Commentary:** Unanticipated new enrollments as well as changes instituted in accounting for the teachers' summer deductions have put this account into deficit. Budgetary constraints have not allowed the adequate funding of this account for a number of years, resulting in an annual shortfall.

9.	FROM:	Amount	TO:	Amount
	Stabilization (704-000-5960-0000-000)	252,753.00	Health Insurance Expenses (001-914-5100-0000-000)	252,753.00

**Commentary:** Unanticipated new enrollments as well as changes instituted in accounting for the teachers' summer deductions have put this account into deficit. Budgetary constraints have not allowed the adequate funding of this account for a number of years, resulting in an annual shortfall. This request requires a 2/3 majority vote.

10.	FROM:	Amount	TO:	Amount
	Stabilization (704-000-5960-0000-000)	56,450	School Lunch 250-303-3560-0000-220	56,450.00

**Commentary:** The School Lunch account has had a historical deficit that has been addressed. However, mounting employee health/retirement benefit charges have not allowed for the account to fully eliminate the deficit. Any special revenue fund that closes in deficit has a negative effect on that fiscal year's free cash. Passage of this transfer is anticipated to bring the account into balance. This request requires a 2/3 majority vote. Updated 5/12/08

11.	FROM:	Amount	TO:	Amount
	Stabilization (704-000-5960-0000-000)	26,345	Childcare 250-303-3560-0000-232	26,345.00

**Commentary:** The Childcare account has been operating in deficit for a number of years, due to a historical account deficiency that has not been funded. It has been further impacted in recent years

by the proper charges of employee health/retirement benefits (similar to the enterprise funds). Any special revenue fund that closes in deficit has a negative effect on that fiscal year's free cash. Corrective action is being reviewed to ensure that the account does not operate in a deficit in FY 2009. This request requires a 2/3 majority vote. Updated 5/12/08

12.	FROM:	Amount	TO:	Amount
	Stabilization (704-000-5960-0000-000)	340,528.89	Snow/Ice (001-423-5100-0000-000)	340,528.89

**Commentary:** The Town budgeted \$250,000 for snow and ice removal in FY 2008. M.G.L. Chapter 44, Section 31D allows the Town to incur liability and make expenditures in excess of available appropriations for snow and ice removal, upon the approval by the Town Manager and the Finance Committee. The excess liability has been traditionally raised on the Recapitulation Sheet when the tax rate is set, but we believe that it will not be possible to raise this amount and still stay under the levy limit. The Town raised \$57,882 on the FY 2008 Recap Sheet. This request requires a 2/3 majority vote.

13.	FROM:	Amount	TO:	Amount
	Insurance Reimbursements over 20K RRA (260-000-3300-0000-210)	63,478.63	Bernat Loss Insurance Reimbursement (270-300-3580-2008-210)	63,478.63

**Commentary:** This transfer will allow the School Department to access insurance reimbursement funds that were received to replace books, supplies, equipment and furniture lost in the Bernat Mill fire. Any funds in excess of twenty thousand dollars must be appropriated by Town Meeting per M.G.L Chapter 44, Section 53.

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable action on items one through thirteen (3-0-0) on 5/12/08.

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable action on items one through thirteen (6-0-0). These transfers are a combination of three types of transfers: (1) year-end transfers to get departments through the end of the fiscal year, (2) clean up of deficits in two school revolving accounts and (3) snow and ice.

1. Year-end Transfers

The Finance Committee has reviewed with the Finance Director the reasons for each transfer and is satisfied that the transfers are appropriate. The biggest concern is the transfer from Stabilization of \$252,753 to cover the cost for health insurance. A large part of this shortfall was due to choices employees made during the open enrollment period when ten employees dropped single coverage and nineteen families were added to the health insurance plans.

2. Deficits in School Department Revolving Accounts

The Finance Director is recommending the deficits in the School Lunch and Childcare revolving accounts, \$39,254 and \$186,055 respectively, be eliminated. The town's auditor has advised these accounts need to be funded. The Finance Committee concurs. Both of these transfers will be funded from Stabilization.

3. Snow and Ice

The snow and ice account is over spent by \$340,528.89. This deficit will be covered by a transfer from Stabilization. The total expenditure for snow and ice this year was \$590,528.89. Going forward, the budget for snow and ice needs to be increased from its current amount of \$250,000.

Stabilization

It needs to be noted that transfers totaling \$1,789,782 were needed from the Stabilizations to balance the FY08 Budget:

<b>Meeting</b>	<b>Action</b>	<b>Amount</b>
2007 Spring ATM	Balance FY08 Budget	\$1,196,500
2008 Spring ATM	Health Insurance	252,753
2008 Spring ATM	Snow & Ice	340,529
	<b>Total</b>	<b>\$1,789,782</b>

**VOTE NEEDED:** Requires simple majority provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3 majority vote.

Motion 1 carried with a majority vote.

Motion 2 carried with the 2/3 affirmative vote required as it requires a transfer from the Stabilization Fund (standing vote: 225 – yes, 75 – no)

A motion was made and seconded to consider Article 13 out of order for immediate consideration. The motion carried.

**ARTICLE 13: APPROPRIATION TO FUND TAFT PLAYGROUND RESURFACING**

To see if the Town will vote to raise and appropriate from available funds and/or transfer from the School/Town Building Maintenance Account #001-940-5200-0000-000 a sum of money to effect playground surface material replacement at Taft Elementary School under the direction of the School Department, or take any other action related thereto.

**SPONSOR:** School Committee

**COMMENTARY:** *Funding for the resurfacing of the Taft Elementary School Playground, replacing the current bark mulch surface with a fifty-year life recycled rubberized mulch product. Currently, the playground remains closed for safety reasons until adequate surface materials are installed. In the past, the Taft PTO has replaced the current bark mulch, with a two-year life, through various fund raising events but can no longer continue this type of costly replacement.*

**MOTION:** *Move that the Town vote to transfer and to appropriate the sum of \$18,793.31 from the Town Hall Modular Office account #300-122-3580-0001-000, the sum of \$8,466.70 from the High School Vertical Reinforcement Rods account #300-300-3580-0001-000, the sum of \$7,672.64 from Highway Garage account #300-422-3580-0001-000, said transfers totaling \$34,932.65 to the Taft School Playground Resurfacing Account #270-300-3590-2008-320 to pay for playground surface material replacement and any costs associated with said materials replacement at the Taft Elementary School.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable action (2-1-0)

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable action (5-0-2)

This article is for the resurfacing of the Taft Elementary School playground. The project addresses a maintenance problem and safety concerns with the use of the playground. Funding will come from a variety of accounts.

**VOTE NEEDED:** Requires a simple majority provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3 majority vote.

Motion seconded. No transfer from the Stabilization Fund required.

Motion carries.

**ARTICLE 4: APPROPRIATIONS FOR COLLECTIVE BARGAINING AGREEMENT(S)**

To see if the Town will raise and appropriate and/or appropriate and/or transfer from available funds a sum of money to fund salary increases and other cost-items resulting from contract settlements with union personnel, or take any other action relative thereto.



**SPONSOR:** Board of Selectmen (Town Manager)

**COMMENTARY:** *There are currently three municipal collective bargaining units having expired contracts or contracts expiring on June 30, 2008 that may require a funding appropriation to accompany ratification by the BOS. Negotiations are currently in progress. Funding for the “potential” settlements is not included in the FY09 proposed budget under Article 5.*

**MOTION:** *Move that the town vote to transfer and to appropriate the sum of \$8,710.00 from Stabilization and \$6,470.00 from the Ambulance Enterprise Fund Retained Earnings to the miscellaneous FY09 salary and expense accounts; the allocation of amounts to be transferred to each such account to be determined by the Town Accountant, for the purpose of funding the cost items and implementing the terms of a collective bargaining agreement with a term beginning July 1, 2008 and expiring June 30, 2011, between the Town and the Uxbridge Professional Fire Fighters/EMTs Association (“UPFFA”), as exclusive bargaining representative of the bargaining unit.*

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

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

**VOTE NEEDED:** Requires simple majority provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3 majority vote.

Motion seconded. Requires a transfer from the Stabilization Fund.

Motion carries

A motion was made and seconded to consider Article 15 out of order for immediate consideration. The motion failed.

#### **ARTICLE 5: TOWN BUDGET**

To see if the Town will vote to fix compensation of all officials of the Town, provide for a reserve fund, determine sums to be raised and appropriated, including those from available funds, in order to defray expenses including debt and interest for fiscal year 2009 (FY09) – approve the budget, or take any other action related thereto.

**SPONSOR:** Board of Selectmen (Town Manager)

**COMMENTARY:** *Please see the revenue and expenditure details in the FY2009 Budget document.*

**MOTION:** *Move that \$34,381,784 be appropriated, as set forth in line items under the column (“FY09 Budget Town Manager/FinComm Recommendation”), in the budget prepared by the Town Manager for recommendation at the Annual Town Meeting on May 13, 2008, as most recently revised; and as funding therefor, to transfer from revenue funds, and raise and appropriate the total sum of \$34,381,784 as set forth in the column “FY09 projected revenues final” on the sheet titled, “Revenue Projections For Town Meeting 5/13/08”, each item considered a separate appropriation. (Note - Action on the motion is a sum of the whole by Government divisions/departments.)*

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

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable action (4-2-0)

Starting with the passage of the FY08 Budget, the town has faced the serious challenge of making expenses match revenues. Beginning with the Budget Summit last fall, the town’s administration and boards worked hard to achieve this goal. Input from the voters was sought throughout the process in setting priorities. Many very hard decisions were made. The result is a balanced FY09 Budget, and a program of expenditures which reflects the input provided.

Rewards:

- A budget that is balanced without the use of Stabilization
- No proposal for a Property 2 ½ override
- No cuts to public safety
- The retention of important community services:
  - Council on Aging
  - Library
  - Recreation
- Real estate taxes that are on par with the communities around us

Risks:

- Cuts to various programs and offices, including the Conservation, Building Inspector, Library and Assessor
- Cuts to the school program and the temporary union of the Superintendent's and High School Principal's positions
- The elimination for FY09 of the \$200,000 for building maintenance
- The failure to fund vehicle replacement and infrastructure costs
- Health insurance
- Utility costs

In planning for FY10, the town will have to take all of these issues into consideration. As with FY09, every effort should be made to reduce costs in ways that don't decrease services to the community. In addition, the town also needs to look at ways of bringing new revenues – or in the case of school choice out, bringing back revenues - to the town. The town clearly needs to rebuild the Stabilization fund.

**VOTE NEEDED:** Requires simple majority provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3 majority vote.

A motion was made and seconded to consider each department individually for general government.

The motion passed and each department by category will be voted on individually. Documents that were distributed to Town Meeting members detailing the budget, and referred to below, are appended to these minutes (please see *Appendix A: Revenue Projections* and *Appendix B: Departmental Expenses*).

General Government

A motion was made and seconded for amendments to the omnibus budget:

1) Reduce Account 135100, Town Accountant Salary, by \$6798.00 reducing the salary of the Town Accountant from at 14.198% increase to a 2% increase.

2) Reduce Account 145100, Treasurer Collector Salary, by \$333.00 reducing the salary of the Town Collector from 2.39% increase to a 2% increase.

3) Reduce Account 175100, Planning and Economic Development salary, by \$3503.00 reducing the salary increase of the Town Planner from 8.08% to 2%.

4) Add to Account 171100, the Conservation Commission Salary, the sum of the reductions of proposals 1, 2, and 3.

5) Reduce Account 135100, Town Accountant Salary, by \$32253.00 and provide a budget surplus by not having an additional clerical person at this time.

The motion to amend was defeated.

A motion was made and seconded to pass the General Government budget as presented. No transfer from the Stabilization Fund required.

The motion passed.

A motion was made and seconded to pass the Public Safety budget as presented. No transfer from the Stabilization Fund required.

The motion passed.

A motion was made and seconded to reduce the Manager's Budget FY2009 by \$75,000 (from \$17,712,677 to \$16,962,677).

The motion was defeated.

A motion was made and seconded to pass the Education budget as presented. No transfer from the Stabilization Fund required.

The motion passed.

A motion was made and seconded to pass the Department of Public Works budget as presented. No transfer from the Stabilization Fund required.

The motion passed.

A motion was made and seconded to pass the Human Services budget as presented. No transfer from the Stabilization Fund required.

The motion passed.

A motion was made and seconded to pass the Library budget as presented. No transfer from the Stabilization Fund required.

The motion passed.

A motion was made and seconded to pass the unclassified budget as presented. No transfer from the Stabilization Fund required.

The motion passed.

A motion was made and seconded to adjourn and to continue the following night. The motion passed and the meeting adjourned at 11:18pm to 7:00pm on May 14, 2008.

A true attest;  
Joseph H. Kaplan  
Uxbridge Town Clerk

Adjourned Session  
Wednesday, May 14, 2008

Town of Uxbridge  
Spring Annual Town Meeting  
May 14, 2008 (continued from May 13, 2008)

Pursuant to the foregoing Warrant, the inhabitants of the Town of Uxbridge, qualified to vote in the Town Elections and Town affairs, met at the High School Gymnasium, in Precinct 2, in said Uxbridge, and transacted the following business:

Quorum Required: 50

Voters Present: 98

At the adjourned session of the Annual town Moderator Harold Klei re-opened the Town Meeting of May 13, 2008 at 7:03pm on May 14, 2008. Having acted on first five articles the previous night, Article 6 was the first to be considered.

**ARTICLE 6: REVOLVING FUND ACCOUNTS**

To see if the Town will vote to establish and authorize GLc.44, §53E ½ revolving funds for the continuation of: Library book repairs, not to exceed \$12,000, derived from late fines and fees, under the Library Trustees; recreation program costs, not to exceed \$10,000, to be derived from program fees, under the Recreation Committee; compost bin costs, not to exceed \$2,000, derived from compost bin sales, under the Board of Health; or take any other action related thereto.

**SPONSOR:** Board of Selectmen (Town Manager)

**COMMENTARY:** *Annual re-establishment of revolving funds as required by MA General Laws. No appropriation is required; funded by fees charged.*

**MOTION:** *Move to establish and authorize the following 53e ½ revolving funds for the continuation of: Library book repairs, not to exceed \$12,000, derived from late fines and fees, under the Library Trustees; recreation program costs, not to exceed \$10,000, to be derived from program fees, under the Recreation Committee; compost bin costs, not to exceed \$2,000, derived from compost bin sales, under the Board of Health.*

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

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

This is a standard article required to authorize the use of revolving fund accounts.

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

Motion seconded.

Motion carried in the affirmative by unanimous vote.

**ARTICLE 7: SEWER DEPARTMENT BUDGET (ENTERPRISE FUND)**

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, or otherwise provide a sum or sums of money for the salaries, expenses and debt service of the Sewer Department (Wastewater) Enterprise Fund for the ensuing fiscal year, such sums of money to be offset by revenues of the Sewer Department Enterprise Fund received during fiscal year 2009, or take any other action related thereto.

**SPONSOR:** Board of Selectmen (Town Manager)

**COMMENTARY:** *The Sewer Enterprise Fund is based upon the collection of sewer charges to over 2,350 users and is entirely self-supporting. The services budgeted in the FY 2009 budget request essentially differ from the FY 2008 approved budget only in projected new debt increases for Lime Silo (Article 6, STM; 06/20/2006) and Sewer Roof replacement projects (Article 8, FATM; 11/20/07) and for expanded assessments of employee benefits that are transferred back into the General Fund.*

**MOTION:** *Move that the sums set forth in the last column below (“FY09 Budget FinComm Recommendation”), up to and including the line entitled “Total” be appropriated to the FY09*

*Sewer (Waste Water) Department Enterprise Fund Account to be expended for the respective purposes set forth in the third column, each item being considered a separate appropriation.*

<b>Sewer (Waste Water) Dept. Enterprise Fund</b>			<b>FY08 Budget</b>	<b>FY09 Budget Town Manager Recommendation</b>	<b>FY09 Budget FinComm Recommendation</b>
651-440-5100	Wastewater	Salaries	\$ 322,973.00	\$ 316,320.00	\$ 316,320.00
651-440-5200	Wastewater	Expenses	\$ 540,794.00	\$ 581,132.00	\$ 581,132.00
651-440-5800	Wastewater	Debt	\$ 87,938.00	\$ 143,596.00	\$ 143,596.00
651-440-5900	Wastewater	Equipment Replacement	\$ 5,000.00	\$ 0.00	\$ 0.00
		Subtotal Expenses	\$ 633,732.00	\$ 724,728.00	\$ 724,728.00
		<b>Total</b>	<b>\$ 956,705.00</b>	<b>\$1,041,048.00</b>	<b>\$1,041,048.00</b>

**\$141,048.00** to come from enterprise revenues.

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

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

The Finance Committee has reviewed the proposed budget and recommends favorable action.

**VOTE NEEDED:** Requires a simple majority provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3 majority vote.

Motion seconded.

Motion carried in the affirmative by unanimous vote.

**ARTICLE 8: WATER DEPARTMENT BUDGET (ENTERPRISE FUND)**

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, or otherwise provide a sum or sums of money for the salaries, expenses and debt service of the Water Department Enterprise Fund for the ensuing fiscal year, such sums of money to be offset by revenues of the Water Department Enterprise Fund received during fiscal year 2009, or take any other action related thereto.

**SPONSOR:** Board of Selectmen (Town Manager)

**COMMENTARY:** *The Water Enterprise Fund is based upon the collection of water charges to over 3,300 customers and is entirely self-supporting. The FY 2009 budget request essentially differs from the FY 2008 approved budget only in projected new debt increases for Water Tank replacement project (Article 18, SATM; 06/13/07) and for expanded assessments of employee benefits that are transferred back into the General Fund.*

**MOTION:** *Move that the sums set forth in the last column below (“FY09 Budget FinComm Recommendation”), up to and including the line entitled “Total”, be appropriated to the FY09 Water Department Enterprise Fund Account to be expended for the respective purposes set forth in the third column, each item being considered a separate appropriation.*

<b>Water Department Enterprise Fund</b>			<b>FY 08 Budget</b>	<b>FY09 Budget Town Manager Recommendation</b>	<b>FY09 Budget FinComm Recommendation</b>
650-450-5100	Water	Salaries	\$ 332,304.00	\$ 320,663.00	\$ 320,663.00
650-450-5200	Water	Expenses	\$ 390,226.00	\$ 445,852.00	\$ 445,852.00
650-450-5800	Water	Debt	\$ 259,822.00	\$ 428,472.00	\$ 428,472.00
650-450-5900	Water	Equipment Replace.	\$ 80,000.00	\$ 0.00	\$ 0.00
		Subtotal Expenses	\$ 730,048.00	\$ 874,324.00	\$ 874,324.00
		<b>Total</b>	<b>\$ 1,062,352.00</b>	<b>\$1,194,987.00</b>	<b>\$1,194,987.00</b>

**\$1,194,987.00** to come from enterprise revenues.

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

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

The Finance Committee has reviewed the proposed budget and recommends favorable action.

**VOTE NEEDED:** Requires a simple majority provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3 majority vote.

Motion seconded.

Motion carried in the affirmative by unanimous vote.

**ARTICLE 9: AMBULANCE DIVISION BUDGET (ENTERPRISE FUND)**

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, or otherwise provide a sum or sums of money for the salaries and expenses of the Ambulance Division Enterprise Fund for the ensuing fiscal year, such sums of money to be offset by revenues of the Ambulance Division received during fiscal year 2009, or take any other action related thereto.

**SPONSOR:** Board of Selectmen (Town Manager)

**COMMENTARY:** *The Ambulance Enterprise fund is based upon the collection of ambulance service fees and is self-supporting. The services budgeted in the FY 2009 Ambulance budget request essentially differ from the FY 2008 approved budget only by a new charge for FY 2009 for 9.8% of dispatcher salaries and benefits which is now being transferred back to the General Fund.*

**MOTION:** *Move that the sums set forth in the last column below (“FY09 Budget FinComm Recommendation”) up to and including the line entitled “Total”, be appropriated to the FY09 Ambulance Division Enterprise Fund Account to be expended for the respective purposes set forth in the third column, each item being considered a separate appropriation.*

Ambulance Division Enterprise Fund			FY 08 Budget	FY09 Budget Town Manager Recommendation	FY09 Budget FinComm Recommendation
602-231-5100	Ambulance	Salaries	\$ 347,449.00	\$ 361,564.00	\$ 361,564.00
602-231-5200	Ambulance	Expenses	\$ 125,787.00	\$ 171,545.00	\$ 171,545.00
602-231-5900	Ambulance	Special Outlay	\$ 20,000.00	\$ 0.00	\$ 0.00
		Subtotal Expenses	\$ 145,787.00	\$ 171,545.00	\$ 171,545.00
		<b>Total</b>	<b>\$ 493,236.00</b>	<b>\$ 533,109.00</b>	<b>\$ 533,109.00</b>

**\$533,109.00** to come from enterprise revenues.

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

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

The Finance Committee has reviewed the proposed budget and recommends favorable action.

**VOTE NEEDED:** Requires a simple majority provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3 majority vote.

Motion seconded.

Motion carried in the affirmative by unanimous vote.

**ARTICLE 10: CABLE ACCESS BUDGET**

To see if the Town will vote to transfer a sum or sums of money for the salaries and expenses of the Cable PEG Access for the ensuing fiscal year, such sums of money to be offset by Cable PEG Access “Receipts Reserved for Appropriation Account,” or take any other action related thereto.

**SPONSOR:** Board of Selectmen (Town Manager)

**COMMENTARY:** *The Cable Access budget is based upon the collection of cable franchise/license fees, per the License Agreement, and is placed in a special receipts-reserved-for-appropriation account. The FY 2009 cable access budget is similar to the budget approved for FY 2008, with the exception of reduced equipment purchases and a new transfer from the account to the General Fund for space rental at the High School. The Cable TV License Agreement with Charter Communications expires on October 6, 2010.*

**MOTION:** *Move that the sums set forth in the fourth column below (“FY09 Budget Town Manager Recommendation”), up to and including the line titled “Total” be appropriated to the FY09 Cable PEG Access budget to be expended for the respective purposes set forth in the second column, each item being considered a separate appropriation.*

Cable PEG Access		FY 08 Budget	FY09	FY09
			Budget	Budget
		Town Manager	FinComm	
		Recommendation	Recommendation	
240-645-5100	Salaries	\$ 50,958.00	\$51,777.00	\$76,873.00
240-645-5200	Expenses	\$ 24,082.00	\$ 25,233.00	\$ 30,233.00
240-645-5900	Capital Outlay	\$ 50,000.00	\$ 35,000.00	\$ 35,000.00
	Subtotal Expenses	\$ 74,082.00	\$ 60,233.00	\$ 65,233.00
	<b>Total</b>	<b>\$ 125,040.00</b>	<b>\$112,010.00</b>	<b>\$142,103.00</b>

**\$142,103.00** to come from the Cable PEG Access Receipts Reserved for Appropriation.

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

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Amendment offered by the Finance Committee as displayed in the third column: (4-0-0).

Favorable action (4-0-0): The Finance Committee will make a motion to increase the Cable Access Budget \$30,096 above the recommendation of the Town Manager. The Finance Committee recommends the funds be spent on additional programming and technical upgrades to the service. The expenses will be covered from the fee received from Charter. These fees have annually exceeded the cable budget by \$50,000.

Finance Committee amendment is seconded.

The amendment carried in the affirmative by unanimous vote.

**VOTE NEEDED:** Requires a simple majority provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3 majority vote.

The main motion is seconded. No transfer from the Stabilization Fund required.

The motion passes as amended.

**ARTICLE 11: JOINT RECYCLING PROGRAM WITH TOWN OF BLACKSTONE**

To see if the Town will vote to raise and appropriate and/or transfer from available funds \$3,500.00 to fund a joint FY09 recycling program with the Town of Blackstone, or take any other action related thereto.

**SPONSOR:** Board of Health

**COMMENTARY:** *This is the fourth year of a program established at a previous Town Meeting.*

**MOTION:** No Motion offered

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

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

**VOTE NEEDED:** Requires a simple majority provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3 majority vote.

No Motion. No Action taken on Article 11.

**ARTICLE 12: APPROPRIATION TO FUND GOOD SHEPHERD SCHOOL BUILDING RENT**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to pay FY09 annual rent and associated costs for utilities in the Good Shepherd School Building, or take any other action related thereto.

**SPONSOR:** School Committee

**COMMENTARY:** *Funding for annual lease of the Good Shepherd Church facility for Pre-K and Kindergarten classrooms servicing approximately 200 students.*

**MOTION:** *Move that the town vote to transfer and to appropriate the sum of \$120,000 from Stabilization to the Good Shepherd Lease account # 001-395-5271-0000-000-2-0000-0-0 to pay FY09 annual rent and associated costs for utilities in the Good Shepherd School Building which currently houses Pre-K through Kindergarten classes.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable action (2-1-0)

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable action (6-1-0)

This article funds the rental of the Good Shepherd Church for the Pre-K and Kindergarten programs. This has been a regular article for the past several years.

**VOTE NEEDED:** Requires a 2/3 majority vote.

Motion seconded.

Moderator declares motion carried by the required 2/3<sup>rd</sup> vote.

Article 13 was acted on at the May 13, 2008 session.

**ARTICLE 14: APPROPRIATION TO FUND FEASIBILITY STUDY TO DETERMINE COSTS ASSOCIATED WITH THE CONSTRUCTION OF A NEW HIGH SCHOOL**

To see if the Town will vote to raise, appropriate and/or transfer from available funds, a sum of money to be expended under the direction of the School Building Committee to initiate a feasibility study for the construction of a new high school facility to be constructed on land located on the Quaker Highway, land previously acquired by the Town of Uxbridge for the specific purpose of constructing a new school facility, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

Or take any other action relating thereto.

**SPONSOR:** School Committee

**COMMENTARY:** *Funding for the School Building Committee to initiate the Feasibility Study process to determine the costs for the construction of a new high school facility. Because the Town has previously completed design plans for this project, the School Building Committee, working with the MSBA, must determine what extent of the prior work can be used in the new construction project. This appropriation will allow the School Building Committee to begin this process, report their findings, and take any applicable action at the Fall Annual Town Meeting.*

**SUGGESTED MOTION:** *Move that the Town vote to transfer and to appropriate the sum of \$4,532.00 from School Roof account #300-300-3580-0002-000, the sum of \$10,533.00 from the School Space Solutions account #300-300-3580-0004-000, and the sum of \$20,245.24 from the Whitin School Gym account #300-300-3580-0005-000, said transfers totaling \$35,310.24 to the Annual Town Meeting Minutes*



*High School Feasibility Study account #270-300-3590-0000-000 to be spent under the direction of the School Building Committee to initiate the Feasibility Study process to determine the costs of a new high school facility.*

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

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable action (6-0-1)

The School Building Committee, as required by MSBA, needs to determine the cost of a new high school. Funding for the project comes from a variety of accounts.

**VOTE NEEDED:** Requires a simple majority provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3 majority vote.

Motion seconded.

Motion carried in the affirmative by unanimous vote.

#### **ARTICLE 15: PURCHASE OF COA VAN**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the purchase of a new fourteen passenger transportation van that is handicap accessible to replace the current 1998 Ford Econoline transportation Senior Center van; said sum of money to be expended by the Council on Aging, with the approval of the Board of Selectmen; and, further, to authorize the Council on Aging to accept gifts and/or grants to offset the cost of said van, or take any other action in relation thereto.

**SPONSOR:** Council on Aging

**COMMENTARY:** *The COA van has over 85,000 running miles, and has required additional engine repairs to keep it operational this winter. The exhaust system and battery box for the lift have been reinforced due to rust and corrosion. The body is showing visible signs of rust around the lift. While the Director has submitted a grant with the Executive Office of Transportation, funding for round 32 has been diverted to another service area, which places a hold on all potential awards for another year. The COA Board believes another winter will require increased costly repairs and put our transportation services at risk.*

**MOTION:** Move that the town transfer and appropriate \$65,000.00 from the Stabilization account, account number 704-000-5960-0000-000 to a new account to be called the Council on Aging new van account for replacing the current 1998 Ford Econoline transportation van that is handicap accessible. Said funds to be expended under the direction of the Council on Aging with the approval of the Board of Selectmen, and, further to allow the Council on Aging to accept gifts and/or grants to offset the total cost of the new van, said action to take effect immediately.

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

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable action (6-0-1)

The Council on Aging van needs to be replaced. The COA is asking for full funding of the van with hopes that it will be able to raise funds to offset part of the cost.

**VOTE NEEDED:** Requires a simple majority provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3 majority vote.

Motion seconded.

Motion carried in the affirmative by unanimous vote.

#### **ARTICLE 16: ACCEPTANCE OF MGL SECTION 110 OF THE ACTS OF 1993; VETERANS EXEMPTION**

To see if the town will vote to accept the provision of Mass. General Laws Section 110 of Chapter 110 of the Acts of 1993 which allows the veteran or surviving spouse to meet the domiciliary

requirement for a veterans exemption if he or she has lived in the state at least one year prior to applying for the exemption.

**SPONSOR:** Board of Selectmen (Assessor)

**COMMENTARY:** *This vote reduces the domiciliary requirement of veterans from five years to one year when applying for a veteran exemption. Currently veterans must have lived in Massachusetts at least six months prior to entering the service or have been domiciled in the state at least five years.*

**MOTION:** *Move to accept MGL, Section 110 of the Chapter 110 of the Acts of 1993.*

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

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable action (6-0-1)

Article 16 permits veterans with one year residence to apply for an abatement of Real Estate Taxes rather than the current five year requirement.

**VOTE NEEDED:** Simple Majority vote.

Motion seconded.

Motion carried in the affirmative by unanimous vote.

### **ARTICLE 17: PURCHASE OF WELLHEAD PROTECTION LAND KNOWN AS CNOSSEN WELL LAND**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of funds for the purpose of purchasing certain parcels of land known as the “Cnossen Well Land” off of Commerce Drive, and incidental expenses related thereto, for the benefit of the Water Division of the Department of Public Works for a future well field site. Said parcels are more specifically described as Map 40, Parcels 3085 and 3086, and further to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow up to \$550,000 under Chapter 44 of the General Laws or any other enabling authority; that the Board of Selectmen is authorized to apply for and accept any federal or state funds or grants and/or gifts of any kind for the purpose of this acquisition; that the Board of Selectmen is authorized to take any other action necessary for this acquisition; and further that while this borrowing shall be the general obligation of the Town, it is the intent of the Town that the principal and interest on this borrowing will be paid for from the Water Enterprise Fund and or the Water system development account or take any other action relating thereto.

**SPONSOR:** Board of Selectmen (DPW Superintendent)

**COMMENTARY:** *This authorization would allow the Water Division to purchase or accept grants and gifts to purchase 17+/- acres abutting the Town’s “Rosenfeld” well field land. Previous test wells, pumping and engineering studies have indicated a substantial source available. The Town’s water engineers have recommended that the Town acquire this property not only to increase available sources but to protect interference and influence on the Town’s existing “Rosenfeld” well field by owners other than the Town.*

**MOTION:** *Move to raise and appropriate and/or transfer from available funds a sum of funds for the purpose of purchasing certain parcels of land known as the “Cnossen Well Land” off of Commerce Drive, and incidental expenses related thereto, for the benefit of the Water Division of the Department of Public Works for a future well field site. Said parcels are more specifically described as Map 40, Parcels 3085 and 3086, and further to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow up to \$550,000 under Chapter 44 of the General Laws or any other enabling authority; that the Board of Selectmen is authorized to apply for and accept any federal or state funds or grants and/or gifts of any kind for the purpose of this acquisition; that the Board of Selectmen is authorized to take any other action necessary for this acquisition; and further that while this borrowing shall be the general obligation of the Town, it is the intent of the Town that the principal and interest on this*

*borrowing will be paid for from the Water Enterprise Fund and or the Water system development account.*

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

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable action (7-0-0)

The purchase of the Cnossen well land (17 +/- acres) will provide the town with water resource of an addition million gallons a day. The purchase also provides protection for our present Rosenfeld well field property and water supply.

**VOTE NEEDED:** 2/3 majority vote.

Motion seconded.

Motion carried unanimously.

### **ARTICLE 18: WELL CLEANING FY08 FUNDS**

To see if the Town will vote to transfer the sum of \$17,000 from the FY08 Water Enterprise Fund Retained Earnings to the Water Division Expense Account # 650-450-5300.2 to take effect immediately upon passage for the purpose of cleaning and repairing Blackstone Well # 3 or take any other action relating thereto.

**SPONSOR:** Board of Selectmen (DPW Superintendent)

**COMMENTARY:** *This transfer from Water retained earnings would allow for the repair and cleaning of Blackstone well #3 prior to the spring high demand season. Well #3's output to meet demand has been reduced dramatically due to over pumping and well screen corrosion.*

**MOTION:** *Move to transfer the sum of \$17,000 from the FY08 Water Enterprise Fund Retained Earnings to the Water Division Expense Account # 650-450-5300.2 to take effect immediately upon passage for the purpose of cleaning and repairing Blackstone Well # 3.*

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

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable action (6-0-1)

The funds are needed to clean Blackstone well #3. The well has been experiencing problems with iron and magnesium which has caused problems with the quality of the water.

**VOTE NEEDED:** Requires a simple majority provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3 majority vote.

Motion seconded.

Motion carried in the affirmative by unanimous vote.

### **ARTICLE 19: WATER PROJECT; POTENTIAL ADDITIONAL FUNDING FOR TANK REPLACEMENT**

To see if the Town will vote to increase the amount appropriated and authorized to borrow under Article 18 of the May 8, 2007 Spring Annual Town meeting for the purpose of funding increased construction costs for improvements to the Municipal Water Supply System, including the replacement of the 1907 High Street water tank, construction and replacement of water lines from said tank to North Main Street, from the sum of \$4,600,000.00 to {a certain amount} or take any other action related thereto.

**SPONSOR:** Board of Selectmen (DPW Superintendent)

**COMMENTARY:** *This authorization would only be used in the event that the low bidder submits a price for the replacement water tank construction that is higher than the remaining available funds due to higher and fluctuating concrete and steel prices at the time of bid. The bid opening will occur on March 20, 2008.*

**MOTION:** [No motion; no action needed as successful bidder was within the approved appropriation]

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** No recommendation  
**RECOMMENDATION OF THE FINANCE COMMITTEE:** No recommendation  
**VOTE NEEDED:** 2/3 majority vote

No motion.

No Action on Article 19.

**ARTICLE 20: GENERAL BYLAW AMENDMENTS - NEW STORMWATER  
MANAGEMENT BYLAW**

To see if the Town will vote to amend the General Bylaw of the Town of Uxbridge, by inserting a new § 178 Stormwater Management bylaw to read as follows:

**§178 STORMWATER MANAGEMENT**

**178-1. Purpose**

Regulation of activities that result in the disturbance of land and the creation of stormwater runoff is necessary for the protection of the Town of Uxbridge to safeguard the health, safety, and welfare of the general public and protect the natural resources of the Town. The purpose of this Bylaw is to prevent or diminish these impacts by controlling runoff and preventing soil erosion and sedimentation resulting from site construction and development.

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the Bylaws of the federal Clean Water Act found at 40 CFR 122.34.

Nothing in this Bylaw is intended to replace the requirements of any other Bylaw that has been or may be adopted by the Town of Uxbridge. Any activity subject to the provisions of this Bylaw must comply with the specifications of each applicable bylaw.

The objectives of this Bylaw are to:

- (1) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of wetland and water resources;
- (2) Require that new development, redevelopment and all land conversion activities maintain the after-development runoff characteristics as equal to or less than the pre-development runoff characteristics to provide recharge and to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats;
- (3) Establish minimum construction/alteration and post-development storm water management standards and design criteria for the regulation and control of storm water runoff quantity and quality and for the protection of properties and aquatic resources downstream from land development and land conversion activities from damages due to increases in volume, velocity, frequency, duration, and peak flow rate of storm water runoff;
- (4) Establish design criteria for measures to minimize nonpoint source pollution from storm water runoff which would otherwise degrade water quality;
- (5) Establish design and application criteria for the construction and use of structural storm water control facilities that can be used to meet the minimum construction/alteration and post-development storm water management standards and to encourage the use of nonstructural storm water management, storm water site design practices or “low-impact development practices”, such as reducing impervious cover and the preservation of open space and other natural areas, to the maximum extent practicable;

- (6) Establish provisions for the long-term responsibility for and maintenance of structural storm water control facilities and nonstructural storm water management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety;
- (7) Establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of storm water facilities implemented as part of this Bylaw; and
- (8) Establish administrative procedures and fees for the submission, review, approval, or disapproval of storm water management plans, and for the inspection of approved active projects, and long-term follow up.

**178-2. Definitions.** As used in this bylaw, the following terms shall have the following meanings:

**AGRICULTURE** - The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act (M.G.L. c. 131 § 40) and its implementing regulations (310 CMR 10.00).

**APPLICANT** - Any "person" as defined below requesting a Stormwater Management Permit for proposed land-disturbance activity.

**AUTHORIZED ENFORCEMENT AGENCY** - The Conservation Commission (hereinafter "the Commission") and its agents or other designated employees of the Town of Uxbridge shall be charged with enforcing the requirements of this bylaw.

**ALTER** - Any activity that changes the water quality, or the force, quantity, direction, timing or location of runoff flowing from the subject area and will measurably change the ability of a ground surface area to absorb water. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area. Alter may be similarly represented as "alteration of drainage characteristics," and "conducting land disturbance activities."

**BETTER SITE DESIGN** - Site design approaches and techniques that can reduce a site's impact on the watershed through the use of nonstructural storm water management practices. Better site design includes conserving and protecting natural areas and green space, reducing impervious cover, and using natural features for storm water management.

**BEST MANAGEMENT PRACTICE (BMP)** - Structural, non-structural, vegetative and managerial techniques that are recognized to be the most effective and practical means to reduce erosion and sediment, prevent or reduce increases in storm water volumes and flows, reduce point source and nonpoint source pollution, and promote storm water quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of storm water runoff. "Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

**CONSTRUCTION AND WASTE MATERIALS** - Excess or discarded building or construction site materials that may adversely impact water quality, including but not limited to concrete truck washout, chemicals, litter and sanitary waste.

**DISTURBED AREA** - an area, man-made or natural, where the existing pre-development condition has been or is proposed to be altered.

**ENVIRONMENTAL SITE MONITOR** - A Professional Engineer, or other trained professional selected by the Commission and retained by the holder of a Stormwater Management Permit to periodically inspect the work and report to the Commission.

**EROSION** - A condition in which the earth's surface, including soil or rock fragment, is detached and moved away by the action of water, wind, ice, gravity or other natural means.

**HOTSPOT** - Land uses or activities with higher potential pollutant loadings, such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas.

**MASSACHUSETTS STORMWATER MANAGEMENT POLICY** - The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

**NEW DEVELOPMENT** - Any construction or disturbance of a parcel of land that is currently in a natural vegetated state and has not been altered by man-made activities.

**PERSON** - Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town Bylaws, administrative agency, public or quasi-public corporation or body, the Town of Uxbridge, and any other legal entity, its legal representatives, agents, or assigns.

**PRE-DEVELOPMENT** - The conditions that exist at the time that plans for the development of a tract of land are submitted to the Conservation Commission. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

**POST-DEVELOPMENT** - The conditions that reasonably may be expected or anticipated to exist after completion of the development activity on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

**RECHARGE** - The replenishment of underground water reserves.

**REDEVELOPMENT** - Any construction, alteration, or improvement exceeding land disturbance of 5,000 square feet, where the existing land use is commercial, industrial, institutional, or multi-family residential.

**RUNOFF** - Rainfall, snowmelt, or irrigation water flowing over the ground surface.

**SEDIMENT** - Solid material, whether mineral or organic, that is in suspension, is transported or has been moved from its site of origin by erosion.

SEDIMENTATION - A process of depositing material that has been suspended and transported in water.

SLOPE - The vertical rise divided by the horizontal distance and expressed as a fraction or percentage,

STABILIZED - The elimination of any erosion.

STORMWATER MANAGEMENT HANDBOOK - Stormwater Management Handbook, Volume One and Volume Two, prepared by the Mass. Department of Environmental Protection and the Mass. Office of Coastal Zone Management dated March 1997 as the same may be from time to time revised.

STORMWATER MANAGEMENT PERMIT (SMP) - A permit issued by the Conservation Commission, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious affects of uncontrolled and untreated stormwater runoff.

### **178-3. Applicability**

This bylaw shall be applicable to all new development and redevelopment, including, but not limited to, site plan applications, subdivision applications, grading applications, land use conversion applications, any activity that will result in an increased amount of stormwater runoff or pollutants flowing from a parcel of land, or any activity that will alter the drainage characteristics of a parcel of land, unless exempt pursuant to Section D of this Bylaw. A development shall not be segmented or phased in a manner to avoid compliance with this Bylaw. After the date of adoption of this bylaw, the Commission shall not approve any application for development or re-development if the subject land or parcels of land were held in common ownership (including ownership by related or jointly-controlled persons or entities) and the Commission determines that said land or parcels of land were subdivided or otherwise modified to avoid compliance herewith. A Stormwater Management Permit shall be required from the Commission for any activity that will result in soil disturbance of more than 5,000 square feet.

### **178-4. Exemptions**

The following activities are exempt from the requirements of this Bylaw:

- A. Normal maintenance of Town owned public land, ways and appurtenances;
- B. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 and MGL Chapter 40A Section 3;
- C. Repair or replacement of septic systems when approved by the Board of Health for the protection of public health;
- D. Normal maintenance of existing landscaping, gardens or lawn areas provided such maintenance does not include the alteration of drainage patterns or expansion of the disturbed area;
- E. The construction of fencing that will not alter existing terrain or drainage patterns;
- F. The maintenance, reconstruction or resurfacing of any public way; and the installation of drainage structures or utilities within or associated with public ways that have been approved by the appropriate authorities provided that written notice be filed with the Conservation Commission fourteen days (14) prior to commencement of activity;

- G. The removal of earth products undertaken in connection with an agricultural use if the removal is necessary for or directly related to planting, cultivating or harvesting or the raising or care of animals, or
- H. Activity in accordance with the terms of an Order of Conditions or Determination of Applicability issued by the Commission pursuant to M.G.L Ch. 131, Section 40 prior to the effective date of this Bylaw.

#### **178-5. Administration**

- A. The Conservation Commission shall be the permit granting authority for the issuance of a Stormwater Management Permit and shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Commission may be delegated in writing by the Commission to its agents or other municipal employees as the Commission deems appropriate. Such permit applications shall be submitted, considered, and issued in accordance with the provisions of this Bylaw and the regulations adopted pursuant to this Bylaw.
- B. Stormwater Regulations. The Commission shall adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees, procedures and administration of this Stormwater Management Bylaw. Failure by the Commission to promulgate such rules and regulations or a declaration of the invalidity of all or any of such regulations by a court shall not be deemed to suspend or invalidate the effect of this Bylaw.
- C. Right of Entry. The filing of an application for a Stormwater Management Permit shall be deemed to be authorization by the owner(s) of any land subject to said application for the Commission or its agent, to enter the site and conduct reasonable inspections thereof to verify the information in the application and to assure compliance with permit conditions.
- D. Stormwater Management Manual. The Commission will utilize the policy, criteria and information including specifications and standards of the latest edition of the Massachusetts Stormwater Management Policy, for execution of the provisions of this Bylaw. This Policy includes a list of acceptable storm water treatment practices, including the specific design criteria for each storm water practice. The Policy may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Stormwater Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts's water quality standards.
- E. Application. To obtain approval for a project subject to the provisions of this Bylaw, the applicant shall submit a Stormwater Management Plan and an Operation and Maintenance Plan prepared, stamped and signed by a professional engineer registered in Massachusetts, a Registered Land Surveyor, or a Massachusetts Licensed Soil Evaluator, as appropriate, that complies with the requirements set forth herein and in the regulations adopted pursuant to this Bylaw. The Operation and Maintenance plan (O&M Plan) shall be designed to ensure compliance with the Permit, this Bylaw, and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 in all seasons and throughout the life of the stormwater management system. The final, approved O&M Plan shall remain on file with the Commission, the Planning Board, and the Department of Public Works and shall be an ongoing requirement. The O&M Plan shall meet the criteria set forth in the regulations adopted pursuant to this Bylaw. The Plans shall fully describe the project in drawings, narrative, and calculations.

- a. At the time of application, the applicant shall provide in writing the name and the 24 hours a day and 7 days a week contact information of the person who is responsible



for erosion and sediment control for the site disturbing activity which is the subject of the application. Said person shall ensure that the approved activity takes place in accordance with the application, plan and permit requirements.

**178-6. Fees**

The Commission shall establish fees to cover the costs and expenses incurred by the town in reviewing the application and monitoring permit compliance. The Commission is hereby authorized to retain, and assess the applicant fees to cover the cost of hiring, a Registered Professional Engineer or other professional consultant to advise the Commission on any or all aspects of the project. The applicant for a Stormwater Management Permit may be required to establish and maintain an escrow account to cover the costs of said consultants. Applicants shall pay any such review fees to the Commission before the review process may begin.

**178-7. Surety**

The Commission may require a cash performance guarantee, in a form satisfactory to the Commission, to ensure compliance with these requirements and for the long term operation and maintenance of all permanent erosion control and stormwater management measures.

**178-8. Waivers**

- A. The Commission may waive strict compliance with any of the requirements of this Bylaw or the rules and regulations promulgated hereunder if it determines that the application of any such requirements is unnecessary because of the size or character of the development project or because of the natural conditions at the site, and where such action:
  - (a) is allowed by federal, state and local statutes and/or regulations,
  - (b) is in the public interest, and
  - (c) is not inconsistent with the purpose and intent of this bylaw.
- B. Any request from an Applicant for a waiver of these rules shall be submitted, in writing, to the Commission at the time of submission of the application. Such requests shall clearly identify the provision/s of the rule from which relief is sought and be accompanied by a statement setting forth the reasons why, in the applicant's opinion, the granting of such a waiver would be in the public interest or the specific information required to show strict compliance is irrelevant to the project, and why a waiver would be consistent with the intent and purpose of this Bylaw and the rules and regulations promulgated hereunder.

**178-9. Findings and Conditions of Approval**

- A. The Commission shall not approve any application for a Stormwater Management Permit unless it finds that BMPs will be employed to meet the following requirements:
  - (a) Compliance with all applicable federal, state and local regulations and guidelines, including but not limited to the Stormwater Management Handbook as it may be amended, has been demonstrated;
  - (b) Measures shall be employed to minimize adverse impacts on wildlife habitats and corridors, natural or historic landscape features, and scenic vistas and views;
  - (c) The duration of exposure of disturbed areas due to removal of vegetation, soil removal, and/or re-grading shall be set forth in a written time table and approved by the Commission;
  - (d) There shall be no net increase in the rate of stormwater runoff from the site;
  - (e) There shall be no adverse impacts to abutting properties from any increase in volume of stormwater runoff including erosion, silting, flooding, sedimentation or impacts to wetlands, ground water levels or wells;

- (f) Where the site is not proposed to be covered with gravel, hardscape, or a building or structure, a planting plan to ensure permanent re-vegetation of the site has been approved;
  - (g) Areas to be planted shall be loamed with not less than six inches (6") compacted depth of good quality loam and seeded with turf grass seed or other appropriate ground cover in accordance with good planting practice;
  - (h) Dust control shall be used during grading operations if the grading is to occur within five hundred feet (500') of an occupied residence or place of business, school, playground, park, cemetery, or place of worship;
  - (i) During construction, temporary erosion and sedimentation control measures will be employed in accordance with the approved plan;
  - (j) During construction, any site access from a paved public way shall be improved with a gravel apron of fifteen feet (15') wide and at least twenty-four feet (24') long to prevent unstable material from being transported onto the street by vehicle tires or by runoff;
  - (k) Until a disturbed area is permanently stabilized, sediment in runoff water shall be trapped by using a siltation barrier, siltation fences, and/or sedimentation traps;
  - (l) Permanent erosion control and vegetative measures shall be in accordance with the approved plan, and
  - (m) Where applicable, homeowner's, facility or condominium documents shall provide for the long term operation and maintenance of all permanent erosion control and stormwater management measures, including surety.
- B. Based upon the nature of the application, the Commission may impose reasonable requirements or limitations to minimize the impacts, if any, on abutting properties or uses.
  - C. Prior to commencement of any land disturbing activity, the applicant shall record the permit with the Registry of Deeds or Registry District of the Land Court, and shall submit to the Commission written proof of such recording.
  - D. At completion of the project, the owner shall submit as-built record drawings of all structural stormwater controls and treatment best management practices required for the site. The as-built drawing shall show deviations from the approved plans, if any, and shall be certified by a professional engineer registered in Massachusetts.

#### **178-10. Actions by the Commission**

- A. The Commission shall act on each application for a permit within ninety (90) days of the date of filing with the Commission and the Town Clerk, unless an extension of time is mutually agreed upon or unless such application has been withdrawn from consideration.
- B. The Commission may take any of the following actions upon submission of a completed application for a Stormwater Management Permit, as more specifically defined as part of Stormwater Regulations promulgated as a result of this Bylaw: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice.
- C. A Stormwater Management Permit may be disapproved if the Commission determines:
  - (a) The requirements of this Bylaw are not met, or
  - (b) The intent of the application is to circumvent other provisions of the Town's Bylaws.
- D. Appeals of Action by the Commission. A decision of the Commission shall be final. Relief from a decision made by the Commission under this Bylaw shall be reviewable by the Zoning Board of Appeals provided that a written appeal is filed within ten (10) business days of the date the decision with the Town Clerk. The remedies specified in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

#### **178-11. Enforcement & Penalties**

A. Enforcement. The Commission, or its authorized agent/ designated employees of the Town of Uxbridge, shall have the power and duty to enforce this bylaw, its regulations, and any orders, violation notices, and enforcement orders issued pursuant thereto, and may pursue all applicable civil and criminal remedies for such violations.

B. Penalties. Any person who violates any provision of this Bylaw, regulation, or permit issued hereunder, shall be subject to fines, civil action, criminal prosecution, and liens, authorized hereunder or by any other enabling statute, law or regulation.

### **178-12. Severability**

Any determination that a particular provision or set of provisions in this Bylaw are invalid or unenforceable shall not render ineffective, unenforceable, or inapplicable the remainder of this Bylaw.

Or take any action relative thereto.

**SPONSOR:** Board of Selectmen (DPW Superintendent)

**COMMENTARY:** *The EPA's Non-Point Discharge Elimination System (NPDES) program was implemented several years ago. As part of our effort to comply with that program, the Town then developed a Stormwater Management Plan (in 2003) which called for adoption of a local stormwater management bylaw in advance of the 2008 EPA deadline. This bylaw initiative is only one of many "Best Management Practices" (BMP's) that we are implementing. The proposed bylaw is the product of work by the Stormwater Committee, which has reviewed existing provisions and experiences throughout the Commonwealth in order to establish a bylaw that has well-tested provisions. We are required to protect our water resources from the potentially damaging effects of stormwater runoff and in particular those effects of construction runoff and the changes to runoff that construction can cause. As written, this bylaw is probably the least intrusive document that meets the needs of our accepted plan and is drafted in a manner that will allow the Conservation Commission, as the administering agency, to adopt regulations which will meet the needs and expectations of our residents while implementing the objectives of the NPDES program.*

**MOTION:** *Move to accept Article 20 as printed, excluding the phrase, "Or take any action relative thereto" with the following amendment to correct a typographical error in Section 178-3: replace reference to "Section D" with "Section 4".*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable action (2-0-1)

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable action (4-1-2)

This new bylaw is in response to the EPA's acts which govern protection of water resources. The bylaw defines the standards for storm water runoff, in particular for run off involving construction. The EPA deadline on setting these standards is 2008. It is important to note that this Bylaw does not contain specifics on fees, regulations and enforcement. These will be the responsibility of the Conservation Commission (or designates) to develop, hold public hearings and implement.

**VOTE NEEDED:** 2/3 majority vote

Motion seconded

Moderator declares motion did not receive required 2/3 vote.

Motion failed.

### **ARTICLE 21: GENERAL BYLAW AMENDMENTS**

To see if the Town will vote to amend the General Bylaws by deleting Section (*former XXII*) "Sewer Extension Account," or take any other action relative thereto.

**SPONSOR:** Board of Selectmen (Town Manager)

**COMMENTARY:** *As a result of the BOS adopting new Water and Sewer rate structures, and the repeal of the previously voted articles, this removes a reference to the sewer extension account, as the operating budget is an enterprise fund as voted under Article 7 of the Spring Annual Town Meeting Warrant.*

**MOTION:** [No action needed, included in codification of 11/07]

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

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

**VOTE NEEDED:** 2/3 majority vote

No motion.

No action on Article 21.

### **ARTICLE 22: GENERAL BYLAW AMENDMENTS**

To see if the Town will vote to amend the General Bylaws by deleting Section (former XX) “Water Department Revolving Fund,” or take any other action relative thereto.

**SPONSOR:** Board of Selectmen (Town Manager)

**COMMENTARY:** *As a result of the BOS adopting new Water and Sewer rate structures, and the repeal of the previously voted articles, this removes a reference to a Water revolving fund, as the operating budget is an enterprise fund as voted under Article 8 of the Spring Annual Town Meeting Warrant.*

**MOTION:** [No action needed; item was deleted via Article 8 of the June 2002 Town Meeting.]

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

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

**VOTE NEEDED:** 2/3 majority vote

No motion.

No action on Article 22.

### **ARTICLE 23: GENERAL BYLAW AMENDMENTS**

To see if the Town will vote to amend the General Bylaws Section (*former XXI*), “Sewer Privilege Charge” by amending the title of this section to read “Sewer Rules and Regulations,” and by deleting Subsection A thereof and substituting the following language therefor:

#### **SUBSECTION A: SEWER ASESSEMENTS**

**Section 1.** Pursuant to and in accordance with the authority vested in the Board of Selectmen, acting as Sewer Commissioners, by the provisions of M.G.L. Chapter 83, sections 14, 16, 17-24, and any other enabling authority, said Board of Selectmen shall establish a rate/ assessment structure and pricing system to offset the costs to sustain the operation, management and growth of The Town of Uxbridge storm water/wastewater disposal systems. The definition of “costs”, as referenced herein, shall include the costs and expenses necessary to operate, maintain and repair existing sewer facilities, and the costs necessary to develop and increase wastewater resources and facilities to enable the Town to meet anticipated demands for wastewater treatment capacity created by future economic development and population growth in and around the Town’s service area.

**Section 2.** All provisions of General Law relative to the assessment, apportionment, division, re-assessment, abatement and collection of sewer rates, charges, fees and assessments, to liens therefor, and to interest accruing thereon shall apply to any rates, fees, charges or assessments made under this Bylaw. Any rate, charge, fee or assessment made or

to be made under this Bylaw, from time to time, which remains unpaid as of the date of any amendment hereto shall remain subject to any liens imposed and collection remedies available with respect thereto under applicable terms of General Law or these Bylaws until said sums are collected or abated.

Or take any other action relating thereto.

**SPONSOR:** Board of Selectmen (Town Manager)

**COMMENTARY:** 4/14/08: *The proposed amendment to Article 1 of Chapter 289 of the General Bylaws ("Sewers") involves the following revisions: The title of Article 1 of Chapter 289 shall be changed to read "Sewer Assessments". The Motion read under the Article will specify the proposed change in the title from that appearing in the current Bylaw, "Sewer Privilege Charge." Sections 289-1 through 289-8, provisions related to the Sewer Privilege Charge previously adopted by Town Meeting, will be deleted in their entirety. In accordance with the authority vested in the Board of Selectmen by the Town's enabling Special Legislation enacted by the General Court from 1881 up through 1984 and pursuant to G. L. c. 40, §39J, G. L. c. 83, §§§14, 16, 17-24, the Board of Selectmen at its meeting on March 24, 2008 adopted a revised Water & Sewer Rate Structure. This Water & Sewer Rate Structure establishes a new basis upon which the water and sewer operational expenses and capital improvement costs of the Public Works Department are to be recovered, by means of a definitive schedule of usage rates, capital improvement fees, and connection charges assessed to water and sewer system users. This revised schedule of fees and charges provides a specific and clearly identifiable basis upon which individual property owners/rate payers are to be assessed fees and charges for the use of water and sewer services and for the enhancement of their real property by the availability of these Town services. The Rate Structure enables the Board of Selectmen, acting as Water & Sewer Commissioners, to work in conjunction with the Public Works Department on an annual basis to anticipate annual operational and capital expenses and to equitably apportion said expenses among system users. The adoption of this new Water & Sewer Rate Structure provides an alternative basis upon which property owners and water/sewer system users are to be assessed for the privilege of Town water and sewer system use in the current and future fiscal years. Thus, the permanent Sewer Privilege Fee adopted by the Town in 2005, is no longer needed. The deletion of §289-5 eliminates the requirement that owners/occupants of any building upon land abutting a public or private way serviced by a common sewer connect to said sewer within two year. The proposed new Bylaw provisions provide as follows:*

- *Section 289-1 recites the statutory authorization of the Board of Selectmen, acting as Sewer Commissioners, to adopt the Sewer Rate Structure, referenced above, it expresses the purpose of said rate structure, and defines the term "costs" to include the costs and expenses necessary to operate, maintain and repair existing sewer facilities, and the costs necessary to develop and increase waste water resources and facilities to enable the Town to meet anticipated demands for waste water treatment capacity created by future economic development and population growth in and around the Town's service area.*

- *Section 289-2 reserves the right of the Town to undertake whatever actions are required, under applicable provisions of General Law, to assert liens and undertake collection actions with respect to any rate, charge, fee or assessment made under the current Bylaw and the prior Water Sewer Privilege Charge Bylaw until any outstanding charges are collected or abated.*

*The remainder of Chapter 289 of the Town's General Bylaws relative to Sewers shall remain in full force and effect, as revised through the November 2007 Annual Town Meeting.*

**MOTION:** *Move to amend the General Bylaws, Chapter 289, Article I, "Sewer Privilege Charge" by amending the title of this Section to read "Sewer Assessments", and by deleting §§ 289-1 through 289-8 and substituting the following language therefor:*

## ARTICLE I

## Sewer Assessments

### §289- 1. Legislative authority.

Pursuant to and in accordance with the authority vested in the Board of Selectmen, acting as Sewer Commissioners, by the provisions of M.G.L. Chapter 83, sections 14, 16, 17-24, and any other enabling authority, said Board of Selectmen shall establish a rate/ assessment structure and pricing system to offset the costs to sustain the operation, management and growth of The Town of Uxbridge storm water/wastewater disposal systems. The definition of “costs”, as referenced herein, shall include the costs and expenses necessary to operate, maintain and repair existing sewer facilities, and the costs necessary to develop and increase wastewater resources and facilities to enable the Town to meet anticipated demands for wastewater treatment capacity created by future economic development and population growth in and around the Town’s service area.

### §289-2. Collection remedies.

All provisions of General Law relative to the assessment, apportionment, division, re-assessment, abatement and collection of sewer rates, charges, fees and assessments, to liens therefor, and to interest accruing thereon shall apply to any rates, fees, sewer privilege charges or assessments made under this Bylaw. Any rate, charge, fee or assessment made or to be made under this Bylaw, from time to time, which remains unpaid as of the date of any amendment hereto shall remain subject to any liens imposed and collection remedies available with respect thereto under applicable terms of General Law or these Bylaws until said sums are collected or abated.

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

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable action (4-2-1)

The bylaw allows the Board of Selectmen, acting as Water & Sewer Commissioners, to establish a new basis upon which the water and sewer operational expenses and capital improvement costs are to be recovered. As noted in the commentary the *“revised schedule will provide a clearly identifiable basis upon which individual property owners/rate payers are to be assessed fees and charges for the use of water and sewer services and for the enhancement of their real property by the availability of these Town services”*.

At the public hearing, several residents asked for clarification on these charges. Town counsel has stated:

*“If the Town decided to extend a sewer line into a portion of Town where service was not previously available, the cost of the sewer project, or a designated portion of the cost, could, upon vote of the Selectmen acting as Sewer Commissioners, be apportioned among and assessed to each parcel of land within the “limited and determinable area” receiving a benefit or advantage from the improvements other than the general advantage inuring to the community as a whole. (G.L. c. 80, s.1)*

*Betterments would be assessed to all parcels within the benefited area, whether they tie in to the sewer or not. These betterment assessments would be separate and distinct from other sewer usage fees assessed by the Town to existing sewer users.”* Patrick Costello, April 08, 2008

The Finance Director indicated that the landowner would have to pay for any improvements their property (access to new or improved services) but would not have to hook up to the sewer if they meet the appropriate sewer code.

The Finance Committee believes this change will provide for an equitable apportionment of costs amongst system users.

**VOTE NEEDED:** 2/3 majority vote

Motion seconded.

Motion passes with 2/3 vote (Yes - 67, No – 29: Standing Vote)

**ARTICLE 24: RENUMBERING/REVISION OF TOWN ZONING BYLAWS - CODIFICATION**

To see if the Town will vote to accept the numbering and revision of the various Zoning Bylaws of the Town from their original numbering to the numbering or codification, arrangement, sequence and captions and the comprehensive revisions to the text of the Zoning Bylaws as set forth in the Final Draft Zoning Bylaw Re-codification of the Town of Uxbridge dated March 2008, said codification having been done under the direction of the Board of Selectmen and the Zoning Board of Appeals, and said Bylaws being a compilation and comprehensive revision to the present Zoning Bylaws of the Town of Uxbridge. All Zoning Bylaws, as amended, heretofore in force and not included in this Code shall be repealed, except for those adopted and or amended after the effective date of this re-codification contract, and except that such repeal shall not affect any suit or proceeding pending as the result of an existing law, and such repeal shall not apply to or affect any personnel bylaw or any bylaw, order or article heretofore adopted accepting or adopting the provisions or any statute of the Commonwealth of Massachusetts. These bylaws shall be referred to as “Division 2, Zoning Bylaws”. A copy of the proposed Final Draft Zoning Bylaw Re-codification is available for view in the Offices of the Board of Selectmen, the Town Clerk, the Town Manager, the Department of Planning and Economic Development, and the Library.

Or take any other action in relation thereto.

**SPONSOR:** Zoning Board of Appeals

**COMMENTARY:** *The Town of Uxbridge needs to continue to modernize its body of law, making it more readily and easily available, understandable, and up-to-date for the citizens, employees and officials of the Town of Uxbridge. To do so, in September 2005, the Board of Selectmen appointed citizens to the Bylaw Review Committee, which prepared renumbered/revised General Bylaws in an easy-to-read, up-to-date document that will be a valuable tool for decades to come. In addition to organizing and reformatting, the bylaws have been updated to bring them into conformance with the Charter and Massachusetts General Laws. The re-codified General Bylaws were adopted by Town Meeting last fall. At that time, the Board of Selectmen and Bylaw Review Committee indicated that a renumbered/revised Zoning Bylaw would be submitted to Town Meeting for consideration in 2008. The proposed Zoning Bylaws reflected in the “Final Draft Zoning Bylaw Re-codification” reconciles our zoning requirements with changes that have been made to the Massachusetts General Laws and their interpretation during the 51 years since the main body of the bylaws were adopted. Therefore, the outdated and incorrect references have been eliminated, and replaced. Although the expectation is that future “value-based” amendments will be suggested periodically over the next several Town Meetings, the present effort was to minimize any substantive amendments. However, there were some internal inconsistencies and conflicts, and provisions of state law, which required amendments that are proposed in the Final Draft Zoning Bylaw Re-codification. They are identified and described therein.*

**MOTION:** *Move that the Town vote to accept the numbering and revision of the Zoning Bylaws of the Town of Uxbridge from their original numbering to the codified numbering, arrangement, sequence and captions; and the comprehensive revisions to the text of the Zoning Bylaws as set forth in the document entitled “Final Draft Zoning Bylaw Re-codification of the Town of Uxbridge” dated March 2008, with the following amendments: Replace the introductory*

*paragraph in proposed Section 400-9 (referencing “TOWN OF UXBRIDGE ZONING MAP, JUNE 1984”) with the following text: “The location and boundaries of said zoning and overlay districts are shown on a map called ‘TOWN OF UXBRIDGE ZONING MAP,’ updated through 1999 and as amended thereafter, which map together with all the boundary lines and designations thereon, is hereby declared a part of these Bylaws.”*

**PLANNING BOARD REPORT:** Favorable action (5-0-0)

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable action (2-0-1)

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable action (6-0-1)

The zoning bylaw codification project was part of a larger codification project initiated by the Board of Selectmen. The purpose is to bring the town’s bylaws up to date. The work was preformed by special town counsel. The focus of the work was to better organize the bylaws and, where necessary, to bring them current with the law.

**VOTE NEEDED:** 2/3 majority vote

Motion seconded.

The Moderator declared that the motion carries with the required 2/3 vote.

#### **ARTICLE 25: CHARTER AMENDMENT; REFERRAL OF WARRANT ARTICLES**

To see if the Town will vote to amend the Uxbridge Home Rule Charter, Article 2, Section 7, (b) as written below:

(b) Referral - Forthwith following the receipt of any petition containing a proposed warrant article, the board of selectmen shall cause a copy of the proposal to be emailed to the Chairman of the Finance Committee if an email address is on file in the Board of Selectmen's office and sent by U.S. Mail to the Chairman if he/she does not have an email address. The Chairman of the Finance Committee shall notify the Board of Selectmen's office of receipt of the proposed article. In addition a copy of the proposed article shall be posted on the Town Bulletin Board, and shall cause such other distribution to be made of each such proposal as may be required by law or bylaw.

**SPONSOR:** Finance Committee

**COMMENTARY:** *The present system of sending notification by registered mail is inefficient. The change in the Charter allows for quicker communications and saves money on mailings to members.*

**MOTION:** *I move, and the Finance Committee recommends, to amend the Uxbridge Home Rule Charter, Article 2, Section 7, (b) as printed in the warrant and that the effective date be July 1, 2008.*

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

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable action (7-0-0)

The town’s Charter and Bylaws requires warrant articles be mailed to the Chair of the Finance Committee. In this day and age, it is more efficient to have the articles distributed by email.

**VOTE NEEDED:** 2/3 majority vote

Motion seconded.

The Moderator declared that the motion carries with the required 2/3 vote.

#### **ARTICLE 26: BORROWING RECISSIONS**

To see if the Town will vote to rescind the remainder of the \$2,700,000 borrowing authorization, in the amount of \$826,000, as authorized in Article 3 of the April 7, 2001 Special Town Meeting (Sewer and Water), or take an action in relation thereto.

**SPONSOR:** Board of Selectmen (Finance Director)



**COMMENTARY:** *This is a housekeeping measure as the balance of the authorization was not needed for the water/sewer project voted in 2001 and funded in 2003/2004. This authorization funded the design, construction, and extension of water mains, the conversion of the Fafard Booster tank, the construction of a water tank, and the Douglas Street Sewer project. The Town completed this project for \$1,874,000.00. The remaining authorization is not needed and should be rescinded.*

**MOTION:** *Move to rescind the remainder of the \$2,700,000 borrowing authorization, in the amount of \$826,000, as authorized in Article 3 of the April 7, 2001 Special Town Meeting (Sewer and Water).*

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

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable action (7-0-0)

This article rescinds \$826,000 previously voted for a 2001 water/sewer project. Of the \$2,700,000 authorized, only \$1,874,000 was needed to complete the project.

**VOTE NEEDED:** Simple Majority

Motion seconded.

Motion carried in the affirmative by unanimous vote.

Article 27 was acted on at the May 13, 2008 Town Meeting.

### **ARTICLE 28: AMENDMENT TO THE TOWN ZONING BYLAWS BY PETITION**

To see if the Town will vote to amend the Uxbridge Zoning By-laws by making the following changes:

#### ITEM 1:

Amend Article XX Historic Mill Adaptive Reuse Overlay District (adopted 11/16/04) Subsection "Location" by adding the following clause to the end of the first sentence:

"and the Stanley Woolen Mill and associated parcels, as shown on assessor's Map 19 Parcel 3621, and a portion of Map 19, Parcel 2739 being described as follows:

See attached Boundary Description dated March 12, 2008

#### ITEM 2:

Amend Section 400-40 Subsection B by adding the following clause to the end of the first paragraph:

"and the Stanley Woolen Mill and associated parcels, as shown on assessor's Map 19 Parcel 3621, as shown on assessor's Map 19 Parcel 3621, and a portion of Map 19, Parcel 2739 being described as follows:

See attached Boundary Description dated March 12, 2008

Or take any other action relating thereto

**SPONSOR:** Citizen Petition

**MOTION:** *I move that ARTICLE 28 be approved as printed in the warrant with the exclusion of the phrase "or take any action relative thereto" This article is being presented under both new and old language of the Zoning Bylaw so that it is sure to be in proper form when submitted to the Attorney General's Office. Item 1 and Item 2 are intended to simply reflect the organizational differences between our old zoning bylaws, and the recodification we voted on tonight.*

**PLANNING BOARD REPORT:** Favorable action (5-0-0)

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

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

The petition article moves to add the Stanley Woolen Mill into the Historic Mill Adaptive Reuse Overlay District. This as an inclusion to the bylaw for the Wacantuck Mill. The developers of the Stanley Woolen Mill want to introduce a residential component to the project as an economic fall back position.

**VOTE NEEDED:** 2/3 majority vote

Motion seconded.

The Moderator declared that the motion carries with the required 2/3 vote.

**ARTICLE 29: AMENDMENT TO THE TOWN ZONING MAP/BYLAWS BY PETITION**

To see if the Town will vote to amend the Town of Uxbridge Zoning Map and Zoning By-laws to allow the Historic Mill Adaptive Reuse Overlay District to be extended to include the following parcels, all on assessor's map 19: Parcels 2393, 2413, 2449, 2484, 2475, and 3211, and Nicholas Way.

**SPONSOR:** Citizen Petition

**MOTION:** No Motion

**PLANNING BOARD REPORT:**

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

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

**VOTE NEEDED:** 2/3 majority vote

No motion.

No action on Article 29.

**ARTICLE 30: AMENDMENT TO THE TOWN ZONING MAP/BYLAWS BY PETITION**

To see if the Town will vote to amend the Zoning Map incorporated into its Zoning Bylaws by rezoning a parcel of land easterly of Carney Street and southerly of Douglas Street from the existing Residential A zone to the Business zone thereby extending the existing Business zone westerly of South Main Street. The parcel to be rezoned is more particularly bounded as follows:

- BEGINNING at a point in the center line of Douglas Street, easterly of Carney Street and westerly of South Main Street, at the line between the existing Business zone and the existing Residence A zone;
- THENCE Southeasterly by the line between the Residential A zone and the Business zone to a point 350 feet from the center line of Douglas Street;
- THENCE Westerly by an arc 350 feet southerly of and parallel to the center line of Douglas Street to a point 130 feet easterly of the center line of Carney Street;
- THENCE Northerly by a line parallel to and 130 feet easterly of the center line of Carney Street to the center of Drabbletail Brook;
- THENCE Westerly by Drabbletail Brook to the center line of Carney Street; Northerly by the center line of Carney Street to the center line of Douglas Street;
- THENCE Easterly by the center line of Douglas Street to the point of beginning.

Or take any other action relating thereto.

**SPONSOR:** Citizen Petition

**MOTION:** I move the town vote to amend the zoning map as written in the warrant.

**PLANNING BOARD REPORT:** Favorable action (5-0-0)

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

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Favorable action (7-0-0)

The petition seeks to rezone the land where Koopman’s Lumber is located. The site is zoned as residential, even though the business has been in existence at this site for many years. The article would rezone the area to business.

**VOTE NEEDED:** 2/3 majority vote

Motion seconded.

The Moderator declared that the motion carries with the required 2/3 vote.

**ARTICLE 31: AMENDMENT TO THE TOWN GENERAL BYLAWS BY PETITION**

To see if the Town will vote to amend the General By-laws of the Town of Uxbridge by inserting a new \_\_\_\_-“Uxbridge Vehicle Management By-law” to read as follows:

**SECTION ???  
UXBRIDGE VEHICLE MANAGEMENT BY-LAW**

The Town of Uxbridge hereby establishes a Vehicle Management By-law to be administered by a Fleet Administrator; the Uxbridge Town Manager is hereby designated the Uxbridge Vehicle Fleet Administrator.

**???.1 Purpose and Scope:** The purpose of this By-law is to establish policies and procedures governing the use of all vehicles owned and/or leased and/or rented, and/or received as gifts or grants by the Town of Uxbridge, any and all Departments, Enterprise Fund activities, Boards, Committees, or Commissions for use in conducting official business of the Town and all of its Departments, Enterprise Fund activities, Boards, Committees, or Commissions. This By-law shall also extend to vehicles contracted for specific purposes that obtain fuel and/or parts from Town inventory or paid by the Town. Exceptions will be noted for certain vehicles utilized by the Police Department for confidential or undercover purposes.

**???.2 Definitions:** as used in this By-law, the following terms shall have the following meanings:

- a. Board, Committee, or Commission: any permanent or ad hoc official entity of the Town so identified.
- b. Board, Committee, or Commission Chair: the individual nominated, elected, or appointed to preside over meetings of a board, committee, or commission.
- c. Commute: a trip between an Employee’s permanent or temporary personal residence and a work site (whether or not the ordinary work place) located in the Town of Uxbridge even if the individual makes previous or subsequent stops outside the Town.
- d. Contract Vehicles: vehicles owned by a private person or entity used on Town business in exchange for a fee paid from public funds.
- e. Decal: a sticker or other form of permanent marking affixed to a vehicle.
- f. Department: any subdivision of the Town so identified; for the purpose of this By-law, the Uxbridge Public School System is included in this definition.

- g. Department Head: the individual who, either by election or appointment is responsible for the administration of a department; for the purpose of this By-law, the Superintendent of the School Department is included in this definition.
- h. Domicile Travel: the use of a Town vehicle to travel between a permanent or temporary personal residence and a work site.
- i. Enterprise Fund Activity: an entity established with a separate accounting and financial reporting mechanism to provide a specific municipal service for which a fee is charged.
- j. Fleet Administrator: the Uxbridge Town Manager is designated as the Uxbridge Vehicle Fleet Administrator.
- k. Leased Vehicle: any passenger, cargo, or utility vehicle leased by the Town or any of its Departments, Boards, Committees, or Commissions from a dealer or leasing agent.
- l. Overnight Travel: the use between the hours of 4 PM and 8 AM of any passenger, cargo, or utility vehicle owned and/or leased and/or rented and/or received as gifts or grants by the Town of Uxbridge, any and all Departments, Boards, Committees, or Commissions.
- m. Rented Vehicle: any passenger, cargo, or utility vehicle rented by the Town or any of its Departments, Boards, Committees or Commissions from a dealer or rental agent.
- n. Vehicle: any Town owned, rented, leased, gifted, or granted self-propelled vehicle utilized for the purpose of transporting one or more employees, clients, and/or equipment and/or material to or between official business or work sites. The following categories of vehicles are included:
  - a. Any sub-compact, compact, mid-size, or full-size automobile;
  - b. Any passenger-carrying or cargo-carrying mini-van regardless of Gross Vehicle Weight;
  - c. Any passenger-carrying or cargo-carrying full-size van regardless of Gross Vehicle Weight;
  - d. Any pick-up truck, regardless of Gross Vehicle Weight, including but not limited to crew-cab pick-up trucks, utility-body trucks, and pick-up trucks with dual rear wheels;
  - e. Any other passenger or cargo carrying vehicle with a gross vehicle weight equal to or less than 10,000 pounds;
  - f. Any Sports Utility Vehicle (SUV); and
  - g. All motorized specific use vehicles including, but not limited to, street sweepers, bull-dozers, front-end loaders, plows. etc

**3.3 Responsibilities:**

- a. The Uxbridge Vehicle Fleet Administrator is ultimately responsible for ensuring adherence to this By-law and for the safe, efficient, and economical use of all vehicles in the fleet. He/she shall meet this responsibility working with and through the heads of departments and chairs of boards, enterprise fund activities, committees, and commissions.
- b. The Uxbridge Vehicle Fleet Administrator shall prescribe the form of all records and logs utilized under this By-law in sufficient detail to accomplish the full scope purposes detailed in this By-law.
- c. The Uxbridge Vehicle Fleet Administrator shall maintain all utilization, maintenance, spare parts inventory, and repair logs submitted by heads of departments and enterprise fund activities, and chairs of boards, committees, and commissions. These records shall be subject to the public records law and shall be treated as such. An exception shall be made for

any and all records and logs maintained on Police Department confidential and/or undercover vehicles.

- d. The Uxbridge Vehicle Fleet Administrator shall ensure that all Town business is conducted utilizing Town vehicles and will authorize the use of privately owned vehicles only on rare and exceptional occasions. The Uxbridge Vehicle Fleet Administrator shall have available at Town Hall one or more vehicles for common use by Town Hall-based employees. All automobiles purchased after this By-law takes effect shall be sub-compact models unless the Uxbridge Vehicle Fleet Administrator justifies in writing that a larger vehicle is essential for the purposes for which it is acquired.
- e. The Uxbridge Vehicle Fleet Administrator shall ensure that motor vehicle violations and parking tickets, incurred by employees while operating Town vehicles, are promptly paid by the employee. The Administrator shall be responsible for monitoring the impact of any violations on driver or vehicle status.
- f. The Uxbridge Vehicle Fleet Administrator shall ensure that no Town vehicle is used for domicile travel or for overnight travel between a residence and a work site. The use of Town vehicles between the hours of 4PM and 8AM shall be restricted to being driven within the Town limits between Departmental headquarters or Town Hall and sites where overnight work is actively occurring. As exceptions, the Chiefs of the Police Department and the Fire Department may, at their discretion, use a Town Vehicle for domicile or overnight travel. Additionally, Police Department and Fire Department vehicles shall conduct Departmental business at any time without being hindered by this By-law.
- g. The Uxbridge Vehicle Fleet administrator shall ensure that the payroll office accomplishes the appropriate fringe benefit tax reporting for domicile travel by the Police Chief and Fire Chief.
- h. The Uxbridge Vehicle Fleet Administrator shall ensure that all Town vehicles have the appropriate up-to-date registration, safety inspection, and emissions inspection. He/she may delegate this chore to the department or enterprise fund activity heads and chairs of boards, committees, or commissions and hold them responsible for compliance.
- i. Heads of departments and enterprise fund activities, and chairs of boards, committees, and commissions shall ensure that all owned vehicles prominently display a permanent decal identifying the Town of Uxbridge and the appropriate department, board, committee, or commission. Leased or rented vehicles shall display a magnetized marker identifying the Town of Uxbridge and the appropriate department, board, committee, or commission. Costs associated with obtaining and applying permanent decals or magnetized markers will be borne by the respective department, board, committee, or commission as an expense. An exception shall be made for Police Department confidential and/or undercover vehicles.
- j. Heads of departments and enterprise fund activities, and chairs of boards, committees, and commissions shall ensure that all owned vehicles prominently display, on the rear of the vehicle, a permanent decal reading "How am I driving? Call 508-278-8600.
- k. Heads of departments and enterprise fund activities, and chairs of boards, committees, and commissions shall ensure that all vehicle operators are appropriately licensed for the class of vehicle being operated.
- l. Heads of departments and enterprise fund activities, and chairs of boards, committees, and commissions shall immediately report to the Uxbridge Vehicle Fleet Administrator any and all accidents, motor vehicles violations, and parking tickets involving Town vehicles.

- m. Heads of departments and enterprise fund activities, and chairs of boards, committees, and commissions shall ensure that each vehicle has a repair and maintenance log that includes, but is not limited to: 1) lubrication, oil, and filter changes, 2) annual brake inspections, 3) annual tire rotation and balance, 4) annual emission service, 5) annual engine performance service, and 6) all repairs. These logs shall be forwarded to the Uxbridge Vehicle Fleet Administrator on an annual basis and shall at all times be subject to the public records law. An exception shall be made for Police Department confidential and/or undercover vehicles, the repair and maintenance logs for such vehicles being retained at the Police Department and not subject to the public records law.
- n. Heads of departments and enterprise fund activities, and chairs of boards, committees, and commissions shall ensure that each vehicle has an operations log that includes 1) start date and time, 2) odometer reading at start, 3) location at start, 4) end date and time, 5) odometer reading at end, 6) destination, 7) driver name, and 8) date, time, and quantity of fuel added to the vehicle. Logs shall also be maintained on any and all contract vehicles for which fuel and/or spare parts are provided from inventory or at public expense. These logs shall be certified as accurate by the operator on a daily basis and countersigned by the head of the department or enterprise fund activity or chairs of boards, committees or commissions.
- o. Heads of departments and enterprise fund activities, and chairs of boards, committees, and commissions shall submit their vehicle utilization logs, along with a monthly recapitulation for each vehicle of miles driven and gallons of fuel consumed with a miles-per-gallon computation to the Uxbridge Vehicle Fleet Administrator on a monthly basis and shall at all times be subject to the public records law. The Uxbridge Vehicle Fleet Administrator shall take particular note of any deviation from the manufacturers' expected miles-per-gallon rating and cause the vehicle to undergo an engine performance review. Operators of vehicles found to be within tolerance of manufacturers' miles per gallon rating but that deviate from that rating on the monthly log submission shall be counseled on the proper use of the log for a first infraction. Subsequent infractions may cause the operator to be placed on leave-without-pay for a period of one week or subject to employment termination. An exception shall be made for Police Department confidential/undercover vehicles, the operations logs for such vehicles being retained at the Police Department and not subject to the public records law.

**???.4 VEHICLE USE:**

- a. Town vehicles shall be operated only by Town employees or individuals explicitly designated to use Town vehicles in the conduct of official Town business..
- b. Vehicle operators shall be appropriately licensed for the class of vehicle being operated.
- c. Vehicle operators shall not use the vehicles for domicile travel or overnight travel except for those instances identified in ???3{c} above.
- d. Vehicle operators shall obey all state and local traffic and parking laws and regulations. Any legal action resulting from violation of such laws and regulations shall be the responsibility of the vehicle operator. Vehicle operators will be solely responsible for all fines and penalties.
- e. Liability for any and all accidents occurring during use of vehicles in violation of this By-law shall be the sole responsibility of the vehicle operator.
- f. Smoking is prohibited in all Town vehicles at all times.

- g. Vehicle operators shall never use a Town vehicle to carry any passenger not explicitly connected with the Town business for which the vehicle is being used.
- h. Vehicle operators shall use Town vehicles only to conduct official Town business; at no time shall a Town vehicle be used for personal reasons, including stopping at commercial or retail establishments for any reason not explicitly connected with Town business.
- i. Vehicle operators shall ensure that they and their passengers utilize the seat belts or safety harnesses.
- j. Vehicle operators shall not operate under the influence of alcohol or illegal substances. Any employee arrested for operating a Town vehicle under the influence of alcohol or illegal substances shall lose all privileges to operate a Town vehicle pending the outcome of the charges. If an employee is convicted, or pleads guilty, or pleads to sufficient facts, he/she will be subject to employment termination procedures.
- k. Vehicle operators alleged to have operated a Town vehicle in violation of this By-law shall appear before an administrative hearing by a panel comprised of the Uxbridge Vehicle Fleet Administrator, one member of the Board of Selectmen, the head of the administrative element involved, and a union representative if appropriate. If found culpable, the vehicle operator shall be subject to suspension without pay for a period of not less than 3 working days and not more than 30 working days depending on the severity of the violation.

**SPONSOR:** Citizen Petition

**MOTION:** No Motion

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Unfavorable action (2-1-0)

**RECOMMENDATION OF THE FINANCE COMMITTEE:** Unfavorable action (6-1-0)

The Finance Committee believes this subject should be governed by a town policy and not a town bylaw. Bylaws, which require the approval of town meeting, can be difficult to change. The Board of Selectmen and/or Town Manager are in a better position to set the policies on the use of town assets. The Finance Committee agrees with the petitioners on the need for a policy governing the use of town vehicles.

**VOTE NEEDED:** 2/3 majority vote

No motion.

No action on Article 31

All articles having been acted on, there was a motion to dissolve the 2008 Annual Spring Town Meeting.

The motion was seconded and passed.

The meeting adjourned at 9:32pm.

A true attest,

Joseph H. Kaplan  
Uxbridge Town Clerk