



Minutes
FALL ANNUAL TOWN MEETING
18 November 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 in the High School Auditorium, in Precinct 2, in said Uxbridge, and transacted the following business on November 18, 2008:

Quorum Requirement: 50
Voters Present: 615

Town Moderator Harold Klei called the Annual Fall Town Meeting to order at 7:25pm declaring the presence of a quorum and led the assembly in the Pledge of Allegiance to the flag.

The moderator announced the tellers of the evening and reviewed the rules for the meeting. He recognized and thanked Town Manager Jill Myers, who was in attendance for her last Town Meeting as Town Manager.

ARTICLE 1: REPORTS

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

SPONSOR: Board of Selectmen (Town Manager)

MOTION: No Motion

RECOMMENDATION OF THE FINANCE COMMITTEE: No Recommendation (5-0-0)

RECOMMENDATION OF THE BOARD OF SELECTMEN: No Recommendation

REPORTS: Town Treasurer David Genereux (town goals of financial policy)

VOTE NEEDED: N/A

Motion: I move that Article 41 be considered as the second article and Article 15 be considered as the third article.
Motion seconded. Moderator declares motion carried by majority vote.

ARTICLE 41: TRANSFER TO STABILIZATION

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

SPONSOR: Board of Selectmen (Town Manager).

COMMENTARY: *This article serves to transfer the entire FY 2008 Certified Free Cash to the Stabilization Fund. Stabilization Fund monies may be appropriated for any lawful purpose via 2/3rd's vote at any town meeting.*

MOTION: I move that the sum of \$580,761 in Free Cash be transferred to the Stabilization Fund.

Motion seconded.

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

The goal is to bring the Stabilization Fund to \$1.0 million. After transfers for Articles 4, 5 & 6, the balance in the Fund will be \$910,350

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

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

Moderator declared motion carried by 2/3 vote.

ARTICLE 15: APPROPRIATION TO FUND FEASIBILITY STUDY TO DETERMINE COSTS ASSOCIATED WITH THE CONSTRUCTION OF A NEW HIGH SCHOOL AS REQUIRED BY THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY

To see if the Town will vote to appropriate a sum of money, said sum to be expended under the direction of the School Building Committee, for the cost of architectural and/or engineering services for a feasibility study relating to the construction of a new high school on town-owned land at 246-270 Quaker Highway, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority (the "MSBA"); 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; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

SPONSOR: School Committee

COMMENTARY: *Of the 423 total applications received by the Massachusetts School Building Authority, Uxbridge was one that was moved to the Feasibility Study phase, a required step in the MSBA's process. In accordance with MSBA Regulation 963 Section 2.10 8(d), the purpose of the Feasibility Study is to investigate potential options and solutions, including cost estimates for each, for the deficiencies and issues identified in the application. The Feasibility Study shall include options for new construction, renovations of existing buildings, reallocation of educational programming within existing facilities, renting additional facilities, and "no-build" or do nothing option. The article is an "up-to" or not to exceed amount to be expended by the Uxbridge School Building Committee. The final cost of this Feasibility Study will be reimbursed in accordance with the MSBA's reimbursement program. At a meeting held on September 9, 2008, the School Committee voted unanimously to include this article for this MSBA required "next step".*

MOTION: I move That the Town appropriate the sum of four hundred, sixty-five thousand (\$465,000) dollars for purposes of conducting a feasibility study to understand the extent of facility and programming deficiencies at the Uxbridge High School, located at 62 Capron Street and to explore the formulation of a solution to those deficiencies, said sum to be expended under the direction of the School Building Committee, and to meet said appropriation the Treasurer, with the approval of the Board of Selectmen is authorized to borrow said sum under M.G.L. Chapter 44, G.L. c. 70B, or any other enabling authority; that the Town acknowledges that the Massachusetts School Building Authority ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any amounts received from the MSBA prior to the issuance of bonds or notes under this vote; and that the School Building Committee is authorized to take any other action necessary to carry out this project.
Motion seconded.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable (4-1-0)

The status of the high school has been a long standing problem for the Town. The state (MSBA) requires a feasibility study to determine the best solution to the problem. The risk to the Town is the study's cost which is estimated to be in the \$210K range. The reward is an independent review and recommendation of what needs to be done to solve the high school problem. Currently NEACS has the accreditation of the high school on "Warning" status and the Town is spending over \$1.0M on School Choice Out.

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

PROPOSED AMENDMENT: "The Board of Selectmen will call for a post-proposition 2 ½ debt exclusion for \$465,000, to fund the feasibility study outlined in Article 15 in the Town of Uxbridge 2008 Fall Annual Town Meeting Warrant. The ballot question per MGL Ch 59 Sec 21C (k) will read: "shall the Town of Uxbridge be allowed to exempt from the provisions of proposition two and one half, so called, \$465,000 to pay for the bond or notes issued for the purposes of conducting a feasibility study to understand the extent of facility and programming deficiencies at the Uxbridge High School, located at 62 Capron Street and to explore the formulation of a solution of those deficiencies, and said sum to be expended under the direction of the School Building Committee. To meet said appropriation the Treasurer with approval of the Board of Selectmen is authorized to borrow said sum. The Town acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non entitlement discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and the

amount of borrowing authorized pursuant to this vote shall be reduced by any amounts received by the MSBA prior to the issuance of bonds or notes under this vote; and that the School Building Committee is authorized to take any other action necessary to carry out this project.”

Yes _____ No _____

Motion to amend seconded. Moderator declares motion to amend fails.

VOTE NEEDED FOR ARTICLE requires a 2/3 vote (borrowing authorization)

The moderator asked town clerk to swear in William Kessler as Assistant Town Manager to assist with the overflow crowd in the High School Cafeteria.

Moderator declares motion carries with 2/3 vote.

ARTICLE 2: FY09 BUDGET AMENDMENTS

To see if the Town will vote to transfer from available funds, including so called “free cash” and retained earnings, and appropriate, or to raise and appropriate a sum of money to balance certain line item accounts within the FY09 budget approved under Articles 5, 7, 8, and 9 of the May 13, 2008 Annual Town Meeting, or take any other action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

COMMENTARY: *The purpose of the article is to make adjustments to balance the FY 2009 budget as voted at the Spring Annual Town Meeting; including new appropriations and/or budget reductions.*

MOTION: I move that the Town vote to raise, transfer and appropriate the amounts as stated in the following chart for any purpose for which funds may be expended from the latter accounts, each item being considered a separate appropriation for FY09:

1.	FROM:	Amount	TO:	Amount
	Sewer Retained Earnings 6510-440-3590-0000-0000-0000-0-0000-0-0	6,665.00	Sewer Enterprise Fuel 6510-440-5481-0000-0000-0000-2-0000-6-0	6,665.00
	Sewer Retained Earnings 6510-440-3590-0000-0000-0000-0-0000-0-0	4,587.00	Sewer Enterprise Medicare 6510-440-5176-0000-0000-0000-1-0000-6-0	4,587.00

Additional commentary: This is a request for increase of the budget of the Sewer Enterprise Fund (Article 7, SATM). The budget for these costs is in the general fund. Funding these expense lines will allow the Sewer Enterprise Fund to reimburse the general fund for these expenses.

2.	FROM:	Amount	TO:	Amount
	Water Retained Earnings 6500-450-3590-0000-0000-0000-0-0000-0-0	14,485.00	Water Enterprise Fuel 6500-450-5481-0000-0000-0000-2-0000-6-0	14,485.00
	Water Retained Earnings 6500-450-3590-0000-0000-0000-0-0000-0-0	4,650.00	Water Enterprise Medicare 6500-450-5176-0000-0000-0000-1-0000-6-0	4,650.00
	Water Retained Earnings 6500-450-3590-0000-0000-0000-0-0000-0-0	125,000.00	Water Enterprise Chemicals 6500-450-5550-0000-0000-0000-2-0000-6-0	125,000.00

Additional commentary: This is a request for increase of the budget of the Water Enterprise Fund (Article 8, SATM). The budgets for the fuel and Medicare costs are in the general fund. Funding these expense lines will allow the Water Enterprise Fund to reimburse the general fund for these expenses. We are requesting an increase in the water chemicals line due to a significant cost increase in potassium hydroxide due to tight supply and strong demand.

3.	FROM:	Amount	TO:	Amount
	Ambulance Retained Earnings 6520-231-3590-0000-0000-0000-0-0000-0-0	7,920.00	Ambulance Enterprise Fuel 6520-231-5481-0000-0000-0000-2-0000-6-0	7,920.00
	Ambulance Retained Earnings 6520-231-3590-0000-0000-0000-0-0000-0-0	5,243.00	Ambulance Enterprise Medicare 6520-231-5176-0000-0000-0000-1-0000-6-0	5,243.00

0000-0-0

0000-6-0

Additional commentary: This is a request for increase of the budget of the Ambulance Enterprise Fund (Article 9, SATM). The budget for these costs is in the general fund. Funding these expense lines will allow the Ambulance Enterprise Fund to reimburse the general fund for these expenses. There is a budget for Ambulance Enterprise Fuel (\$5,000), but we estimate actual FY 2009 usage to be \$12,920.00.

Motion seconded.

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

The budget amendments strive to clear up problems with fuel, Medicare and chemical costs in the enterprise accounts. Funding will come from the retained earnings of these activities. Retained earnings in the Sewer, Water and Ambulance accounts, respectively, are \$249,699, \$856,814 and \$198,510.

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

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

With no money coming from Stabilization, only a simple majority is needed to carry.

Moderator declares motion carries by majority vote.

ARTICLE 3: FY09 INTER/INTRA DEPARTMENTAL TRANSFERS

To see if the Town will vote to transfer and appropriate from available funds, including funds previously appropriated to other uses or so called "free cash" and retained earnings, or to raise a sum or sums of money to appropriate to accounts and for purposes to be specified at the Fall Town Meeting, or take any action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

COMMENTARY: *The purpose of this article is to transfer funds within department budgets or from one department to another. Per MGL, transfers between individual municipal budgets require town meeting action.*

MOTION: I move that the Town vote to transfer and appropriate the amounts as stated in the following chart for any purpose for which funds may be expended from the latter accounts, each item being considered a separate appropriation for FY09:

1.	FROM:	Amount	TO:	Amount
	Conservation Salaries 0100-171-5110-0000-0000-1-0025-0-0	\$17,536.00	Conservation Contractual Service 0100-171-5314-0000-0000-2-0000-0-0	\$17,536.00

Additional commentary: The FY 2009 Budget was based on having a part-time, salaried Conservation Administrator. The decision was made to contract out the administrative duties to a private firm due to a vacancy created by the resignation of the former Conservation Administrator prior to the start of FY2009. Per MGL, salary lines in municipal budgets cannot be used to pay expenses. This transfer will pay the firm's monthly bill from November until the close of the fiscal year.

2.	FROM:	Amount	TO:	Amount
	Conservation Salaries 0100-171-5110-0000-0000-1-0025-0-0	\$8,400.00	Finance Committee Reserve Fund 0100-132-5782-0000-0000-2-0000-0-0	\$8,400.00

Additional Commentary: When the Conservation Administrator resigned (See Above), there was no funding available to pay the firm as the appropriation was in a salary line. The Finance Committee approved four months of monthly bills from the Reserve Fund allowing to the firm to be paid until this meeting. This action restores the Reserve Fund.

Motion seconded.

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

The transfer realigns the budget in the Conservation account and restores funds in the Reserve Fund balance.

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

VOTE NEEDED: Requires a simple majority vote provided none of the money is coming from Stabilization. A transfer from Stabilization requires a 2/3rds vote. With no money coming from stabilization, only a simple majority is needed to carry.

Moderator declares motion carries by majority vote.

ARTICLE 4: APPROPRIATIONS FOR COLLECTIVE BARGAINING AGREEMENT(S)

To see if the Town will vote to transfer and appropriate from free cash or from funds available in the treasury, including funds previously appropriated to other purposes, a sum or sums to fund the cost items of one or more collective bargaining agreements between the Town and its employees, or take any action relative thereto or thereon.

SPONSOR: Board of Selectmen (Town Manager)

MOTION: I move that the Town vote to transfer and to appropriate the sum of \$198,070 from the Stabilization Fund (2500-000-3970-0000-0000-0-0000-0-0) 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 implementing the terms of a collective bargaining agreement with a term beginning July 1, 2006 and expiring June 30, 2009, between the Town and Local 123 of the MA Coalition of Police, AFL-CIO, as exclusive bargaining representative of the bargaining unit.

Motion seconded.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable: (4-1-0)

This article funds a three year contract with the Police Union for the period July 2006 to June 2009.

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

VOTE NEEDED: A transfer from Stabilization requires a 2/3rds vote.

Moderator declares motion carries by 2/3 vote.

ARTICLE 5: FUNDING REQUEST TO RETROFIT A FOREST FIRE TRUCK

To see if the Town will vote to raise and appropriate or transfer from available funds, including so called "free cash," the sum of \$4,000.00 to appropriate for the purpose of retrofitting a forest fire truck for the Fire Department, or take any action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

COMMENTARY: *The Fire Department acquired a used pick-up truck from the Department of Defense and is requesting funds for the purposes of refinishing and transferring equipment from the former truck (Forestry I - 1977) to the replacement unit.*

MOTION: Move that the Town vote to transfer from the Stabilization Fund (2500-000-3970-0000-0000-0-0000-0-0) and appropriate the sum of \$4,000 for the purpose of retrofitting a forest fire truck for the Fire Department.

Motion seconded.

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

This expenditure replaces the Town's current 1977 truck and removes \$60,000 from the capital need list.

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

VOTE NEEDED: A transfer from Stabilization requires a 2/3rds vote.

Moderator declares motion carries by 2/3 vote.

ARTICLE 6: FUNDING REQUEST FOR MATCHING FUNDS FOR FEDERAL GRANT AWARD FOR REPLACEMENT WATER TENDER (TANKER) TRUCK:

To see if the Town will vote to raise and appropriate or transfer from available funds, including so called "free cash," the sum of \$13,000.00 for use as matching funds for a total grant award of \$220,000.00 for the purchase of fire apparatus, and said funds to be expended under the direction of the Fire Chief, or take any action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

COMMENTARY: *The Fire Department received a federal grant award from the Department of Homeland Security - Assistance to Firefighters Grant program for a replacement water tender (tanker). The funds requested will be utilized as matching funds required of 5% of the grant award (\$11,000.00) plus the grant writing administration cost (\$2,000.00) that was not funded but requested by the grant writer, for a total matching request of \$13,000.00.*

MOTION: Move that the Town vote to transfer from the Stabilization Fund (2500-000-3970-0000-0000-0000-0-0000-0-0) and appropriate the sum of \$13,000 for use as matching funds for a total grant award of \$220,000 for the purchase of fire apparatus and associated grant writing administration cost with said funds to be expended under the direction of the Fire Chief.

Motion seconded.

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

This grant replaces two vehicles and removes \$650,000 from the capital need list. Only 45% of the Town is covered by municipal water.

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

VOTE NEEDED: A transfer from Stabilization requires a 2/3rds vote.

Moderator declares motion carries with 2/3 vote.

ARTICLE 7: FY09 FUNDING APPROPRIATION TO THE SCHOOL/TOWN BUILDING MAINTENANCE ACCOUNT

To see if the Town will vote to raise and appropriate or transfer from available funds, including so called "free cash," a sum or sums to appropriate to the School/Town Building Maintenance Account (0100-935-5211-0000-0000-0000-2-0000-0-0) or take any action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

COMMENTARY: *The School/Town Building Maintenance fund, which was created upon passage of a Proposition 2 ½ override vote in 2005, had been funded through FY08, but was not funded at the Spring Annual Town Meeting for FY09. Funding this account via warrant article allows the balance in the account to be maintained at the close of the fiscal year, not closed out as preferred by our auditors for appropriations funded as part of the operating budget. This is a place holder article as the funding source is to be determined.*

MOTION: To see if the town will vote to raise from stabilization the sum of \$100,000 to appropriate to the School Town Building Maintenance Account (0100-935-5211-0000-0000-0000-2-0000-0-0) or take any action relative thereto.

RECOMMENDATION OF THE FINANCE COMMITTEE: Unfavorable (5-0-0)

The hope was that this fund could be restored to the operating budget. However, funding would have to come from the Stabilization Fund. Right now, given the state of the economy, the highest priority is to get the Stabilization Fund to \$1.0 million.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Pass Over (3-2-0)

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

Motion seconded and fails to obtain 2/3rd vote.

ARTICLE 8: STREET ACCEPTANCE-SOUTHWOODS ESTATES SUBDIVISION

To see if the Town will vote to accept as public ways the roads and utilities, and to authorize the Selectmen to accept easements for such roadways and infrastructure related thereto, as shown on the plan entitled "Roadway Acceptance Plan for Southwoods Estates by Yerka Engineering LLC, dated May 3, 2006" and relating to Arnold Way and Southwoods Drive, or take any action relative thereto

SPONSOR: Board of Selectmen (Town Manager)

COMMENTARY: *The roadways were previously laid out, and authorized for acceptance, but that acceptance was not accomplished – the materials were not recorded at the Registry of Deeds within the timeframe required by state law. All of the required materials are now in the possession of the Town.*

MOTION A: I move that Arnold Way is to be accepted in its entirety referencing a plan entitled "Roadway Acceptance Plan for Southwoods Estates by Yerka Engineering LLC, dated May 3, 2006."

Motion seconded.

MOTION B: I move that Southwoods Drive is to be accepted in its entirety referencing a plan entitled "Roadway Acceptance Plan for Southwoods Estates by Yerka Engineering LLC, dated May 3, 2006."

PLANNING BOARD REPORT: Favorable (3-1-0)

Motion seconded.

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

Street previously accepted at Town meeting; Town failed to file deed.

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

VOTE NEEDED: Requires a simple majority.

Moderator declares Motion A carries by simple majority.

Moderator declares Motion B carries by simple majority.

ARTICLE 18: TRANSFER OF FUNDS TO FY09 COUNCIL ON AGING (COA) BUDGET

To see if the town will vote to raise and/or appropriate and/or transfer from available funds a sum of money to the FY 09 COA expense and salaries account for the purpose of restoring Friday services and our custodial hours.

SPONSOR: Council on Aging

COMMENTARY: *At their meeting on Tuesday, Sept 9th the COA Board voted unanimously to place the article on the Fall Annual Town Meeting Warrant.*

MOTION: I move that the Town vote to transfer and appropriate the amounts as stated in the following chart for any purpose for which funds may be expended from the latter accounts, each item being considered a separate appropriation for FY09:

FROM:	Amount	TO:	Amount
Council on Aging Van Purchase 2437-541-39700-0000-0000-0000-0-0000-0-0	\$4,619.00	COA PT Salaries 0100-541-5100-0000-0000-0000-1-0073-2-0	\$4,619.00
Council on Aging Van Purchase 2437-541-3970-0000-0000-0000-0-0000-0-0	\$3,510.00	COA Expenses 0100-541-5200-0000-0000-0000-2-0000-0-0	\$3,510.00

RECOMMENDATION OF THE FINANCE COMMITTEE: Unfavorable (3-2-0)

While the Committee is supportive of the outstanding work of the COA, it feels it must support the financial policy (Financial Management Policy and Objectives, B.1.) "The annual budget should be supported solely by ongoing recurring revenue sources ... The annual budget should not be funded with non-recurring revenues sources, such as stabilization."

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

Motion second

Motion to Amend: I move to amend the motion, by replacing in the chart in the original motion with the account with health insurance account (health insurance account to be provided by the Town Accountant).

Motion to Amend is seconded.

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

Moderator declares vote on the amendment carries.

Moderator declares motion as amendment carries.

Note: Town Accountant provided health insurance account number: 0100-914-5170-0000-0000-0000-1-0000-0-0.

ARTICLE 9: STREET ACCEPTANCE-BIG ROCK ROAD

To see if the Town will vote to accept as public ways the roads and utilities, and to authorize the Selectmen to accept easements for such roadways and infrastructure related thereto, as shown on the plan entitled "Roadway Acceptance Plan of Big Rock Road" by Andrews Survey and Engineering, dated May 2002 and relating to Big Rock Road, or take any action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

COMMENTARY: *This project was being developed by a company that ultimately filed bankruptcy. The Town exercised surety and the residents spearheaded the effort to complete the project. The surety was exhausted (and in*

fact, the residents contributed significant private funds to accomplish the required work), and the subdivision is being reviewed by the Planning Board for a Determination of Completeness. The mylar plans and deeds are on file with the Town.

MOTION: I move that Big Rock Road is to be accepted in its entirety referencing a plan entitled "Roadway Acceptance Plan of Big Rock Road, by Andrews Survey and Engineering, dated May, 2002."

Motion seconded.

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

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

Planning Board and Board of Selectmen recommend acceptance.

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

VOTE NEEDED: Requires a simple majority.

Moderator declares motion carries unanimously.

Motion: I move to take Article 39 out of order. Motion seconded.

Moderator declares motion carried by majority vote.

ARTICLE 39: CITIZEN PETITION TO AMEND THE ZONING BYLAWS RELATING TO ELECTRICAL GENERATING FACILITIES

SPONSOR: Citizen's Petition

MOTION: I move to AMEND the Zoning By-Laws §400 by:

AMENDING Subsection 10 D 6 by adding the following language "with a production capacity of greater than 350 megawatts" at the end of the existing sentence; and

By ADDING a NEW Subsection 5 to Section 20 B: "5. Electrical generating facilities with a capacity of 350 megawatts or less using natural gas, renewable and ultra low sulfur fuels, wind or solar energy, provided, however, that the Planning Board shall not issue special permits for more than two electrical generating facilities in the Town or for a combined production capacity of more than 500 megawatts in total."; and

By AMENDING Subsection E of the Use Regulation Table (Appendix A) by adding the following: "Electrical generating facilities with a capacity of 350 megawatts or less on a minimum site area of 15 acres using natural gas, renewable and ultra low sulfur fuels, wind or solar energy." and by providing that such use is not permitted in the Residential, Agricultural and Business Districts and is permitted by special permit from the Planning Board in the Industrial District.

Motion seconded.

PLANNING BOARD REPORT: Favorable (3-1-1)

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

The change in zoning will bring much needed income to the town -- an estimated \$1.2M annually for the next 20 years -- while the change in the bylaw provides sufficient protection to the environment and character of the town.

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

VOTE NEEDED: Requires a 2/3rds vote.

Point of order: If article 29 passes, would it affect the order of the one being considered. The Moderator responded that he would be ruling Article 29 out of order.

The moderator declared that the motion carries with a 2/3 vote.

More than 7 voters stood, which requires the Moderator to take a standing vote. Tellers were called forward to count the standing vote.

Standing vote: 289 voted yes; 92 voted no. The moderator declares that the motion carries, as 254 was required for passage.

ARTICLE 10: PURCHASE OF HUTNAK 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 "Hutnak Well Land" located at or off of Donna Court, 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 8, Parcels 4224, 4234, 4318, 4296, 4267 and 4249 consisting of 11.23 acres more or less (including Donna Court roadway of .82 acres or 35,927 square feet), and further to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow such funds as provided 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 as Water/Sewer Commissioners

COMMENTARY: *The BOS as Water/Sewer Commissioners were approached by the former DPW Superintendent to acquire strategic parcels to ensure the safety and provide the expansion of the Town's water supply well fields. Negotiations on this parcel are continuing. If agreement is reached, the BOS would present this article to Town Meeting. Funding for this acquisition may be a Capital Improvement Fee (CIF) for the Water Enterprise Fund.*

MOTION: I move that the Town of Uxbridge raise and appropriate a sum of \$600,000 for the purpose of purchasing certain parcels of land known as the "Hutnak Well Land" located at or off of Donna Court, 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 8, Parcels 4224, 4234, 4318, 4296, 4267, and 4249 consisting of 11.23 acres more or less (including Donna Court roadway of .82 acres or 35,927 square feet) and that the Board of Selectmen are authorized to purchase and accept a deed from the Seller in consideration of the same.

Motion seconded.

RECOMMENDATION OF THE FINANCE COMMITTEE: No Recommendation (4-0-1)

No information on this purchase presented at the Public Hearing.

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

Motion seconded.

VOTE NEEDED: Simple Majority.

The moderator declares that the article fails to obtain majority vote.

ARTICLE 11: MASSACHUSETTS ELECTRIC COMPANY EASEMENT

To see if the Town will vote to grant an easement to Massachusetts Electric Company covering property located off High Street, Uxbridge. This easement grants Massachusetts Electric Company the right to install, operate and maintain electrical facilities upon public and private property, or take any other action relating thereto.

SPONSOR: Board of Selectmen (Town Manager)

COMMENTARY: *This easement grants Massachusetts Electric Company the right to install operate and maintain electrical facilities upon the (public) property owned by the Town for service to the new water tank.*

MOTION: Move that the Town will vote to grant an easement to Massachusetts Electric Company covering property located off High Street, Uxbridge, and to authorize the BOS to execute such documents or deeds as may be required to effect the grant of the subject easement, which is described as an "OVERHEAD SYSTEM to be installed on the Grantor's property, to originate from Pole P41, which is located on the southeasterly side of High Street, then proceed in as northerly direction crossing High Street, over, across and upon land of the Grantor to Pole P41-1, to be established by and upon the final installation thereof by the Grantees."

Motion seconded.

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

This article allows the electric company to provide power to the water tower.

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

VOTE NEEDED: Requires a 2/3rds vote (M.G.L. Ch. 40, §15)

Moderator declares motion carries with 2/3 vote.

ARTICLE 12: BORROWING RECISION; BALANCE OF TAFT SCHOOL AUTHORIZATION

To see if the Town will vote to rescind the remainder of the \$160,000 borrowing authorization, in the amount of \$23,075, as authorized in Article 6 of the November 15, 2005 Fall Annual Town Meeting, or take an action in relation thereto.

SPONSOR: Board of Selectmen (Town Manager)

COMMENTARY: *This is a housekeeping measure as the balance of the \$160,000 authorization was not needed for the Taft School Roof project that was voted in 2005 and issued as permanent funding in April of 2008. The Town completed this project for \$136,925.00. The remaining authorization of \$23,075 should be rescinded.*

MOTION: I move to rescind the remainder of the \$160,000 borrowing authorization, in the amount of \$23,075.00 as authorized in Article 6 of the November 15, 2005 Fall Annual Town Meeting.

Motion seconded.

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

The Town only borrowed enough money to complete the approved purchase. This article rescinds the remaining amount authorized.

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

VOTE NEEDED: Requires a simple majority.

Moderator declares motion carries unanimously.

ARTICLE 13: BORROWING RECISION; BALANCE OF SIDEWALK TRACTOR AUTHORIZATION

To see if the Town will vote to rescind the remainder of the \$115,000 borrowing authorization, in the amount of \$6,015, as authorized in Article 6 of the November 15, 2005 Fall Annual Town Meeting, or take an action in relation thereto.

SPONSOR: Board of Selectmen (Town Manager)

COMMENTARY: *This is a housekeeping measure as the balance of the \$115,000 authorization was not needed for the purchase of a sidewalk tractor that was voted in 2005 and issued as permanent funding in April of 2008. The Town purchased the tractor for \$108,985. The remaining authorization of \$6,015 should be rescinded.*

MOTION: I move to rescind the remainder of the \$115,000 borrowing authorization, in the amount of \$6,015.00 as authorized in Article 6 of the November 15, 2005 Fall Annual Town Meeting.

Motion seconded.

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

The Town borrowed only enough money to complete the approved purchase. This article rescinds the remaining amount authorized.

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

VOTE NEEDED: Requires a simple majority.

Moderator declares motion carries unanimously.

ARTICLE 14: BORROWING RECISION; BALANCE OF HIGH SCHOOL LAND AUTHORIZATION

To see if the Town will vote to rescind the remainder of the \$1,630,000 borrowing authorization, in the amount of \$380,860, as authorized in Article 12 of the November 15, 2005 Fall Annual Town Meeting, and the January 17, 2006 Special Election Ballot or take an action in relation thereto.

SPONSOR: Board of Selectmen (Town Manager)

COMMENTARY: *This is a housekeeping measure as the balance of the \$1,630,000 authorization was not needed for the purchase of land for the new high school that was voted in 2005/2006 and issued as permanent funding in April of 2008. The Town purchased the two parcels of land for \$1,249,140. The remaining authorization of \$380,860 should be rescinded.*

MOTION: I move to rescind the remainder of the \$1,630,000 borrowing authorization, in the amount of \$380,860.00 as authorized in Article 12 of the November 15, 2005 Fall Annual Town Meeting and the January 17, 2006 Special Election Ballot.

Motion seconded.

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

The town borrowed only enough money to complete the approved purchase. This article rescinds the remaining amount authorized.

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

VOTE NEEDED: Requires a simple majority.

Moderator declares motion carries unanimously.

ARTICLE 16: FY09 FUNDING APPROPRIATION OF CABLE ACCESS STUDIO AT UXBRIDGE HIGH SCHOOL

To see if the Town will vote to appropriate and/or transfer a sum of money from account 2030-000-1060-0000-0000-0000-0-0000-0 Community Access Programming Unappropriated, to a capital project account for the purpose of constructing and equipping a cable access studio at the Uxbridge High School, such action to take effect immediately.

SPONSOR: Cable Advisory Committee

COMMENTARY: *The Cable Advisory Committee has voted to place this article for consideration on the 2008 Fall Annual Town Meeting Warrant at its September 3, 2008 meeting. The current balance in the Cable Access Account before this expenditure is \$386,759.80. There will be a balance of \$270,759.80 in the account if this article is approved.*

MOTION: I move that the Town vote to transfer and appropriate \$116,000 from Community Access Receipts Reserved (2030-645-3580-0000-0000-0000-0-0000-0-0) to Community Access Capital Construction in Progress (2030-645-5890-0000-0000-0000-8-0000-0-0) for the purpose of constructing and equipping a cable access studio at the Uxbridge High School.

Motion seconded.

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

This article provides funds for the build out of the cable studio. The projected cost is \$116,000 and will come from the Cable Access Account, which has a balance of \$386,760.

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

VOTE NEEDED: Requires a simple majority.

Moderator declares motion carries by majority vote.

ARTICLE 17: FY09 FUNDING APPROPRIATION OF CABLE ACCESS FUNDS

To see if the Town will vote to appropriate and/or transfer \$2,000.00 (two thousand dollars) from account 2030-000-1060-0000-0000-0000-0-0000-0 Community Access Programming Unappropriated, to FY09 Cable Access Programming expense, such action to take effect immediately.

SPONSOR: Cable Advisory Committee

COMMENTARY: *The Cable Advisory Committee has voted to place this article for consideration on the 2008 Fall Annual Town Meeting Warrant at it September 3, 2008 meeting.*

MOTION: I move that the Town vote to transfer and appropriate \$2,000 from Community Access Programming Receipts Reserved (2030-645-3580-0000-0000-0000-0-0000-0-0) to Community Access Operational Expenditures (2030-645-5200-0000-0000-0000-2-0000-0-0).

Motion seconded.

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

This article provides funds for a survey of the cable access users about services.

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

VOTE NEEDED: Requires a simple majority.

Moderator declares motion carries by majority vote.

ARTICLE 19: ACCEPTANCE OF STATUTES RELATIVE TO CERTAIN SUBDIVISION SURETY

To see if the Town will vote to accept the provisions of G.L. Ch 41 Section 81U, paragraph sixteen, relative to expenditure of the proceeds of subdivision way and municipal service security bonds or deposits for the purpose of completing subdivision way and/or municipal service work as specified in approved subdivision plans, or take any action relative thereto.

SPONSOR: Planning Board

COMMENTARY: When a subdivision is in construction, often a surety instrument or cash deposit is filed with the Town to provide a guarantee that construction of the roadway/s and infrastructure will be completed. State law requires Town Meeting authorization when the surety value exceeds \$100,000. Approving this article does not imply that any surety will be taken by the Town but does provide one of the tools needed in the event a project is found in default

MOTION: I move that the Town accept Massachusetts General Laws Chapter 41, Section 81U, paragraph 16, relative to expenditure of the proceeds of subdivision way and municipal service security bonds or deposits.

Motion seconded.

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

The Town's records show that the Town never adopted MGL Ch 41, Sec. 81U, which requires town meeting approval to expend security instrument proceeds when a surety value exceeds \$100,000.

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

VOTE NEEDED: Requires a simple majority.

Moderator declared motion carries unanimously.

ARTICLE 20: AUTHORIZATION TO EXPEND SUBDIVISION SURETY (DAVIS HEIGHTS SUBDIVISION)

To see if the Town will vote to transfer and appropriate, pursuant to the provisions of G.L. Ch 41 Section 81U, the sum of approximately \$ 250,000.00, being the then-current value of the designated instrument, from the proceeds of the subdivision bond or deposit posted for the subdivision identified as "Davis Heights Definitive Subdivision," drawn by Andrews Survey & Engineering, Uxbridge Ma, dated April 7, 1997 with revisions through October 8, 1997, as shown on the plan filed at the Registry of Deeds Plan Book 793 Plan 41, for the purpose of meeting the cost and expenses of the Town in completing subdivision way and municipal services work as specified in the approved subdivision plan, said funds to be expended by and under the direction of the Planning Board upon approval by the Board of Selectmen, or take any action relative thereto.

SPONSOR: Planning Board

COMMENTARY: *This is a housekeeping item. When a subdivision is in construction, often a surety instrument or cash deposit is filed with the Town to provide a guarantee that construction of the roadway/s and infrastructure will be completed. State law requires Town Meeting authorization when the surety value exceeds \$100,000. Approving this article does not imply that the surety will be taken by the Town. In that case, the Planning Board must follow the statutory requirements in MGL Ch 41 S 81 for rendering a Finding of Default and taking further action. This is a procedural requirement, however, that is required before any expenditure of bond proceeds can be made if a project does require such action.*

MOTION: I move that the Town vote to transfer and appropriate, pursuant to the provisions of G.L. Ch 41 Section 81U, the sum of \$ 250,000.00 from the proceeds of the subdivision bond or deposit posted for the subdivision identified as "Davis Heights Definitive Subdivision," drawn by Andrews Survey & Engineering, Uxbridge Ma, dated April 7, 1997 with revisions through October 8, 1997, as shown on the plan filed at the Registry of Deeds Plan Book 793 Plan 41, for the purpose of meeting the cost and expenses of the Town in completing subdivision way and municipal services work as specified in the approved subdivision plan, said funds to be expended by and under the direction of the Planning Board upon approval by the Board of Selectmen.

Motion seconded.

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

Articles 20 - 24 are formalities in having the town accept the surety of the subdivisions noted. Acceptance does not mean the developers have failed to meet their obligations. Town meeting will be asked to approve the spending of the sureties over \$100,000 if the obligations haven't been met.

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

VOTE NEEDED: Requires a simple majority.

Moderator declares motion carries by unanimous vote.

ARTICLE 21: AUTHORIZATION TO EXPEND SUBDIVISION SURETY (CALVARY CROSSING SUBDIVISION)

To see if the Town will vote to transfer and appropriate, pursuant to the provisions of G.L. Ch 41 Section 81U, the sum of approximately \$ 145,000.00, being the then-current value of the designated instrument, from the proceeds of the subdivision bond or deposit posted for the subdivision identified as "Calvary Crossing, Definitive Subdivision Plan in Uxbridge and Douglas" drawn by Andrews Survey & Engineering, Uxbridge MA, dated January 2005 with revisions through August 8, 2005, as shown on the plan filed at the Registry of Deeds Plan Book 835 Plan 88, for the purpose of meeting the cost and expenses of the Town in completing subdivision way and municipal services work as specified in the approved subdivision plan, said funds to be expended by and under the direction of the Planning Board upon approval by the Board of Selectmen, or take any action relative thereto.

SPONSOR: Planning Board

COMMENTARY: *Please see commentary provided for Article 20 above.*

MOTION: I move that the Town vote to transfer and appropriate, pursuant to the provisions of G.L. Ch 41 Section 81U, the sum of \$ 145,000.00 from the proceeds of the subdivision bond or deposit posted for the subdivision identified as "Calvary Crossing, Definitive Subdivision Plan in Uxbridge and Douglas" drawn by Andrews Survey & Engineering, Uxbridge MA, dated January 2005 with revisions through August 8, 2005, as shown on the plan filed at the Registry of Deeds Plan Book 835 Plan 88, for the purpose of meeting the cost and expenses of the Town in completing subdivision way and municipal services work as specified in the approved subdivision plan, said funds to be expended by and under the direction of the Planning Board upon approval by the Board of Selectmen.

Motion seconded.

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

See Article 20 above

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

VOTE NEEDED: Requires a simple majority.

Moderator declares motion carries by majority vote.

ARTICLE 22: AUTHORIZATION TO EXPEND SUBDIVISION SURETY (MEADOWSIDE SUBDIVISION)

To see if the Town will vote to transfer and appropriate, pursuant to the provisions of G.L. Ch 41 Section 81U, the sum of approximately \$130,000.00, being the then-current value of the designated instrument, from the proceeds of the subdivision bond or deposit posted for the subdivision identified as "Meadowside Definitive Subdivision Plan" drawn by Andrews Survey & Engineering, Uxbridge, MA, dated October 1998 with revisions through April 1999, as shown on the plan filed at the Registry of Deeds Plan Book 741 Plan 14, for the purpose of meeting the cost and expenses of the Town in completing subdivision way and municipal services work as specified in the approved subdivision plan, said funds to be expended by and under the direction of the Planning Board upon approval by the Board of Selectmen, or take any action relative thereto.

SPONSOR: Planning Board

COMMENTARY: Please see commentary provided for Article 20 above.

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

See Article 20 above

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

VOTE NEEDED: Requires a simple majority.

No motion. No Action.

ARTICLE 23: AUTHORIZATION TO EXPEND SUBDIVISION SURETY (HAMMOND ESTATES SUBDIVISION)

To see if the Town will vote to transfer and appropriate, pursuant to the provisions of G.L. Ch 41 Section 81U, the sum of approximately \$ 182,000.00, being the then-current value of the designated instrument, from the

proceeds of the subdivision bond or deposit posted for the subdivision identified as “Definitive Subdivision Plan of Hammond Estates” drawn by Andrews Survey & Engineering, Uxbridge, MA, dated August 21, 2003 with revisions through March 2004, as shown on the plan filed at the Registry of Deeds Plan Book 807 Plan 117, for the purpose of meeting the cost and expenses of the Town in completing subdivision way and municipal services work as specified in the approved subdivision plan, said funds to be expended by and under the direction of the Planning Board upon approval by the Board of Selectmen, or take any action relative thereto.

SPONSOR: Planning Board

COMMENTARY: *Please see commentary provided for Article 20 above.*

MOTION: I move that the Town vote to transfer and appropriate, pursuant to the provisions of G.L. Ch 41 Section 81U, the sum of \$ 182,000.00 from the proceeds of the subdivision bond or deposit posted for the subdivision identified as “Definitive Subdivision Plan of Hammond Estates” drawn by Andrews Survey & Engineering, Uxbridge, MA, dated August 21, 2003 with revisions through March 2004, as shown on the plan filed at the Registry of Deeds Plan Book 807 Plan 117, for the purpose of meeting the cost and expenses of the Town in completing subdivision way and municipal services work as specified in the approved subdivision plan, said funds to be expended by and under the direction of the Planning Board upon approval by the Board of Selectmen.

Motion seconded.

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

See Article 20 above

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

VOTE NEEDED: Requires a simple majority.

Moderator declares motion carries unanimously.

ARTICLE 24: AUTHORIZATION TO EXPEND SUBDIVISION SURETY (HOLBROOK FARM ESTATES SUBDIVISION)

To see if the Town will vote to transfer and appropriate, pursuant to the provisions of G.L. Ch 41 Section 81U, the sum of approximately \$ 177,000.00, being the then-current value of the designated instrument, from the proceeds of the subdivision bond or deposit posted for the subdivision identified as “Holbrook Farm Estates” drawn by Andrews Survey & Engineering, Uxbridge, MA, dated May 3, 2000 with revisions through July 2000, as shown on the plan filed at the Registry of Deeds Plan Book 759 Plan 36, for the purpose of meeting the cost and expenses of the Town in completing subdivision way and municipal services work as specified in the approved subdivision plan, said funds to be expended by and under the direction of the Planning Board upon approval by the Board of Selectmen, or take any action relative thereto.

SPONSOR: Planning Board

COMMENTARY: *Please see commentary provided for Article 20 above.*

MOTION: I move that the Town vote to transfer and appropriate, pursuant to the provisions of G.L. Ch. 41 Section 81U, the sum of \$ 177,000.00, being the then-current value of the designated instrument, from the proceeds of the subdivision bond or deposit posted for the subdivision identified as “Holbrook Farm Estates” drawn by Andrews Survey & Engineering, Uxbridge, MA, dated May 3, 2000 with revisions through July 2000, as shown on the plan filed at the Registry of Deeds Plan Book 759 Plan 36, for the purpose of meeting the cost and expenses of the Town in completing subdivision way and municipal services work as specified in the approved subdivision plan, said funds to be expended by and under the direction of the Planning Board upon approval by the Board of Selectmen.

Motion seconded.

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

See Article 20 above

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

VOTE NEEDED: Requires a simple majority.

Moderator declares motion carries unanimously.

ARTICLE 25: ZONING BYLAW REVISION RELATIVE TO ACCESSORY USES AND STRUCTURES

To see if the Town will vote to amend Section 400-11 of the Zoning Bylaws as follows:

Delete the existing Section 11

§ 400-11 Accessory Uses and Structures

~~A. Home Occupation~~

~~A home occupation conducted in a dwelling by a person residing on the premises is permitted in the Residence A, Residence B, Residence C and Agricultural zoning districts, subject to the following:~~

- ~~1. unless otherwise permitted by these Bylaws, no display or advertising is permitted except (a) a sign of not more than two (2) square feet in area or (b) on the same lot as a church, parish house, school, public library, public park, public museum, public playground, public recreational building or similar, a bulletin board of not more than twelve (12) square feet;~~
- ~~2. adequate off-street parking shall be furnished.~~

And add in its place the following:

§ 400-11 Accessory Uses and Structures

A. Accessory Uses

1. Permitted Accessory Uses in All Districts

The following accessory uses are specifically permitted as indicated by right or by special permit:

- a. Accessory Scientific Uses. Uses accessory to activities permitted as a matter of right, which are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit by the Board of Appeals, provided that the Board finds that the proposed use does not substantially derogate from the public good, and is not detrimental to the neighborhood.
- b. Family Day Care Homes. Family day care homes as defined in G.L. c. 28A §9, are allowed as an accessory use as of right in all districts. Large family day care homes as defined in G.L. c. 28A §9 are allowed in all districts only upon the issuance of a special permit by the Board of Appeals.

2. Nonresidential Accessory Uses

Any use permitted as a principal use is also permitted as an accessory use provided such use is customarily incidental to the main or principal building or use of the land. Any use authorized as a principal use by special permit may also be authorized as an accessory use by special permit provided such use is customarily incidental to the main or principal building or use of the land. Any use not allowed in the district as a principal use is also prohibited as an accessory use. Accessory uses are permitted only in accordance with lawfully existing principal uses.

3 Residential Accessory Uses

The following accessory uses are specifically permitted as of right or by special permit in the Residence A, Residence B, Residence C and Agricultural Zoning Districts, as set forth herein:

- a. The renting of rooms and/or furnishing of board to not more than two persons in a dwelling unit by the owner/occupant thereof shall be a permitted accessory use. The renting of rooms and/or furnishing of board to three or four persons in a dwelling unit by the owner/occupant thereof shall be allowed as an accessory use upon the grant of a special permit. The renting of rooms and/or furnishing of board to five or more persons shall be deemed a boarding house subject to the provisions of this Bylaw.
- b. Commercial kennel, but only in the Agricultural Zoning District and only on a parcel greater than 5 acres, by Special Permit.
- c. Contractor's yard owned or operated by a resident of the premises for the storage of building materials, equipment, but not including fabrication of sub-assemblies; by special permit.
- d. Keeping of commercial landscaping equipment, materials, supplies; when owned or operated by a resident of the premises, by special permit.
- e. The overnight parking of commercial vehicles owned or operated by a resident of the premises, subject to the following limitations:
 - (1) one or more commercial vehicle less than 15,000 gvw are allowed as of right;
 - (2) one commercial vehicle of more than 15,000 gvw but less than 35,000 gvw is also allowed as of right;
 - (3) more than one commercial vehicle of more than 15,000 gvw but less than 35,000 gvw is allowed by special permit; and
 - (4) any commercial vehicle larger than 35,000 gvw is allowed by special permit.
- f. Home Occupations, as follows:
 - (1) Home Occupations allowed As of Right.
A home occupation may be allowed as of right, provided that it:
 - (i) is conducted solely within a dwelling and solely by the person(s) occupying the dwelling as a primary residence, and including no more than one (1) non-resident employee;
 - (ii) is clearly incidental and secondary to the use of the premises for residential purposes;
 - (iii) does not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution;

- (iv) does not utilize outside storage of material or equipment;
- (v) does not exhibit any exterior indication, except for signs no greater than 2 square feet in area, of its presence or any variation from residential appearance;
- (vi) provides adequate parking for any customer, pupil, or client trips to the occupation site; and
- (vii) is registered as a business with the Town Clerk if required.

(2) Home Occupations allowed by Special Permit

A home occupation may be allowed by special permit issued by the Board of Appeals, provided that it:

- (i) fully complies with Nos. ii, iii, iv, v and vii above;
- (ii) is conducted within a dwelling solely by the person(s) occupying the dwelling as a primary residence and, in addition to the residents of the premises, by not more than two additional employees; and
- (iii) does not include the commercial service/repair of more than one (1) automobile, vehicle, boat or similar item at any one time

A special permit for such use is granted by the Board of Appeals, subject to conditions including, but not limited to, restriction of hours of operation, maximum floor area, off-street parking, and maximum number of daily customer vehicle trips.

4 Prohibited Accessory Uses

The following accessory uses are prohibited:

- a. Unregistered Motor Vehicles. Not more than one (1) unregistered motor vehicle or trailer or major part(s) thereof, except for farm vehicles, shall remain ungaraged upon any premises at any time unless under a Class 1 or Class 2 license for sale of motor vehicles. No unregistered motor vehicle may be stored or maintained upon any premises within fifty (50) feet from a street, public way or way laid out on a recorded plan.
- b. Residence Districts. In the Residence A, Residence B and Residence C Zoning Districts, and in the Agricultural Zoning District on any parcel less than 5 acres, the following accessory uses are prohibited:
 - (1) commercial kennels

B Accessory Structures

1 Dimensional Requirements and Location

Except as otherwise provided in this Bylaw, the following dimensional rules shall apply to accessory structures, subject to Appendix B Table of Dimensional Requirements:

- a. No accessory building or structure, except a permitted sign or roadside stand, shall be located within a required front yard setback.
- b. An accessory building attached to its principal building or within ten (10) feet of it shall be considered an integral part thereof and as such shall be subject to the front, side, and rear yard requirements applicable to the principal building.
- c. Accessory structures and buildings shall be located on the same lot as the principal structure on the premises.
- d. Flag poles of a height not to exceed 20 feet shall be exempt from the setback requirements of this Section.

2 Permitted Accessory Structures

The following accessory structures are permitted in all districts:

- a. Accessory building not more than 20 feet in height above the average grade level around the structure; provided, however, that a barn shall not be subject to this requirement.
- b. Swimming pools, game courts, and the like are accessory structures and shall comply with the State Building Code and all applicable setback requirements of these Zoning By-Laws.

Or take any action relative thereto

SPONSOR: Zoning Board of Appeals

MOTION: I move that the Town vote to delete the existing Section 400-11 of the Uxbridge Zoning Bylaws and replace it with a new Section 400-11, as printed above in the Warrant of this Town Meeting.

Motion seconded.

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

RECOMMENDATION OF THE FINANCE COMMITTEE: Unfavorable (5-0-0)

The Finance Committee prefers the current bylaw governing accessory uses and structures.

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

VOTE NEEDED: Requires a 2/3rds vote.

Moderator declares motion fails to obtain 2/3 vote.

ARTICLE 26: HOME RULE CHARTER AMENDMENT; ELECTED BOARD OF HEALTH

To see if the town will vote to amend the Home Rule Charter as follows:

To amend Article 3 Section 1(b) by adding after "Edward B. Thayer Fund Trustees", "a Board of Health".

and

To add Section 9: BOARD OF HEALTH

- (a) composition, Term of Office - There shall be a Board of Health elected by the voters which shall consist of three members serving for terms of 3 years each so arranged that the term of one member shall expire each year.
- (b) Powers and Duties - The members of the Board of Health shall have the powers and duties which have been conferred upon their office by federal law, general law, this charter, town by-law or by town meeting vote.

To amend the Home Rule Charter as follows: Article 8, section 5, Subsection (d) (1), under THE TOWN MANAGER SHALL APPOINT: the clause: "A Board of health shall be appointed consisting of 3 members" shall be deleted.

SPONSOR: Board of Health

COMMENTARY: *At its meeting on Sept 15, 2008, the Board of Health voted unanimously to place the article on the Fall Annual Town Meeting Warrant. Town Counsel subsequently noted revisions as to form proposed only for consistency with Charter format, and the Board of Health unanimously agreed to those corrections on September 19, 2008.*

MOTION: I move that the Town vote to propose an amendment to the Uxbridge Home Rule Charter by adding a reference to "a Board of Health" to Article 3, Section 1(b), adding Section 9, to be entitled "Board of Health" and adding a clause to Article 8, Section 5, Subsection (d) (1), all as printed above in the Warrant of this Town Meeting, the first election to be held at time of the next annual Town election, the term of each initial election to expire in the year that member's appointment was to expire.

Motion seconded.

RECOMMENDATION OF THE FINANCE COMMITTEE: Unfavorable (4-1-0)

The Committee feels that acceptance of this petition would weaken the Charter and undermine the authority of the Town Manager. No matter what the governance, the Board of Health needs to be given the independence and support to do its job as defined by MGL.

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

VOTE NEEDED: Requires a 2/3rds vote (M.G.L. c. 43B, §10(a)).

Motion declares motion carries with 2/3 vote.

ARTICLE 27: CITIZEN PETITION TO AMEND THE ZONING BYLAWS TO REZONE PARCEL AT DOUGLAS STREET AND WEST STREET FROM AGRICULTURAL TO INDUSTRIAL

To see if the Town will vote to amend the Zoning By-Law of the Town of Uxbridge by amending the Town of Uxbridge Zoning Map to rezone the parcel shown as Map 27 Parcel 2475 on the Town of Uxbridge Assessor's Map from Agricultural to Industrial. Said parcel is located on the northeast corner of the intersection of Douglas Street (aka Route 16) and West Street and includes 3.07 acres, more or less; it is more particularly described in a deed recorded at the Worcester District Registry of Deeds at Book 42995 Page 53.

SPONSOR: Citizen's Petition

MOTION: Move that the Town AMEND the Zoning By-Law of the Town of Uxbridge by amending the Town of Uxbridge Zoning Map to rezone the parcel shown as Map 27 Parcel 2475 on the Town of Uxbridge Assessor's Map from Agricultural to Industrial. Said parcel is located on the northeast corner of the intersection of Douglas Street (also known as Route 16) and West Street and includes 3.07 acres, more or less; it is more particularly described in a deed recorded at the Worcester District Registry of Deeds at Book 42995 Page 53.

Motion seconded.

PLANNING BOARD REPORT: Unfavorable (5-0-0)

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

The Finance Committee believes the building of an office park is a good use of the parcel.

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

VOTE NEEDED: Requires a 2/3rds vote.

Moderator declares motion fails.

More than 7 voters stood, which requires the Moderator to take a standing vote. Tellers were called forward to count the standing vote.

Standing vote: Yes – 70, No – 63

Moderator declares motion fails as 88 is required for passage.

Motion: I move to take Article 34 out of order. Motion seconded.

Moderator declares motion to take Article 34 out of order fails.

ARTICLE 28: CITIZEN PETITION TO REZONE 14+/- ACRES LOCATED ON DOUGLAS ROAD FROM AGRICULTURAL TO BUSINESS

To see if the Town will vote to rezone 14± acres located on Douglas Road (Rt. 16) being Assessors Map 23, Parcel 2895, from Agricultural to Business zoning, or take any other action related thereto.

SPONSOR: Citizen's Petition

MOTION: I move that the Town rezone 14 +/- acres located on Douglas Road (Rt. 16) being Assessors Map 23, Parcel 2895, from Agricultural to business zoning.

Motion seconded.

PLANNING BOARD REPORT: Unfavorable (4-1-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Unfavorable (5-0-0)

The original change in zoning for the adjacent site (preferred site) called for this parcel to be a buffer zone. The Finance Committee believes the parcel should remain a buffer zone.

RECOMMENDATION OF THE BOARD OF SELECTMEN: No Action (3-2-0)

VOTE NEEDED: Requires a 2/3rds vote.

Moderation declares motion fails to obtain 2/3 vote.

**ARTICLE 29: CITIZEN PETITION TO RESCIND VOTE TO ACCEPT ARTICLE 24
(RENUMBERING/REVISION OF TOWN ZONING BYLAWS-CODIFICATION) OF THE MAY 2008
ANNUAL TOWN MEETING**

To see if the town will vote to rescind the vote to accept article 24 of the May 13, 2008 Town Meeting entitled "RENUMBERING/REVISION OF TOWN ZONING BYLAWS-CODIFICATION" or take any other action related thereto.

SPONSOR: Citizen's Petition

COMMENTARY: *The above article was presented as having little or no substantive changes to the existing zoning laws when in fact basic and fundamental and sweeping changes were made. In at least two instances changes were made revising provisions that had been specifically rejected by recent town meetings and in both instances nothing was contained in the document presented to voters to alert them to the changes.*

MOTION: No motion – The moderator ruled the Article out of Order.

PLANNING BOARD REPORT: Unfavorable (5-0-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Unfavorable (4-1-0)

The zoning bylaw codification project was initiated by the Board of Selectmen. The purpose is to bring the Town's bylaws up to date. The work was performed by special town counsel. The focus of the work was to better organize the bylaws and, where necessary, to bring them up to date with the law. The Finance Committee believes the codification project is valid and useful to the town.

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

The moderator ruled the Article out of order. No motion. No action.

Continuation of Town Meeting: Wednesday, November 19 – after 12:00 midnight

**ARTICLE 30: CITIZEN PETITION TO AMEND THE ZONING BYLAWS RELATING TO
ENFORCEMENT**

To see if the Town will vote to Delete from the Zoning By-Laws Article IX Administration & Procedures Section 400-47 subsection B and substitute a new subsection B Enforcement that reads "Pursuant to GL c40A Section 7 the provision of this by-law shall be enforced by the Board of Selectmen. No permit shall be granted for the construction, alteration, relocation or use of any building, structure or premises in violation of any provisions of the by-law.

SPONSOR: Citizen's Petition

MOTION: as presented in Article.

Motion seconded.

PLANNING BOARD REPORT: Unfavorable (5-0-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable (3-2-0)

The BOS should control zoning enforcement as many but not all zoning complaints end up in the legal system. The BOS appoints Town Counsel and is responsible for all legal matters for the Town.

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

VOTE NEEDED: Requires a 2/3rds vote.

Moderator declares motion fails to obtain 2/3 vote.

ARTICLE 31: CITIZEN PETITION TO AMEND UXBRIDGE HOME RULE CHARTER RELATING TO ELECTED BOARD OF PUBLIC WORKS

To see if the Town will vote to

- amend the Uxbridge Home Rule Charter as follows: Add to Article 3, Elected Officers, Section (number to be assigned by Town Clerk)

ELECTION & DUTIES OF THE BOARD OF PUBLIC WORKS

- A. The Department will come under the jurisdiction of a Board of Public Works, and elected body consisting of three members hereinafter called the Board. The initial members thereof shall be elected, one to serve for one (1) year, one for two (2) years, and one for three (3) years from the date of the annual town meeting at which they are elected and thereafter when the term of any member expires, his successor shall be elected to serve for three years. In all cases the members shall serve until their successors are elected and qualified. The members of the Board shall, after each election, elect one of their members to act as chairperson for the ensuing year. No member of the Board shall hold any other elective town office.
 - B. The Department shall be under the supervision and control of a superintendent appointed by the Board.
 - C. Said superintendent shall be a person qualified by education, training and experience and shall be responsible for the operational and administrative functions of the Department in accordance with a job description to be developed by said Board.
 - D. The salary of said superintendent and the term of office shall be determined by said Board, subject to appropriation by the town meeting.
 - E. Said superintendent shall hold office subject to the will of said Board, and shall not be subject to the civil service law. During tenure the superintendent shall hold no elective office nor shall be engaged in any other business or occupation. Any vacancy in such office shall be filled by appointment of said Board for the remainder of the unexpired term.
 - F. The superintendent shall give to the Town a bond with a surety company authorized to transact business in the Commonwealth as surety, for the faithful performances of his or her duties, in such sum and upon conditions as the Board may require.
- Delete the last sentence of Article 8, Transitional Provisions, Section 3 that reads as follows:
One year after the effective date of the adoption of this charter the department of public works board of commissioners shall be dismissed upon the time that the provisions of this charter shall take effect.
 - Delete from Article 8, Transitional Provisions, under the title The Town Manager shall appoint: A DPW Superintendent.

SPONSOR: Citizen's Petition

COMMENTARY: *The purpose of this article is to re-establish the Board of Public Works (BPW) that was in place prior to the acceptance of the Town Charter. This three member, elected Board was created to appoint, advise and assist the individual Superintendents of the Town Water/Sewer and Highway Departments (DPW). Additionally, the Board was entrusted to protect the health, safety and welfare of our citizens and environment; to ensure the proper regulatory operation of the DPW; to identify resources, capital improvement projects, maintenance requirements, and system enhancements; and to determine fair, equitable, and sufficient rates and fees for the system users.*

When the Charter was adopted, the BPW was dissolved and all the responsibilities fell to the Department Heads, the Town Manager, and the Board of Selectmen (acting as Water/Sewer Commissioners).

It is this citizen's position that the ability of the aforementioned responsible parties is limited due to the overwhelming number of issues they already manage and the Town would be better served by a BPW whose sole purpose would be to deal with the multitude of complex, time consuming, and difficult issues the DPW face on a daily basis.

MOTION: I move that Article 31 be approved as printed with an effective time and date of 8:00pm on the date of the next Annual Town Election (May 19, 2009).

Motion seconded.

RECOMMENDATION OF THE FINANCE COMMITTEE: Unfavorable (4-2-0)

The Committee feels that acceptance of this petition would weaken the Charter and undermine the authority of the Town Manager.

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

VOTE NEEDED: Requires a 2/3rds vote (M.G.L. c. 43B, §10(a)).

Moderator declares motion fails.

ARTICLE 32: CITIZEN PETITION TO AMEND GENERAL BYLAWS RELATING TO ELECTED BOARD OF PUBLIC WORKS

To see if the Town will vote to:

- Amend the General Bylaw Chapter 93 Section 2 by deleting “Town Manager” and substituting “Board of Public Works.”
- Amend the General Bylaw Chapter 93 Section 3 subsections A, B and C by deleting “Town Manager” and substituting “Board of Public Works.”
- Add Chapter 93 Section 4 to the General Bylaw that reads as follows:
ELECTION & DUTIES OF THE BOARD OF PUBLIC WORKS
 - A. The Department will come under the jurisdiction of a Board of Public Works, and elected body consisting of three members hereinafter called the Board. The initial members thereof shall be elected, one to serve for one (1) year, one for two (2) years, and one for three (3) years from the date of the annual town meeting at which they are elected and thereafter when the term of any member expires, his successor shall be elected to serve for three years. In all cases the members shall serve until their successors are elected and qualified. The members of the Board shall, after each election, elect one of their members to act as chairperson for the ensuing year. No member of the Board shall hold any other elective town office.
 - B. The Department shall be under the supervision and control of a superintendent appointed by the Board.
 - C. Said superintendent shall be a person qualified by education, training and experience and shall be responsible for the operational and administrative functions of the Department in accordance with a job description to be developed by said Board.
 - D. The salary of said superintendent and the term of office shall be determined by said Board, subject to appropriation by the town meeting.
 - E. Said superintendent shall hold office subject to the will of said Board, and shall not be subject to the civil service law. During tenure the superintendent shall hold no elective office nor shall be engaged in any other business or occupation. Any vacancy in such office shall be filled by appointment of said Board for the remainder of the unexpired term.
 - F. The superintendent shall give to the Town a bond with a surety company authorized to transact business in the Commonwealth as surety, for the faithful performances of his or her duties, in such sum and upon conditions as the Board may require.

SPONSOR: Citizen’s Petition

COMMENTARY: *The purpose of this article is to re-establish the Board of Public Works (BPW) that was in place prior to the acceptance of the Town Charter. This three member, elected Board was created to appoint, advise and assist the individual Superintendents of the Town Water/Sewer and Highway Departments (DPW). Additionally, the Board was entrusted to protect the health, safety and welfare of our citizens and environment; to ensure the proper regulatory operation of the DPW; to identify resources, capital improvement projects, maintenance requirements, and system enhancements; and to determine fair, equitable, and sufficient rates and fees for the system users.*

When the Charter was adopted, the DPW was dissolved and all the responsibilities fell to the Department Heads, the Town Manager, and the Board of Selectmen (acting as Water/Sewer Commissioners).

It is this citizen’s position that the ability of the aforementioned responsible parties is limited due to the overwhelming number of issues they already manage and the Town would be better served by a BPW whose sole purpose would be to deal with the multitude of complex, time consuming, and difficult issues the DPW face on a daily basis.

MOTION: I move that Article 32 be approved as printed with an effective time and date of 8:00pm on the date of the next Annual Town Election (May 19, 2009).

RECOMMENDATION OF THE FINANCE COMMITTEE: Unfavorable (4-2-0)

See Article 31 above

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

VOTE NEEDED: Requires a 2/3rds vote.

This motion was ruled out of order because Article 31 failed.

ARTICLE 33: CITIZEN PETITION FOR THE ACCEPTANCE OF EXTENSION TO CURRENT PUBLIC WAY; COMMERCE DRIVE

To see if the Town will vote to Authorize the Board of Selectmen to accept by gift, purchase, or eminent domain the 626.11 foot extension of the current public way known as Commerce Drive and the easements and infrastructure related thereto or take any action relating thereto as shown on the plan entitled Quaker Industrial Park II, Modified Subdivision Plan in Uxbridge, Massachusetts and dated July 28, 2006. Said plans recorded at the Worcester County Registry of Deeds as Plan Book 861, Plan 38.

SPONSOR: Citizen's Petition

PLANNING BOARD REPORT: Unfavorable (4-0-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: No Recommendation (5-0-0)

Layout process not initiated

RECOMMENDATION OF THE BOARD OF SELECTMEN: No action taken.

VOTE NEEDED: Requires a simple majority. (M.G.L. c.40, §14)

No motion. No action.

ARTICLE 34: CITIZEN PETITION TO AMEND THE ZONING BYLAWS FOR AN ADDITIONAL SITE IN WAUCANTUCK MILL ADAPTIVE REUSE OVERLAY DISTRICT

To see if the Town will vote to Amend Section 400-40 (Waucantuck Mill Adaptive Reuse Overlay District) Subsection B of the Town of Uxbridge Zone By-laws by adding the following clause to the end of the first paragraph: The site also includes property as shown on Assessor's Map 19; parcel 2413, parcel 2449, portion of parcel 2484, portion of parcel 2475 and a portion of the area depicted on Map 19 as the paper street shown as Nicholas Way on an approved, but not built subdivision plan, the entire property being specifically bounded as follows:

BOUNDARY DESCRIPTION

SEPTEMBER 10, 2008

PROPOSED ZONING CHANGE FOR ASSESSOR'S MAP 19; PARCELS 2413 & PARCEL 2449, A PORTION OF PARCELS 2484 & 2475 AND A PORTION OF THE AREA DEPICTED ON MAP 19 AS THE PAPER STREET SHOWN AS NICHOLAS WAY ON AN APPROVED, BUT NOT BUILT SUBDIVISION PLAN IN UXBRIDGE, MASSACHUSETTS

A certain parcel of land situated in the town of Uxbridge, Worcester County, Massachusetts. Said parcel is partially shown on plan book 816 plan 24 recorded in the Worcester South District Registry of Deeds and is bounded and described as follows:

Beginning at a point at land now or formerly of Town of Uxbridge, Williams and Byron as shown on the aforementioned plan;

Thence S 01° 16' 39" W, a distance of 723.07 feet by land now or formerly of Byron, Gardner, Mason and Ludden to a point on the northwesterly sideline of Mendon Street (Route 16);

Thence the following three courses by the northwesterly sideline of Mendon Street:

Southwesterly on a curve to the right with a radius of 1160.00 feet for an arc distance of 140.32 feet to a point;

S 27° 50' 47" E, a distance of 13.38 feet to a point;

S 63° 10' 53" W, a distance of 82.26 feet to a point;

Thence N 17° 23' 35" W, a distance of 182.80 feet to a point;

Thence N 23° 27' 34" W, a distance of 180.42 feet to a point;

Thence N 07° 15' 35" W, a distance of 341.20 feet to a point at land of the aforementioned Town of Uxbridge;

Thence N 67° 55' 37" E, a distance of 382.32 feet to the point of beginning.

The above described parcel contains 4.80 acres more or less.

Or take any action relating thereto

SPONSOR: Citizen's Petition

PLANNING BOARD REPORT: Unfavorable (5-0-0)

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

The Committee feels the change would be positive for business in Uxbridge, and would "dress up" the eastern gateway to Town.

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

VOTE NEEDED: Requires a 2/3rds vote.

No motion. No action.

ARTICLE 35: CITIZEN PETITION FOR THE ACCEPTANCE OF LEE STREET

To see if the Town will vote to authorize the Board of Selectmen to accept by gift, purchase of eminent domain the roadway known as Lee Street and the easements and infrastructure related thereto or take any action relating thereto.

SPONSOR: Citizen's Petition

MOTION: To accept Lee Street as is.

PLANNING BOARD REPORT: Unfavorable (4-0-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: No Recommendation (5-0-0)

Layout process not initiated

RECOMMENDATION OF THE BOARD OF SELECTMEN: No action taken.

VOTE NEEDED: Requires a simple majority.

The motion was ruled out of order, as prerequisite conditions have not been met.

ARTICLE 36: CITIZEN PETITION FOR THE ACCEPTANCE OF GLEN STREET

To see if the Town will vote to authorize the Board of Selectmen to accept by gift, purchase, or eminent domain the roadway known as Glen Street and the easements and infrastructure related thereto or take any action related thereto.

SPONSOR: Citizen's Petition

MOTION: To accept Glen Street as is.

PLANNING BOARD REPORT: Unfavorable (4-0-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: No Recommendation (5-0-0)

Layout process not initiated

RECOMMENDATION OF THE BOARD OF SELECTMEN: No action taken.

VOTE NEEDED: Requires a simple majority.

The motion was ruled out of order, as prerequisite conditions have not been met.

ARTICLE 37: CITIZEN PETITION FOR THE ACCEPTANCE OF KASEY COURT AND GARY LANE

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

SPONSOR: Citizen's Petition

MOTION: No motion

PLANNING BOARD REPORT: Unfavorable (4-0-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: No Recommendation (5-0-0)

Layout process not initiated

RECOMMENDATION OF THE BOARD OF SELECTMEN: No action taken.

VOTE NEEDED: Requires a simple majority.

The motion was ruled out of order, as prerequisite conditions have not been met.

ARTICLE 38: CITIZEN PETITION FOR THE ACCEPTANCE OF JULIE DRIVE, FOXWOOD LANE, DEER VIEW LANE, WILDLIFE DRIVE, LONG MEADOW ROAD, CASSIE LANE, THE EXTENSION OF CHURCH STREET AND THE EXTENSION OF LAKE STREET

To see if the Town will vote to accept as public ways Julie Drive, Foxwood Lane, Deer View Lane, Wildlife Drive, Long Meadow Road, Cassie Lane, the extension of Church Street, and the extension of Lake Street, all as laid out by the Board of Selectmen, a copy of which layouts are on file with the Town Clerk, and further to authorize the Board of Selectmen, in the name and behalf of the Town, to acquire by gift easements and appurtenant rights in and for said ways for the purposes for which public ways are used in the Town; or take any other action relating thereto.

SPONSOR: Citizen's Petition

MOTION: Move that extension of Church Street and Lake Street be excepted in its entirety referencing a plan entitled "Roadway Acceptance Plan of Church and Lake Streets" prepared by Andrews Survey and Engineering, Inc., date unknown.

Motion seconded.

PLANNING BOARD REPORT: Unfavorable (4-0-0): Julie Drive, Foxwood Lane, Deerview Lane, Wildlife Drive, Long Meadow Road, Cassie Lane

Favorable (4-0-0): The Extension of Church Street, The Extension of Lake Street

RECOMMENDATION OF THE FINANCE COMMITTEE: No Recommendation (5-0-0): Julie Drive, Foxwood Lane, Deer View Lane, Wildlife Drive, Long Meadow Road, Cassie Lane

Favorable (5-0-0): the Extension of Church Street, the Extension of Lake Street

Church and Lake previously laid out and recommended for acceptance. Layout process not initiated for Julie, Foxwood, Deerview; Wildlife, Long Meadow and Cassie

RECOMMENDATION OF THE BOARD OF SELECTMEN: No Recommendation (5-0-0): Julie Drive, Foxwood Lane, Deer View Lane, Wildlife Drive, Long Meadow Road, Cassie Lane

Favorable (5-0-0): the Extension of Church Street, the Extension of Lake Street

VOTE NEEDED: Requires a simple majority.

Church & Lake Streets only: prerequisites have been met (BOS acceptance of layouts)

Moderator declares motion carries unanimously.

ARTICLE 40: CITIZEN PETITION FOR THE ACCEPTANCE OF SPINNING WHEEL DRIVE, COTTON MILL WAY, AND PORTION OF CROWNSHIELD AVENUE

To see if the Town will vote to Accept as Town Streets Spinning Wheel Drive, Cotton Mill Way, and Crownshield Avenue (portion) at Ledge mere County Phases I, II & III and the Easements related thereto, all as shown on the Layout Plans and As-Built Plans and descriptions dated September 12, 2008 prepared by Guerriere & Hanlon, Inc., Milford, MA and filed with the Board of Selectmen with this Petition, or take any action relative thereto.

SPONSOR: Citizen's Petition

MOTION: To pass as presented in Article.

Motion seconded.

PLANNING BOARD REPORT: Favorable (3-0-1)

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable (4-0-1)

Roads previously laid out and recommended for acceptance.

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

VOTE NEEDED: Requires a simple majority.

Moderator declares motion carries by simple majority.

Motion to adjourn and seconded carried unanimously at 12:56am on Wednesday, November 19, 2008.

A True Attest,

Joseph H. Kaplan
Uxbridge Town Clerk