



MINUTES
SPECIAL TOWN MEETING
SATURDAY SEPTEMBER 24, 2011 – 10:00 A.M.
UXBRIDGE HIGH SCHOOL AUDITORIUM
62 CAPRON STREET, UXBRIDGE, MASSACHUSETTS

Pursuant to the foregoing Warrant, the inhabitants of the Town of Uxbridge, qualified to vote in the Town elections and in Town affairs, met at the High School Gymnasium, in Precinct 2, in said Uxbridge, and transacted the following business on September 24, 2011:

Moderator Charles E. Maharay called the Annual Fall Town Meeting to order at 10:05am. Declaring the presence of a quorum (50 required, 709 voters present). Rules for conducting business and taking votes of the meeting were announced.

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ARTICLE 1: UTILITY EASEMENT PUMP STATION QUAKER HIGHWAY

To see if the Town will vote to authorize the Board of Selectmen to grant an easement to the Massachusetts Electric Company, its successors or assigns, for purposes of installing, maintaining and repairing an Underground Electric Distribution System in and over a portion of the property located off of Quaker Highway, described in the Deed recorded at the Worcester County Registry of Deeds Plan Book 820, Page 97 shown as “national grid; Easement Sketch – Pump Station; 308 Quaker Highway, Uxbridge, MA dated 7/25/2011” drawn by Nguyenn; WR# 10970898 known as “Exhibit A” which is on file with the Office of the Town Clerk; and to authorize the Selectmen to execute any documents or instruments necessary to effect said easement upon such terms as they deem to be in the best interest of the Town, or take any other action relating thereto.

SPONSOR: Board of Selectmen

Commentary: *The purpose of this article is to grant a utility easement to Mass Electric for the pump station on Quaker Highway.*

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

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

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

VOTE NEEDED: 2/3rds Majority (G.L. Chapter 40, § 15)

The motion is seconded.

Moderator declares a 2/3rds majority, motion carries.

Motion to move Article 4 forward.

VOTE NEEDED: Simple Majority

The motion is seconded.

Motion Failed.

ARTICLE 2: PAYMENT IN LIEU OF TAX AGREEMENT – 67 COMMERCE DRIVE

To see if the Town will vote to ratify and approve an agreement made between the Board of Selectmen and Constellation Solar Net Metering, LLC pursuant to G.L. C. 59, §38H, and regulations

promulgated thereunder, with respect to annual payments in lieu of real and personal property taxes over a 20 year period relative to a fifteen acre +/- parcel of land located at 67 Commerce Drive, Uxbridge; said PILOT agreement is based upon the proposed construction and operation of a solar photovoltaic power plant with an expected nameplate capacity of approximately 2.5 megawatts and shall be executed in conjunction with a Massachusetts Solar Net Excess Generation Credit Purchase Agreement effective July 1, 2011 through June 30, 2032, or take any other action relating thereto.

SPONSOR: Board of Selectmen

Commentary: *This article seeks to ratify a PILOT agreement that was unanimously endorsed by the Board of Selectmen on June 27, 2011, for a solar array to be constructed on 15 acres of privately-owned land on Commerce Drive. MGL C. 59, §38H requires a vote by Town Meeting in order to either authorize negotiations for a new agreement or to ratify an agreement that is already negotiated.*

It is anticipated that the Town will receive approximately \$81,000 per year over a twenty year period between PILOT payments and net energy credits on utility bills if this agreement is ratified. This vote seeks ratification.

MOTION: *Move that the Town ratify and approve a payment in lieu of real estate and personal property tax (“Pilot”) agreement made between the Board of Selectmen and Constellation Solar Net Metering, LLC pursuant to G.L. Ch. 59, §38H, and regulations promulgated thereunder, with respect to annual payments in lieu of real and personal property taxes over a 20 year period relative to three lots of land identified as Map 40, parcels 2863, 2595, and 2954, located on Commerce Drive, Uxbridge; said agreement based upon the proposed construction and operation of a solar photovoltaic power plant with an expected nameplate capacity of approximately 2.5 megawatts and executed in conjunction with a Massachusetts Solar Net Excess Generation Credit Purchase Agreement effective July 1, 2011 through June 30, 2032*

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

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

VOTE NEEDED: Simple Majority (MGL Ch. 59, §38H)

The motion is seconded.

Moderator declares a simple majority, motion carries.

ARTICLE 3: PAYMENT IN LIEU OF TAX AGREEMENT – 21 COMMERCE DRIVE

To see if the Town will vote to authorize the Board of Selectmen to negotiate a PILOT agreement pursuant to G.L. C. 59, §38H, and regulations promulgated thereunder, with respect to annual payments in lieu of real and personal property taxes over a 20 year period relative to a 5 acre +/- parcel of land located at 21 Commerce Drive, Uxbridge; said PILOT agreement is based upon the proposed construction and operation of a solar photovoltaic power plant with an expected nameplate capacity of approximately .835 megawatts and shall be executed in conjunction with a Massachusetts Solar Net Excess Generation Credit Purchase Agreement effective July 1, 2011 through June 30, 2032, or take any other action relating thereto.

SPONSOR: Board of Selectmen

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

MOTION: *Move that the Town will vote to authorize the Board of Selectmen to negotiate a payment in lieu of real estate and personal property tax (“Pilot”) agreement pursuant to G.L. C. 59, §38H, and regulations promulgated thereunder, with respect to annual payments in lieu of real and personal property taxes over a 20 year period relative to four lots of land identified as Map 40, parcels 2865,*

3626, 3681, and 3685, located on Commerce Drive, Uxbridge; said agreement to be based upon the proposed construction and operation of a solar photovoltaic power plant with an expected nameplate capacity of approximately .835 megawatts and to be executed in conjunction with a Massachusetts Solar Net Excess Generation Credit Purchase Agreement effective July 1, 2011 through June 30, 2032.

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

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

VOTE NEEDED: Simple Majority (MGL Ch. 59, §38H)

The motion is seconded.

Moderator declares a simple majority, motion carries.

ARTICLE 4: APPROPRIATION FOR CONSTRUCTION OF ATHLETIC FIELDS ON THE SITE OF THE NEW HIGH SCHOOL PROJECT

To see if the Town will vote to borrow or transfer from available funds and appropriate a sum of money to be expended under the direction of the School Building Committee with the approval of the Board of Selectmen for the purpose of constructing and equipping athletic fields on the site of the new Uxbridge High School on Town-owned land on Quaker Highway and that, to meet said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow said sum pursuant to the provisions of M.G.L. Chapter 44 or any other enabling authority; and, further, that the Board of Selectmen be authorized to apply for and accept any federal or state funds, grants and/or gifts of any kind for this purpose; provided, however, that any appropriation borrowed hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2 ½); or take any action related thereto.

SPONSOR: Board of Selectmen

Commentary: *This article seeks funding to construct athletic fields and related improvements on the site of the new high school. They were in the design and solicitation of the 43 million dollar construction project, but could not be included in the final project budget after the bids were tabulated. It is forecast that a 20 year borrowing at 4.00% will add .19 to the tax rate and cost the average home \$53.46 a year, based on FY 2011 valuations.*

MOTION: *Move that the Town borrow a sum not to exceed three million eight hundred eighty-four thousand dollars (\$3,884,000) to be expended under the direction of the School Building Committee with the approval of the Board of Selectmen for the purpose of constructing and equipping athletic fields on the site of the new Uxbridge High School on Town-owned land on Quaker Highway and that, to meet said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow said sum pursuant to the provisions of M.G.L. Chapter 44 or any other enabling authority; and, further, that the Board of Selectmen be authorized to apply for and accept any federal or state funds or grants and/or gifts of any kind for this purpose; provided, however, that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2 ½).*

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

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

VOTE NEEDED: 2/3rd's Majority (Chapter 59: Section 21C)

The motion is seconded.

Moderator declares a 2/3rds majority, motion carries.

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A motion was made and seconded to dissolve the September 24, 2011 Special Town meeting. The motion carried unanimously and town meeting was adjourned at 10:44am.

A true copy attest,

Kelly J. Bickford
Uxbridge Town Clerk