

**MINUTES**  
**FALL ANNUAL TOWN MEETING**  
**TUESDAY, NOVEMBER 15, 2011 – 7:00 P.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 Auditorium, in Precinct 2, in said Uxbridge, and transacted the following business on November 15, 2011:

Moderator Charles E. Maharay called the Annual Fall Town Meeting to order at 7:00pm. Declaring the presence of a quorum (50 required, 52 voters present). Rules for conducting business and taking votes of the meeting were announced.

\* \* \*

*The amount of Unexpended Unencumbered Fund Balance (Free Cash), as certified by the DOR Director of Accounts on 09/08/11 is \$280,815.00. Certified Retained Earnings for the Enterprise Funds are as follows: Sewer Enterprise Fund: \$1,181,955; Water Enterprise Fund: \$1,775,639 and Ambulance Enterprise Fund: \$150,876.*

*The term Unexpended Unencumbered Fund Balance is a more descriptive wording of what is commonly referred to as "Free Cash". The Board of Selectmen and Finance Committee believe that Free Cash is a misnomer, as these funds represent monies remaining after all general fund activities for the fiscal year, plus any unanticipated receipts, and less any revenue deficits or fund liabilities that are recorded.*

**ARTICLE 1: REPORTS**

Report of the Trustees of Soldiers Memorials

Report given by the Charter Review Committee Chairman - Attached

**SPONSOR:** Board of Selectmen

**MOTION:** No Motion

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

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

**VOTE NEEDED:** N/A

**ARTICLE 2: TRANSFER OF UNEXPENDED UNENCUMBERED FUND BALANCE TO THE PEG CABLE ACCESS ACCOUNT**

To see if the Town will vote to transfer and appropriate a sum or sums, including so called Unexpended Unencumbered Fund Balance to the Cable Access Account.

Or take any action relating thereto.

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

**COMMENTARY:** *This article serves to transfer the portion of FY 2011 Unexpended Unencumbered Fund Balance that is related to the \$267,300 in the Cable Access Account that was closed at the end of the fiscal year. The Town receives an annual license fee payment, which according to section 13.4 of the contract with the provider, Charter Communications, is equivalent to 4.00% of gross annual revenue from its Uxbridge operations. Charter incurs no expense in paying this fee; it is collected directly from*

*Uxbridge cable subscribers. The Town deposits these funds into a Cable PEG Access fund, from which the cable access budget is appropriated at Town Meeting. Previously, the balance in the fund after expenses was carried forward annually, and not closed at the end of the fiscal year, despite the fact that there is no enabling statute that allows this for this practice. Closing the balance in this fund to Unexpended Unencumbered Fund Balance at the end of the fiscal year allows the Town to adhere to M.G.L. Re-appropriating the amount of funds closed out back to the Cable Access Account to allow the funds to be expended for cable access purpose allows the Town to adhere to the current contract with Charter. The balance in Unexpended Unencumbered Fund Balance, assuming the transfer is approved will be \$13,515.*

**MOTION:** *Move that the Town vote to transfer and appropriate the sum of \$267,300 from Unexpended Unencumbered Fund Balance to the Community Access Receipts Reserved.*

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

This is a housekeeping article moving funds back to the cable account.

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (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.

The motion is seconded.

Moderator declares a unanimous vote, motion carries.

### **ARTICLE 3: TRANSFER TO STABILIZATION**

To see if the Town will vote to transfer and appropriate a sum or sums, including Unexpended Unencumbered Fund Balance to the Stabilization Fund Account.

Or take any action relating thereto.

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

**COMMENTARY:** *This article serves to transfer the balance of FY 2011 Unexpended Unencumbered Fund Balance (Less the sum listed in Article 2) to the Stabilization Fund. Stabilization Fund monies may be appropriated for any lawful purpose via 2/3<sup>rd</sup>'s vote at any town meeting, including this one. A chart is included in the back of this booklet, which sums all of the financial transactions to be voted in this meeting, and their overall affect on the balance of the Stabilization Fund. If all articles in the warrant are approved without amendment, the Stabilization Fund balance at the end of Town Meeting will be \$1,075,637.01.*

**MOTION:** *Move that the Town vote to transfer and appropriate the sum of \$13,515 from Unexpended Unencumbered Fund Balance to the Stabilization Fund.*

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

This is a standard article moving unexpended unencumbered funds to the stabilization account in accordance with the BOS Finance Policy.

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

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

The motion is seconded.

Moderator declares a unanimous vote, motion carries.

### **ARTICLE 4: PRIOR YEAR BILLS**

To see if the Town will vote to raise and appropriate, or transfer from available funds such sums as required to pay prior fiscal year's bill(s).

Or take any other action relating thereto.

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

**MOTION:** *No motion*

**COMMENTARY:** *This is a standing town meeting warrant article in the case any prior fiscal year bills are identified. The Town has no prior year bills to be approved at this town meeting.*

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

At the time of our vote, there were no prior year bills.

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

**VOTE NEEDED:** Requires a 4/5<sup>th</sup>s majority vote

No Motion

No Action Taken

**ARTICLE 5: FY12 BUDGET AMENDMENTS**

To see if the Town will vote to transfer from available funds, including Unexpended Unencumbered Fund Balance, stabilization and enterprise retained earnings, and to appropriate, or to raise and appropriate, or to approve budget reductions, in order to balance the FY 2012 Town Budget approved under Articles 4, 6, 7, 8, and 9 of the May 10, 2011 Spring Annual Town Meeting.

Or take any other action relating thereto.

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

**COMMENTARY:** *The purpose of the article is to make adjustments to balance the FY 2012 budget as voted at the Spring Annual Town Meeting; including new appropriations and/or budget reductions. Please see the spreadsheets at the back of this booklet for comparisons between the budget voted at the Spring Annual Town Meeting and the budget that will be in place if the appropriation changes listed below are enacted. Please note that the overall Town budget is increasing by a total of \$105,509 from the budget approved at the Spring Annual Town Meeting due to revenue changes enacted by the Commonwealth over the summer months. The FY 2012 budget, at the close of Town Meeting, will be \$36,191,794.*

**MOTION:** *Move that the Town vote to raise 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 FY12:*

Budget Line:	Amount	Further Commentary
Uxbridge Public Schools	\$15,876	Amount decreed by Revenue Share agreement
Health Insurance	\$72,067	Additional funding required due to increase in retirees and additional participation in the Town's lower premium health insurance plans
Unemployment	\$915	Amount decreed by Revenue Share agreement
Town Hall Expense	\$16,651	Amount decreed by Revenue Share agreement
Total	\$105,509	

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

When the budget is developed, assumptions are made on revenue received from the state. This is an allocation of these monies based on a recalculated budget.

**RECOMMENDATION OF THE BOARD OF SELECTMEN:** Favorable Action (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.

The motion is seconded.

Moderator declares a simple majority, motion carries.

**ARTICLE 6: FY12 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 Unexpended Unencumbered Fund Balance and enterprise fund retained earnings, or to raise a sum or sums of money to appropriate to accounts and for purposes to be specified at the Fall Annual Town Meeting. Or take any action relating thereto.

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

**GENERAL 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. For this article, transfers between accounts, or under the "A" heading, require a simple majority vote, and total \$172,445. The transfer from Stabilization, under the "B" heading, requires a 2/3<sup>rd</sup>'s majority, and totals \$100,000. This Article will be broken into three votes A1-A4, A5, and B1.*

**MOTION:** *Move that the Town vote to transfer and appropriate the amounts as stated in the following charts for any purpose for which funds may be expended from the latter accounts, each item being considered a separate appropriation for FY12:*

**A: Transfers between accounts (Simple majority vote)**

A1.	FROM:	Amount	TO:	Amount
	Town Hall Expense	\$3,522	Town Clerk Salaries	\$3,522

**COMMENTARY:** *Amount required for pay-out of retiring staff member's accrued vacation days; as well as the staffing costs of the September 24, 2011 Special Town Meeting and debt exclusion election held on September 27, 2011.*

A2.	FROM:	Amount	TO:	Amount
	Town Hall Expense	\$7,000	Election Salaries	\$7,000

**COMMENTARY:** *Amount required for staffing costs incurred by the debt exclusion election that was held on September 27, 2011.*

A3.	FROM:	Amount	TO:	Amount
	Town Manager Salaries	\$1,197	Board of Assessors Salaries	\$1,197
	Town Manager Salaries	\$370	Town Accountant Salaries	\$370
	Town Manager Salaries	\$78	Conservation Salaries	\$78
	Town Manager Salaries	\$78	Planning Board Salaries	\$78
	Town Manager Salaries	\$308	Building Inspection Salaries	\$308
	Town Manager Salaries	\$855	Council on Aging Salaries	\$855
	Town Manager Salaries	\$1,837	Library Salaries	\$1,837
	Total	\$4,723	Total	\$4,723

**COMMENTARY:** *Transfer required for selected budgets to fund a 1% salary increase for non-union and SEIU personnel as granted by the Board of Selectmen*

A4.	FROM:	Amount	TO:	Amount
	Town Hall Custodial Salaries	\$10,000	Town Hall Custodial Service Contracts	\$10,000

**COMMENTARY:** *On July 1, 2011 the Town transitioned from a custodial employee to a janitorial service. Previously, the Town was paying \$10,000 in salary cost, plus \$1,265 in supplies. The service contract is expected to cost \$10,536 per year, which includes all cleaning supplies.*

**The motion is seconded.**

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

<b>A5.</b>	<b>FROM:</b>	<b>Amount</b>	<b>TO:</b>	<b>Amount</b>
	Sewer Enterprise Retained Earnings	\$147,200	Capital Sewer Facilities Plan	\$147,200

**COMMENTARY:** *This transfer is requested to develop a wastewater facilities plan. Included in this plan is a review of the current facility, analysis of current and future flows and loads, collection alternatives, recommendation of facilities and sludge collection/disposal upgrades, and probable project costs. The analysis is expected to be completed within one year. This analysis is required as part of the DEP permitting process.*

**The motion is seconded.**

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

**B: Transfers from Stabilization (2/3's majority vote)**

<b>B1.</b>	<b>FROM:</b>	<b>Amount</b>	<b>TO:</b>	<b>Amount</b>
	Stabilization Fund	\$100,000	Unemployment Fund	\$100,000

**COMMENTARY:** *The Town appropriates \$15,000 annually to augment an unemployment fund that was established via transfer several years ago. However, since FY 2007, the fund has been eroded by claims that far exceeded the annual transfer. Claims data follows:*

*FY 2007 - \$28,695.12*

*FY 2008 - \$43,377.11*

*FY 2009 - \$63,796.60*

*FY 2010 - \$106,837.17*

*FY 2011 - \$69,341.90*

*FY 2012 (Through September): \$57,313.74*

*Projected claims for FY 2012, based on the current list of former employees is \$222,594. This represents unemployment costs for 16 former employees. If all potential unemployment claims for these individuals are fully paid out, the Town will have to transfer an additional \$32,594 at the Spring Annual Town Meeting.*

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

**A.1 - A.5:** Departmental transfers are routine and addressed using an article at Town Meeting.

**B.1:** Reflects the cost of unemployment benefits of employees laid-off. The community must pay these obligations, even as in this case, the Stabilization fund must be used.

**RECOMMENDATION OF THE BOARD OF SELECTMEN: A.1 - A.5, B.1 Favorable Action (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.

**The motion is seconded.**

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

**ARTICLE 7: REVOLVING FUND ACCOUNT FOR POUT POND**

To see if the Town will vote to establish and authorize pursuant to GLc.44, §53E ½ a revolving fund for operation and restoration costs associated with Pout Pond, under the Conservation Commission, to be derived from user fees and concession sales, not to exceed \$12,000.00.

Or take any action relating thereto.

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

*Commentary: The Conservation Commission began a program at Pout Pond this past summer that creates revenue from concession sales and parking passes. The goal in establishing a revolving fund for these receipts is to have a fund that will eventually be able to pay for maintenance costs and activity programs at the site.*

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

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

The Finance Committee applauds the efforts of the Pout Pond volunteers. The Committee is concerned that increased usage and future plans for the pond may stretch the time limits of the volunteers. The Town should develop a plan to address this.

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

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

The motion is seconded.

Moderator declares a unanimous vote, motion carries.

**ARTICLE 8: BORROWING RESCISSION; WELLHEAD PROTECTION LAND PURCHASE**

To see if the Town will vote to rescind the borrowing authorization, in the amount of \$550,000, as authorized in Article 17 of the May 13, 2008 Spring Annual Town Meeting.

Or take any action relating thereto.

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

*COMMENTARY: The Board of Selectmen has declined to purchase the property for which this article was authorized. A positive vote removes the authorization, and the potential liability from the Town's financial documents.*

**MOTION:** Move to rescind the borrowing authorization in the amount of \$550,000 as authorized in Article 17 of the May 13, 2008 Spring Annual Town Meeting.

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

This is a housekeeping article to remove a borrowing encumbrance

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

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

The motion is seconded.

Moderator declares a simple majority, motion carries.

**ARTICLE 9: ARTICLE FOR HIGH SCHOOL ENTRY SLOPE/GRADE CONSTRUCTION EASEMENT**

To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift or eminent domain, an easement for slope, grading and related construction purposes 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 at Book 7695, Page 52, said easement area containing 1,300 square feet, more or less, and shown as "Off Grading on Private Property" on a document entitled "Off Grading Exhibit, Uxbridge High School, Quaker Highway, Uxbridge, MA", dated November 2, 2010, prepared by BSC Group, 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 (Town Manager)

**COMMENTARY:** *The Town has a license with the land owner for this property, which allows for a portion of the property to be used to ease traffic patterns at the entrance to the new high school. A license such as this allows for cancellation by either party upon six months' notice. An easement is permanent in nature; which is an advisable action given the expected term of use of the property. The property owner is in agreement with this action.*

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

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

This article addresses a potential driving safety issue at the new high school. It is better planning to have a long-term easement versus a year-to-year license.

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

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

The motion is seconded.

Moderator declares a simple majority, motion carries.

#### **ARTICLE 10: AMEND THE ZONING BYLAWS**

Be it resolved that the Town of Uxbridge Amend the Zoning Bylaws in the following manner:

Add to the "APPENDIX A, TABLE OF USE REGULATIONS", under Section "E, INDUSTRIAL USES"

(DISTRICTS)	R-A	R-B	R-C	A	B	I
Manufacturing establishment	N	N	N	N	N	PB

Furthermore, ADD to "Article X DEFINITIONS", in the appropriate alphabetical order the following:  
Manufacturing establishment: Any business the primary function of which is the assembly, fabrication, processing and re-processing of materials, that is not dangerous by reason of fire, explosion, or other hazards, and does not produce excessive dust, odors, gas, smoke, vibration, noise or electromagnetic interference, and which would not be detrimental to the neighborhood or the Town of Uxbridge. Specifically excepted are tanneries, wood pulp or paper mills, meat packing, slaughterhouse and/or meat rendering, and pet food plants, which are prohibited. Any other use specifically referenced under this bylaw shall be governed by those specific sections.

**SPONSOR:** Board of Selectmen (Zoning Board of Appeals)

**COMMENTARY:**

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

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

This article allows manufacturing operations within the Town of Uxbridge. The Committee believes it is beneficial to bringing business to the Town.

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

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

**VOTE NEEDED:** Requires 2/3rds majority.

The motion is seconded.

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

**ARTICLE 11: CITIZEN'S PETITION - AMEND THE ZONING BYLAWS**

To see if the Town will vote to Rezone South Main St. parcels to "Business" on the Town of Uxbridge Zoning map, (as most recently amended); more specifically the parcels known as Assessor's map 25, parcel 4267; map 30 parcel 341; map 30 parcel 299 and map 30 parcel 1118.

**SPONSOR:** Citizen's petition

**COMMENTARY:**

**MOTION:** I move that the Town amend the Zoning by-laws as put forward in Article 11 as written in the Town Warrant.

**RECOMMENDATION OF THE FINANCE COMMITTEE:** (Unfavorable Action 3-2-1)

Those who voted against the article were concerned that there was no plan for the properties, a concern of spot zoning and that a route to alternative use exists today for the property owners without changing zoning. Those who voted in favor believed it was legal and the right of property owners to seek rezoning so it should be allowed.

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

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

**VOTE NEEDED:** Requires 2/3rds majority.

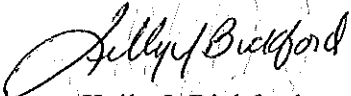
The motion is seconded.

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

\* \* \*

A motion was made and seconded to dissolve the 2011 Fall Annual Town meeting. The motion carried unanimously and town meeting was adjourned at 8:19pm.

A true copy attest,



Kelly J. Bickford  
Uxbridge Town Clerk