



SPECIAL TOWN MEETING MINUTES
TUESDAY, JANUARY 17, 2017 – 7:00 PM
UXBRIDGE HIGH SCHOOL AUDITORIUM
300 QUAKER HIGHWAY, 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 3, in said Uxbridge, and transacted the following business on January 17, 2017:

Moderator W. Robert Knapik called the Special Town Meeting to order at 7:00pm, declaring the presence of a quorum (50 required, 170 voters present). Rules for conducting business and taking votes of the meeting were announced. All Votes to be taken by secret ballot.

* * *

ARTICLE 1: AMEND THE ZONING MAP: 124-130 N. MAIN STREET

Amend the zoning map: 124-130 N. Main St.

To see if the town will vote to amend the zoning map incorporated into its zoning bylaws by rezoning the following parcels to the Residential A zone from the existing Business zone: a parcel of land located at 124/126 N Main St and shown on Uxbridge assessors map 18b as lot 2966, containing 7062 sq. feet and more particularly described in a deed recorded in the Worcester District Registry of Deeds book 34960 pg 391 and also a parcel of land located at 128/130 N Main St and shown on Uxbridge assessors map 18 b as lot 2967, containing 6534 sq. feet and more particularly described in a deed recorded in the Worcester District Registry of Deeds book 41846 page 394, thereby extending the Residential A zone on the westerly side of North Main Street; or take any other action relating thereto.

SPONSOR: Citizen's Petition

MOTION: *Move to pass the article as published in the warrant*

RECOMMENDATION OF THE FINANCE COMMITTEE: Unfavorable Action 4-0-1

RECOMMENDATION OF THE BOARD OF SELECTMEN: Unfavorable Action 3-0-0

RECOMMENDATION OF THE PLANNING BOARD: Unfavorable Action 4-0

VOTE NEEDED: Requires a 2/3rds vote per MGL 40A, §5

The motion is seconded

Moderator declares, Motion Fails by secret ballot, 102 Yae, 62 Nae.



<p>THIS MAP IS FOR INFORMATION PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.</p> <p>THE HORIZONTAL DATUM IS THE MASSACHUSETTS STATE PLANE COORDINATE SYSTEM, NAD83.</p> <p>BOUNDARY PROPERTY MAPS WERE PREPARED BY STONE & TIGHE ENGINEERING CORP., BOSTON, MASSACHUSETTS, FROM AERIAL PHOTOGRAPHY DATED DECEMBER, 1994 AND PLANNING MAPS APPROVED BY THE BOARD OF REGISTRY, BOSTON, MASSACHUSETTS.</p> <p>THIS MAP IS REVISED AND REPRINTED BY CAI TECHNOLOGIES, INC.</p>	<p>REVISED & REPRINTED BY</p> <p>CAI Technologies</p> <p>Precision Mapping, Geospatial Solutions.</p> <p>11 Pleasant Street, Lebanon, NH 03601 800.822.4540 - www.cai-tech.com</p>	<p>LEGEND</p> <p>UNIMPROVED PROPERTY 2318</p> <p>IMPROVED PROPERTY 2319</p> <p>BOUNDARY LOT LINE 2320</p> <p>BOUNDARY OF PARCELS 2321</p> <p>BOUNDARY OF TRACTS 2322</p> <p>BOUNDARY OF LOTS 2323</p> <p>BOUNDARY OF BLOCKS 2324</p> <p>BOUNDARY OF TOWNSHIP 2325</p> <p>BOUNDARY OF COUNTY 2326</p> <p>BOUNDARY OF STATE 2327</p> <p>BOUNDARY OF FEDERAL 2328</p> <p>BOUNDARY OF INTERNATIONAL 2329</p> <p>BOUNDARY OF UNIDENTIFIED 2330</p>
---	---	--

ARTICLE 2: FY 2017 CREATION OF SCHOOL DEPARTMENT REVOLVING ACCOUNT

To see if the Town will vote to establish and authorize a School Department revolving account entitled: *School Transportation* pursuant to Massachusetts General Laws Ch. 44 § 53E½, and Ch. 71 § 68 for the purposes of receiving payments for said program and to be used with the authorization of the Superintendent of Schools to pay related expenses, or to take any other action related thereto:

Revolving Fund	Authorized to Spend	Use of Fund	Revenue Source	FY-2017 Limit
School Transportation Ch. 44 §53 E½ Ch. 71 §68	Superintendent/School Committee	Compensation for employees, contracted services and payments for equipment and materials to run program	Fees are based on total cost per seat for the number of riders projected.	\$250,000.00 The balance in the account at the end of the year would not exceed the amount collected in that fiscal year. The School Committee will approve the amount to be used to offset the operating budget

SPONSOR: School Committee

Commentary: *Revolving accounts are established to receive funds raised by charging fees for services and can only be expended by the entity for the specific purposes authorized at Town Meeting. This article is for a new revolving account for the School Department that will enable the department to manage a potential new initiative. The Superintendent will be authorized to expend those funds as cited above.*

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

RECOMMENDATION OF THE FINANCE COMMITTEE:

To be provided at Town Meeting.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

To be provided at Town Meeting.

VOTE NEEDED: Simple Majority MGL Ch. 44 §53 E½

No Motion, No Action

ARTICLE 3: CITIZEN'S PETITION: RECALL OF ELECTED OFFICIALS

Mr. Piccirillo moves: that the Town requires the Town Clerk to immediately submit to the State Legislature, the bill as printed on the handout or amended at Town Meeting, to grant registered voters the power to recall elected officials in the Town of Uxbridge.

An Act Providing for Recall Elections in the Town of Uxbridge

Be it enacted by the Senator and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The charter of the Town of Uxbridge, as appearing in Sections 1 through 8, as amended by the said Town under the provisions of 43B of the General Laws, is hereby further amended by inserting the following section 9:

Section 9: Recall of Elected Officials

- (a) Holders of elected offices in the town of Uxbridge described by Article 3, Section 1 of this Town Charter may be recalled from office for any lawful reason by the registered voters of the town as provided in this Act.
- (b) Using a citizen's petition form, a petitioner having the signatures of one hundred or more registered voters may file an initial recall affidavit containing their names and addresses with the Town Clerk. The affidavit shall also contain: (i) the name(s) of the officer(s) whose recall is sought; (ii) the offices(s) sought to be recalled; and (iii) a statement of the grounds for recall.
- (c) Within 14 days of receipt of the initial recall affidavit, the Town Clerk shall verify the signatures on the initial recall affidavit. If the affidavit is found to contain a sufficient number of signatures, the Town Clerk shall deliver within 14 days, to the petitioner who submitted the affidavit, a formal numbered printed recall petition sheet with the Town's official seal, and addressed to the Board of Selectmen with demand for recall.
- (d) The Town Clerk shall fill out the top portion of each recall petition sheet stating the name(s) of the elected official(s), the office(s) of the elected official, the grounds for recall in the petition, and the date the petition is delivered to the first 10 registered voters. A copy of the recall petition shall be entered in a record book to be kept in the office of the Town Clerk.
- (e) Exact copies of the petitions may be made for the collection of signatures. A copy of the recall petition and the name of the petitioner shall be delivered to the elected official, whose recall is sought, on the date the recall petition is delivered to the petitioner.
- (f) The registered voters that filed the affidavit shall have 30 days from the date of delivery of the recall petition sheets to file the signed recall petition sheets with the Town Clerk and board of registrars, which shall contain the signatures, names and street addresses of at least 75 percent of the total number of persons who voted at the most recent annual town election.
- (g) The Town Clerk shall within 10 business days certify the number of signatures that are names of registered voters in the town.
- (h) The petition shall also require the Board of Selectmen to hold an election of a successor to the office.
- (i) If a sufficient number of signatures have been certified, the Town Clerk shall certify the recall petition, and submit the recall petition with the Town Clerk's certification to the Board of Selectmen without delay. The Board of Selectmen shall immediately give written notice of the receipt of the certificate,

either by hand or by certified mail, return receipt requested, to the person holding an elected office sought to be recalled.

- (j) If the person holding an elected office does not resign within 7 days after receipt of the notice, the board of Selectmen shall immediately order an election to be held on a date fixed by them not less than 60 days and not more than 90 days after the date of the Selectmen's order; provided, however, that if another town election is scheduled to occur within 100 days after the date of the certification, the Board of Selectmen may, at their discretion, hold the recall election on the date of the scheduled town election. If a vacancy occurs in the office after a recall election has been ordered, the election shall proceed as provided in this Act.
- (k) An officer sought to be removed by recall election may be a candidate to succeed in that office. The nomination or other candidates, the publication of the warrant for the recall election and the conduct of the same shall be under the General Laws relating to elections, unless otherwise provided in this Act.
- (l) The officer sought to be removed shall continue to perform the duties of the office until the recall election, unless they resign their position. If the officer is not recalled, the office shall continue in office for the remainder of the unexpired term subject to recall except as provided in this Act. If the officer is not re-elected in the recall election, the officer shall be considered removed from the office immediately.
- (m) The ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer) (office held)

Against the recall (name of officer (office held)

- (n) There shall be an appropriate place for the voters to vote for either such propositions, and above said proposition, there shall appear the direction "Vote for one." Under the propositions shall appear the word "Candidates" and directions to voters required by the General Laws, and beneath this, the names of the candidates nominated listed alphabetically as herein provided.
- (o) On the ballot, the above said propositions shall be provided individually for each officer and office considered in the recall election.
- (p) If a majority of the votes cast on the recall question is in the affirmative, then the candidate who received the highest number of votes shall be elected to hold office for the remainder of the unexpired term. If a majority of the votes cast on the recall question is in the negative, the votes cast for candidates to fill the potential vacancy shall not be counted.
- (q) No recall petition shall be filed against an elected officer of the town within 3 months after an officer takes office. In the case of an elected officer subjected to a recall election and not recalled, a recall petition shall not be filed against that officer until at least 12 months after the election at which the recall was submitted to the voters of the town.

SECTION 2: This Act shall take effect upon its passage.

SPONSOR: Citizen's Petition

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

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action 3-2-1

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

VOTE NEEDED: Requires a 2/3rds vote

The motion is seconded

During Open debate there was a motion to amend the Main motion with the following text:

Mr. Piccirillo moves: that the Town Meeting requires the Town to immediately submit to the State Legislature, the petition as printed on the handout or amended at Town Meeting, to grant registered voters the power to recall elected officials in the Town of Uxbridge.

An Act Providing For Recall Elections in the Town Of Uxbridge

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1: The charter of the Town of Uxbridge, as appearing in Article 1 through 7, as amended by the said Town under the provisions of Chapter 43B of the General Laws, is hereby further amended by inserting the following into Article 3, Section 10:

Section 10: Recall of Elected Officials

- (a) Holders of elected offices in the town of Uxbridge described by Article 3, Section 1 of this Town Charter may be recalled from office for any lawful reason by the registered voters of the town as provided in this Act.
- (b) Using a citizen's petition form, a petitioner having the signatures of one-hundred (100) or more registered voters may file an initial recall affidavit containing the names and addresses of the signatory registered voters with the Town Clerk. The affidavit shall also contain: (i) the name(s) of the officer(s) whose recall is sought; (ii) the office(s) sought to be recalled; and (iii) a statement of the grounds for recall.
- (c) Within fourteen (14) days of receipt of the initial recall affidavit, the Registrar of Voters shall certify the signatures on the initial recall affidavit.
- (d) If the initial recall affidavit is found to contain a sufficient number of signatures, the Town Clerk shall deliver within fourteen (14) days of the certification, to the petitioner who submitted the initial recall affidavit, a formal numbered printed recall petition sheet with the Town's official seal, and addressed to the Board of Selectmen with demand for a recall.
- (e) The Town Clerk shall fill out the top portion of the recall petition sheet stating the name(s) of the elected official(s), the office(s) of the elected official, the grounds for recall in the petition, and the date the petition is delivered to petitioner. A copy of the recall petition sheet shall be entered in a record book to be kept in the office of the Town Clerk.
- (f) A copy of the recall petition sheet and the name of the petitioner shall be delivered to the elected official whose recall is sought, on the date the recall petition is delivered to the

petitioner.

- (g) Exact copies of the recall petition sheet may be made for the collection of signatures.
- (h) The petitioner who filed the initial recall affidavit shall have thirty (30) days from the date of delivery of the recall petition sheet to file the signed recall petition sheets with the Town Clerk, which shall contain the signatures, names and street addresses of at least seventy-five (75) percent of the total number of registered voters who voted at the most recent annual town election.
- (i) The Registrar of Voters shall within fourteen (14) days certify the number of signatures that are names of registered voters in the town.
- (j) If a sufficient number of signatures have been certified, the Town Clerk shall certify the recall petition, and without delay, submit the recall petition with the Town Clerk's certification to the Board of Selectmen. The Board of Selectmen shall immediately following their next scheduled meeting, give written notice of the receipt of the certificate, either by hand or by certified mail, return receipt requested, to the person holding an elected office sought to be recalled.
- (k) If the person holding an elected office does not resign within seven (7) days after receipt of the notice, the Board of Selectmen shall immediately order an election to be held on a date fixed by them not less than sixty (60) days and not more than ninety (90) days after the date of the Selectmen's order; provided, however, that if another town election is scheduled to occur within one-hundred (100) days after the date of the certification, the Board of Selectmen may, at their discretion, hold the recall election on the date of the scheduled town election. If a vacancy occurs in the office after a recall election has been ordered, the election shall proceed as provided in this Act.
- (l) An officer sought to be removed by recall election may be a candidate to succeed in that office. The nomination of candidates, the publication of the warrant for the recall election and the conduct of the same shall be under the General Laws relating to elections, unless otherwise provided in this Act.
- (m) The incumbent shall continue to perform the duties of the office until the recall election, unless they resign their position. If the officer is not recalled, the officer shall continue in office for the remainder of the unexpired term subject to recall, except as provided in this Act. If the incumbent is not re-elected in the recall election, the officer shall be considered removed from office immediately.
- (n) The ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer) (office held)

Against the recall of (name of officer) (office held)

- (o) There shall be an appropriate place for the voters to vote for either such propositions, and above said proposition, there shall appear the direction "Vote for one." Under the propositions shall appear the word "Candidates" and directions to voters required by the General Laws, and beneath this, the names of the candidates nominated listed alphabetically as herein provided.
- (p) On the ballot, the above said propositions shall be provided individually for each officer and office considered in the recall election.
- (q) If a majority of the votes cast on the recall question is in the affirmative, then the candidate who received the highest number of votes shall be elected to hold office for the remainder of the unexpired term. If a majority of the votes cast on the recall question is in the negative, the votes cast for candidates to fill the potential vacancy shall not be counted.
- (r) No recall petition shall be filed against an elected officer of the town within three (3) months after an officer takes office. In the case of an elected officer subjected to a recall election and not recalled, a recall petition shall not be filed against that officer until at least twelve (12) months after the election at which the recall was submitted to the voters of the town.

SECTION 2: This Act shall take effect upon its passage.

The motion to amend was seconded

Moderator declares motion to amend passes by simple majority

Moderator declares the amended motion passes with a 2/3rds majority vote, by secret ballot, 120 Yae, 30 Nae.

Motion Passes.

* * * * *

A motion was made and seconded to dissolve the January 17, 2017 Special Town meeting. The motion carried unanimously and town meeting was adjourned at 9:18pm.

A true copy attest,



Kelly J. Dumas
Uxbridge Town Clerk