

FALL ANNUAL TOWN MEETING MINUTES
TUESDAY, OCTOBER 24, 2017 – 7:00 P.M.
VALLEY CHAPEL AUDITORIUM
14 HUNTER ROAD
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 Valley Chapel Auditorium, in Precinct 1, in said Uxbridge, and transacted the following business on October 24, 2017:

Moderator Charles “Ed” Maharay called the Special Town Meeting to order at 7:00pm, declaring the presence of a quorum (50 required, 272 voters present). Rules for conducting business and taking votes of the meeting were announced. The Town has purchased an electronic voting system and all Town Meeting votes will be taken by electronic vote.

* * *

ARTICLE 1: TRANSFER TO STABILIZATION

To see if the Town will vote to transfer and appropriate a sum or sums, including Free Cash to the Stabilization Fund Account;

Or take any action relating thereto.

SPONSOR: Town Manager

Commentary: This article serves to transfer FY 2017 Free Cash to the Stabilization Fund. Stabilization Fund monies may be appropriated for any lawful purpose via 2/3 vote at any town meeting. The balance in stabilization before this transfer and any other appropriation articles on this warrant is \$3,386,390.

MOTION: (If Free Cash is certified by October 24)

Move that the Town vote to transfer and appropriate the sum of \$ _____ from Free Cash to the Stabilization Fund.

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

This is an annual transfer done in accordance with the Town’s Financial Management Policy.

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

VOTE REQUIRED FOR PASSAGE: Requires a simple majority vote per MGL Ch. 40, §5B

No Motion

No Action

ARTICLE 2: FY18 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 Free Cash, Stabilization Fund 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: 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.

TABLE A: COST OF LIVING/UNION CONTRACT SETTLEMENT TRANSFERS

MOTION: Move that the Town vote to transfer and appropriate the amounts as stated in Table A in the Fall Annual Town Meeting warrant, totaling \$17,770 from and to the budget lines listed in the table, each item being considered a separate appropriation for FY18.

Table A	Budget Line Source	Available Appropriation	Budget Line use of Funding	New Appropriation Amount
1	Town Hall Salaries	\$17,770	Town Clerk Salaries	\$4,192
2	Town Hall Salaries	\$13,578	Land Use Salaries	\$1,162
3	Town Hall Salaries	\$12,416	Conservation Salaries	\$454
4	Town Hall Salaries	\$11,962	Inspectional Services Salaries	\$3,130
6	Town Hall Salaries	\$8,832	ACO Salaries	\$791
7	Town Hall Salaries	\$8,041	Board of Health Salaries	\$1,156
8	Town Hall Salaries	\$6,885	Council on Aging Salaries	\$656
9	Town Hall Salaries	\$6,229	Veteran's Agent Salaries	\$1,603
10	Town Hall Salaries	\$4,626	IT Expenses	\$4,626
Total Reallocated Appropriations				\$17,770

Commentary: The transfers listed in Table A request movement necessary within the budget to fund for cost of living adjustments for most of the smaller town departments, based on the settlement of the SEIU contract. The final transfer request, for the Technology budget, is to fund cloud-based searchable storage for email.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (6-0-0) This article supports the cost of living adjustments.

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

VOTE REQUIRED FOR PASSAGE: Requires a simple majority vote.

The motion was seconded

Moderator declares a Simple majority vote, motion carries, 236-yes, 15-no

TABLE B: STABILIZATION FUND TRANSFERS

MOTION: *Move that the Town vote to transfer and appropriate the amounts as stated in Table B in the Fall Annual Town Meeting warrant, totaling \$77,000 from and to the budget lines listed in the table, each item being considered a separate appropriation for FY18.*

Table B	Budget Line Source	Available Appropriation	Budget Line use of Funding	Additional Appropriation
1	Stabilization Fund	\$3,386,390	Board of Selectmen Expense	\$20,000
2	Stabilization Fund	\$3,366,390	Town Counsel Expense	\$40,000
3	Stabilization Fund	\$3,326,390	Public Works Expenses	\$17,000
Total Reallocated Appropriations				\$77,000

Commentary: *These three transfers from the Stabilization Fund to the operating budget are to fund one-time costs in the FY 2018 budget.*

- 1.) *Funds raised in B-1, which would be used to hire a search firm, will only be utilized if the current recruitment process fails to produce an acceptable candidate.*
- 2.) *Town Counsel – Additional funding sought for the cost of litigation and the expense of counsel review of certain public records requests.*
- 3.) *Public Works expense – Funding sought to perform a survey and topographical analysis on the Hecla Street DPW property. Mass DEP has contacted the Town with concerns that the historical storage of materials onsite (Sweepings, construction debris, granite curbing, tires etc.) on the site has resulted in losses to the 100-year flood plain. A consent order from the DEP will be forthcoming. Funding of this study will allow the Town to determine the amount of flood plain capacity that must be regained, as well as to establish a new methodology/location for storage of materials.*

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

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

VOTE REQUIRED FOR PASSAGE: A transfer from the Stabilization Fund requires a 2/3 vote per MGL Ch. 40, §5B.

The motion was seconded, Each line item will be considered a separate vote.

Line B1- Moderator declares a 2/3rds majority vote, motion carries, 208-yes, 45-no

Line B2- Moderator declares a 2/3rds majority vote, motion carries, 205-yes, 51-no

Line B3- Moderator declares a 2/3rds majority vote, motion carries, 195-yes, 60-no

ARTICLE 3: FY18 BUDGET AMENDMENTS

To see if the Town will vote to transfer from available funds, including Free Cash, stabilization and enterprise retained earnings, and to appropriate, or to raise and appropriate, or to approve budget reductions, in order to balance the FY 2018 Town Budget approved under Article 4 of the May 9, 2017 Spring Annual Town Meeting;

Or take any other action relating thereto.

SPONSOR: Town Manager

Commentary: *We have determined that the following accounts are in need of additional funding, based on specific issues that have occurred since the May vote of FY2018 budget. Additional requested appropriations are as follows:*

TABLE C – FY 2018 Additional Appropriation

MOTION: *Move that the Town vote to raise and appropriate the amounts as stated in Table C in the Fall Annual Town Meeting warrant, totaling \$258,563 from and to the budget lines listed in the table, each item being considered a separate appropriation for FY18.*

Table C	Budget Line Use	Requested Appropriation
1	BOS Administrative Salaries	\$12,694
2	Town Manager Administrative Salaries	\$12,694
3	Town Manager Professional Salaries	\$40,000
4	Town Manager Professional Salaries	\$86,538
5	Town Manager Professional Salaries	\$46,637
6	Uxbridge Public Schools	\$60,000
Total		\$258,563

Commentary:

Passage of this motion will raise funds to offset the transfers that were approved via substitute motion at the Spring Annual Town Meeting, and make additional adjustments to other budgets as explained below:

- 1.) The Assistant to the Town Manager is restored to full time, at a reduced annual wage. Total annual salary, based on the new hourly rate is \$45,493.*
- 2.) Same as above apportioned equally to the Town Manager budget.*
- 3.) This line seeks funding for a partial salary of a Town Planner/Economic Development coordinator. Based out of the Manager's Office, the emphasis of this position, will be economic development, grant writing and planning/siting of larger commercial projects. Based on the timing of Town Meeting and the hiring process, we expect to fill the position around the first of the year.*
- 4.) This line seeks funding for the salary of a new Town Manager, at the maximum range of \$150,000. The calculation is based on a potential December 1 hiring. Advertised funding range is \$110,000 - \$130,000, with an additional \$20,000 in the case an exceptional candidate comes forward.*
- 5.) This line seeks funding for the payout that was part of the outgoing Town Manager's employment agreement, based on leave time accrued during the contract period.*
- 6.) The School Administration and Town Manager have agreed in principal to have a shared IT function that would task the School IT Department with the care and maintenance of the Town's main IT systems and users. The Police Department would continue being serviced by our long time consultant due to the complexity of the systems and the specialized training required to attend to them. The appropriation to school salaries represents the estimated costs of hiring additional technicians and making salary adjustments to appropriate staff for the added responsibility.*

RECOMMENDATION OF THE FINANCE COMMITTEE: Motion broken down by line:

- C-1: Favorable action (5-1-0)**
- C-2: Favorable action (5-1-0)**
- C-3: Favorable action (5-0-1)**

C-4: Favorable action (6-0-0): This funding will allow for the hiring of an experienced Town Manager at a competitive rate

C-5: Favorable action (6-0-0): This payout is a contractual obligation that must be paid. If this motion does not pass the money will come from a reduction in another budget line.

C-6: Favorable action (5-1-0): The committee believes that a shared IT function will provide municipal departments with improved services at a reduced cost.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action on Table C, items C-1, C-2, C-3, C-4, and C-6. Recommendation on C-5 will be given at Town meeting. (3-0-0).

VOTE REQUIRED FOR PASSAGE: Requires a simple majority vote, unless funds are transferred to or from the Stabilization Fund. A transfer to/from the Stabilization Fund requires a 2/3rd vote per MGL Ch. 40, §5B

The motion was seconded, Each line item will be considered a separate vote.

A motion was made to lay the article on the table.

Motion to table was seconded

Moderator declares motion to table fails, 124-yes, 135-no

Main motion votes are listed below:

Line C1- Moderator declares a simple majority vote, motion carries, 150-yes, 93-no

A motion was made to amend article 3 by deleting table C lines 2,3, and 4 and to delete table D in its entirety

Moderator declared this motion out of order.

Line C2- Moderator declares a simple majority vote, motion carries, 158-yes, 98-no

Line C3- Moderator declares a simple majority vote, motion carries, 175-yes, 95-no

Line C4- Moderator declares a simple majority vote, motion carries, 160-yes, 103-no

Line C5- Moderator declares a simple majority vote, motion carries, 178-yes, 83-no

Line C6- Moderator declares a simple majority vote, motion carries, 199-yes, 59-no

ARTICLE 4: CAPITAL PURCHASES/PROJECTS

To see if the Town will vote to appropriate a sum or sums of money for capital purchases and/or projects as recommended by the Town Manager in conjunction with the Capital Planning Committee;

Or take any other action relating thereto.

SPONSOR: Town Manager

Commentary: The Town, upon recommendation of the Capital Committee, has started a practice of using transfers from stabilization to fund one-time capital purchases.

TABLE D – Capital Purchases (Stabilization)

MOTION: *Move that the Town vote to transfer and appropriate the amounts as stated in the Table D of the Fall Annual Town Meeting warrant, totaling \$482,638 for the purposes as listed on said table, to be carried until said appropriation is moved via town meeting action and/or exhausted.*

Table D	Source of Funding	Available Appropriation	Use of Funding	New Appropriation Amount
1	Stabilization	\$3,309,390	Taft Boiler Replacement (Phase 2)	\$130,000
2	Stabilization	\$3,179,390	School Flooring	\$100,000
3	Stabilization	\$3,079,390	Library Skylight	\$20,000
4	Stabilization	\$3,059,390	Library Walkway	\$20,000
5	Stabilization	\$3,039,390	DPW Truck Replacement	\$65,000
6	Stabilization	\$2,974,390	Replacement Van for Senior Center	\$60,000
7	Stabilization	\$2,914,390	Police Communications	\$87,638
Total Appropriations				\$482,638

Commentary:

- 1.) *Taft Boiler Replacement (Phase 2): This capital project entails the replacement of the second Taft School steam boiler system with a Weil McLain 178888 Series 2 Boiler Commercial Steam Boiler. The scope of the project also includes repairs and upgrade of the boiler feed tank, accompanying steam traps and classroom unit ventilators.*
- 2.) *School Flooring: This capital project entails the replacement of approximately 20 classroom carpets with VCT tiling in the two elementary schools. Worn carpets have created health and safety concerns as tears and odors are common in many classrooms.*
- 3.) *Library Skylight: The Town appropriated \$40,000 in the spring for replacement of the skylight. We have paid out approximately \$10,000 for engineering and design. Cost estimate of the project is \$41,000. We are requesting an additional \$20,000 in the case of bids coming in above estimate, or additional work on the slate roof of the Library is required.*
- 4.) *Library Walkway – These funds are required to install a walkway and ease accessibility from the Cove parking lot to the Library. The Library is leasing the lot, as the Unitarian Church property and its parking lot are now privately owned.*
- 5.) *DPW Truck Replacement – Truck H-4 is a 2000 Ford F350 dump body pickup with over 105,000 miles. This vehicle has been an issue for a number of years for a variety of reasons. Most notable is the severe body rot, which includes the frame and bumpers as well as transmission issues. Based on its current condition and the recommendation of the vehicle inspector, DPW has no confidence that it will pass the annual inspection. This vehicle is over 5 years beyond its useful life.*
- 6.) *Senior Center Replacement Van – Funding sought to replace a 2008 Ford E350 wheelchair van that has completed its useful life.*
- 7.) *Police Communications – The Town approved a \$300,000 transfer from the Stabilization Fund to improve police radio communications throughout the Town by eliminating “dead zones” where the existing radios could not function, and replacing aging equipment. This amount was bolstered by a \$25,000 grant obtained by Representative Kuros. However, additional funds are needed to address this issue, as well as to move the Police radio/server room, which has to be moved elsewhere in the Police Station due to mold issues. The funding amount required is as follows currently:*

Fiber: (Communications) - \$38,000
 Buildout (Computer/Radio room) - \$8,480
 Configuration of room (Computer/Radio Room) - \$9,950
 Sprinkler System (Computer/Radio Room) - \$23,300
 Movement of Radio equipment - \$7,908
 Current Total: \$87,638

This amount is still subject to change. It will be partially offset by insurance monies received due to the mold remediation claim. Final Stabilization balance, if all items listed in the warrant as transfers are approved, excluding Free Cash is \$2,826,752.

RECOMMENDATION OF THE FINANCE COMMITTEE: Motion broken down by line:

D-1: Favorable action (6-0-0): Funds needed to replace aging boiler and associated circulation devices with modern, energy-efficient system.

D-2: Favorable action (6-0-0)

D-3: Favorable action (6-0-0)

D-4: Favorable action (6-0-0)

D-5: Favorable action (6-0-0)

D-6: Favorable action (6-0-0)

D-7: Recommendation to be provided at Town Meeting

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable action, items D-1 through D-6. (4-0-0) Recommendation on D-7 to be provided at Town Meeting.

VOTE REQUIRED FOR PASSAGE: Transfers from the Stabilization Fund requires a 2/3rd vote per MGL Ch. 40, §5B

The motion was seconded, Each line item will be considered a separate vote.

Line D1- Moderator declares a 2/3rds majority vote, motion carries, 216-yes, 26-no

Line D2- Moderator declares a 2/3rds majority vote, motion carries, 226-yes, 33-no

Line D3- Moderator declares a 2/3rds majority vote, motion carries, 212-yes, 43-no

Line D4- Moderator declares a 2/3rds majority vote, motion carries, 224-yes, 32-no

Line D5- Moderator declares a 2/3rds majority vote, motion carries, 199-yes, 59-no

Line D6- Moderator declares a 2/3rds majority vote, motion carries, 223-yes, 41-no

Line D7- Moderator declares a 2/3rds majority vote, motion carries, 246-yes, 19-no

TABLE E – Road Improvements (Raise and Appropriate)

MOTION: *Move that the Town vote to raise and appropriate the amounts as stated in the Table E of the Fall Annual Town Meeting warrant, totaling \$400,000 for the purposes as listed on said table, to be carried until said appropriation is moved via town meeting action and/or exhausted.*

Table E	Source of Funding	Available Appropriation	Use of Funding
1	Raise & Appropriate	\$400,000	Road Reconstruction

Commentary: *The Town has over \$500,000 in excess levy capacity from last year, due to new growth from personal property upgrades by National Grid. That capacity was NOT used when creating the FY 2018 budget. This request is a proposal to begin using a large portion of that capacity to expend funds annually via warrant article, for the care and reconditioning of Town roads. This request is for the FY 2018 allotment*

of funds. If Town Meeting supports this request, the FY 2019 allotment will be presented at the Spring Annual Town Meeting.

Use of these funds for this purpose will cost 25 cents on the existing tax rate, or \$76.80 per year on a \$300,000 home.

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

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

VOTE REQUIRED FOR PASSAGE: Requires a simple majority vote.

Motion was seconded

Line E1- Moderator declares a simple majority vote, motion carries, 169-yes, 91-no

ARTICLE 5: INCREASE FUNDING LIMITS OF COMMUNITY GARDENS, DOG PARK, AND POUT POND RECREATION COMMITTEE REVOLVING FUNDS

To see if the Town will vote to increase the annual limitation of the following revolving funds, pursuant GLc.44, §53E ½, that were reauthorized as the May 9, 2017 Spring Annual Town Meeting: For the continuation of: operational and restoration costs associated with the Uxbridge Community Garden, change from "...not to exceed \$12,000", to not to exceed \$20,000, to be derived from user fees and donations, under the Community Garden Committee; Uxbridge Dog Park Activities, for construction related and operational costs associated with the Uxbridge Dog Park; under the Dog Park Committee, change from "...not to exceed \$12,000", to not to exceed 25,000, derived from user fees, donations, sponsorships, and/or purchases of memorial bricks; Operation and restoration costs associated with Pout Pond; under the Pout Pond Recreation Committee, Change from "...not to exceed \$12,000," to not to exceed \$25,000," derived from user and activity fees and concession sales; Or take any other action relating thereto.

SPONSOR: Town Manager

Commentary: If the limits on are not raised via this article, any balance in excess of the current fund limitations will be transferred to the general fund at the end of the fiscal year. The new bylaw, voted at the May 2017 Spring Annual Town Meeting, and is effective July 1, 2018, removes fund balance limitations, as allowed by the Municipal Modernization Act.

MOTION: Move that the article be accepted as written.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (5-1-0): The donations for these funds are larger than the revolving funds. This change allows the groups to accept these donations. The new bylaw voted at the last Town Meeting is changing the process of revolving funds so this article is for the remaining part of the fiscal year.

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

VOTE REQUIRED FOR PASSAGE: Requires a simple majority vote

Motion was seconded

Moderator declares a simple majority vote, motion carries, 194-yes, 45-no

ARTICLE 6: AUTHORIZATION FOR MUNICIPAL ELECTRICITY AGGREGATION

To see if the Town will vote to grant the Board of Selectmen authority to research, develop and participate in a contract, or contracts, to aggregate the electricity load of the residents and businesses in the Town and for other related services, independently, or in joint action with other municipalities, retaining the right of individual residents and businesses to opt-out of the aggregation, or take any other action relative thereto.

SPONSOR: Town Manager

Commentary: Passage of this article will allow the Town to work with a consultant to formulate an aggregation plan to purchase electricity for individual and business use in order to reduce the cost. On average municipal aggregation plans save consumers and business 5 to 10 percent annually on electricity costs.

MOTION: Move that the article be accepted as written.

RECOMMENDATION OF THE FINANCE COMMITTEE: No recommendation without prejudice (6-0-0): There are no financial implications to the Town from this article.

RECOMMENDATION OF THE BOARD OF SELECTMEN: No recommendation without prejudice (4-0-0)

VOTE REQUIRED FOR PASSAGE: Requires a simple majority vote

Motion was seconded

Motion to Amend Article 6 by deleting the word “opt-out” in the fourth line and substitute the word “opt-in”

Motion to amend was seconded

Moderator declares the motion to amend fails, 89-yes, 105-no

Moderator declares a simple majority vote, motion main carries, 140-yes, 96-no

ARTICLE 7: AUTHORIZATION FOR MUNICIPAL CHARGES LIENS VIA M.G.L. CHAPTER 40, SECTION 58

To see if the Town will vote to authorize, pursuant to M.G.L. Chapter 40, Section 58, the creation of municipal charge liens for the purpose of collection of local charges and fees that have not been paid by their due dates. Or take any other action relative thereto.

SPONSOR: Town Manager

MOTION: *Passover*

RECOMMENDATION OF THE FINANCE COMMITTEE: No recommendation needed

RECOMMENDATION OF THE BOARD OF SELECTMEN: No recommendation needed

VOTE REQUIRED FOR PASSAGE: Requires a simple majority vote

No Motion

No Action

ARTICLE 8: AMENDMENT TO CHAPTER 2 OF THE TOWN'S GENERAL BYLAWS

To see if the Town will vote to amend Chapter 2 of the General Bylaws of the Town, approved at the May 9, 2017 Spring Annual Town Meeting by adding the following at the beginning of said chapter:

Chapter 2

DEPARTMENT REVOLVING FUNDS

§ 2-1. Purpose

§ 2-3. Interest

§ 2-2. Expenditure Limitations

§ 2-4. Procedure and Reports

Or take any other action relative thereto.

SPONSOR: Town Manager

Commentary: This housekeeping article seeks to add a table to the bylaw that was voted at the Spring Annual Town Meeting that was omitted.

MOTION: Move that the article be accepted as written.

RECOMMENDATION OF THE FINANCE COMMITTEE: No recommendation without prejudice (6-0-0): This is just a housekeeping issue to add a table of contents to the article.

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

VOTE REQUIRED FOR PASSAGE: Requires a 2/3 majority vote

Motion was seconded

Moderator declares a 2/3rds majority vote, motion carries, 201-yes, 16-no

ARTICLE 9: AMMENDMENT TO THE ZONING BYLAWS; ADDITION OF §400-23 TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS

To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section, TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS,

1. Zoning Bylaws Special Nonresidential Regulations, insert the following new section 400-23 entitled Temporary Moratorium on Recreational Marijuana Establishments as follows:

§400-23 Temporary Moratorium on Recreational Marijuana Establishments

A. Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes. The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and as amended by the State Legislature in December 2016 requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018, and to begin accepting applications for licenses on April 1, 2018.

Currently under the Zoning Bylaw, a non-medical Marijuana Establishments hereinafter, "Recreational Marijuana Establishments"), as defined in G.L. c. 94G; section 1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

B. Définition

"Recreational Marijuana Establishments" shall mean "non-medical marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

C. Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through May 10, 2018 or until the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

SPONSOR: Board of Selectmen

Commentary: Passage of this article will set a temporary moratorium on recreational marijuana establishments until the Spring Annual Town Meeting.

MOTION: *Move that the article be accepted as written, with the following amendment: "...The moratorium shall be in effect through May 10, 2018..." to "...The moratorium shall be in effect through December 31, 2018..."*

RECOMMENDATION OF THE PLANNING BOARD: No recommendation, without prejudice (3-0-1)

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

Majority vote believes that it is in the best interest of the Town to have clarity regarding the deadline for town planning and for businesses who may be looking to establish in the Town. Minority vote believes the moratorium will provide the necessary time to review final State legislation and craft meaningful bylaws.

RECOMMENDATION OF THE BOARD OF SELECTMEN: No Recommendation (4-0-0)

VOTE REQUIRED FOR PASSAGE: Requires a 2/3 majority vote

Motion was seconded

Moderator declares motion fails, 90-yes, 144-no

ARTICLE 10: 23 ARCH STREET-ACCEPTANCE OF EASEMENT

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain taking an easement for purposes of the construction, reconstruction, maintenance and repair, of drainage facilities located on property at 23 Arch Street, Uxbridge, Massachusetts, owned by Kevin & Suzanne Walker of 23 Arch Street, Uxbridge, Massachusetts as shown on a plan entitled, "Plan of Land in Uxbridge, Massachusetts, prepared by _____," and to raise, transfer from available funds, and/or borrow and appropriate a sum of money for said purpose;

Or to take any other action relative thereto.

SPONSOR: DPW Director

Commentary: Passage of this article will allow an easement to be recorded, which will allow the DPW to repair and maintain drainage facilities at the referenced location.

MOTION: *To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain taking an easement for purposes of the construction, reconstruction, maintenance and repair, of drainage facilities located on property at 23 Arch Street, Uxbridge, Massachusetts, owned by Kevin & Suzanne Walker of 23 Arch Street, Uxbridge, Massachusetts as shown on a plan entitled, "Plan of Land in Uxbridge, Massachusetts, prepared by Andrews Survey and Engineering," and to raise, transfer from available funds, and/or borrow and appropriate a sum of money for said purpose;*

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (6-0-0): The DPW Director stated that there was no issues with the easement.

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

VOTE REQUIRED FOR PASSAGE: Requires a 2/3 majority vote

Motion was seconded

Moderator declares a 2/3rds majority vote, motion carries, 179-yes, 22-no

ARTICLE 11: CITIZEN'S PETITION - STREET ACCEPTANCE CLARK ROAD

To see if the Town will vote to accept as a public way the street known as Clark Road 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 way for the purposes for which public ways are used in the Town;

Or take any action relating thereto.

SPONSOR: Citizen's Petition

MOTION: *To see if the Town will vote to accept as a public way the street known as Clark Road 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 way for the purposes for which public ways are used in the Town;*

RECOMMENDATION OF THE PLANNING BOARD: Favorable action (3-0-1)

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (6-0-0): This standard road acceptance has met all the requirements.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Recommendation will be provided at town meeting.

VOTE REQUIRED FOR PASSAGE: Requires a 2/3 majority vote

Motion was seconded

Moderator declares a 2/3rds majority vote, motion carries, 150-yes, 59-no

ARTICLE 12: CITIZEN'S PETITION – STREET ACCEPTANCE BENTLEY DRIVE & KIERONSKI CT.

To See if the Town will vote to accept as a public way the street known as Bentley Dr & Kieronski Ct 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 way for the purposes for which public ways are used in the Town;

Or take any action relating thereto.

SPONSOR: Citizen's Petition

MOTION: *Passover*

RECOMMENDATION OF THE PLANNING BOARD: No recommendation

RECOMMENDATION OF THE FINANCE COMMITTEE: No recommendation

RECOMMENDATION OF THE BOARD OF SELECTMEN: No recommendation

VOTE REQUIRED FOR PASSAGE: Requires a 2/3 majority vote

No Motion

No Action

ARTICLE 13: CITIZEN'S PETITION – ACCEPTANCE OF SECTIONS 3-7 OF CHAPTER 44B – MASSACHUSETTS COMMUNITY PRESERVATION ACT

To see if the Town will accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation, and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be 3% of the annual real estate tax levy against real property commencing in fiscal year 2019; and the Town hereby accepts the following exemptions from such surcharge permitted under Section 3(e) of said Act:

1. Property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act;
2. \$100,000 of the value of each taxable parcel of residential real property;
3. \$100,000 of the value of each taxable parcel of Class three, commercial property, and Class four, industrial property as defined in section 2A of said Chapter 59; or take any action relative thereto.

SPONSOR: Citizen's Petition

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

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

Majority vote believes that it is not the right time for additional taxation and that this act represents a backdoor tax increase. Minority vote believes that today's investments are not working and that this act will bring in more dollars to the town.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Unfavorable action (3-0-1)

VOTE REQUIRED FOR PASSAGE: Simple majority vote, followed by acceptance by the voters of a ballot question at the next regular municipal or state election.

Motion was seconded

During Open debate a motion was made to move the question

Moderator declares motion to move the question passes, 177-yes, 24-no

Moderator declares motion fails, 90-yes, 114-no

ARTICLE 14: CITIZEN'S PETITION – AMENDMENT TO THE GENERAL BYLAWS – MULTIPLE TOWN POSITIONS

To see if the Town will vote to amend the General Bylaws of the town, by inserting a new bylaw under Chapter 72, Officers and Employees, Article 1, Powers and Duties of Officers. "Boards and Committees: Any voters shall be eligible to hold any elective town office provided however, any person holding elective with the board of selectmen, School Committee, board of health or town moderator shall not simultaneously hold more than one elected or appointed town office."

"Or take any action related thereto"

SPONSOR: Citizen's Petition

MOTION: *Move the Town vote to amend the General Bylaws of the town, by inserting a new bylaw under Chapter 72, Officers and Employees, Article 1, Powers and Duties of Officers. "Boards and Committees: Any voters shall be eligible to hold any elective town office provided however, any person holding elective office with*

the Board of Selectmen, School Committee, Board of Health or Town Moderator shall not simultaneously hold more than one elected or appointed town office.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (4-1-0): Public service requires time and focus and we are not benefitting our community when those serving are spread among multiple boards and committees. The current state may present a conflict of interest or the perceptions of a conflict of interest.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Unfavorable action (3-1-0)

VOTE REQUIRED FOR PASSAGE: Changes to Town Bylaws require a 2/3 majority vote.

Motion was seconded

Moderator declares motion fails, 40-yes, 81-no

ARTICLE 15: CITIZEN'S PETITION – AMENDMENT TO THE CHARTER – MULTIPLE TOWN POSITIONS

To see if the Town will vote to amend the Uxbridge Charter by revising Article 3, Elected Officers, Section 1, In General, (c) Eligibility “Eligibility – any voter shall be eligible to hold any elective town office, provided however, any person holding elective office as defined in Section (a) shall not simultaneously hold more than one elected/appointed town office.

Or take any action related thereto”

SPONSOR: Citizen's Petition

MOTION: *Motion, if any, to be provided by petitioner.*

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (4-1-0): Public service requires time and focus and we are not benefitting our community when those serving are spread among multiple boards and committees. The current state may present a conflict of interest or the perceptions of a conflict of interest.

RECOMMENDATION OF THE FINANCE COMMITTEE:

RECOMMENDATION OF THE BOARD OF SELECTMEN: Unfavorable action (3-1-0)

VOTE REQUIRED FOR PASSAGE: Changes to the Charter require a 2/3 majority vote. Other Actions may be required, depending on the methodology selected to enact the amendment.


No Motion

No Action

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All articles having been acted upon, the moderator declared the meeting closed at 11:19pm.

A true copy attest,


Kelly J. Dumas
Uxbridge Town Clerk

11/21