



SPECIAL TOWN MEETING MINUTES
TUESDAY, MAY 9, 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 May 9, 2017:

Moderator Charles “Ed” Maharay called the Special Town Meeting to order at 8:08pm, declaring the presence of a quorum (50 required, 724 voters present). Rules for conducting business and taking votes of the meeting were announced.

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ARTICLE 1: APPROPRIATION FOR ACQUISITION OF PROPERTY AT 32 S. MAIN STREET

To see if the Town will vote to:

- (a) authorize the Board of Selectmen, upon recommendation of the Town Manager, to (i) acquire by purchase, gift, eminent domain or otherwise, upon such terms and conditions as the Selectmen may determine, the fee simple interest in a portion of the real property known as 32 S. Main Street, as depicted on Assessors’ Map 25 as Block 0918, presently believed to be owned by Uxville, LLC as referenced in the deed recorded at the Worcester District Registry of Deeds, Book 33274, Page 8, consisting of approximately .17± acres, for the purpose of future parking and/or the expansion of the Uxbridge Senior Center;
- (b) appropriate or transfer from available funds a sum of money for the acquisition price and all necessary and appropriate transaction costs relating to said property acquisition, including, without limitation, costs for due diligence, legal services, bonding, and other transaction, acquisition, recording and related costs;
- (c) 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;

Or take any other action relating thereto

SPONSOR: Town Manager

MOTION: Move that the Town authorize the Board of Selectmen to acquire the fee simple interest in the real property located at 32 South Main Street for purpose of future parking and/or the expansion of the Uxbridge Senior Center, and to transfer and appropriate the sum of \$102,000 from the stabilization

fund for said purpose; 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.

Commentary: This article seeks town meeting approval for the acquisition of the vacate property adjacent to the Uxbridge Senior Center. It would be an eminent domain taking based on a negotiated price of \$102,000, which is the approximate assessed value of the property for FY 2018. The Town engaged an appraiser to determine the market value of the property at the onset of negotiations. The appraiser returned a value of \$65,000. While the Board of Selectmen had concerns about the difference between the two values, they voted 4-1 to support the purchase, as owning the adjacent property to the Center insures that it remains in its current location offers the ability to expand its parking area in the short term, and potentially the Center itself in the long term.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (5-0-0): While the price per acre seems on the high side, the property is valuable to the Town given its proximity to the Senior Center.

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

VOTE REQUIRED FOR PASSAGE: Requires a 2/3rds vote (MGL c.40, §14)

The motion is seconded

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

ARTICLE 2: TIPPING FEES GENERAL BYLAW

To see if the Town will vote to amend the Uxbridge General Bylaws, by inserting Chapter 183 as provided. See attached for Chapter 183.

Chapter 183

TIPPING FEES

§ 183-1. Purpose.

§ 183-2. Administration.

§ 183-3. Definitions.

§ 183-4. Tipping Fees.

§ 183-5. Records.

§ 183-6. Payment.

§ 183-7. Municipal Charges Lien.

§ 183-8. Amendment of Tipping Fees.

§ 183-9. Enforcement and Violations.

§ 183-10. Validity and Severability.

§ 183-11. Transitional Rules.

GENERAL REFERENCES

§ 183-1. Purpose.

This general bylaw applies tipping fees to permitted filling projects within the Town of Uxbridge involving filling greater than 100,000 cubic yards.

§ 183-2. Administration.

The Planning Board shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Planning Board by this Bylaw may be delegated in writing by said Board to its employees or agents. The Planning Board may also designate any other Board or Department as it may deem necessary or appropriate to administer, implement and enforce specific components of this Bylaw.

The Planning Board shall be responsible for deciding the meaning or intent of any provision of this chapter which may be unclear or in dispute.

§ 183-3. Definitions.

The following words used in this chapter shall have the following meanings, unless a different meaning is clearly apparent from the language or context, or unless such construction is inconsistent with the manifest intention of the bylaw:

Fill: Imported matter which may be used to deposit on any or within any site, or the action of depositing said matter.

Import: To transport any matter onto a site which originates from outside location(s).

MGL: Massachusetts General Law.

Project: A filling operation occurring over an indefinite period of time, located on a site consisting of singular or adjacent parcels of land.

Site: Singular or adjacent parcels of land.

§ 183-4. Tipping Fees.

As otherwise provided in the Uxbridge General Bylaws, nonexempt and permitted filling projects in the Town of Uxbridge involving filling greater than 100,000 cubic yards over the duration of the project shall be assessed a tipping fee of no less than \$12.50 per ton.

§ 183-5. Records.

Each vehicle delivering fill at the project site will be weighed on a certified scale upon arrival with fill and again after dropping the fill (unless truck tare weight was previously recorded in the scale program).

At the end of each calendar month, the net weight of each delivery of fill shall be provided in a log to the Planning Board. The total weight of all deliveries shall also be provided.

The Planning Board shall provide the monthly tipping fee amount to the Collector's Office; and the Collector's Office shall submit a bill for said fee to the filling project permit holder.

§ 183-6. Payment.

As required by this general bylaw, filling project permit holders shall provide payment for the monthly tipping fees to the Town of Uxbridge through the Collector's Office.

§ 183-7. Municipal Charges Lien.

If a filling project tipping fee remains unpaid after six (6) months from its due date, it shall become a municipal charge lien pursuant to the provisions of MGL Chapter 40, Section 58. If the bill(s) remains unpaid when the Assessors are preparing a real estate tax list and warrant to be committee under MGL Chapter 59, Section 53, the Board or officer in charge of the collection of the municipal fee or charge shall certify such charge or fee to the Assessors, who shall add such to the tax bill on the property to which it relates and commit it with their warrant to the Tax Collector as part of such tax bill.

§ 183-8. Amendment of Tipping Fees.

From time to time, the Board of Selectmen may amend the tipping fee for filling projects, such amount being never less than otherwise prescribed in this chapter.

§ 183-9. Enforcement and Violations.

The Planning Board, or its designee, shall enforce these regulations and may pursue all available remedies for violations, or take any other action relative thereto.

If the Planning Board determines in its reasonable discretion that records provided in accordance with this chapter are inaccurate, the Planning Board may issue an order to suspend or limit filling project operations. Any such order shall remain in effect until terminated or modified by the Planning Board.

§ 183-10. Validity and Severability.

The invalidity of one or more sections, subsections, clauses or provisions of this bylaw shall not invalidate or impair the bylaw as a whole or any other part thereof

§ 183-11. Transitional rules.

All filling projects which occur after the effective date of this Bylaw shall be subject to the requirements of this Bylaw. All persons engaged in non-exempt filling projects when this Bylaw becomes effective shall adhere to this bylaw within 30 days thereafter.

Any filling project pending the granting of a permit under Uxbridge General Bylaws shall be subject to this Bylaw.

SPONSOR: Citizens petition

MOTION: *To be provided by petitioner, if any.*

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (5-0-0): The committee is in favor of a mechanism by which the Town can attempt to recoup legal, regulatory and other fees incurred as a result of large permitted filling operations.

RECOMMENDATION OF THE BOARD OF SELECTMEN: No recommendation.

VOTE REQUIRED FOR PASSAGE: *Requires a 2/3rds vote per Uxbridge General Bylaws Chapter 1§1-6*

No Motion, No Action was taken

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A motion was made and seconded to dissolve the May 9, 2017 Special Town meeting. The motion carried unanimously and town meeting was adjourned at 8:24pm.

A true copy attest,



Kelly J. Dumas
Uxbridge Town Clerk

