

**FALL ANNUAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2018 – 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 23, 2018:

Moderator Charles “Ed” Maharay called the Spring Town Meeting to order at 7:00pm, declaring the presence of a quorum (50 required, 168 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. Due to a technicality, voting by voter card was used.

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**ARTICLE 1: FY19 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 other action related thereto.

**SPONSOR:** Town Manager

**COMMENTARY:** *The purpose of this article is to transfer funds within department budgets or from one department to another. Per M.G.L., transfers between salary and expense line items require Town Meeting action.*

**Table A**

*Item 1: This transfer will cover the salary for a BOS administrative assistant. Current admin splits time 50/50 between BOS & Town Manager.*

*Item 2: This transfer will cover the salary for a fulltime Town Manager administrative assistant. Currently admin splits time 50/50 with BOS.*

*Item 3: This transfer will cover professional services required to complete prior year audits.*

**Table B**

*Item 1: This transfer will restore funds that were taken out of the FY19 budget that were used for unforeseen maintenance and repairs.*

*Item 2: This transfer will cover the cost to remove asbestos containing materials that were discovered during repairs to the library's skylights.*

*Item 3: This transfer will cover the reduction for trade-in allowance for the old COA shuttle. The engine blew on the old shuttle prior to taking delivery of the new shuttle and thus reduce the trade-in allowance.*

**Table A**

**MOTION:** *Move that the Town vote to transfer and appropriate as stated in Table A in the Fall Annual Town Meeting warrant, for any legal purpose for which funds may be expended, and appropriation for FY19 for the total amount of \$24,301.00*

<b>Table A</b>	<b>Source of Funding</b>	<b>Available Appropriation</b>	<b>Use of Funding</b>	<b>New Appropriation Amount</b>
1	Finance Professional Salaries	\$226,314.00	BOS Admin Salaries	\$7,700.00
2	BOS Admin Salaries	\$11,601.00	Manager Admin Salaries	\$11,601.00
3	COA Prof. Salary	\$5,000.00	Finance Professional Services	\$5,000.00
	<b>Total Reallocated Appropriations</b>			\$24,301.00

*Vote required for passage: requires a simple majority vote.*

**THE FINANCE COMMITTEE RECOMMENDATIONS:**

**Items 1 & 2**

**Unfavorable Action (5-0-0)**

The Committee is not in favor of adding positions at the Fall Town Meeting. Any new positions should be created during the annual budget cycle and presented at the Spring Town Meeting. With several key management positions open, the Town Manager should concentrate on filling those positions.

**Item 3**

**Favorable Action (5-0-0)**

**THE BOARD OF SELECTMEN RECOMMENDATION:**

**No Action (2-2-0)**

The motion for Table-A Item #1 was seconded

Moderator declares the motion fails

No motion for Table-A Item #2

No action taken

No motion for Table-A Item #3

No action taken

**Table B**

**MOTION:** *Move that the Town vote to transfer and appropriate as stated in Table B in the Fall Annual Town Meeting warrant, for any legal purpose for which funds may be expended, and appropriation for FY19 for the total amount of \$116,793.74*

<b>Table B</b>	<b>Source of Funding</b>	<b>Available Appropriation</b>	<b>Use of Funding</b>	<b>New Appropriation Amount</b>
1	Stabilization Fund	\$2,603,754.00	Town Capital/Maintenance	\$100,000.00
2	Stabilization Fund	\$2,603,754.00	Library Building Repairs	\$13,614.11
3	Stabilization Fund	\$2,603,754.00	COA replacement van account	\$3,179.63
	<b>Total Reallocated Appropriations</b>			\$116,793.74

*Vote required for passage: requires a 2/3 majority vote.*

**THE FINANCE COMMITTEE RECOMMENDATIONS:**

**Item 1**

**Unfavorable Action (5-0-0)**

In the FY18 budget, this account line included \$200,000. In the Town Managers FY19 budget this account line was reduced to zero and the funds were used elsewhere in the operational budget. The impact of this reduction was discussed at several budget public hearings yet the Town Managers budget was not adjusted. This budget line should be funded out of the annual operational budget presented at the Spring Town Meeting and not as an off cycle transfer from the Stabilization fund.

**Item 2**

**Favorable Action (5-0-0)**

**Item 3**

**Favorable Action (5-0-0)**

**THE BOARD OF SELECTMEN RECOMMENDATION:**

**Favorable Action (4-0-0)**

**The motion for Table-B Item #1 was seconded  
Moderator declares the motion fails**

**The motion for Table-B Item #2  
Moderator declares the motion passes by Unanimous vote**

**The motion for Table-B Item #3  
Moderator declares the motion passes by Unanimous vote**

**A motion was made to Take Article 8 out of order  
Motion was seconded  
Moderator declares the motion passes by simple majority**

#### **ARTICLE 8: CITIZEN’S PETITION – ADJUSTMENT TO FY19 SCHOOL BUDGET**

To see if the Town will vote to approve an adjustment to the FY19 School budget to turn back school 2018 funds used to prepay out of district tuition for 3 months (Sept, Oct, Nov. 2018). This will return the FY19 School Budget to the amount approved for Uxbridge Public Schools to \$24,095,036. (recapture 2018 town funding paving 2019 Budgeted expenses)

**SPONSOR:** Citizen’s Petition

**MOTION:** *To see if the Town will vote to approve an adjustment to the FY19 School budget to turn back the amount of 2018 funds used to prepay Out of District Tuition for 3 months (Sept., Oct., Nov.) This will return the FY19 School budget to the amount approved for Uxbridge Public Schools to \$24,095,036.*

*Vote required for passage: requires a simple majority vote.*

**THE FINANCE COMMITTEE RECOMMENDATION:**

**Unfavorable Action (3-2-0)**

**Majority opinion:** We should not be adjusting the school budget 3 months into the fiscal year. The budget, right or wrong, was presented to and adopted by the voters at the Spring Town Meeting.

**Minority opinion:** At the Spring Town Meeting, we transferred \$393,676 from stabilization to cover the final year’s payment for the McCloskey school bond. The alternate put forward by the School Committee involved cutting 8 educational positions impacting services to students; and other cuts would’ve been made at the DPW. However, at the time of the Spring Town Meeting the school administration knew, based on a presentation at the School Committee meeting on 3 October 2018, that they were running a budget surplus for FY18 of >\$450K with approximately 1 month left in the fiscal year. This surplus could’ve been used to help offset the final bond payment and reduce the transfer from the town’s stabilization fund. Instead they chose to put forth cutting of services and using the surplus to prepay for FY19 expenses. Thus we are in favor of the citizen’s petition.

**THE BOARD OF SELECTMEN RECOMMENDATION:**

**Unfavorable Action (3-1-0)**

The motion was seconded  
Moderator declares the motion fails

**ARTICLE 2: TRANSFER TO CAPITAL STABILIZATION FUND**

To see if the Town will vote to transfer and appropriate the remaining sum or sums of monies above \$2.5 million from the general stabilization fund to the capital stabilization fund.

**SPONSOR:** Town Manager

**COMMENTARY:** *By voting to transfer funds into capital stabilization, it will increase the funds available for the town to make capital purchases and alleviate the need for an override. The capital stabilization fund was created by special legislation in 2002 as well as the Policy of the Board of Selectmen, Financial Management Policy and Objectives, Reserve, D, 4.*

**MOTION:** *Move that the Town vote to transfer and appropriate the remaining sum or sums of monies above \$2.5 million from the general stabilization fund to the capital stabilization fund.*

*Vote required for passage: A transfer from Stabilization Fund requires a 2/3 vote per MGL Ch. 40, §5B*

**THE FINANCE COMMITTEE RECOMMENDATION:** **Unfavorable Action (5-0-0)**

While the Finance Committee agrees with the concept of transferring excess funds from the Stabilization Fund to the Capital Fund, we do not have the appropriate account balance to make the transfer at this time. To make this annual motion successful, free cash from the prior fiscal year must be certified.

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

The motion was seconded  
Moderator declares the motion fails

**ARTICLE 3: BILLS OF PRIOR FISCAL YEAR**

To see if the Town will vote pursuant to M.G.L. c.44, §64 to raise and appropriate and/or transfer from available funds such sums of money necessary for the purpose of paying outstanding bills from prior fiscal years, or take any other action related thereto.

**SPONSOR:** Town Manager

**COMMENTARY:** This article seeks authorization to pay prior year's bills; which is required pursuant to M.G.L. c.44, §64.

**MOTION:** *Move that the Town authorize the payment of prior fiscal year's bills, amounting in total of \$616.27 from current year appropriations, to be determined by the Town Manager.*

*Vote required for passage: 4/5<sup>th</sup> majority vote (M.G.L. c.44, §64)*

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

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

The motion was seconded  
Moderator declares a 4/5ths majority vote, motion carries

**ARTICLE 4: FY18 APPROPRIATION DEFICIT OF THE PRIOR YEAR**

To see if the Town will vote to raise and appropriate or transfer from available funds \$30,000 to cover an appropriation deficit in the FY2018 Technology Department Budget, or take any action relating thereto.

**SPONSOR:** Town Manager

**COMMENTARY:** *This article seeks authorization to pay prior years' bills; which is required pursuant to M.G.L. c.44, §64. Attempts to have a year-end line item transfer were referred back to town meeting. If this does not pass, it will need to be raised on the recap as an illegal appropriation deficit (the money has already been spent.)*

**MOTION:** *Move that the Town vote to transfer and appropriate from the stabilization fund the sum of \$30,000 to cover an appropriation deficit in the FY2018 Technology Department Budget*

*Vote required for passage: 4/5<sup>th</sup> majority vote (M.G.L. c.44, §64)*

**THE FINANCE COMMITTEE RECOMMENDATION:** **Passover**

**THE BOARD OF SELECTMEN RECOMMENDATION:** **Passover**

**No Motion**

**No Action Taken**

**ARTICLE 5: AMEND THE ZONING BYLAWS FOR MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS**

To see if the Town will vote to increase the number of marijuana facilities (excluding retailers and medical treatment centers) from three (3) to twelve (12) by amending the zoning bylaw §400-23, subsection B, Marijuana establishments, and medical marijuana treatment centers as follows

**B. Number of Marijuana Establishments and Medical Marijuana Treatment Centers**

1. The maximum number of marijuana retailers shall be no more than 20% of the total number of licenses which have been issued within Uxbridge for the retail of alcoholic beverages not to be drunk on the premises for the preceding fiscal year, or three in total, whichever is greater.
2. The maximum number of marijuana cultivators, marijuana testing facilities, research facilities, marijuana product manufacturers or any other type of licensed marijuana-related businesses (exclusive of marijuana retailers or marijuana treatment centers) shall be no more than twelve in total.
3. The maximum number of medical marijuana treatment centers shall be no more than three.

Or take any other action related thereto.

**SPONSOR:** Board of Selectmen

**COMMENTARY:**

*This article changes the number of testing, research, manufacture and cultivation facilities from 3 to 12 in total; The Town has had an increase of businesses requesting community host agreements beyond the allotted 3. A yes vote would allow the Town to determine a more accurate representation of the different types of facilities.*

**MOTION:** *Move that the Town vote to amend the Town of Uxbridge Zoning By-laws, by amending the § 400-23, subsection B as written.*

*Vote required for passage: requires a 2/3 majority, per M.G.L. c. 40A, §5*

**THE FINANCE COMMITTEE RECOMMENDATION:**  
**THE BOARD OF SELECTMEN RECOMMENDATION:**  
**PLANNING BOARD RECOMMENDATION:**

**No recommendation (5-0-0)**  
**Favorable Action (4-0-0)**  
**Favorable Action (5-0-0)**

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

**ARTICLE 6: ESTABLISH A MARIJUANA LICENSING AUTHORITY**

To see if the Town will vote to amend the Town of Uxbridge General By-laws, by adding the following chapter, or take any action thereto:

**CHAPTER 60.**  
**MARIJUANA LICENSE**

**§ 60-1. Only licensed facilities**  
**§ 60-2. Rules and Regulations**  
**§ 60-3. Application**  
**§ 60-4. Timeframe**

**§ 60-5. Decision**  
**§ 60-6. Enforcement and Fines**  
**§ 60-7. Home Rule Amendment**

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**§60-1. Only licensed facilities** No person shall carry on the business cultivate, process, package, deliver, obtain, manufacture, process, package, brand, sell or otherwise transfer, or test marijuana or marijuana products, or otherwise operate a Marijuana Establishment as defined by Massachusetts General Laws Chapter 94G within the Town unless first duly licensed thereof by the Board of Selectmen.

**§60-2: Rules and Regulations** The Board may adopt reasonable rules and regulations related to the issuance of such licenses, including the fees to be paid therefore and the conditions to be satisfied by any applicant for such a license.

**§60- 3. Application** Applicants for a license shall file an application on a form by the Board of Selectmen, signed under the penalties of perjury by the applicant, containing such information as the Board of Selectmen may reasonably require from time to time. Each applicant shall pay an application fee as may be reasonably determined from time to time by the Board of Selectmen.

**§60-4. Timeframe** The Board of Selectmen must act upon the application at one of their next two regularly scheduled meetings, holding a public hearing thereon, with due written notice provided to the applicant of the time, date and location where such hearing will be heard.

**§60-5. Decision** The Board of Selectmen may approve, deny or approve the application with conditions. Such decision shall be based on the evidence taken at the public hearing, consistent with the protection of the health, safety and welfare of the public, and consistent with the regulations promulgated by such board.

**§60-6. Enforcement and Fines** The Board of Selectmen may issue orders as appropriate to aid in the enforcement of this regulation and may enforce these provisions in equity, including the request for injunctive relief, in a court of competent jurisdiction. Any failure to comply with any Order issued hereunder shall result in the issuance of a formal warning. Any failure to comply with such a warning shall result in a fine of \$100.00. Any failure to comply after the issuance of said initial fine may be

punishable by a subsequent fine of \$300.00. Each day of a continued non-compliance shall constitute a separate violation. Further, the Board of Selectmen may hold a hearing, with notice to the licensee, to determine if such license should be modified, suspended or revoked.

**§60- 7: Home Rule Amendment** [art. 89 of the Amendments to the Massachusetts Constitution]; Charter, Article 3, Section 2(c), Massachusetts General Laws, Chapter 94G, § 3, 935 CMR 500.000.

**SPONSOR:** Board of Selectmen

**COMMENTARY:** *This article enables the Board of Selectmen to serve as the licensing authority of Marijuana Establishments organized pursuant to M.G.L c. 94G.*

**MOTION:** *Move that the Town vote to amend the Town of Uxbridge General By-laws, by adding the Chapter 60 Licensing Marijuana as written.*

*Vote required for passage: requires a 2/3 majority vote.*

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

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

The motion was seconded

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

**ARTICLE 7: CITIZEN’S PETITION – STREET ACCEPTANCE: WALNUT GROVE STREET**

To see if the Town will vote to accept as a public way the street known as Walnut Grove Street 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 of which public ways are used in the Town; or take any other action relating thereto.

**SPONSOR:** Citizen’s Petition

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

*Vote required for passage: requires a 2/3 majority vote.*

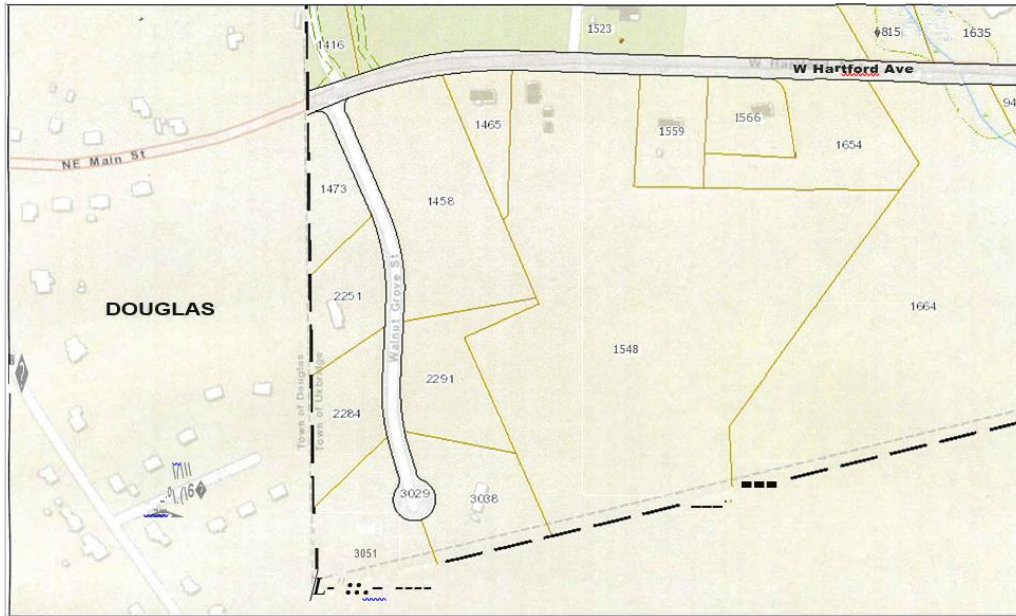
**THE FINANCE COMMITTEE RECOMMENDATION:** **Favorable Action (5-0-0)**

Contingent upon positive recommendation from the DPW Director.

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

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





**The motion was seconded  
Moderator declares a 2/3rds majority vote, motion carries**

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**All Articles having been acted upon a motion was made to dissolve the meeting.  
The motion was seconded  
Moderator declares a Unanimous vote, motion carries.**

**The Meeting recessed at 8:31pm.**

A true copy attest,

Kelly J. Cote, CMC  
Uxbridge Town Clerk