

TOWN OF UXBRIDGE
BOARD OF SELECTMEN
21 South Main Street
Uxbridge, MA 01569-1851
Office: 508-278-8600 Fax: 508-278-8605
www.uxbridge-ma.gov

Kevin J. Kuros, Chair
Michael Potaski, Vice Chair
Cari Kay Robertson, Clerk
Peter Baghdasarian
Bruce Desilets

Jill R. Myers, Town Manager

SELECTMEN'S MEETING AGENDA
BOS MEETING ROOM
JANUARY 26, 2009

RECEIVED
TOWN CLERK
JAN 22 3 24 PM '09

I. CALL TO ORDER AT 7:00 P.M.

- A. Announcements
 - 1) MMA Conference Recap
- B. Citizens Forum

II. PUBLIC HEARINGS/ SCHEDULED APPOINTMENTS

- A. 7:00 PM Class II License Renewal, Vision Auto Group, Jason Rachwal
- B. 7:00 PM Gravel Permit Renewal: Immanuel Corporation, 775 Millville Road (Permit #44)
- C. 7:15 PM Update on the Blackstone Valley Bikeway Project and Consider Six Town Letter;
Mr. Jan Reitsma, Director, Blackstone River Valley National Heritage Corridor

III. TOWN MANAGER REPORT

IV. OLD BUSINESS

- A. Historic District Commission Appointment; Gregory Dubell (*Continued from 1/12/09*)
- B. Douglas Street Property; Consider Deed Restriction (if needed)
- C. FY09 Budget Status; FY10 Budget Discussion

V. NEW BUSINESS

- A. Discuss Scheduling of a Special Town Meeting for Potential FY09 Budget Adjustments.
- B. Bylaw Review Committee Status; Invitation made to Committee Chairman to Attend

VI. CONSENT ITEMS

- A. Acceptance of regular session minutes from 01/12/09

VII. CORRESPONDENCE/ OTHER BUSINESS

- A. Request from Town of Mendon to meet with BOS regarding drinking water.

VIII. EXECUTIVE SESSION (MGL c.39, §23B)

- #3 - To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigation position. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel (Town Manager Negotiations).
- #6 - To consider the purchase, exchange, lease, or value of real property if such discussion may have detrimental effect on the negotiating position of the governmental body (*if needed for deed restriction discussion*)

IX. ADJOURNMENT: Next Regular BOS Meeting February 9, 2009

#a

THE COMMONWEALTH OF MASSACHUSETTS

Town OF Uxbridge

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE OR ASSEMBLE SECOND HAND MOTOR VEHICLES OR PARTS THEREOF

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? VISION Auto Group, LLC

Business address of concern. No. 775 Quaker Highway St., Uxbridge MA 01569 City - Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? Partnership - LLC

3. If an individual, state full name and residential address.

4. If a co-partnership, state full names and residential addresses of the persons composing it.

Owner / Jason Rachwal 92 Oxford Drive, Franklin MA 02038
Partner / Brian Muldoon 88 Groton school Road, Ayer MA 01432

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President Jason Rachwal 92 Oxford Drive Franklin MA 02038
Secretary Brian Muldoon 88 Groton school Road, Ayer MA 01432
Treasurer

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? Yes

If so, is your principal business the sale of new motor vehicles? NO

Is your principal business the buying and selling of second hand motor vehicles? Yes

Is your principal business that of a motor vehicle junk dealer? NO

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

5 space lot at 775 Quaker Highway
Business office is located on the second floor adjacent to
True Data products

8. Are you a recognized agent of a motor vehicle manufacturer? NO
(Yes or No)

If so, state name of manufacturer _____

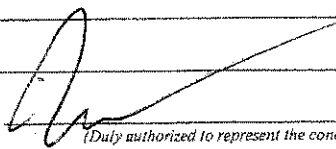
9. Have you a signed contract as required by Section 58, Class 1? _____
(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? Yes
(Yes or No)

If so, in what city — town SAME, This one had expired

Did you receive a license? Yes For what year? 06, 07, 08
(Yes or No) (Yes or No)

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof
ever been suspended or revoked? NO, NEVER
(Yes or No)

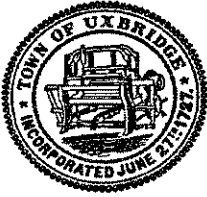
Sign your name in full 
(Duly authorized to represent the concern herein mentioned)

Residence 92 Oxford Drive, Franklin MA
02038

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH
FULL INFORMATION, AND FALSE STATEMENTS
HEREIN MAY RESULT IN THE REJECTION OF
YOUR APPLICATION OR THE SUBSEQUENT
REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the
application with the registrar. (See Sec. 59)



TOWN OF UXBRIDGE
Application for Earth Removal
Pursuant to Section X of the Uxbridge General Bylaws

IF B

Office use only
App. No. _____

APPLICANT INFORMATION

Last Name: Cabral First: Bill

Company: Immanuel Corporation

Mailing Address: P.O. Box 132 State: MA Zip: 01569
City: Uxbridge

Phone: (401) 333-4300 Fax: (401) 333-6680 E-mail: wcabral@jhlynch.com

PROPERTY OWNER INFORMATION (if different from Applicant)

Last Name: First:

Company: same

Mailing Address: State: Zip:
City:

Phone: Fax: E-mail:

OPERATOR INFORMATION (if different from Applicant)

Last Name: First:

Company: same

Mailing Address: State: Zip:
City:

Phone: Fax: E-mail:

REPRESENTATIVE (if applicable)

Last Name: O'Connell First: Stephen

Company: Andrews Survey & Engineering, Inc.

Mailing Address: P.O. Box 312 State: MA Zip: 01569
City: Uxbridge

Phone: (508) 278-3897 Fax: (508) 278-2289 E-mail: soconnell@andrews-engineering.com

GRAVEL REMOVAL LOCATION

Street Address: 775 Millville Road Assessor's Map(s) 46 Parcel(s) 2079

GENERAL

Parcel size (in acres): 197 +/- Total Acres to be mined: 5 +/-

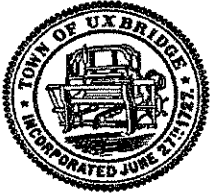
Approximate total volume of material to be removed during course of operation (cubic yards): 150,000 (in situ)

Type of material to be removed: Sand Gravel

Is the removal of loam and/or topsoil proposed? no yes If yes, attach letter(s) from Worcester County Conservation District official or equivalent federal or state soil conservation professional stating that removal of loam from the subject parcel will not result in degradation of agricultural resources. Warning! Loam/topsoil removal is prohibited in Agricultural Zone (see Zoning Bylaws, Section VII.F).

For proposed mining area greater than 3 acres, A phased operation is recommended.
Is this a phased operation? yes no If yes, how many phases? 3

Approximate time to complete operation (including all phases): 3 years



TOWN OF UXBRIDGE
Application for Earth Removal
Pursuant to Section X of the Uxbridge General Bylaws

Office use only
App. No. _____

GENERAL (CONTINUED)

Current use(s) of parcel(s): Earth Removal

Proposed days and times of operations: Monday – Friday, 7:00 a.m. – 5:00 p.m.

Route(s) (roadways) to be utilized by trucks: Route 122, Route 146A, Route 146

Indicate Zone(s) of Proposed Gravel Removal Area

Business STOP! Commercial gravel removal is not an allowed use in Business zone (see Zoning Bylaws, Section VII.D)

Floodplain STOP! Commercial gravel removal is not an allowed use in 100-year floodplain (see Zoning Bylaws, Section Flood Plain).

Industrial

Residential A Requires Approval By Zoning Board of Appeals (see Zoning Bylaws, Section VII.A).
Is approval from ZBA: obtained (attach approval documentation) pending

Residential B Requires Approval By Zoning Board of Appeals (see Zoning Bylaws, Section VII.B).
Is approval from ZBA: obtained (attach approval documentation) pending

Residential C Requires Approval By Zoning Board of Appeals (see Zoning Bylaws, Section VII.C).
Is approval from ZBA: obtained This is a permit renewal pending

Agricultural Requires public hearing and approval by Inspector of Buildings (see Zoning Bylaws, Section VII.F).
Is approval from Inspector of Buildings: obtained (attach approval documentation) pending

Are the proposed limits of excavation within 300 feet of a public or private way? yes no
If yes, attach documentation providing name(s) of roadway(s), distance of excavation from roadway(s) and provide written narrative and/or supporting documentation explaining how excavation will not undermine way(s) or otherwise not be seriously detrimental to the neighborhood.

Are the proposed limits of excavation within: 250 feet of a building or structure (including cemeteries)? yes no
If yes, attach documentation providing description of buildings and structures, distance of excavation from buildings and structures and provide written narrative and/or supporting documentation explaining how excavation will not undermine structures, or otherwise not be seriously detrimental to the neighborhood.

Note: Per the Section X Gravel Removal Bylaw: No excavation shall be undertaken within 300 feet of a public or private way or within 250 feet of a building or structure, unless the Board specifically finds that such excavation will not undermine the way or structure or otherwise be seriously detrimental to the neighborhood and such finding is endorsed on the license.

Is any portion of the subject parcel(s) classified with the Town Assessor under Mass. General Law Ch. 61 (recreation), 61A (agriculture) or 61B (forestry)? yes no

Note: Per MGL Ch. 61: Land taxed under this chapter shall not be sold for, or converted to, residential, industrial or commercial use while so taxed or within 1 year after that time unless the city or town in which the land is located has been notified of the intent to sell for, or to convert to, that other use.

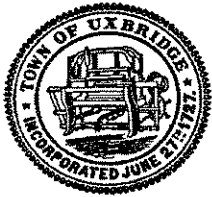
Is any portion of the proposed excavation located within a wetland, within 100 feet of a wetland or within 200 feet of a river?
yes no

If yes, is approval from the Uxbridge Conservation Commission: obtained (attach approval documentation) pending

Note: Per the Section X Gravel Removal Bylaw: No swamp, pond, watercourse, or other wetland will be altered or polluted in any way without all necessary permits and no watercourses, drains, swales, culverts, or other water channeling contours or structures shall be constructed unless shown on the plan submitted and approved.

Is application of organic material (processed septage, sludge, etc.) proposed (see Uxbridge General Bylaws, Board of Health, Article XVII, Regulations for the Land Application of Organic Material)?
yes no

If yes, is approval from the Uxbridge Board of Health: obtained (attach approval documentation) pending



TOWN OF UXBRIDGE
Application for Earth Removal
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GENERAL (CONTINUED)

Indicate Historical High Groundwater Table Elevation: (determined from monitoring wells and historical water table fluctuation data compiled by the US Dept. of Geological Survey). 210 +/-

Indicate lowest proposed excavation elevation. 220

A minimum 5 feet of separation from historical high groundwater table elevation and excavation base is suggested.

Is any portion of the proposed excavation located within a Zone II or Interim Wellhead Protection Area as mapped by the Board of Health (see Uxbridge General Bylaws, Board of Health Groundwater Protection Regulation)?

yes no

If yes, is approval from the Uxbridge Board of Health: obtained (attach approval documentation) pending

Is the total proposed area of disturbance greater than 25 acres and are any state permits (including any permits for work within 100 feet of a wetland or 200 feet of a river) required?

yes no

If yes, an Environmental Notification Form (ENF) per the Massachusetts Environmental Policy Act (MEPA) must be filed with the Secretary of the Massachusetts Executive Office of Environmental Affairs (EOEA).

Has the required ENF form been filed? yes (please attach proof of filing) no, filing is pending.

Is any portion of the proposed excavation located within an area mapped as estimated or priority habitat for rare, threatened or endangered species per the most recent survey of the Massachusetts Natural Heritage and Endangered Species Program (NHESP)?

yes no

If yes, is approval from NHESP: obtained (attach approval documentation) pending

1. Is on-site processing of materials including but not limited to: crushing, screening or washing proposed? yes no

2. Is on-site operation of a commercial or retail business proposed? yes no

3. Is importation of earth, construction debris or similar proposed? yes no

4. Is removal of stone (quarrying, requiring blasting) proposed? yes no

If yes to any of the four above, approval is required by the Zoning Board of Appeals.

Is approval from ZBA: obtained This is a permit renewal pending

Warning: Granting of an earth removal permit under the Section X Earth Removal Bylaw is not approval to operate a processing facility, to quarry stone, to store or recycle construction materials including asphalt, brick, etc. and is not approval to operate a commercial or retail business from the site of excavation. These uses require review and approval by the Uxbridge Zoning Board of Appeals.

SUBMITTAL CHECKLIST

- Filing Fee (Make check payable to Town of Uxbridge)
 \$600.00 (total proposed excavation area less than or equal to 5,000 square feet)
or
 \$1,200.00 (total proposed excavation area greater than 5,000 square feet)

Assessor certified list of abutters and abutters to abutters within 300 feet of the location of the proposed excavation as appearing in the records maintained by the Board of Assessors of the Town.

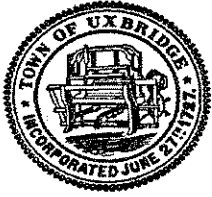
A proposal concerning the provisions of security for the final completion of the excavation project in accordance with plans submitted and any additional conditions that may be attached to the permit. This is a permit renewal!

Note: Per the Section X Earth Removal Bylaw: No excavation will begin until security by surety bond, cash, or other approved method is provided to insure that the excavation will be carried out in accordance with the license and that the final grades and cover are provided. Such security shall not be less than \$2,000 for each acre of the proposed site. The security shall be released when suitable vegetation has been re-established on the portion of the site for which it was provided.

Dust control plan (narrative format) This is a permit renewal

Erosion and sedimentation control plan (narrative and/or plans with notes) This is a permit renewal

Soils Description (per USDA/NRCS Soil Survey of Worcester County MA, Southern Part) This is a permit renewal
- Include Soil Map Units, copy of map unit area, and suitability of materials for mining (see table 13 in Soil Survey).



TOWN OF UXBRIDGE
Application for Earth Removal
Pursuant to Section X of the Uxbridge General Bylaws

Office use only
App. No. _____

SUBMITTAL CHECKLIST (CONTINUED)

- Plans - signed and stamped by engineer(s) and/or land surveyor(s). Plan sheets indicated below may be combined as practicable.
 - Existing Conditions Plan Sheet
 - grades at 2-foot intervals
 - showing entire parcel and any roadways within 300 feet or structures (including cemeteries) within 250 feet
 - tree lines, stone walls, historic cemeteries, trails/roadways
 - wetlands within 100 feet of proposed excavation, rivers within 200 feet of proposed excavation
 - groundwater monitoring well locations
 - soil borehole locations
 - Monumentation sufficient to delineate the perimeter of the site at intervals of not less than 500 feet
 - Notes providing observed groundwater table elevation data
 - Notes providing soil sample data.
 - Operating Conditions Plan Sheet
 - grades at 2-foot intervals
 - erosion controls, stormwater control structures (detention basins, swales, etc.)
 - access roadways
 - foam stockpile area(s)
 - mined materials stockpile area(s)
 - staging area (storage of excavation vehicles, location of office trailer, etc)
 - Phased Operation Plan Sheet
 - Showing all proposed phases
 - Estimated start and close date/timeline for each phase
 - Restoration Plan Sheet
 - finish grades at 2-foot intervals
 - notes detailing restoration including replacement of loam/topsoil, type and application rate of seed mix
 - typical cross-section of the proposed final cover

8 sets of application, plans, and all supporting information.

SIGNATURE

I hereby certify under the penalties of perjury that the foregoing application and accompanying plans, documents, and supporting information are true and complete to the best of my knowledge.

Applicant Signature  Date 11/5/08

Representative Signature (if applicable)  Date 12/23/08

RECEIVED

JAN 08 2009

BOARD OF SELECTMEN
UXBRIDGE, MA

#c

Kim Hood

From: Megan DiPrete
Sent: Wednesday, January 14, 2009 11:28 AM
To: Jill Myers
Cc: Kim Hood
Subject: BOS 1/26 - Bike Path

Jill

I wanted to make sure you had the final draft of the letter that each of the 11 Blackstone Valley Boards of Selectmen have been reviewing relative to the Blackstone Valley Bike Path. Is this still on the agenda for the 1/26 BOS meeting? A representative of the Corridor Commission, Diane Keith, plans to attend – she has been providing a brief power point presentation in each of the communities who have so far met/voted to sign the letter.

Please advise with any questions
Thanks
Megan

Megan T. DiPrete, AICP
Dept. of Planning & Econ. Dev.

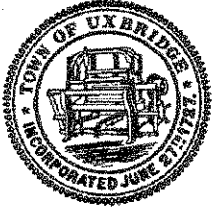
Town of Uxbridge
21 So. Main Street
Uxbridge, MA 01569

508-278-6487

Kindly remember that the Secretary of State has deemed email a public record.

Effective January 20, 2009, all municipal departments located at Town Hall can be reached by calling a central Town Hall phone number (508)278-8600.


Town Hall Hours: M, Tu, Th 7:30am -5:00pm, and Wednesdays 8:00am- 7:00pm; CLOSED on Fridays.



TOWN OF UXBRIDGE
Dept. of Planning & Economic Development
21 South Main Street
Uxbridge, MA 01569-1851
508-278-6487
plandev@uxbridge-ma.gov

Megan T. DiPrete
Director

Memorandum

To: Kevin J. Kuros, Chair, Board of Selectmen
From: Megan DiPrete, Director, Planning and Economic Development 
Date: December 3, 2008
Re: Blackstone River Bike Path

As you know, the Blackstone River Bike Path has been in the planning and design stages for a number of years. In addition to the local input from the Selectmen and staff, Senator Moore has been instrumental in promoting Uxbridge's preferences regarding the Bike Path.

The Massachusetts portion of the Bike Path, which is intended to go from Worcester to Providence (and connect with other existing and planned bikeways along the way), is divided into 7 segments. Uxbridge includes portions of Segments 2 and 3. Segment 2 is located roughly along the P&W Railroad and the Blackstone River from Millville to the bridge over the River on Millville Road (recently posted by Mass Highway). Segment 3 begins at that point, following the P&W and then "veering" a bit to the east to cross Mendon Street and connect with the DCR land. Segment 3 continues through the state land, through the Goat Hill area and to Plummer's Corner in Northbridge.

Prior to the last meeting of the 11-Towns' Boards of Selectmen (on October 29, 2008), the local planners were asked to meet with staff from the Central Mass Regional Planning Commission (CMRPC). Representatives of the Blackstone River Valley National Heritage Corridor Commission were also engaged in the discussion.

In the context of the infrastructure mapping project, there was discussion in that meeting about how the towns could best promote movement of the Bike Path project, and facilitate its design, funding and construction components.

Accordingly, the group has developed the enclosed letter which all Boards of Selectmen of the affected communities are being asked to submit to the Mass Highway Commissioner (Louisa Paiewonsky).

December 2008

Mr. Rick Sullivan, Commissioner
Department of Conservation and Recreation
215 Causeway Street, Suite 600
Boston, MA 02114-2104

Dear Commissioner Sullivan:

We would like to extend an invitation to you and Commissioner Paiewonsky of the Massachusetts Highway Department (MHD) to discuss the Blackstone Valley Bikeway project with us, local officials from the host communities. As we successfully increase our regional efforts on many community projects, the Bikeway has surfaced as an extremely important project that can benefit from renewed collaboration. Our interest is in moving the bikeway project forward in the most efficient, cost effective, and cooperative manner. More specifically, we would like to discuss the following issues and opportunities with you:

Right-of-Way: While local staff may be willing to assist in negotiating right-of-way issues, there should be verification that funding legislation allows the communities to act in this role. Contact with landowners should take place sooner than later and consultants hired by MHD should attend landowner meetings to hear concerns first-hand. Mitigation of as many of these concerns as possible should be reflected in all future filings, as major right-of-way acquisition issues could cause significant shifts in the alignment.

Funding: The current overall cost for this project is estimated to be over \$30M. There should be a concerted and organized effort to investigate and pursue funding to bring this project to completion. We appreciate MHD efforts to secure a portion of this funding in the past and look forward to working cooperatively with MHD and DCR to formulate a defined strategy to obtain the significant funds needed.

Maintenance: While we understand that discussions are ongoing regarding maintenance, the local communities may be willing to partner with MHD and DCR on certain maintenance issues. We would like the opportunity to discuss issues and strategies with the departments.

Support: The Massachusetts Blackstone Valley communities are fully committed to this project. We will be working with our legislators at every opportunity to focus efforts and funding on the Blackstone River Bikeway. We would like to hear any suggestions that you believe would be helpful to share with our legislative delegation.

Communication: Our most significant concern is that after years of effort, further delays and complications are likely to occur unless there is closer and more regular communication between MHD, DCR and the Towns. We feel it may be helpful to designate a MHD project manager/facilitator based out of the District 3 office in Worcester. Additionally, a similar liaison for DCR that is charged with coordinating the project for the department could improve communication and decision-making capabilities and help move the project forward more efficiently for all partners involved.

The municipalities recognize the Bikeway as being a tremendous asset for the Blackstone Valley and the Commonwealth as a whole. Additionally, the Bikeway will further numerous Sustainable Development Principles.

Please feel free to contact James Smith, Sutton Town Administrator to discuss scheduling of this critical meeting.

Sincerely,

E. Bernard Plante
Board of Selectmen, Town of Millbury
Sutton

Michael Chizy, Chairman
Board of Selectmen, Town of

Brook Padgett, Chairman
Board of Selectmen, Town of Grafton
Northbridge

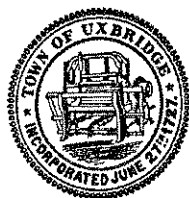
Joseph J. Montecalvo, Chairman
Board of Selectmen, Town of

Kevin J. Kuros, Chairman
Board Selectmen, Town of Uxbridge
Millville

Paul Savage, Chairman
Board of Selectmen, Town of

Board of Selectmen, Town of Blackstone

cc: Congressman McGovern
Congressman Neal
Senator Kennedy
Senator Kerry
Senator Moore
Representative Callahan
Representative Peterson
Representative Frost
Jan Reitsma, Executive Director, JHCBRVNHC
Larry Adams, Executive Director, Central Mass Regional Planning Commission
Kimberley Sloan, Project Manager MassHighway



**TOWN OF UXBRIDGE
BOARD OF SELECTMEN**
Town Hall Room 102
21 South Main Street
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508-278-8600 Fax 508-278-8605
town.manager@uxbridge-ma.gov

Jill R. Myers
Town Manager

TO: Honorable Chairman and Members of the Board of Selectmen

FROM: Jill R. Myers, Town Manager

DATE: January 22, 2009

SUBJECT: Town Manager's Report for the BOS Meeting of January 26, 2009

Budget Monitoring: Like most municipalities, we are awaiting any potential "9c" state aid cuts from the Governor for the current fiscal year, and will know how our local receipts are pacing once the Motor Vehicle Excise commitments are made. The Finance Director and I met with the Schools Superintendent and Business Manager, and will continue to meet to share information and recommend a plan of action that is contingent on how impacted the Town may be. All Departments have put forth FY10 budget requests based on the revenue sharing agreement of last year with expected reductions in State Aid for FY10. Also included are impact statements and budget narratives. We are awaiting the Governor's FY10 Budget - House 1 to determine how much further reductions may be needed.

Capital Improvement Plan: The Capital Committee submitted its recommendations to me on 1/22/09. The Town Manager's CIP Report will available on or before January 29, 2009.

Four-Town Group Meeting on 1/27/09: Undersecretary Bialecki will be joined by April Anderson Lamoureux, Director of the Permit Regulatory Office, as well as 2-3 officials from MassDevelopment. Claire O'Neil, Regional Director of the Massachusetts Office of Business Development, who has been organizing this meeting for the Commonwealth, has recommended that the Town Manager/Administrator of each town attend as well as a member of the Board of Selectmen (if possible) from each town.

Good Bye to Kim: Assistant to the Town Manager Kim Hood's last day with the Town was 1/22/09. She is leaving to become the Assistant Town Administrator for the Town of Northborough.

Policy Distribution: Our annual HR reminders and policies distribution will be done on 1/29. I also distributed meeting posting/minutes reminders to Boards and Commissions.

Annual Report Submission: We will need for the BOS to submit a report. Traditionally, the Chairman prepares the report with the approval by the Board. I will provide a copy of the last Report.

Jill Myers

From: Cari Robertson [cari_kay@hotmail.com]
Sent: Wednesday, January 14, 2009 8:39 AM
To: Mike Potaski; Jill Myers; Kim Hood
Subject: RE: Hist District Appointments
Follow Up Flag: Follow up
Flag Status: Red

Mike I understand that this has been vacant since August, but I don't remember reviewing a written request by the BOS to these boards for a nomination. I am not trying to be a jerk, but I didn't write the bylaw, I am just trying to follow its requirements.

Cari Robertson

From: mikepotaski@hotmail.com
To: cari_kay@hotmail.com; town.manager@uxbridge-ma.gov; asst2.manager@uxbridge-ma.gov
Subject: RE: Hist District Appointments
Date: Wed, 14 Jan 2009 03:50:37 +0000

The relevant boards, commissions, etc have been well aware of the vacancy and have done nothing to nominate someone to fill the slot so it's entirely appropriate for BOS to move on the matter.

From: cari_kay@hotmail.com
To: town.manager@uxbridge-ma.gov; asst2.manager@uxbridge-ma.gov;
 brucedesilets@netscape.net; kjkurosbos@charter.net; mikepotaski@hotmail.com;
 sbaghdasarian@netscape.net
CC: gdubell@gmail.com
Subject: RE: Hist District Appointments
Date: Wed, 14 Jan 2009 02:04:55 +0000

I am partial to the Historic District, however XX,section 4.2 is more in depth then noted below. The full excerpt is below.

4.2 The Commission shall consist of five members who shall be appointed by the Board of Selectmen. **The Commission shall include one or more residents of or owners of property in the District as shall file application for membership; one member from two nominees submitted by the Uxbridge Historic Society, or in the absence thereof, by the Society for the Preservation of New England Antiquities; one member from two nominees submitted by the chapter of the American Institute of Architects covering the Town of Uxbridge; and one member from two nominees submitted by the board of realtors covering the Town of Uxbridge. If within thirty days after submission of a written request by the Board of Selectmen for nominees to any of the organizations herein named, no nominations have been made, the Board of Selectmen may proceed to appoint members to the Commission without nominations by such organization.** The appointments to membership in the Commission shall be so arranged that the term of at least one member will

1/22/2009

expire each year, and their successors shall be appointed in the same manner as the original appointment for terms of three years. Vacancies shall be filled in the same manner as the original appointment for the unexpired term. **The Board of Selectmen may also appoint not more than three alternate members to serve for terms of three years. Such alternate members, who need not be from nominees of organizations entitled to nominate members,** may attend all meetings of the Commission and participate in its discussions, and may vote if designated by the Chairman of the Commission to take the place of a principal member of the Commission in the case of that member ' s absence, inability to act, or unwillingness to act due to self-interest. Each member and alternate shall continue in office after the expiration of his term until his successor is duly appointed and qualified. All members shall serve without compensation.

My thoughts are that pending nominations from the relevant boards, commissions, etc. listed above, the BOS could temporarily appoint Mr. Dubell as an alternate member in the interim.

Cari Robertson

Subject: FW: Hist District Appointments
 Date: Tue, 13 Jan 2009 17:10:20 -0500
 From: town.manager@uxbridge-ma.gov
 To: asst2.manager@uxbridge-ma.gov; brucedesilets@netscape.net; cari_kay@hotmail.com; kjkurosbos@charter.net; mikepotaski@hotmail.com; sbaghdasarian@netscape.net
 CC: gdubell@gmail.com

Fyi – in follow-up to discussion at the BOS meeting of 1/12. I will schedule the appointment for BOS consideration on 1/26. Thx

*Effective January 20, 2009, all municipal departments located at Town Hall can be reached by calling a central Town Hall phone number- (508)278-8600.
 Town Hall Hours: M, Tu, Th 7:30am -5:00pm, and Wednesdays 8:00am- 7:00pm; CLOSED on Fridays.*

*Jill R. Myers
 Town Manager
 Uxbridge Town Hall
 21 South Main Street
 Uxbridge, MA 01569
 ☎ (508) 278-8600 - phone
 📠 (508) 278-8605 - fax
 📱 (508) 326-9884 - cell
 ✉ town.manager@uxbridge-ma.gov*

Kindly remember that the Secretary of State has deemed email a public record.

From: Kim Hood [mailto:asst2.manager@uxbridge-ma.gov]
Sent: Tuesday, January 13, 2009 4:50 PM
To: Jill Myers
Subject: Hist District Appointments

Jill:

I have confirmed that Gregory Dubell, applicant for the Historic District Commission, does not reside within the District. However, Chapter 218, Section 4 of the Town Bylaws does not require that ALL Commission members reside within the District, merely "one or more". Currently, William Leland satisfies

1/22/2009

this criterion. I also spoke with Chair Faye McClosky this afternoon and she is hopeful that the BOS will appoint Mr. Dubell as soon as possible.

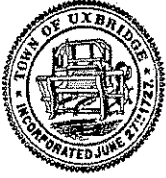
Kimberly Hood
Assistant to the Town Manager

Uxbridge Town Hall
21 South Main Street
Uxbridge, MA 01569
508-278-8600 (Phone)
508-278-8605 (Fax)

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TOWN OF UXBRIDGE
 BOARD OF SELECTMEN
 Town Hall Room 102
 21 South Main Street
 Uxbridge, MA 01569-1851
 508-278-8600 Fax 508-278-8605

IA
RECEIVED
 DEC 23 2008
 BOARD OF SELECTMEN
 UXBRIDGE, MA

TALENT BANK FORM

Local Government needs citizens to give of their time and talents serving the Town of Uxbridge. This Talent Bank Form has been established to compile a list of interested citizens who are voluntarily willing to serve on Boards, commissions, and committees. Some groups meet often, others require less time, and still others are busy only at specific times of the year. Occasionally, there are requirements for ad hoc committees or sub-committees who are appointed to work on special projects.

If you are interested in serving, please check your preference(s) below and return the completed form to the Town Manager at the address listed above. The form can also be faxed or emailed.

- | | |
|--|---|
| <input type="checkbox"/> ADA Committee | <input type="checkbox"/> Affordable Housing Committee |
| <input checked="" type="checkbox"/> Blanchard Reuse Committee | <input type="checkbox"/> Board of Health |
| <input type="checkbox"/> Board of Registrars | <input checked="" type="checkbox"/> Bylaw Review Committee |
| <input type="checkbox"/> Compensation Advisory Board | <input checked="" type="checkbox"/> Conservation Commission |
| <input type="checkbox"/> Council on Aging | <input checked="" type="checkbox"/> Cultural Council |
| <input checked="" type="checkbox"/> Historic Cemetery Committee | <input checked="" type="checkbox"/> Historic Commission |
| <input checked="" type="checkbox"/> Historic District Commission | <input type="checkbox"/> Housing Authority |
| <input type="checkbox"/> Industrial Development Committee | <input checked="" type="checkbox"/> Land Planning Committee |
| <input type="checkbox"/> Parade Committee | <input checked="" type="checkbox"/> Planning Board |
| <input checked="" type="checkbox"/> Poll Worker | <input checked="" type="checkbox"/> Recreation Commission |
| <input checked="" type="checkbox"/> Scholarship Committee | <input type="checkbox"/> School Building Committee |
| <input checked="" type="checkbox"/> Town Common Committee | <input type="checkbox"/> Website Committee |
| <input checked="" type="checkbox"/> Zoning Board of Appeals | <input type="checkbox"/> Other: _____ |

NAME: Gregory R. Dubell Are you a registered voter? Yes

ADDRESS: 12 Pleasant Street

HOME PHONE: 508-779-0232 WORK PHONE: 401-595-3254 FAX: 401-728-8784

EMAIL ADDRESS: gdubell@gmail.com OCCUPATION: Archaeologist; Preservation Planner;

PLEASE LIST ANY POTENTIAL CONFLICTS OF INTEREST (CURRENT MEMBERSHIPS, BUSINESS AFFILIATION): Employed by The Public Archaeology Laboratory, Inc. (PAL), Pawtucket, RI Energy Projects Manager

SPECIAL INTERESTS AND SKILLS: Land use development regulation and Law; Cultural resource management

EDUCATION AND EXPERIENCE: MA - Historical Archaeology - UMass Boston; BA Cultural and Historic Preservation - Salve Regina University

REASONS FOR WANTING TO SERVE: Strongly believe in public service and want to benefit the community

former Archaeologist/Preservation Planner
 for the Massachusetts Historical Commission

IV B

Jill Myers

From: Gerald Lemire [glemirelaw@charterinternet.com]
Sent: Tuesday, January 13, 2009 3:42 PM
To: Patrick Costello
Cc: Kevin Forward; Jill Myers
Subject: Re: Tusino/ Douglas Street Deed.

only the only... (5 other attorneys have looked at this with more title experience than me, it can be interpreted to mean only a 500 sq ft mall could be built-Tusino can't sell it that way as no one is going to build one that large in this economy, it will be a phased project).

----- Original Message -----
From: Patrick Costello
To: Gerald Lemire
Cc: kjkurososbos@charter.net ; Jill Myers
Sent: Tuesday, January 13, 2009 3:35 PM
Subject: RE: Tusino/ Douglas Street Deed

Gerry: What is your clients' position on the other revisions I proposed on 1-5.... is the hangup with the "only" language alone or are all of the proposed revisions objectionable???

Patrick J. Costello
Louison, Costello, Condon & Pfaff, LLP
 67 Batterymarch Street
 Boston, MA 02110
 617-439-0305
 (fax) 617-439-0325

NOTE: This e-mail is a confidential and privileged communication between Louison, Costello, Condon & Pfaff, LLP and the the intended recipient. To the extent this communication contains legal advice or counsel, it is not intended to be a public record to the extent exempted under the doctrine of attorney/client privilege or any other applicable authority. Use of the information contained in this e-mail by anyone other than the intended recipient is prohibited. If you have received this message in error, please notify the sender immediately and promptly destroy any record of this e-mail.

From: Gerald Lemire [mailto:glemirelaw@charterinternet.com]
Sent: Tuesday, January 13, 2009 3:22 PM
To: Jill Myers
Cc: Patrick Costello; kjkurososbos@charter.net
Subject: Re: Tusino/ Douglas Street Deed

Sorry I did not realize at first that Pat and Kevin were cc'd on this. The language suggested is not acceptable for title insurance purposes. My title insurer nor the developer's would insure a loan with such a restriction. Any development would have to be in phases. By stating that "only" a 500K sq ft mall could be built the developer's hands would be tied.

As a way of resolving this, we could explicitly state that there shall be no residential structures built. If this would comfort the board, my client would agree. Please let me know, there are several other parties I need to contact every time we revise this. Thanks everyone. (Everyone on my end is ready to close if we resolve this language issue).

----- Original Message -----
From: Jill Myers
To: Gerald Lemire
Cc: Patrick Costello ; kjkurososbos@charter.net
Sent: Monday, January 12, 2009 11:13 PM
Subject: RE: Tusino/ Douglas Street Deed

Attorney Lemire- the BOS asked me to communicate its vote of 1/12/09. They voted to re-insert the word "only" in the fourth paragraph of the draft dated 12/31/08 (below), and asked that your client indicate acceptance of this deed on or before January 26, 2009 as the BOS wants to finalize this matter asap. I will gladly discuss this matter further with you. Thx

Notwithstanding the general Quitclaim Covenants recited herein, the within conveyance

hereby expressly made subject to the restriction, condition and covenant, and the Grantee hereby covenants for himself and his heirs, executors, administrators, successors and assigns, that the property hereby granted shall hereafter be used by the Grantee, his heirs, executors, administrators, successors and assigns only for the construction, development and operation of a 500,000 square foot, more or less, commercial retail development.

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 Town Manager
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✉ town.manager@uxbridge.ma.gov

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From: Patrick Costello [mailto:pcostello@ccplaw.com]
Sent: Monday, January 05, 2009 12:48 PM
To: Gerald Lemire
Subject: RE: Tusino/ Douglas Street Deed

Gerry:

I have reviewed the revised draft Deed. Generally speaking, I don't have a problem with the Quitclaim revisions, provided that the Town hasn't altered its position or interest in the subject parcel since the date of the Land Court Judgment (which I don't believe it has, but I will confirm.....). Just to make sure there is no confusion or ambiguity with respect to the binding nature of the restriction/covenant to be created by this deed, I have proposed some language confirming the parties' intent to be bound by the restriction/covenant, as previously set forth in the deed, notwithstanding the quitclaim language. I don't believe my proposed language impairs or restricts any quitclaim covenants your client would be entitled to or, otherwise, substantively modifies the terms of the instrument.

Please review with your clients and let me know whether my proposed language is acceptable. If; then forward the revised Deed to the Board for its consideration.

Pat

Patrick J. Costello
Louison, Costello, Condon & Pfaff, LLP
67 Battery March Street
Boston, MA 02110
617-439-0305
(fax) 617-439-0325

NOTE: This e-mail is a confidential and privileged communication between Louison, Costello, Condon & Pfaff, LLP and the the intended recipient. To the extent this communication contains legal advice or counsel, it is not intended to be a public record to the extent exempted under the doctrine of attorney/client privilege or any other applicable authority. Use of the information contained in this e-mail by anyone other than the intended recipient is prohibited. If you have received this message in error, please notify the sender immediately and promptly destroy any record of this e-mail.

From: Gerald Lemire [mailto:glemirelaw@charterinternet.com]
Sent: Wednesday, December 31, 2008 12:18 PM
To: Patrick Costello
Subject:

Dear Patrick:

The enclosed is a draft deed that all of the parties on this end can live with.

If the BOS is inclined to go forward with this language please contact my office to arrange a closing date. Thank you and Happy New Year.

Jill Myers

From: Jill Myers
Sent: Wednesday, January 21, 2009 7:22 PM
To: Bruce Desilets; Cari Robertson; Kevin J. Kuros (kjkurosbos@charter.net); Potaski, Mike (mikepotaski@hotmail.com); sbaghdasarian@netscape.net; Klei, Harold; HKlei04@aol.com
Cc: David Genereux
Subject: Special Town Meeting; FY09 budgets

I wanted to update the BOS (and the Moderator) on the process to call a Special Town Meeting. I had misspoke when I noted 35 days notification which is applicable for a special Election. The timeline for a Special Town Meeting per MGL is as follows:

The warrant must be posted 14 days prior to the Special Town Meeting;
 The last day for the voter registration to occur is 10 days before the meeting
 The Special Town Meeting must be held within 45 days of the BOS vote to open the Warrant.

The Charter provides that, "Whenever a Special Town Meeting is to be called, the Board of Selectmen shall give notice by publication, in a local newspaper, or such intention and shall notify all Town agencies of its intention to do so. The Board of Selectmen shall include, in the warrant for such Special Town Meeting, the subject matter of all petitions which are received at its office on or before the close of the fifth business day following such publication."

Having not yet received notification of any current year (FY09) State Aid reductions by the Governor, it is difficult to anticipate if the extent of any revenue shortfall can withstand an "encumbrance" or hold from earmarked accounts, or if formal action at Special Town meeting to reduce budgets or intra/inter departmental transfers can satisfy our needs.

New Town Hall Hours: M, Tu, Th 7:30am -5:00pm, and Wednesdays 8:00am- 7:00pm; CLOSED on Fridays.

Jill R. Myers
 Town Manager
 Uxbridge Town Hall
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town.manager@uxbridge-ma.gov

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VII a



TOWN OF MENDON

BOARD OF SELECTMEN

Mendon Town Hall

20 Main Street

Mendon, Massachusetts 01756

Telephone: (508) 473-2312 Fax: (508) 478-8241

David Breen, Chair

Mike Ammendolia

Lawney Tinio

January 12, 2009

Town of Uxbridge
Board of Selectmen
10 Main Street
Uxbridge, MA 01569

RECEIVED

JAN 22 2009

BOARD OF SELECTMEN
UXBRIDGE, MA

Dear Selectmen:

The Town of Mendon Board of Selectmen and Board of Water Commissioners would like the opportunity to meet with your Board and other appropriate local officials to initiate discussions relative to the possibility that the Town of Mendon could enter a long-term agreement with the Town of Uxbridge for the purchase of drinking water. We believe that a long-term agreement could be financially beneficial to both Mendon and Uxbridge with Mendon willing to negotiate an initial buy-in fee as well as a rate surcharge or premium for each billing period for the length of the agreement. Mendon would also be willing to pay all costs associated with extending the water main in Uxbridge to the Mendon town line and within Mendon to connect to our existing system as well as all metering, testing, permitting and other costs associated with this possible agreement.

It is our understanding that state and/or federal funds or programs may exist that would promote this type of regional solution to an infrastructure problem and we have received positive initial comments and support from Senator Moore and Representative Fernandes.

We understand that agreements such as this require time to develop, negotiate and approve which is why we would like to meet as soon as possible to determine the feasibility of an agreement between Mendon and Uxbridge. Please contact our Town Coordinator, Dale Pleau, at 508-478-8863, to discuss your willingness to meet and to discuss an agreement at this preliminary stage and also to discuss potential meeting dates and times.

Sincerely:

David Breen, Chairman
Mendon Board of Selectmen

Dwight Watson, Chairman
Mendon Water Commissioners