

Posted by
Uxbridge
Town Clerk

TOWN OF UXBRIDGE
21 S. MAIN STREET, UXBRIDGE, MA 01569 – 508-278-8600
BOARD OF SELECTMEN'S MEETING MINUTES
BOARD OF SELECTMEN'S MEETING ROOM
MONDAY, APRIL 23, 2012 – 7:00PM

MAY 15 '12 AM 10:34

Present: Chair Bruce Desilets, Vice Chair Beth A. Pitman, Clerk Peter A. Petrillo and Selectman Jay Cahill. Also present, Town Manager Sean Hendricks and Finance Director David Genereux.

Not Present: Cari Kay Robertson

I. CALL TO ORDER (not to exceed 20 minutes)

- A. Announcements – Mass DEP Drinking Water Program recognized Uxbridge DPW Water Department for its outstanding performance for 2011. The system has achieved one of the top scores in the medium/large community system category of the 2012 Public Water System Awards program. The Uxbridge Community Gardens opening day was 4/21.
- B. Citizen's Forum – Mr. Peter Baghdasarian discussed the SATM warrant article relating to criminal disposition. Mr. John Higgins discussed forming a master plan committee for the new high school field project.

II. PUBLIC MEETING

Street Acceptance – Sand Wedge Drive – Vote Layout –

MOTION: I, Mr. Petrillo, move that the Board vote to layout and make public way Sand Wedge Drive, subject to Town Counsel approval. Seconded by Mr. Cahill, the motion carried unanimously.

III. MEETING MINUTES – Discussion/Action/Vote

3/26/12 Meeting Minutes – **MOTION: I, Ms. Pitman, move that the Board approve the 3/26/12 Meeting Minutes. Seconded by Mr. Desilets, the motion carried 2-0-2 (Mr. Petrillo and Mr. Cahill abstained).**

3/26/12 Executive Session Meeting Minutes – **MOTION: I, Ms. Pitman, move that the Board approve the 3/26/12 Executive Session Meeting Minutes. Seconded by Mr. Desilets, the motion carried 2-0-2 (Mr. Petrillo and Mr. Cahill abstained).**

4/9/12 Meeting Minutes – **MOTION: I, Mr. Cahill, move that the Board approve the 4/9/12 Meeting Minutes. Seconded by Mr. Petrillo, the motion carried 2-0-2 (Ms. Pitman and Mr. Desilets abstained).**

4/11/12 Meeting Minutes – **MOTION: I, Mr. Cahill, move that the Board approve the 4/11/12 Meeting Minutes. Seconded by Ms. Pitman, the motion carried 3-0-1 (Mr. Desilets abstained).**

IV. OLD BUSINESS - Discussion/Action/Vote

A. New High School Project/SBC Meeting Update

- Water & Sewer Hook-up Fees – Mr. Benn Sherman, DPW Director was present and discussed the water and sewer connection fee calculations in his memorandum dated 4/2/2012, revised 4/23/2012. This data was based on actual meter readings from the current high school. Following discussion, the SBC will apply for an abatement and send a letter to the Chair of the Board of Selectmen.

B. Appointment – Council on Aging – Don Sawyer – MOTION: I, Ms. Pitman, move that the Board appoint Don Sawyer to the Council on Aging. Seconded by Mr. Cahill, the motion carried 3-0-1 (Mr. Petrillo abstained).

C. PD MOU – endorse – MOTION: I, Ms. Pitman, move that the Board approve and authorize the Chair to sign the Police Department Memorandum of Understanding for the period from 7/1/09 - 6/30/14. Seconded by Mr. Petrillo, the motion carried unanimously.

V. NEW BUSINESS - Discussion/Action/Vote

A. Spring Annual Town Meeting 5/8/12 – vote recommendations and endorse

ARTICLE 2: FY12 INTER/INTRA DEPARTMENTAL TRANSFERS

To see if the Town will vote to transfer from available funds a sum of money to balance certain line items within the FY12 budget approved under Article 4 of the May 10, 2011 Annual Town Meeting or its continued date;

or take any other action relating thereto.

MOTION: I, Mr. Petrillo, move that the Board recommend favorable action for

ARTICLE 2: FY12 INTER/INTRA DEPARTMENTAL TRANSFERS. Seconded by Ms. Pitman, the motion carried 3-0-1 (Mr. Cahill abstained).

ARTICLE 3: PRIOR YEAR BILLS

To see if the Town will vote to raise and appropriate, or transfer from available funds such sums as required to pay prior fiscal year's bill(s);

or take any other action relating thereto.

There are no prior year bills. The Board passed over.

ARTICLE 4: TOWN BUDGET

To see if the Town will vote to fix compensation of all officials of the Town, provide for a reserve fund, determine sums to be raised and appropriated, including those from available funds, in order to defray expenses including debt and interest for fiscal year 2013 (FY13) – approve the budget;

or take any other action relating thereto.

MOTION: I, Mr. Cahill, move that the Board recommend favorable action for

ARTICLE 4: TOWN BUDGET. Seconded by Ms. Pitman, the motion carried unanimously.

ARTICLE 5: CMRPC PER CAPITA RATE/APPROPRIATION

To see if the Town will vote to approve a per capita rate of .24092, as assessed upon the population of 13,457 persons in the Town of Uxbridge, as listed on the 2010 national census, and in doing so, vote to raise and appropriate the sum of \$3,243 to pay the Town's portion of the FY 2013 operating expenses of

the Central Massachusetts Regional Planning Commission (CMRPC) pursuant to MGL Chapter 40B, Section 7;
or take any other action relating thereto.

MOTION: I, Mr. Cahill, move that the Board recommend favorable action for ARTICLE 5: CMRPC PER CAPITA RATE/APPROPRIATION. Seconded by Ms. Pitman, the motion carried unanimously.

ARTICLE 6: REVOLVING FUND ACCOUNTS

To see if the Town will vote to establish and authorize GLc.44, §53E ½ revolving funds for the continuation of: Library book repairs, not to exceed \$12,000, derived from late fines and fees, under the Library Trustees; recreation program costs, not to exceed \$10,000, to be derived from program fees, under the Recreation Committee; compost bin costs, not to exceed \$2,000, derived from compost bin sales, under the Board of Health; operation and restoration costs associated with Pout Pond, not to exceed \$12,000, derived from user fees and concession sales;
or take any other action relating thereto.

MOTION: I, Mr. Cahill, move that the Board recommend favorable action for ARTICLE 6: REVOLVING FUND ACCOUNTS. Seconded by Ms. Pitman, the motion carried unanimously.

ARTICLE 7: REVOLVING FUND ACCOUNT FOR UXBRIDGE COMMUNITY GARDEN

To see if the Town will vote to establish and authorize pursuant to GLc.44, §53E ½ a revolving fund for operation and restoration costs associated with the Uxbridge Community Garden, under the Community Garden Committee, to be derived from user fees and concession sales, not to exceed \$12,000.00;
or take any action relating thereto.

MOTION: I, Ms. Pitman, move that the Board recommend favorable action for ARTICLE 7: REVOLVING FUND ACCOUNT FOR UXBRIDGE COMMUNITY GARDEN. Seconded by Mr. Cahill, the motion carried unanimously.

ARTICLE 8: WASTEWATER DEPARTMENT BUDGET (ENTERPRISE FUND)

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, or otherwise provide a sum or sums of money for the salaries, expenses and debt service of the Sewer Department (Wastewater) Enterprise Fund for the ensuing fiscal year, such sums of money to be offset by revenues of the Sewer Department Enterprise Fund received during fiscal year 2013;
or take any other action relating thereto.

Wastewater Department Enterprise Fund			FY 11 Budget	FY12 Budget	FY 13 Budget Town Manager Recommendation
650-440-5100	Water	Salaries	\$305,224	\$314,932	
650-440-5200	Water	Expenses	\$508,050	\$496,850	
		Total Budget Appropriation	\$813,274	\$811,782	
		Deductions from Gross Revenues	\$226,357	\$224,808	
		Total Departmental Expense	\$1,039,631	\$1,036,590	

\$ _____ anticipated to be charged to Wastewater Enterprise revenues.

**MOTION: I, Ms. Pitman, move that the Board recommend favorable action for ARTICLE 8: WASTEWATER DEPARTMENT BUDGET (ENTERPRISE FUND).
Seconded by Mr. Petrillo, the motion carried 3-0-1 (Mr. Cahill abstained).**

ARTICLE 9: WATER DEPARTMENT BUDGET (ENTERPRISE FUND)

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, or otherwise provide a sum or sums of money for the salaries, expenses and debt service of the Water Department Enterprise Fund for the ensuing fiscal year, such sums of money to be offset by revenues of the Water Department Enterprise Fund received during fiscal year 2013;
or take any other action relating thereto.

Water Department Enterprise Fund			FY 11 Budget	FY12 Budget	FY13 Budget Town Manager Recommendation
650-450-5100	Water	Salaries	\$313,900	\$323,607	
650-450-5200	Water	Expenses	\$454,350	\$438,300	
		Total Budget Appropriation	\$768,250	\$761,907	
		Deductions from Gross Revenues	\$556,213	\$867,945	
		Total Departmental Expenses	\$1,324,463	\$1,629,852	

\$ _____ anticipated to be charged to Water Enterprise revenues.

**MOTION: I, Ms. Pitman, move that the Board recommend favorable action for ARTICLE 9: WATER DEPARTMENT BUDGET (ENTERPRISE FUND).
Seconded by Mr. Petrillo, the motion carried unanimously.**

ARTICLE 10: AMBULANCE DIVISION BUDGET (ENTERPRISE FUND)

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, or otherwise provide a sum or sums of money for the salaries and expenses of the Ambulance Division Enterprise Fund for the ensuing fiscal year, such sums of money to be offset by revenues of the Ambulance Division received during fiscal year 2013;
or take any other action relating thereto.

Ambulance Division Enterprise Fund			FY 11 Budget	FY12 Budget	FY13 Budget Town Manager Recommendation
602-231-5100	Ambulance	Salaries	\$434,586	\$424,586	
602-231-5200	Ambulance	Expenses	\$76,875	\$115,433	
602-231-5900	Ambulance	Special Outlay	5,700	0	
		Subtotal Expenses	\$82,575	\$115,433	
		Total Budget Appropriation	\$517,161	\$540,019	
		Deductions from Gross Revenues	\$119,932	\$99,089	
		Total Departmental Expense	\$637,093	\$639,108	

\$ _____ anticipated to be charged to Ambulance Enterprise revenues.

MOTION: I, Ms. Pitman, move that the Board recommend favorable action for ARTICLE 10: AMBULANCE DIVISION BUDGET (ENTERPRISE FUND).

Seconded by Mr. Petrillo, the motion carried unanimously.

MOTION: I, Ms. Pitman, move that the Board reconsider the prior vote for ARTICLE 12: FUNDING APPROPRIATION FOR THE PURCHASE OF CABLE PEG ACCESS EQUIPMENT. Seconded by Mr. Petrillo, the motion carried unanimously.

ARTICLE 12: FUNDING APPROPRIATION FOR THE PURCHASE OF CABLE PEG ACCESS EQUIPMENT

To see if the Town will vote to transfer \$130,000 for the purchase of Cable PEG access equipment for the current fiscal year, such sums of money to be offset by Cable PEG Access Receipts Reserved for Appropriation Account;
or take any other action relating thereto.

MOTION: I, Ms. Pitman, move that the Board recommend favorable action for ARTICLE 12: FUNDING APPROPRIATION FOR THE PURCHASE OF CABLE PEG ACCESS EQUIPMENT. Seconded by Mr. Petrillo, the motion carried 3-1 (Mr. Cahill opposed).

MOTION: I, Ms. Pitman, move that the Board reconsider the prior vote for ARTICLE 14: BORROWING AUTHORIZATION – SALT SHED. Seconded by Mr. Desilets, the motion carried 2-2 (Mr. Cahill and Mr. Petrillo opposed). MOTION FAILED.

ARTICLE 14: BORROWING AUTHORIZATION – SALT SHED

To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money for the purpose of purchasing and equipping a new Salt Shed, for the Department of Public Works; and further, to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen is authorized to borrow under Chapter 44 of Massachusetts General Laws or any other enabling authority; that the Board of Selectmen is authorized to apply for and accept any federal or state funds or grants and/or gifts of any kind for the purpose of this acquisition;
or take any other action related thereto.

ARTICLE 15: BORROWING AUTHORIZATION – SELF-CONTAINED BREATHING APPARATUS

To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money for the purpose of purchasing and equipping thirty-three (33) SCBA units for the Fire Department; and further, to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen is authorized to borrow under Chapter 44 of Massachusetts General Laws or any other enabling authority; that the Board of Selectmen is authorized to apply for and accept any federal or state funds or grants and/or gifts of any kind for the purpose of this acquisition;
or take any other action related thereto.

MOTION: I, Mr. Cahill, move that the Board recommend favorable action for ARTICLE 15: BORROWING AUTHORIZATION – SELF-CONTAINED BREATHING APPARATUS. Seconded by Mr. Petrillo, the motion carried unanimously.

ARTICLE 16: LEASE OF TOWN PROPERTY (100 ACRE LOT) FOR SOLAR ARRAY

To see if the Town will vote to authorize the Board of Selectmen to lease all or any portion of the following parcel for a term of up to 20 years and for such consideration as the Board of Selectmen shall

determine, for the purpose of installing and operating thereon a solar photovoltaic array for electric power generation and distribution, and to authorize the Board of Selectmen to grant such easements in, on, under and across said land for utility and access purposes, as reasonably necessary to install and operate such a solar array. Parcel to be included in this authorization is the area at 285 Sutton Street known as the "100 Acre Lot," Parcel 138, Map 11; or take any other action relating thereto.

MOTION: I, Ms. Pitman, move that the Board recommend favorable action for
ARTICLE 16: LEASE OF TOWN PROPERTY (100 ACRE LOT) FOR SOLAR ARRAY

Seconded by Mr. Cahill, the motion carried unanimously.

ARTICLE 17: STREET ACCEPTANCE SAND WEDGE DRIVE

Accept as a public way the street known as Sand Wedge Drive 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 other action relating thereto.

MOTION: I, Mr. Petrillo, move that the Board recommend favorable action for
ARTICLE 17: STREET ACCEPTANCE SAND WEDGE DRIVE, pending Town Counsel approval. **Seconded by Ms. Pitman, the motion carried unanimously.**

ARTICLE 19: ADOPT TOWN OF UXBRIDGE GENERAL BYLAW § 1-8 ENFORCEMENT

To see if the Town will vote to adopt the following general bylaw, or take any action relative thereto;

§ 1-8 Enforcement

A. Criminal complaint

In addition to other procedures for enforcement described in this article, whoever violates any provision of these bylaws MAY be penalized by indictment or on complaint brought in district court. Except as otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each offense or violation brought in this matter, shall be three hundred dollars.

B. Non-criminal disposition

In addition to other procedures for enforcement described in this article, whoever violates any provision of these Bylaws, the violation of which is subject to a specific penalty, MAY be penalized through non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D. Non-criminal disposition may also be used to penalize violations of any rule or regulation of any municipal officer, board, or department, if such violation is subject to a specific penalty.

Without intending to limit the generality of the previous statement, it is the intention of this provision that the following bylaws and sections of bylaws are to be included in the scope of this subsection, that the specific penalties, as listed here, shall apply in such cases, and that in addition to police officers, who shall, in all cases, be considered enforcing persons for the purposes of this provision, the municipal personnel listed in each subsection, as well as the Town Manager, shall also be enforcing persons for such subsections. Each day on which a violation exists shall be deemed to be a separate offense.

GENERAL BYLAWS SUBJECT TO NON-CRIMINAL DISPOSITION

§ 146 Animal Control **\$25.00**

Enforcing persons: Animal control officer, Board of Health agent, designees

§ 157 Buildings, Numbering of **\$1.00**

Enforcing persons: Building Inspector, Fire Chief, Board of Health agent, designees

MOTION: I, Mr. Cahill, move that the Board recommend favorable action for
ARTICLE 19: ADOPT TOWN OF UXBRIDGE GENERAL BYLAW § 1-8 ENFORCEMENT
Seconded by Mr. Petrillo, the motion carried unanimously.

**ARTICLE 20: AMEND THE TOWN OF UXBRIDGE ZONING BYLAW ARTICLE IX
ADMINISTRATION AND PROCEDURES § 400-47 ADMINISTRATION B. ENFORCEMENT**

To see if the Town will vote to amend the following zoning bylaw, or take any action relative thereto;

Article IX Administration and Procedures

§ 400-47 Administration

B. Enforcement

Add:

1. Criminal complaint

In addition to other procedures for enforcement described in this article, whoever violates any provision of these bylaws MAY be penalized by indictment or on complaint brought in district court. Except as otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each offense or violation brought in this matter, shall be three hundred dollars.

2. Non-criminal disposition

In addition to other procedures for enforcement described in this article, whoever violates any provision of these Bylaws, the violation of which is subject to a specific penalty, MAY be penalized through non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D. Non-criminal disposition may also be used to penalize violations of any rule or regulation of any municipal officer, board, or department, if such violation is subject to a specific penalty.

Without intending to limit the generality of the previous statement, it is the intention of this provision that the following bylaws and sections of bylaws are to be included in the scope of this subsection, that the specific penalties, as listed here, shall apply in such cases, and that in addition to police officers, who shall, in all cases, be considered enforcing persons for the purposes of this provision, the municipal personnel listed in each subsection, as well as the Town Manager, shall also be enforcing persons for such subsections. Each day on which a violation exists shall be deemed to be a separate offense.

ZONING BYLAWS SUBJECT TO NON-CRIMINAL DISPOSITION

Article III § 400-11	Accessory Uses and Structures	\$10.00
	Enforcing persons: Zoning enforcement officer, designees	
Article VI § 400-22	Trailers; Junk cars	\$25.00
	Enforcing persons: Zoning enforcement officer, designees	

MOTION: I, Mr. Cahill, move that the Board recommend favorable action for

**ARTICLE 20: AMEND THE TOWN OF UXBRIDGE ZONING BYLAW ARTICLE IX
ADMINISTRATION AND PROCEDURES § 400-47 ADMINISTRATION B. ENFORCEMENT**

Seconded by Ms. Pitman, the motion carried unanimously.

ARTICLE 21: INSPECTOR OF BUILDINGS/ZONING ENFORCEMENT OFFICER

To see if the Town will vote to establish the position of the "Inspector of Buildings/Zoning Enforcement Officer" to full-time status in the execution of the duties to insure compliance with the By-Laws of the Town of Uxbridge with matters of zoning, construction integrity and the safety of buildings, electrical codes, plumbing, and gas.

The volume of construction work on new and old sites requires full-time execution for the well-being and progressive development of the Town of Uxbridge, as well as the issues of proper zoning and safety of construction, electricity, and gas. New construction, such as a High School, requires the adequate surveillance of a full-time position.

MOTION: I, Mr. Cahill, move that the Board recommend unfavorable action for

ARTICLE 21: INSPECTOR OF BUILDINGS/ZONING ENFORCEMENT OFFICER

Seconded by Mr. Petrillo, the motion carried unanimously.

B. Special Town Meeting 5/8/12 – vote recommendations

ARTICLE 1: APPROPRIATION FOR CONSTRUCTION OF ATHLETIC FIELDS

To see if the Town will vote to appropriate and borrow or transfer from available funds the sum of Two Million Dollars (\$2,000,000) to be expended under the direction of the School Building Committee with the approval of the Board of Selectmen for the purpose of constructing and equipping athletic fields and related improvements on the site of the new Uxbridge High School on Town-owned land on Quaker Highway and that, to meet said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow said sum pursuant to the provisions of M.G.L. Chapter 44 or any other enabling authority; 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;
Or take any other action relating thereto

MOTION: I, Ms. Pitman, move that the Board recommend favorable/unfavorable action for ARTICLE 1: APPROPRIATION FOR CONSTRUCTION OF ATHLETIC FIELDS.

Seconded by Mr. Petrillo, the motion carried unanimously.

MOTION: I, Mr. Cahill, move that the Board approve and endorse the Special Town Meeting Warrant of May 8, 2012. Seconded by Ms. Pitman, the motion carried unanimously.

C. Mandatory Water Use Restrictions – effective 5/1/12 - 9/30/12

Discussion/Action: Implementation of seasonal water use restrictions from May 1, 2011 through September 30, 2011 – Mr. Benn Sherman, DPW Director was present and discussed the implementation of the seasonal water use restriction. **MOTION: I, Ms. Pitman, move that the Board of Selectmen declare a state of water supply conservation in accordance with the Uxbridge General Bylaws, Section 336, Water Conservation and the Town's MDEP Water Management Act (WMA), which requires the Town to limit nonessential outdoor water use through mandatory restrictions from May 1, 2012 through September 30, 2012. Nonessential water usage is prohibited in the Town of Uxbridge between the hours of 9AM and 5PM. Seconded by Mr. Petrillo, the motion carried unanimously.**

VI. MEMBER ISSUES

The Board will schedule a meeting for Thursday 4/26 at 9:00am to endorse the Spring Annual Town Meeting Warrant.

The Board had general discussion.

VII. TOWN MANAGER

There was general discussion.

VIII. ADJOURNMENT: NEXT BOS MEETING MONDAY, MAY 14, 2012 – 7:00PM

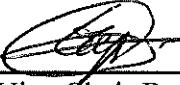
At 9:05PM, MOTION: I, Ms. Pitman, move that the Board adjourn the meeting. Seconded by Mr. Cahill, the motion carried unanimously.

Minutes respectfully submitted by, Tracey Ante

Minutes approved by Board of Selectmen:



Chair Bruce Desilets



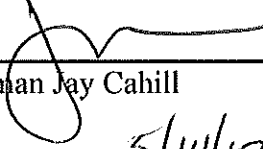
Vice Chair Beth A. Pitman



Clerk Peter A. Petrillo



Selectman Cari Kay Robertson



Selectman Jay Cahill

Date Approved 5/14/12