

**Board of Selectmen Minutes-Regular Session
Special Date: (Wednesday) December 27, 2006**

The following persons were present: Chairman Julie Woods, Sel. Arthur DuBois, Sel. Daniel Stack, Sel. Jim Dwyer, Sel. Kevin Kuros, and Town Manager Jill Myers.

Call to Order

Chm. Woods called the meeting to order at 7:05 p.m.

Announcements

- Sgt. Emerick updated the status of the pony attack; announcements read by Chm. Woods are made a part of these minutes.

Citizen's Forum

At 7:20 p.m. Chm. Woods opened Citizen's Forum.

- Pam Garron, 72 South Main Street, addressed the Board regarding the recent animal attack and requested that Pit Bulls be banned from the Town. She requested that current owners made to maintain a six-foot tall fence as preventative action against further attacks.
- Peter Baghdasarian, Johnson Road, addressed the Board regarding the resurrection of the UCAT agreement.

Chm. Woods closed Citizen's Forum at 7:35 p.m.

OLD BUSINESS

2007 License renewals

Karacraft

Alan Davey and Michael Goodwin addressed the Board regarding their Auto Dealer license renewal for 2007. They addressed the issues related to the Building Inspector's note of the amount of vehicles on the business premises. They do wholesale work, towing, and offer motor vehicle repairs.

- **MSDV by Sel. Stack, seconded by Sel. Dubois, to renew the Class II Auto Dealer License for Karacraft motors for the 2007 calendar year, with the same conditions as noted on the previous license. The motion passed unanimously.**

Bliss Motors

The applicant was not present. Ms. Myers noted that the outstanding taxes had been paid and verified.

- **MSDV by Sel. Stack, seconded by Sel. DuBois, to renew the Class II Auto Dealer License for Bliss Motors for the 2007 calendar year. The motion passed unanimously.**

Gravel Permit Renewal-#44 Immanuel Corporation

Rachel Landry, Gravel Permit Inspector, addressed the Board to request a Public Hearing be set to determine if a gravel permit should be renewed for Immanuel Corporation. Ms. Landry added that the restoration efforts are proceeding as scheduled. A memo (dated 12/22/06) was read into the record reporting on the condition of the operation of the gravel pit. Discussion ensued regarding the scheduling of a hearing, when other renewals have not had a hearing. Ms. Landry noted in those cases it was apparent that it was "status quo" operations. Sel. Dwyer commented that that the Section 10 Bylaw states that the BOS may schedule a hearing for public input, and there are questions relating to if the

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applicant is still mining for gravel from this site or are they completed with that aspect of the site operations.

- **Motion by Sel. Dwyer, seconded by Sel. Kuros to post a Public Hearing for Gravel Pit #44.**
D: Attorney Michael O'Brien, representing Mr. Dorr, asked the Board why a Public Hearing is needed when his client has a favorable report by the Gravel Permit Inspector. Mr. Dorr added that his operation remains unchanged since 1999 and the conditions he is operating under are the same that the Board stipulated in 2005 when the permit was last renewed. Discussion ensued regarding operational issues last year at the site, blasting, and consistency in the renewal process.
Vote: The motion passed (4-1-0). Sel. Stack-nay. Chm. Woods noted to Attorney O'Brien and Mr. Dorr that the hearing will likely be scheduled for the next BOS meeting (1/8/07), and staff will verify the date with him.

NEW BUSINESS

Happy Hollow School House

Howard Fortner addressed the Board on behalf of the yet to be established subcommittee of the Sons of Union Veteran's of the Civil War, Sherman Camps (15 and 47). The Building Inspector's report was read into the record on the condition of the school house, and a copy was provided to Mr. Fortner. A quote was received from Antique House Advising & Restoration consulting. There will be a charge for the site visit and mileage to and from their offices. The Camp will raise the funds necessary to pay for the consulting. Chm. Woods asked if a committee can be set up under the Town Manager's direction to investigate the feasibility of renovating the Happy Hollow School House. After discussion, it was the consensus to allow that the Son's of the Veteran's to conduct research and present a plan to the Board so Mr. Fortner, a member of the Finance Committee, can continue to work with the Son's of Union Veteran's, which would be prohibited under the charter if this were a committee appointed by the Board. Town Manager if needed.

- **MSDV by Sel. Dwyer, seconded by Sel. Stack to support the preservation efforts, and allow the Sons of Union Veteran's, Sherman Camp #18 access to the building and provide a report to the Town Manager. The motion passed unanimously.**

ACTION ITEM: Provide Mr. Fortner a copy of the Deed to the Happy Hollow School House and the meets and bounds description of the property.

Cable TV Access

Chm. Woods provided a historical summary of the association of cable TV and the oversight by the Board of Selectmen. She noted that cable administration had been a priority project identified for the Town Manager in the recent goal setting discussions. Ms. Myers noted that the previous Town Manager had initiated a contract with the entity "UCAT," but after recent discussions with UCAT and consideration of the procurement law, she felt the services should be solicited through an RFP, and further wanted direction from the BOS that they wanted outside administration of the Town's Cable PEG channels. Ms. Myers noted that she spoke with the Inspector General's Office (Attorneys Atchue and Flaster. They noted verbally that such services are not exempt and a RFP is required. They also noted that 99% of the Town's in the commonwealth have not followed the procurement law and the IG's office and DOR will circulate an all-town bulletin in January/February 2007 clarifying the process and accounting for the cable franchise fees. She noted that they would not provide a written determination, but that Attorney Flaster would receive calls to further discuss. Chm. Woods indicated that the Cable

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administration should not be under the control of the Board of Selectmen so it remains separate from political control. She added that many communities contract out for Cable TV administration. Mr. Dubois noted skepticism of the IG's opinion on this matter, and suggested that UCAT is the way to go to manage policies and remain committed to public access TV. Mr. Kuros noted the funds received from the franchise are not a tax and thus be earmarked, and the BOS should not be in the cable business. Mr. Dwyer noted that he would like to wait to see the Bulletin and have a cost benefit analysis presented to stay municipally managed or contract out for services. Ms. Myers noted that the Town employees a Cable Access Director who is now housed at the high school studio to encourage volunteer and student producers.

- **MSDV by Sel. DuBois, seconded by Sel. Kuros to draft a letter from the BOS to the IG's office requesting a formal written determination (Chairman's signature) regarding third party administration and accounting for the cable franchise funds received.**

Chm. Woods noted concerns about the inaccurate statements/complaints provided in Citizen's Forum – noting the matter just discussed, and the constraint by the BOS as a policy not to respond. It was the consensus that residents will be asked to speak on the item if on the agenda and that the Chairman may stop a person via gaveling if they are out of order in any way.

Uxbridge Fairgrounds: DEP Superseding Order of Conditions-update

Rachel Landry addressed the Board to update them on the DEP's order of conditions on the Uxbridge Fairgrounds located at 189 Mendon Street and owned by Gary Vecchione. There was a complete build-out of the parcel and the Conservation Commission had denied the project due to the potential impact of the 100 year flood plain. Mr. Vecchione appealed the Conservation Commission's decision to the DEP and the DEP issued a Superseding Order of Conditions. Ms. Landry also noted that the project that Mr. Vecchione is proposing is not allowed per the zoning of the area in question. Chm. Woods wanted to make sure the Board was aware of this and asked Board wanted to take any action, such as appeal the Order. There was a time frame noted to make the appeal. Mr. Dwyer noted that the general Condition #3 requires the applicant to comply with all other applicable statutes – state and town. Consensus was that no action was necessary for the BOS to take.

Town Clerk Appointment/BOR Composition

The Board discussed the memo from the Town Manager detailing the issue with the Board of Registrars composition with the appointment of the new Town Clerk, Joseph Kaplan (1/8/07). Mr. Kaplan is a Democrat and there would now be a 3-1 majority of Democrats to Republicans on the Board. Ms. Cecelia Boatman's term expires in March of 2007 as she was appointed to fill the unexpired vacancy of John Karagosian on June 19, 2006. Karen Pascucci, the other Democratic Registrar, was appointed to fill the term of Thomas Bellacqua through June 30, 2009. According to M.G.L. Chapter 51, Section 19: *upon written complaint to the Board of Selectmen, if two registrars are of the same political party, the Selectmen shall remove from office the one of the two with the shorter term remaining...* Mr. Kuros (Town Republican Committee Chairman) noted that he had stated that he had intended to petition the composition, but suggested that the Town Democratic Committee be allowed to make a recommendation. Mr. Dubois noted that the Board has not yet received a petition and should act in accordance with the provisions of M.G.L. No action was taken on this matter to allow the Democratic and Republican Town Committees the opportunity to meet and discuss how to proceed with the appointment of a replacement registrar. No action taken.

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2007 BOS Schedule

The Board of Selectmen unanimously consented to set the 2007 Schedule of BOS meetings as amended. The 2nd meeting of the Board will be on Monday 12/17/07 due to the Christmas Eve Holiday on Monday 12/24/07.

Taft Memorial Park

Chm. Woods reviewed a brief history of the park and explained the work of the Trustees. The Trustees make an annual contribution sufficient to cover the expense of a DPW employee with the expectation that the Town will maintain the park. Chm. Woods suggested that the Town Manager meet with the Trustees to develop a long-term plan for contributions and discuss the ongoing needs of the park.

- **MSDV by Sel. Stack, seconded by Sel. Dwyer for the Town Manager to meet with the Trustees of the Taft Memorial Park. The motion passed unanimously.**

PUBLIC HEARINGS/APPOINTMENTS

Meeting of the Water and Sewer Commission

At 9:45 p.m. Chm. Woods asked the Board to recess their meeting and move into a meeting of the Water and Sewer Commission.

See separate meeting minutes for Water & Sewer Commission

Adjournment-Water and Sewer Commission

Having no further business before them, at 10:40 p.m. the Water & Sewer Commission adjourned their meeting.

- **MSDV by Sel. Stack, seconded by Sel. Dwyer to adjourn the meeting of the Water and Sewer Commission and resume the meeting of the Board of Selectmen. The motion passed unanimously.**

Proposed DPW Rates

DPW Assistant Superintendent Irving Priest addressed the Board related to fees for a permitting package. Chm. Woods read the proposed fees into the record and a copy of the proposal is made a part of these minutes.

- **MSDV by Sel. DuBois, seconded by Sel. Dwyer to approve the DPW Permitting package and fees as presented. The motion passed unanimously.**

Meeting Minutes

- **MSDV by Sel. DuBois, seconded by Sel. Stack to approve the meeting minutes from 10/10/06 as amended. The motion passed unanimously.**
- **MSDV by Sel. DuBois, seconded by Sel. Stack to approve the meeting minutes from 11/13/06 as submitted. The motion passed unanimously.**
- **MSDV by Sel. DuBois, seconded by Sel. Stack to approve the meeting minutes from 11/27/06 as submitted. The motion passed unanimously.**

Executive Session/Adjournment

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At 10:45 p.m. with no further business before them the Board moved to move into Executive Session for the purposes noted and adjourn upon completion.

- **MSDV by Sel. DuBois, seconded by Sel. Stack to enter Executive Session#6- Consider the purchase, exchange, lease, or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body. RCV: DuBois-aye, Stack-aye, Woods-aye, Kuros-aye, Dwyer-aye.**

*Minutes respectfully submitted by,
Joseph Smith, Assistant to the Board of Selectmen*

Minutes approved by Board of Selectmen:

Chairman Julie A. Woods

Sel. James F. Dwyer

V. Chairman Arthur O. DuBois

Sel. Kevin J. Kuros

Clerk Daniel P. Stack

*MSDV: Moved, Seconded, Discussed & Voted
RCV: Roll Call Vote*