

**Board of Selectmen Minutes-Regular Session  
January 8, 2007**

The following persons were present: Chairman Julie Woods, Vice Chair Arthur DuBois, Clerk Dan Stack, Sel. Jim Dwyer, Sel. Kevin Kuros, Town Manager Jill Myers, and BOS Assistant Joseph Smith.

**Call to Order**

Chm. Woods called the meeting to order at 7:00 p.m.

**Executive Session**

At 7:02 p.m. the Board moved to go into Executive Session for the purposes noted

- **MSDV by Sel. DuBois, seconded by Sel. Kuros to go into Executive Session for MGL Ch 39, section 23B, #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 with other business to follow. RCV: DuBois-aye, Kuros-aye, Stack-aye, Woods-aye, Dwyer-aye. The motion passed unanimously.**

At 7:30 p.m. the Board moved to re-enter open session

- **MSDV by Sel. DuBois, seconded by Sel. Kuros to reconvene open (regular) session. RCV: DuBois-aye, Kuros-aye, Stack-aye, Woods-aye, Dwyer-aye. The motion passed unanimously.**

**Announcements**

The BOS Assistant read several announcements; included as part of these minutes. Vice-Chairman of the Board Arthur DuBois announced that he would not be seeking re-election at the end of his current term in May 2007. He noted his pleasure serving the residents and working with this current BOS.

**Citizen's Forum**

Chm. Woods opened Citizen's Forum at 7:35 p.m. No citizen's requested to speak.

**Public Hearings/Appointments**

**Immanuel Gravel Permit #44-Denis Dorr:**

Chm. Woods called the Public Hearing to order at 7:36 p.m. Attorney O'Brien addressed the Board representing Mr. Dorr's gravel permit renewal application and the applicant's concerns regarding the hearing. Attorney O'Brien entered into the hearing records "Exhibit A," an e-mail from January 2, 2007, "Exhibit B," a memorandum from his office dated January 5, 2007, and "Exhibit C," a sample of the sales of materials for Immanuel Corporation from the last quarter (all to be attached to the minutes). Mr. Dorr spoke and indicated that he has followed the instructions of the Board from the last renewal of his gravel permit in 2005. He indicated concern with the Gravel Inspector's report to the BOS.

Chm. Woods outlined the procedure for the hearing. She offered Mr. Dorr and his Attorney the opportunity to address the Board before or after Ms. Landry and assured Mr. Dorr that he and his Attorney would have the opportunity to address or rebut any information provided by the Town. Attorney O'Brien accepted the terms and chose to present first. Chm. Woods reviewed Mr. Dorr's permit renewal application and questioned the term "aggregate product" that he used in his application. Mr. Dorr's responded that "aggregate product" is an industry term and that it is inclusive of sand, gravel, and rock. He noted that he is doing both gravel removal and operates a processing operation, both

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activities pre-dated his purchase. Chm. Woods recognized the Gravel Pit Inspector Rachel Landry. Ms. Landry rebutted the comments and asked that it be noted for the record that “she has taken offense to the comments made by Mr. Dorr’s attorney.” Ms. Landry reviewed the history of the gravel permit operation. It was questioned if a gravel pit renewal was necessary or if the activities should be considered “manufacturing.” She suggested that there may be zoning issues with the pit operation that she defers to the Building Inspector for discussion. Chm. Woods recognized Building Inspector Nick Gazerro who suggested that the Board might reissue the permit at this time, delineate specific guidelines regarding the permit operation (he did not specifically state the guidelines), and follow up yearly as they have been doing. Chm. Woods asked Ms. Landry if the Immanuel Corp. is in compliance with the Board’s directives from 2005 when the gravel permit was last issued, Ms. Landry responded that the firm/applicant is in compliance at this time. Chm. Woods recognized Fire Chief Peter Ostroskey to discuss the blasting that has been occurring at the site. Chief Ostroskey indicated that there has been blasting authorized by permits from the Uxbridge Fire Department at the site every six-to-eight weeks and that a total of 22 blasting events have occurred. Chief Ostroskey indicated that there have been several claims of blasting damage by abutters but to his knowledge all of the issues have been resolved by the Immanuel Corp. Chm. Woods opened the hearing up to the public. Ms. Sandy Charette, 903 Millville Road, lives across from the pit and has concerns with continued blasting. There have been several pump failures of neighboring homes that have occurred within the same period of time that blasting has been done at the Immanuel site. Paul Perry, 944 Millville Road, also spoke to the concerns with continued blasting. Mr. Perry stated that many of the homes that surround the gravel pit site are older homes that have foundations that are sensitive to the shock waves that are created when the blasting occurs. Mr. Perry alleges that water is also being “moved” on the site as evidenced by viewing the “Google Earth” web program. At 9:10 p.m, having no other members of the public wishing to address the BOS, Chm. Woods asked for a motion to close the public hearing and undertake deliberations on this gravel permit at the next meeting.

- **Motion by Sel. DuBois, seconded by Sel. Dwyer to close the public hearing and undertake deliberations during the next scheduled Board of Selectmen’s meeting.**
- **Discussion by Sel. Stack as to the expiration date of the permit.** Chm. Woods indicated that Immanuel Corp was able to continue business under the existing permit while the Board reviews their renewal application. The renewal application was received per the requirements of the Section 10 bylaw.
- **Vote, the motion was approved (4-1-0). Selectmen Kuros-nay because he felt action could be taken that evening.** Ms. Woods noted to the applicant that this item will not be deliberated at this meeting and will be scheduled for the next BOS meeting (1/22/07). Chm. Woods also responded to Atty. O’Brien’s concerns that Mr. Dorr would be advised should the Board take up the issue of zoning as it relates to his gravel permit.

Alcohol Sales License-Uxbridge Market LLC - Section 15 Off Premise (new):

This item was taken out of order. The public hearing was closed on 12/11/07, and the applicant requested that this item not be placed on the BOS agenda of 12/27, and scheduled for 1/8/07. The BOS commenced deliberations. The applicant’s counsel was invited to the podium to provide information on one outstanding issue per the ABCC guidelines: Is the applicant the owner of the building? Mr. Lane indicated that the owner of the business and the owner of the building are the same although they operate as distinct LLC’s. Mr. Lane indicated that he would provide the necessary documentation to

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meet the regulatory requirements. Chm. Woods reviewed the ABCC guidelines and “Blue Book” regarding the approval and denial factors for issuing the license. A memo was introduced by Assessor David Utakis that indicates that the Church is outside of the 500 foot radius from the North End Variety store and the regulations regarding proximity of a licensed alcohol establishment and a church or school are not applicable to this application. Attorney Henry Lane submitted a petition containing 250 signatures from residents and patrons of the store in support of the approval of the new license. Sel. Dwyer and Chm. Woods cautioned the Board that the hearing had been closed and that the signatures could not be considered in their deliberations to decide to grant or deny the license. Chm. Woods added that she has contacted ABCC’s legal counsel, but was not able to connect with them. Discussion ensued and hours of operation/sales were inquired

- **MSDV by Sel. DuBois, seconded by Sel. Kuros to grant the alcohol license request to the North Uxbridge Market LLC and that the hours for selling alcohol can be no later than 10 p.m. each evening. The motion was approved (4-1-0.) Sel. Stack-nay.**

Correspondence from the Council on Aging Requesting Authority to Appoint/Supervise COA Staff

This item was taken out of order by the Board. Faye McCloskey, Secretary of the Council on Aging reviewed their request from December 7, 2006 to allow the Council on Aging to act as the hiring and supervisory authority for its Senior Center Director. Alan Keeler from the Council on Aging also addressed the Board regarding their request, first taking a moment to thank Sel. DuBois for his many years of service to the Town regarding his announcement this evening to not seek re-election. Mr. Keeler indicated it is the council’s contention that they have a better understanding of the needs of the Senior Center and the direction that the Director of the center should be following. Ms. Myers reviewed the letter from Town Counsel Klein dated 1/8/07. It noted that the Town Charter would prevail, and as such, the Town Manager would be the hiring and supervisory authority for the Senior Center Director as well as all other paid Town staff as dictated by the Town’s Charter. She noted such action was affirmed by the BOS at a prior meeting in October. Ms. Myers responded that the previous Town Manager had solicited input from the COA in the appointment, and she noted that the COA may set goals for the Director based on their goals as a Board. Ms. Myers noted that there is no immediate recruitment effort; the Director has been renewed for three years, and that the Town Manager provides general supervision of all Department Heads. She also added that she met with Director regarding the appointment process and the Director agreed as clarified. Ms. Myers stated that the Director manages the day-to-day operations and staff, and the Town Manager would provide general oversight, and the relationship was “status quo.” Ms. Myers intention is to ensure that there is a sense of consistency and that all Town employees are treated equitably.

- **MS by Sel. Dwyer, seconded by Sel. Stack to defer action on this issue until a subsequent meeting.**
- **Discussion by Sel. Kuros indicated that he encourages the Town Manager and the Council on Aging to continue their dialogue until a decision is reached regarding the request by the Council on Aging. Sel. Dwyer requested a copy of the BOS action clarifying appointments.**
- **V, the motion passed unanimously.**

The BOS Assistant left the meeting at 10:20 p.m.

Land Donation to Conservation Commission

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Ms. Landry described the land donation from John Audet consisting of 27+ acres of forested land abutting the Blackstone River. Mr. Audet was present.

- **MSDV by Sel. Stack, seconded by Sel. Dwyer to support the gift of land to the Conservation Commission by Mr. Audet. The motion passed unanimously.**

**ACTION ITEM: Send land donation materials to Town Counsel to prepare and process.**

61A Release request

Ms. Myers reviewed the request from Mr. and Mrs. David Morin to release 10 +/- acres of land from 61A designation so the Morin's can sell the property. Mr. Morin was present.

- **MS by Sel. Kuros, seconded by Sel. Stack to pass on the right of first refusal for the parcel of land known as "Arrowhead Acres" and move the parcel of land out of 61A designation. Discussion complimenting the staff on the thoroughness in which the information was put together for the Board's determination. V, the motion passed unanimously.**

**ACTION ITEM: Send letter of release to Mr. Morin.**

**ACTION ITEM: Sel. Kuros requested an inventory of 61A designated land parcels in the Town.**

Habitat Enforcement Letter

The Board discussed the draft of the enforcement letter prepared on behalf of the Board by Sel. Dwyer and agreed by consensus to send the letter to Mr. Griff's attorney and authorize Chm. Woods to sign the letter.

Town Manager's Report

Ms. Myers reviewed her report with the Board, a copy of which is made a part of these minutes.

Town Land Disposition/Sale – RFP solicitation for parcel # 22-4854 on Douglas Street (Rte 16)/Rte 146

Ms. Myers noted the process was recommended by Town Counsel and the town intends to sell its 50% interest in the parcel. A purchase and sale agreement is pending for the other 50% interest to be disposed by the private property owner.

- **MSDV by Sel. DuBois, seconded by Sel. Dwyer for the BOS to issue the RFP as presented by the Town Manager. The motion passed unanimously.**

Special Town Meeting Warrant

The Board reviewed the final draft of the Warrant for the Special Town Meeting to be held on Tuesday 1/9/07, at 7 p.m.

- **MSDV by Sel. DuBois, seconded by Sel. Stack to support favorable action on Article 1. The motion passed unanimously.**
- **MSDV by Sel. DuBois, seconded by Sel. Stack to support favorable action on Article 2. The motion passed unanimously.**
- **MSDV by Sel. DuBois, seconded by Sel. Dwyer to support passing over Article 3. The motion passed unanimously.**

Meeting Minutes

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- **MSDV by Sel. DuBois, seconded by Sel. Stack to approve the meeting minutes of 11/13/06 as submitted. The motion passed unanimously.**
- **MSDV by Sel. Stack, seconded by Sel. Dwyer to approve the meeting minutes of 11/20/06 as submitted. The motion passed (4-0-1). Chm. Woods-abstained.**
- **MSDV by Sel. Stack, seconded by Sel. Dwyer to approve the meeting minutes of 12/11/06 as amended. The motion passed unanimously.**
- **MSDV by Sel. Dwyer, seconded by Sel. Kuros to approve the meeting minutes of 12/21/06 as submitted. The motion passed (3-0-2). Sel. DuBois and Sel. Stack-abstained (due to absences at that meeting).**

Chm. Woods wished to acknowledge the Finance Director's recertification.

**Adjournment**

At 10:50 p.m. with no other business before them the Board voted to adjourn the meeting.

- **MSDV by Sel. Stack, seconded by Sel. Dwyer to adjourn. The motion passed unanimously.**

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

Minutes approved by Board of Selectmen:

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Chairman Julie A. Woods

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Sel. James F. Dwyer

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V. Chairman Arthur O. DuBois

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Sel. Kevin J. Kuros

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Clerk Daniel P. Stack

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