

**Board of Selectmen Minutes-Regular Session
February 26, 2007**

The following persons were present: Chairman Julie Woods, Vice Chair Arthur DuBois, Sel. Jim Dwyer, Sel. Kevin Kuros, Town Manager Jill Myers, and BOS Assistant Joseph Smith. Clerk Dan Stack was not in attendance.

CALL TO ORDER

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

Due to technical difficulties, the beginning of the meeting could not be broadcast live to the general public. Chm. Woods, at the consent of the rest of the Board decided to go forward with some of the items on the Agenda of consent nature, while the technical problems were rectified. The entire meeting was taped and will be broadcast in its entirety.

CONSENT ITEMS

Meeting Minutes

February 12, 2007

- o **MSDV by Sel. Dwyer, seconded by Sel. Kuros to approve the meeting minutes as submitted. The motion passed unanimously.**

Public Safety Recommendations

Ms. Myers reviewed a stop sign installation request from the Uxbridge Housing Authority. Public Safety met on February 1, 2007 and noted their recommendation for the Board not to approve the request. Chief Ostroskey, Chairman of the Public Safety Committee noted the BOS Stop Sign Policy and that this request did not meet the thresholds. No action was taken by the Board.

Ms. Myers reviewed a recommendation from the Public Safety Committee to establish a “No Parking” zone on the North side of Douglas Street from Jumbo Donuts to the intersection of Carney Street. Ms. Myers reviewed the Public Safety recommendation from November 3, 2005. The recommendation is made in response to concerned residents who had a difficult time leaving and entering their driveways due to the vehicles parked alongside the street.

- o **MSDV by Sel. Dwyer, seconded by Sel. Dubois to approve the No Parking zone as submitted by the Public Safety Committee and to have the Town Manager direct the Department of Public Works to install the appropriate signage.**

Announcements

Veteran’s event; Sel. Dwyer noted that the VFW has installed an ID scanner in an effort to reduce or eliminate the possibility of serving under-aged persons alcoholic beverages; the Police Department announced that there are still seats available for the upcoming Police Academy from March until May.

Citizen’s Forum

Chm. Woods opened Citizen’s Forum at 7:14 p.m.

Peter Baghdasarian, Johnson Road, expressed criticism of the RFP for the Douglas Street property and attended the Bid opening. Mr. Baghdasarian also expressed concern that the legal bills from Town Counsel had not yet been received for the month of December 2006 and that the January bill will also be overdue at the end of February.

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Seeing no one else wishing to address the Board, Chm. Woods closed Citizen's Forum at 7:20 p.m.

PUBLIC HEARINGS/APPOINTMENTS

Blanchard Committee Presentation

Business on this item has been postponed until the March 26th meeting at the request of the committee.

Special Utility Tree Cutting (ACT)

Mike Peterson and Kenneth Finch from National Grid addressed the Board regarding plans to continue with the ACT program in Uxbridge. This program is aimed at reducing the chance for power outages due to fallen trees and tree limbs. Mr. Finch also noted for the Board that National Grid is sponsoring a grant program to help replace trees lost as part of the ACT program and invited the Board to participate in the start of the program on March 15th.

The Board meeting was broadcast live beginning at 7:25 p.m. at that time the Board reviewed the announcements and recapped the items that had been taken up prior to going live. Sel. Kuros added to the announcements that the 2nd meeting of the Uxbridge Business Association would be held at the VFW on 2/27/07 at 7:30 a.m.

Amerigas Administrative Hearing-Taken out of order from New Business

Fire Chief Peter Ostroskey addressed the Board regarding the request from Amerigas to have a duplicate license issued for their operations. Chm. Woods asked the TM to comment on the request and Ms. Myers recommended that the Board vote to approve the re-issue of the license as recommended by the Fire Chief.

- **MSDV by Sel. Dwyer, seconded by Sel. Seconded by Sel. DuBois to reissue a copy of the Propane License to Amerigas as presented by Chief Ostroskey. The approval is conditioned upon verification of the Occupancy permit for the site at 46 Depot Street, as requested by Sel. Dwyer.**

TOWN MANAGER REPORT

The report is attached to these minutes

ACTION ITEM: Letter to Town Counsel to request their immediate action to resolve the overdue legal bills to the Town and the overdue Contract for the current year.

OLD BUSINESS

Spring Annual Town Meeting Warrant

Ms. Myers reported that the IAC has been working with her to revisit a comprehensive approach to managing health care costs, including the acceptance of M.G.L. Ch. 32b regarding the Medicare Health Benefits for Town Retirees and requests the BOS to sponsor the article. Ms. Myers added a potential request for a prop 2 ½ override to fund monies need for Roads, Bridges, and Drainage requests. If the Board supports this request it would need to be placed on the Ballot with the Town Clerk by April 19th unless voted as a supplemental budget contingency. Sel. DuBois noted that it may be difficult to request an override again in subsequent years if one is requested at this time for the DPW. Sel. Dwyer added

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that the override can only be used for the purpose intended for the 1st year of the funding. Sel. Dwyer discussed the need to have warrant articles sponsored by the Town Manager, state so in the article and not read (Board of Selectmen/Town Manager) but approved to be on the Warrant by the Board. He added that articles that are under the purview of the Board should be sponsored by the Board and that articles under the purview of the Town Manager's office be sponsored by the Town Manager.

- **MS by Sel. Dwyer, seconded by Sel. Kuros that all Warrant Articles under the purview of the TM should note that the TM is sponsoring the Article and that the Articles under the purview of the Board of Selectmen should note that the BOS is sponsoring. Discussion, Chm. Woods suggested that in order for this to go forward a policy should be drafted a.s.a.p. that states the Board's support of the Town Manager due to the previous interpretation of the Charter. The motion passed unanimously.**

Sel. Dwyer noted that the By-law review committee is leaning towards not putting forward the codification project at the Spring Town meeting.

- **MSDV by Sel. Dwyer, seconded by Sel. DuBois that the Warrant for the Spring Town Meeting will contain 15 Articles as submitted by the Town Manager on 2/26/07.**

Gravel Pit Discussion, Taxation and Zoning

Sel. Dwyer addressed the Board and noted that the Town By-laws state that occupancy permits should be issued for land as well as buildings. It is Sel. Dwyer's opinion that the gravel permit issued to the Immanuel Corporation recently is invalid because the Board cannot issue a permit if there is a violation of another part of the Town Charter or Town By-laws. Sel. DuBois suggested that the Town Manager should survey other local Towns to determine their best practices for taxing and zoning issues related to gravel permit operations. Chm. Woods noted that she has done some research on this in the past and found that many area Towns due go through a process that is different than Uxbridge. She would like to see this made a priority by the Town Manager. Sel. Kuros noted his support for the suggestions made and believes that any changes to current practices be implemented with the start of a new licensing year so as not to unfairly single out any specific permit holder. The BOS directed the Town Manager by consensus to survey other Towns to determine the best practices for taxing and zoning related to gravel permit operations. Ms. Rachel Landry added to the discussion that there are now only five active gravel permit operations in Town so it would be very easy to identify the parties that would need to be notified of any changes in the procedures that the Town follows in regards to Gravel Permits.

Enforcement Action 189 Mendon Street

Sgt. Peter Emerick addressed the Board regarding the legal remedies available to them with regards to the Cease and Desist Orders/violations at 189 Mendon Street. Zoning infractions are under the purview of the District Court while enforcement of By-laws falls under the purview of the Superior Court. Ms. Myers reviewed the history of what occurred last week with the property at 189 Mendon Street. Rachel Landry addressed the Board and reviewed the designation of the property located within the 100 year flood plain of the Blackstone River. Cease and Desist orders have been issued by the Conservation Administrator as well as the Building Inspector. These orders were issued by hand delivery on February 21, 2007. As of February 23, 2007 the work was proceeding against the order to cease. Ms. Landry is seeking the Board's guidance on continuing actions against Mr. Vecchione.

- **MSDV by Sel. DuBois, seconded by Sel. Kuros to support the Cease and Desist orders issued by the Conservation Administrator and the Zoning Enforcement Agent on 2/21/2007. The motion passed unanimously.**

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Douglas Street RFP response:

Ms. Myers reviewed the response received to the RFP that the Board issued on the Douglas Street property. Ms. Myers noted that Town Counsel has reviewed the process that the Town followed with respect to this property and found no evidence of impropriety and Town Counsel advised and drafted the RFP. Chm. Woods suggested that the TM should forward any information regarding the process that was followed to the offices of the Attorney General and the Inspector General in advance of any complaints being filed to show the good faith that that Town has acted under. James Roberti, attorney for Rob Cherrier and principal in the proposed project spoke regarding their response to the RFP. Attorney Roberti noted that the comments levied during Citizen's Forum border on slander and he offered to have an independent legal firm review the process that was followed and provide the Board with an opinion as to the legality of the Town's actions and that such a review would be paid for by Mr. Cherrier. The Board discussed Attorney Roberti's suggestion and agreed by consensus to accept the independent legal review.

NEW BUSINESS

FY 2008 Budget

Ms. Myers reviewed the Budget forecast for FY 2008. She noted that the receipt of the funds for the Douglas Street sale would flow through to free cash and help to improve the financial picture but not likely in time for FY '08. The budget for FY 2008 will be to maintain operations and she noted that no new staff is being added and that the FY 2009 budget may require cuts in operating expenses. Sel. DuBois noted his desire to have an off-night meeting to discuss the budget for FY 2008 in greater detail.

- o **MSDV by Sel. DuBois, seconded by Sel. Dwyer to hold an off-night meeting of the Board of Selectmen on Monday 3/5/07 to discuss the FY 2008 budget. The motion passed unanimously.**

The Budget meeting will focus on the FY'08 budget and the coming FY'09 budget which is shaping up to be very difficult to balance.

Sel. Kuros asked the Town Manager to review the Budget numbers from the State if they are available in time for Monday's meeting.

ACTION ITEM: Compile data on budget history for the last 4-5 years and draft FY '09 Budget. Compile data on the decrease or increase in state aid trends.

Lavallee Land Acquisition

The final draft of the Purchase and Sale agreement was not yet available from the legal counsel involved in drafting the document. Counsel has been incorporating the agreed upon terms into the final P&S-if the final P&S is available for the Monday 3/5 meeting or the Monday 3/12 meeting it will be placed on one of those agendas.

Common Victualler's License-Bangma's Farm

- o **MSDV by Sel. Stack, seconded by Sel. Dwyer to approve a Common Victualler's license for Meadowview Tavern at Blissful Meadows. Approval is conditioned upon verification of the occupancy permit from the Building Inspector's office.**

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Board of Registrar Appointments

The Republican Town Committee had an opportunity to meet prior to the Board of Selectmen's meeting and put forward a list of candidates for the Board of Registrars to fill the un-expired term of Michael Potaski. The Board also re-voted their intention to appoint Mr. Lanny Remillard to fill the un-expired term of Ms. Karen Pascucci.

- **MSDV by Sel. DuBois, seconded by Sel. Kuros to appoint Lanny Remillard to fill the un-expired term of Karen Pascucci on the Board of Registrars. Mr. Remillard's appointment will expire on 3/31/2009. The motion passed unanimously.**
- **MSDV by Sel. DuBois, seconded by Sel. Kuros to appoint Jennifer Nealon to fill the un-expired term of Michael Potaski on the Board of Registrars. Ms. Nealon's appointment will expire on 3/31/2008. The motion passed unanimously.**

ACTION ITEMS: Send letters of appointments to Mr. Remillard and Ms. Nealon. Send a letter of thanks to Ms. Pascucci and Mr. Potaski for their service to the Town.

OTHER BUSINESS/CORRESPONDENCE

Habitat Enforcement

Sel. Kuros reviewed his e-mail correspondence to the Board regarding the request from Jim Farrar to be copied on the Board's determination from the October 23, 2006 meeting. The action was with respect to the outdoor uses that are conducted as part of the Habitat's business and the Zoning enforcement agents determination that they are not an allowed use under the Town's Zoning regulations.

ACTION ITEM: Forward the opinion of Town Counsel and the correspondence received from the Building Inspector's office to Jim Farrar at the Habitat for Sports.

ACTION ITEM: Contact the Building Inspectors office for a list of Occupancy permits.

ACTION ITEM: Stanley Woolen Mill update

Adjournment

At 10:10 p.m. the Board adjourned the meeting.

- **MSDV by Sel. Dwyer, seconded by Sel. Kuros to adjourn the February 26th meeting of the Board of Selectmen. RCV: Dwyer-aye, Kuros-aye, Woods-aye, DuBois-aye.**

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*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*