

**BOARD OF SELECTMEN
SPECIAL SELECTMEN'S MEETING MINUTES
May 7, 2007**

CALL TO ORDER: Chm. Woods called the meeting to order at 7:02 p.m. The following persons were present: Chm. Julie Woods, Vice Chair Arthur DuBois, Clerk Dan Stack, Sel. Jim Dwyer, Town Manager Jill Myers and BOS Assistant Tracy Leavitt.

ANNOUNCEMENTS: Chm. Woods congratulated Fire Chief Peter Ostroskey on being the recipient of the "Good Scout Award." Chm. Woods congratulated the Uxbridge Fire Department on a successful pancake breakfast.

Sel. Kuros arrived at 7:05 p.m.

OLD BUSINESS

Spring Annual Town Meeting Warrant – Review and Vote Recommendations

The Town Manager reviewed the Warrant. The Board asked Mr. Barry Giles, Cable Access Coordinator, to address Article 10. Ms. Myers asked Mr. Giles to elaborate on what he would like to see in the future for cable access. Mr. Giles hopes to increase programs on public access channels, which means increasing staff. Currently he has 2 people working with him. Mr. Giles stated that he hopes within 1-2 years the budget will increase enough for him to hire more staff. Mr. Giles informed the Board that he has looked into possibly purchasing a mobile production studio (mobile van) or a portable trailer which he feels will allow for better quality of coverage of town meetings, high school sports, and parades. This will also allow a quicker turnover of programming.

Chm. Woods stated that this would all be possible because of the contract we have with Charter and would not impact tax payers. Sel. Dwyer stated it is the Boards responsibility to have a Peg Access Oversight Committee per a vote on July 11, 2005. Chm. Woods said she is not sure if the Town Manager at that time just did not follow through or if the Board received little or no interest. Mr. Giles said he looks forward to working with a committee. Mr. Giles stated he has spoken with many people in Town who have experienced and has tried to encourage them to serve on this committee.

ACTION ITEM: Find a copy of the committee paperwork Mr. Peter Demers presented on 7/11/05 in regards to the Cable Access Committee.

MSDV by Sel. DuBois, seconded by Sel. Dwyer, that the Board support favorable action on Article's 2, 3, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18 and 21. The motion passed unanimously.

The Town Manager stated no motion is needed on the following Articles: 1, 4, 6, 12, 19, and 20.

Ms. Myers reviewed the revised motion for Article 5 Budget. She stated Town Counsel reviewed the second half as it said to set a ballot election for 35 days. Town Counsel provided a sample motion to specifically set the special election date and provide the wording of the question and to then authorize the Town Manager to provide a copy of the vote to the Town Clerk to set the ballot election. Chm. Woods asked if the Board had any questions or comments they would like to discuss. Sel Dubois said he would like to make a motion to withdraw his prior motion from Thursday night.

MSDV by Sel. DuBois, seconded by Sel. Stack, to rescind my prior motion relative to supporting the budget, override and ballot. The motion passed unanimously.

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Sel. DuBois then offered the following motion with the understanding a second motion will be offered regarding the ballot election.

MSDV by Sel. DuBois, seconded by Sel. Stack, that \$34,872,088.00 be appropriated, as set forth in the columns headed "FY2008 Town Manager FinCom/Recommendation" in the budget prepared by the Town Manager and voted by the Finance Committee for recommendation at the Annual Town Meeting on May 8, 2007, as most recently revised; and as funding therefore, to transfer from revenue funds, and raise and appropriate the total sum of \$34,872,088.00, as set forth in the column entitled "FY08 projected revenues" on the sheet entitled "Revenue Projections Town Meeting 5/3/07" provided, however, that of the sum of \$19,395,499.00 to be raised by taxation, the sum of \$1,412,910.00 shall be contingent upon approval by the voters of the Town of a so-called Proposition 2 ½ override question at a special election.

(e-mail exchanges attached) Sel. Dwyer reminded the Board he proposed three questions to Town Counsel. He received an answer, not relevant to his question in his opinion; Attorney Goldberg quoted section M of M.G.L. with respect to overrides. Atty. Goldberg concludes that the statute for a scope of an article authorizes the Town to appropriate money from a tax levy for any legal purpose contingent upon an override. The vote shall not take effect until the approval of the ballot question. Sel. Dwyer states there is no part of this appropriation that was made in this motion contingent upon a ballot question. Ms. Myers responded by saying Town Counsel has confirmed that the budget will be appropriated and only \$1.4 million of the portion raised by taxation is contingent. If the override fails, we will have to schedule another Town Meeting because we will have to address the unbalanced budget. Ms. Myers stated the override is for the Town and Schools operating budget. Chm. Woods said she feels confident that Atty. Goldberg is well-informed on our situation. Sel. Dwyer stated he is concerned with the legality of the motion. Sel. Kuros asked what our strategy is on Town Meeting floor. Sel. Kuros asked if line X is reduced by \$12,910.00 will it then be a 1 to 1 reduction in the override amount down to \$ 1.4 million even. Sel. Kuros feels discussion is required. Chm. Woods stated she spoke with the Moderator yesterday and her thought is that we need someone to take notes on that specific issue and by amendment before calling the vote; the amount of the override could be amended for what is actually needed. Chm. Woods said it is ultimately the Board's decision; to go in session and remain in session to vote at the end of Town Meeting to amend if necessary. Sel. DuBois feels as though it is justifiable for the Board to set a ballot tonight. Sel. Kuros stated he is not in favor of the override but, is in favor of allowing the citizens to vote. Sel. Dwyer feels as though this is a long term problem that deserves better discussion. Sel. Dwyer feels this would be hasty to do tonight and personally will not vote tonight. Sel. Dwyer would like to hear what the citizens at Town Meeting have to say. Sel. DuBois asked Sel. Kuros what is his solution if not for the override. Sel. Kuros responded by saying his solution is a combination of free cash and stabilization. Sel. Kuros feels if we put forth an override request, it needs to be looking forward further: we should not ask for an override just to balance the budget for 1 year. Sel. Kuros feels when we ask for an override we should be comfortable saying we will not ask for another X number of years. Sel. Stack stated when the Finance Director spoke he said that even if we take money out of stabilization this year to balance the budget that it will not help in the future because that is not the problem. The problem is revenue generation. Sel. Stack feels if we do not do something this year it will be a bigger burden next year. Sel. Dwyer said if we pass the override then we are facing three more years of significant overrides based on projected revenues and expenses. Chm. Woods invited the Finance Director to address the Board. She also asked the Town Manager to speak on what will happen on the municipal side if this does not pass. Finance Director Genereux commented on Sel. Kuros' point of taking from stabilization. Mr.

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Genereux stated the problem with dipping into stabilization is the operating budget does not go down. He stated we cannot build an operational budget on 1 time revenue; there is no future in taking from stabilization or free cash. Sel. Dwyer feels we really need to inform citizens and then ask them what they want and/or need. The Town Manager said if the override fails the consequences may be drastic and eventually there will be a time where no amount of cuts will sustain this budget. Ms. Myers stated the municipal side would take a cut of \$588,000.00 and the school side would take a \$355,000.00 cut based on one scenario. There would be an elimination of 12 full-time and 5-8 part-time jobs. The library would lose their state grant and there would be a reduction of ambulance services/revenue. Ms. Myers stated we would then have to take \$500,000 out of stabilization to balance the budget. Chm. Woods reminded the Board that a motion was put on the table and asked them if they felt comfortable to vote.

The motion passed 3-2-0, Sel. Kuros and Sel. Dwyer opposed.

Set Special Ballot Election

MSDV by Sel. Dubois, seconded by Sel. Stack, moves to call for a special election to be held on June 12, 2007 to consider the following question:

“Shall the Town of Uxbridge be allowed to assess an additional \$1,412,910.00 in real estate and personal property taxes fro the purposes of funding the Town and School’s operating budget for the fiscal year beginning July first, two thousand and seven?”

YES

NO

And further, to authorize the Town Manager to provide a copy of this vote to the Town Clerk, which copy shall constitute the written notice required under G.L. c.54, §42C.

Sel. DuBois asked to comment prior to the vote. He stated we as a community need to push for a system that does not rely on real estate taxes to fund everything. Chm. Woods asked the Board if they are comfortable with the Town Manager’s role to provide citizens with accurate information or refuting information after possibly being misled by other citizens comments at the Town Meeting. Ms. Myers stated she is comfortable with doing that, and did not expect any concerns by the Moderator. Sel. Kuros asked if we are prepared to support an amendment to reduce the amount of the override. Chm. Woods stated that she cannot imagine supporting an amendment. Sel. Stack said the Board will remain in session throughout the Town Meeting and change at the end if necessary.

The motion passed (4-1-0). Sel. Dwyer opposed.

Discussion of Town Counsel Budget

The Town Manager reviewed the Town Counsel budget. Ms. Myers reminded the Board that they are in the process of soliciting R.F.P’s for Town Counsel services which are due on May 24th. Ms. Myers stated the present Town Counsel will serve until the next one is appointed, hopefully as close to 30 days following the conclusion of Town Meeting. Chm. Woods said if we do not get a sufficient budget for legal expenses we will return to a time when people turn to other citizens for legal advice. Sel. Dwyer feels if we had input from Town Counsel ahead of time, Town Counsel could ask us what’s the cost benefit and we could look at it and then know when to let the cases proceed or not. Chm. Woods feels as a Town we need to have an approach that is uniform and consistent from individual to

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individual. Sel. Kuros asked the Board if the legal account balance is \$10,428.00 with pending bills just over \$22,000, 3 months not yet billed and the retainer alone at \$9,000; we are \$31,000 short plus minus an additional \$10,000, assuming nothing else happens we are around \$21,000 short. How do we pay this? The Town Manager stated under Article 3, there is a transfer for Town Counsel. However, if funding is not approved it will indeed become a prior year bill.

CORRESPONDENCE/OTHER BUSINESS

Invitation from Mrs. Davis' class – International Fair May 10th

Chm. Woods read aloud the handmade invitation from Mrs. Davis' class.

ACTION ITEM: Send Mrs. Davis and class a thank you letter.

Meeting Minutes: March 5, 2007

MSDV by Sel. Dwyer, seconded by Sel. Stack, to approve the meeting minutes as submitted. The motion passed unanimously.

Meeting Minutes: March 12, 2007

MSDV by Sel. Dwyer, seconded by Sel DuBois, to approve the meeting minutes as submitted. The motion passed unanimously.

Meeting Minutes: March 26, 2007

MSDV by Sel. Dwyer, seconded by Sel. Stack, to approve the meeting minutes as submitted. The motion passed unanimously.

Meeting Minutes: April 9, 2007

MSDV by Sel. Dwyer, seconded by Sel. Stack, to approve the meeting minutes as submitted. The motion passed unanimously.

Meeting Minutes: April 23, 2007

MSDV by Sel. Dwyer, seconded by Sel. Kuros to approve the meeting minutes as a friendly amendment. The motion passed 4-0-1. Sel. Stack abstained.

EXECUTIVE SESSION: With no other regular business before them, at 9:05 p.m.:

Motion by Sel. Dwyer seconded by Sel. DuBois, to enter into Executive Session 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, an executive session now may be convened to conduct strategy sessions in preparation for negotiations with non-union personnel. RCV: Dwyer - aye, Kuros – aye, DuBois – aye, Woods – aye, Stack – aye.

ADJOURNMENT: With no further business before them, at 9:23 p.m.

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MSDV by Sel. DuBois, seconded by Sel. Dwyer to adjourn. The motion passed unanimously.

*Minutes respectfully submitted by,
Tracy Leavitt, 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