

**BOARD OF SELECTMEN  
REGULAR SESSION MEETING MINUTES  
August 13, 2007**

**CALL TO ORDER:** Chm. Woods called the meeting to order at 7:00 p.m. The following persons were present: Chair Julie Woods, Vice Chair Kevin Kuros, Clerk Michael Potaski, Sel. Jim Dwyer, Town Manager Jill Myers and TM Assistant Jenn Cederberg. Sel. Dan Stack was absent.

**CITIZEN'S FORUM:** Ms. Susan Franz spoke concerning the Help Uxbridge Project relief effort and an upcoming "Phoenix Festival" on 9/8 at the Uxbridge Farm and Fairgrounds. Mr. Peter Baghdasarian expressed concerns with the Town's accounting software and the former Town Accountant. Mr. Howard Fortner requested a response or clarification to the five questions he previously posed to the BOS, and whether or not the BOS intends to take action following his letter of complaint which was mailed to the individual BOS' homes. Mrs. Sheryl Romasco asked the BOS to consider housing the School Department programs that were lost in the Bernat Mill Fire at the Blanchard Building. She also reminded the BOS that the Blanchard Reuse Committee needs to be re-charged or dissolved. Ms. Megan DiPrete was introduced as the new Director of Planning and Economic Development.

**PUBLIC HEARINGS/SCHEDULED APPOINTMENTS:**

**St. Mary's One-Day Alcohol License:** Tracey Ante submitted an application for the annual St. Mary's Parish Fair on 9/9/07 from 12-4 p.m. on 77 Mendon Street.

**MSDV by Sel. Kuros, seconded by Sel. Dwyer, to approve the request. The motion passed unanimously.**

**New Alcohol License for El Massih Enterprises, LLC:** Chm. Woods opened the public hearing at 7:27 p.m. Attorney Tim Gilmore and Mr. Fadi El-Massih appeared before the Board to request an all alcohol license for the site formerly known as the Oyster Cabin. Mr. Massih stated that he would be offering classic American food and making minimal changes to the building both on the interior and exterior with the exception of landscaping. Chm. Woods closed the public hearing at 7:34 p.m.

**MSDV by Sel. Dwyer, seconded by Sel. Potaski, to approve the license. The motion passed unanimously.**

**Historic District Commission Appointment / Gerald Lemire:** Upon receipt of a Talent Bank Form from Attorney Gerald Lemire,

**MSDV by Sel. Kuros, seconded by Sel. Dwyer, to appointed Gerald Lemire to the Historic District Commission. The motion passed unanimously.**

**TOWN MANAGER REPORT:** Ms. Myers reviewed her report dated 8/10/07 (attached to the minutes). She reported that the Town has been approved for an emergency borrowing authorization from the State Emergency Finance Board for up to \$175,000, subject to Town Meeting approval, to assist in covering the costs the Town incurred as a result of the Bernat Mill fire. Sel. Kuros expressed concern over why the fire was not declared a MEMA emergency. Sel. Dwyer requested an update on the expedited permitting process and timeline per the regulations; specifically the six elements.

***Action Item: Add 6 elements of the expedited permitting process on the next agenda.***

**OLD BUSINESS:**

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Town Counsel: Attorneys Patrick Costello and Steve Pfaff were present. The Board reviewed their vote of 7/23/07 authorizing the Town Manager to finalize negotiations. Att. Costello said that he anticipated a very smooth transition with Kopelman & Paige.

**MSDV by Sel. Dwyer, seconded by Sel. Potaski, to appoint Merrick, Louison and Costello as Town Counsel. The motion passed unanimously.**

*Action Item: Prepare appointment letter and send a letter of thanks to Kopelman & Paige.*

FY09 Budget Review Plan: Finance Committee Chair Ed Maharay was present for the discussion and presented a draft timeline he designed in the development of the FY09 budget. He noted that he viewed the BOS meeting of 8/1/07. He stated that the projected FY09 deficit may be as much as \$2.1 million and encouraged all to start the budget process early, and promote the priorities and multi-year budget plan/impacts by the Fall Annual Town Meeting. He noted that the presentation should be less about the numbers and more descriptive regarding the issues facing the Town. He noted that this would hopefully be a permanent item in the budget planning process; upfront discussion of priorities and less time on the number details. Mr. Maharay mentioned that the Town Manager planned to present a balanced budget for FY09 with a supplemental/contingencies noted by the departments, but it was the role of the elected/appointed officials to provide her with funding priorities. Sel. Potaski recommended publicizing a balanced budget to show people what government will look like "if we live within our own means". He further suggested that the BOS and Finance Committee prioritize the Town's capital needs. Sel. Dwyer expressed concern over what constitutes the projected \$2.1 million deficit. He also stated that Town Meeting voters in June set their priority as funding Town government. He suggested revisiting core services and mandatory requirements during the budgetary process. Chm. Woods suggested that the BOS review and make suggestions to the proposed timeline presented by Mr. Maharay and that the BOS would send copies of their 8/1 meeting minutes to the Finance Committee and School Committee. Sel. Kuros said that some people in the community felt overwhelmed by too much information and noted that information provided too early may lose momentum.

*Action Item: Finalize and approve the 8/1 meeting minutes and forward them to the Finance Committee and School Committee.*

BOS/Town Manager Goals: Sel. Dwyer stated that he had not tallied the goals to formulate the top five as some of the submittals were not consistent in terms of format of the survey that was provided by the Town Manager. Chm. Woods asked the BOS to work on formulating their top 5 goals for both the BOS and Town Manager, and provide this information before the BOS meeting on 8/27.

*Action Item: Add this as an agenda item to the 8/27/07 meeting.*

Sexual Harassment Policy Review: Sel. Dwyer stated that he felt the content in the existing policy, with the exception of format, is sufficient. Ms. Myers noted that the language needed to be updated and that staff is working to update the format of the BOS policies. She suggested that Town Counsel review the two policies and provide a recommendation. Chm. Woods suggested checking with MCAD and the state EEOC to see if they have standardized policies.

**MSDV by Sel. Dwyer, seconded by Sel. Potaski, to ask Town Counsel to draft for us the most comprehensive Sexual Harassment Policy. The motion passed unanimously.**

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OLD BUSINESS (continued):

Sel. Dwyer asked if the Town Manager had responded to the request by the resident to have union contracts posted to the website. Ms. Myers noted that the formal request received has been answered.

Chm Woods followed up on two items raised at Citizens' Forum:

1. Chm Woods asked the Board for clarification on the status of the issue as the minutes of the 7/23/07 meeting (at which she was absent and for which Sel Kuros acted as Chairman) indicated that the Board took no action. Selectman Dwyer and Potaski expressed the opinion that the Board should respond. Chairman Woods indicated her willingness to address it at a future meeting.

**MSDV by Sel. Dwyer, seconded by Sel. Potaski, that discussion of the response to the letter from Mr. Fortner be an agenda item on 8/27/07. The motion passed unanimously.**

2. Chm Woods asked the TM to update the Board on the Blanchard School. Ms. Myers explained that the option of using the Blanchard School for the displaced School Department programs has been discussed at the Economic Taskforce meetings, but there is no funding yet available to make the necessary modifications to the building. Staff is looking into applying for a CDBG grant, but the application period is not consistent with the necessary timeframe for the relocation of these programs. She stated that she has asked the Blanchard architect to do a pro-bono opinion on what would have to be done to inhabit the first floor.

Sel. Woods suggested that the Board not dismiss the BRC without confirming that the full committee agrees with Chairman Romasco's recommendation. She suggested writing to the Blanchard Reuse Committee to ask them, as a group, if they are interested in continuing to serve on a committee. Sel. Kuros suggested reviewing committee meeting minutes to see if the committee had taken action for dissolution.

**NEW BUSINESS:**

Appointment of Poll Workers: Upon request from Town Clerk Joseph Kaplan and a listing was provided to the BOS,

**MSDV by Sel. Kuros, seconded by Sel. Dwyer, to reappoint all previous poll workers for one year with the addition of Victoria Ovia for a one-year term. The motion passed unanimously.**

Request to Release Bond for Gravel Permit 1001A: The Board reviewed correspondence from Ms. Rachel Landry, Conservation Agent, concerning a request received from Mr. McIntyre to release a bond in the amount of \$30,000 which was established for the operation and restoration of the former gravel pit operation at 790 West Hartford Ave. Ms. Landry recommended that it be released. This release would not interfere with the current bond that Mr. McIntyre has with the Planning Board.

**MSDV by Sel. Dwyer, seconded by Sel. Kuros, to release the bond. The motion passed unanimously.**

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Gravel Permit Renewal Applications – Permits 35, 36, 71: The Town Manager reviewed the cover letter supplied by Ms. Landry. Sel. Kuros stated that he only voted against previous renewals because of his concerns about consistency in the process but would support the renewals if there are no outstanding issues or complaints. Sel. Dwyer expressed concern about giving renewal authorization when they are in violation of our zoning bylaws. He further stated that he spoke with the Bureau of Accounts and received confirmation that the gravel pits are supposed to be assessed based on income which is not how the Town is currently assessing them. He also disagrees with Ms. Landry that the gravel owner can file a renewal application after the permit has already expired. Ms Myers suggested that the Assessor be asked to provide a report on the assessing approach for the gravel pits.

**MSDV by Sel. Potaski, seconded by Sel. Kuros, to approve the Gravel Pit Renewal Applications as recommended by Rachel Landry for one year, and that the notice of renewal include that before the next renewal, they must go before the ZBA for a ruling. The motion passed unanimously.**

*Action Item: Send a letter to the Assessor asking him to address the information presented by Sel. Dwyer.*

*Action Item: Ask Ms. Landry for an update on the status of gravel applications.*

**NEW BUSINESS:**

Buy Recycled Policy: Ms. Myers reviewed the proposed policy which was recommended by MORE, and required as part of a regional grant application to the DEP.

**MSDV by Sel. Dwyer, seconded by Sel. Potaski, to approve the Buy Recycled Policy with the edits pointed out by Sel. Dwyer. The motion passed unanimously.**

Other: Chm. Woods asked for an update on the status of the Deborah North property. Sel. Kuros noted that he expected the property owners to take the next step. Sel. Dwyer stated that the BOS should not be discussing this as it is in litigation. Ms. Myers informed the Board that Ms. North and her representative planned to submit a proposal which will likely dismiss the suit. Sel. Kuros asked for more historical information as he does not have enough knowledge on the case to make an informed decision. Chm. Woods would like more information on what the Ms. North requested at the ZBA, and the reason for the denial that initiated the case.

*Action Item: Place the Deborah North property on the next Executive Session agenda.*

**CONSENT ITEMS:**

Acceptance of Meeting Minutes from 5/29, 6/4 and 6/11 Regular Sessions and 6/13 Special Session:

**MSDV by Sel. Dwyer, seconded by Sel. Kuros, to accept the 5/29/07 meeting minutes. The motion passed unanimously.**

**MSDV by Sel. Dwyer, seconded by Sel. Kuros, to accept the meeting minutes from 6/13/07 meeting. The motion passed unanimously.**

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*Action Item: The meeting minutes from 6/11 and 6/21 will be moved to the 8/27/07 agenda.*

**EXECUTIVE SESSION:** With no further regular business before them, at 9:55 p.m.,

**Motion by Sel. Dwyer, seconded by Sel. Kuros, to enter into Executive Session pursuant to MGL, Chapter 39, Section 23b #2. RCV: Dwyer – aye, Kuros – aye, Woods – aye, Potaski – aye.**

**ADJOURNMENT: 11:10 p.m.**

**Motion by Sel. Potaski, seconded by Sel. Kuros, to adjourn. RCV: Potaski – aye, Kuros – aye, Woods – aye, Dwyer – aye.**

*Minutes respectfully submitted by,  
Jennifer G. Cederberg, Assistant to the Town Manager*

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 Kevin J. Kuros

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Sel. Dan Stack

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Clerk Michael Potaski

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