

**BOARD OF SELECTMEN  
REGULAR SESSION MEETING MINUTES  
October 22, 2007**

**I. CALL TO ORDER:** Vice Chm. Kuros called the meeting to order at 7:10 p.m. The following persons were present: Vice Chairman Kevin Kuros, Clerk Michael Potaski, Sel. Dan Stack, Town Manager Jill Myers, and Town Counsel Patrick Costello. Chm. Julie Woods and BOS Assistant Tracy Leavitt were not present.

- A. Announcements: No announcements.
- B. Citizen's Forum: Mr. Howard Fortner expressed appreciation to participants of the 9/11 remembrance.

**II. PUBLIC HEARINGS/SCHEDULED APPOINTMENTS:**

- A. Application for Common Victualler License – Seven Hills Family Services: MSDV by Sel. Stack, seconded by Sel. Potaski to approve the Victualler License for Seven Hills Family Services (location formerly The Pie Shoppe). The motion passes unanimously.
- B. Public Hearing 7:00pm- Vecchionne Gravel Permit Request: Vice Chm. Kuros opened the Public Hearing. On behalf of the applicant (Mr. Vecchionne), Attorney Henry Lane summarized the permit request, and the area for which the proposed removal of loam and topsoil in order to make room for a parking area. Approximately 6,800 cubic yards of material to be removed from site with no change in elevation.

Town Manager Myers reviewed staff comments (provided in the BOS meeting packet) pertaining to the requested action and consistency with the Section X Bylaw, specifically a table checklist noting completeness of application under Section X. Other staff comments noted questions/supplemental information requested relating to permitted uses in the floodplain zone and groundwater protection zone, expansion of the business activity, and zoning determination. Issues such as the site plan/contours and topography were raised and Attorney Lane noted that this was not really an "excavation", since his client only intended to remove existing stockpiles of fill down to existing grade. Accordingly, he did not see a need to submit the cross-section plans typically required, but would provide a "straight -line" cross-section. Tom Bentley 99 Hecla Street questioned DEP approval of proposed use. The applicant noted the DEP had no issues with the activity in the floodplain, and the stockpile existed for the last six years. Vice Chm. Kuros questioned the removal of loam so close to Route 16, approximately 300 feet, and if there has been notification to Mass Highway. The applicant noted that he would address the impacts to the road, if any. Staff had noted that a recommendation of the "Soil District Supervisor and the County Extension Director or Agent" was not included in the application. Other specific questions related to site security since there was not extensive restoration activities proposed. The Filing fee issue was also discussed. A fee will be determined based on the activity on the site - +/- 5,000 sq ft of the removal activities or open area. The BOH noted that Groundwater Protection Regulations prohibit removal of soil "within five feet of the historical high groundwater table elevation", with some exceptions which may/may not be applicable, based on applicant's plans, which should be addressed.

Town Counsel Costello questioned the agricultural use of the property. The applicant noted that they had previously grew and sold pumpkins and hay. Sel. Stack questioned accessory uses such as the landscaping materials kept and sold on site. The applicant noted that he would like

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to the permit in order to have 4-6 weeks to sell it. With no further members of the public wishing to speak on this matter, the Public Hearing was closed. The Town Manager provided Attorney Lane staff comments. Sel. Potaski noted that he felt there was no harm with the current operation if the permit is granted. Vice Chm. Kuros noted that the BOS needed to digest the comments received tonight and that the applicant has not addressed the concerns raised by staff, and suggested that deliberations continue to the next meeting. Sel. Potaski inquired of the applicant if two weeks would be a problem, for which the applicant noted yes, but this matter has been pending for years. **ACTION:** Item continued to the BOS meeting of 11/13/07, and the applicant was requested to address the staff comments on or before that meeting.

- C. Public Hearing 7:15pm – Layout Hearing for Constitution Way: Vice Chm. Kuros opened the Public Hearing. Ms. Myers noted that this relates to Article 17 of the Fall Town Meeting warrant. Green postal cards were provided to staff. She noted DPW comments, and that the Developer has agreed to put up funding to ensure that the work on the pump station and other minor items will be completed. Director of Planning and Economic Development DiPrete noted that the Planning Board will provide a non-binding recommendation at Town Meeting and will likely take a vote at their meeting on 11/14/07 or prior to Town Meeting. Town Counsel Costello noted that the BOS may vote to lay-out Constitution Way contingent on the approval by DPW (Mr. Priest) and Ms. DiPrete, and legal review by Counsel. Discussion ensued if there would be a special BOS meeting before 11/13/07 to hear a report from staff. Consensus that the special BOS meeting will be held on 10/29/07, and that a report may be made on the status. Vice Chm. Kuros closed the Public Hearing. **ACTION:** Continue deliberations to the Special BOS meeting of 10/29/07.
  
- D. Public Hearing 7:15pm – Layout Hearing for Acorn Drive: Vice Chm. Kuros opened the Public Hearing. Ms. Myers noted that this relates to Article 16 of the Fall Town Meeting warrant. Green postal cards were provided to staff. Mark Andrews was present on behalf of the citizen petitioners. He noted no issues by staff. Dale Bangma affirmed such. **MSDV by Sel. Stack, seconded by Sel. Potaski to approve lay-out as a public way the street known as Acorn Drive in its entirety as referenced in the plan entitled “Road Acceptance Plan, Acorn Drive, Autumn Woods, in the Town of Uxbridge, Massachusetts, for Quarry Hill Development Co., Inc.,” dated December 7, 2006, stamped by Holland E. Shaw, PLS No. 30314, on December 7, 2006. The motion passes unanimously.**
  
- E. Appointment to the Cultural Council – Laurie Turenne: **MSDV by Sel. Stack, seconded by Sel. Potaski to appoint Laurie Turenne to the Cultural Council. The motion passes unanimously.**

**III. TOWN MANAGER REPORT:** Ms. Myers reviewed her written report. (A copy is attached to these minutes).

Ms. DiPrete elaborated on the 4-Town Planning efforts. She noted that she has researched the comments provided in the Consultant (Daylor) report that Uxbridge responded that the area in Uxbridge is to remain agricultural zoned. She did not see such comments as a result of discussions/dialogue with the BOS, but as comments from the prior Administration. She suggested that the BOS revisit the concept.

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Sel. Potaski requested a future agenda item to discuss the DOR's A Guide to Financial Management for Town Officials. He noted it states that it is the BOS responsibility to review Department budget submissions. ACTION: Discuss item at a future BOS meeting as scheduled by Chairman Woods.

**OLD BUSINESS:**

- A. Resignation of Selectman James Dwyer: Mr. Dwyer submitted his resignation due to a move out of Town. That position is the seat scheduled for the Town election in May 2008. Vice Chm. Kuros noted that the Town Manager had provided information relating to vacancies on the BOS and the MGL procedure to call a special election and that the BOS may call, or such action may be petitioned by the requisite number of registered voters. The election cost is estimated at \$6,900 by the Town Clerk. Each BOS member weighed in with Selectmen Stack and Potaski noting no need to go through the effort and expense; Vice Chm. Kuros noted that this is a critical budget year, but recognized a reserve fund transfer or other appropriation would be needed to cover the costs of the special election. **MSDV by Sel. Stack, seconded by Sel. Potaski to NOT call a special election for the BOS seat vacated by Mr. Dwyer. Vote: 2:1 (Kuros). Approved.**
  
- B. Fall Annual Town Meeting Warrant 11/20/07: Consider draft motions; Ms. Myers reviewed the draft motions from the document dated 10/22/07. Sel. Potaski suggested that the Director of Planning and Economic Development provide a summary of Article 11. No action taken.
  
- C. Special Town Meeting Warrant 11/20/07 Articles: Consider Article(s) to be sponsored by the BOS: MSDV by Sel. Stack, seconded by Sel. Potaski to sponsor Article 1, and place it on the Special Town Meeting 11/20/07 warrant. The motion passes unanimously.
  
- D. Budget Summit II Review: BOS Homework Assignment: Vice Chm. Kuros asked to defer this item to the special BOS meeting of 10/29/07 recognizing that BOS Chm. Woods has done a lot work on this. He suggested that the members provide the Town Manager comment by 10/26/07. ACTION: Postponed to the Special BOS meeting of 10/29/07.

**NEW BUSINESS:**

- A. Signing of the Special Town Meeting Warrant for 11/20/07 Contingent on No Additional Article Submissions before the Warrant Close Date on 10/23/07 at 4:00pm: MSDV by Sel. Stack, seconded by Sel. Potaski to close and sign the Special Town Meeting Warrant contingent on the receipt of any legally petitioned articles submitted by the date/time the warrant closes. The motion passes unanimously.
  
- B. Bernat Mill Fire: Letters of Appreciation, Financial Impacts, Funding: Finance Director David Genereux reported on the pending State supplemental budget appropriation. He asked if there were any questions relating to the reimbursement for Town and other communities that responded. He elaborated that it will be actual costs for the Town, and direct personnel cost reimbursement to the Towns which responded as long as funding was available after the Town was reimbursed and allocated funds for the replacement of the Fire truck specially included as a result of discussions with Representative DeLeo, Chairman of the House Ways and Means Committee. He is working to formulate a reimbursement form to process the requests from other communities as the funding will go directly to Uxbridge, and the State Administration

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and Finance will likely want to weigh in. The BOS noted no further questions. Vice Chm. Kuros noted appreciation to the Legislative Delegation. The appreciation letters will be discussed when Chairman Woods returns. ACTION: Postpone the appreciation discussion to a future BOS meeting as scheduled by Chairman Woods.

- C. Blackstone Valley Commuter Rail Update: Vice Chm. Kuros provided an update from the Regional BOS meeting of 10/4. He noted the potential cost of the rail completion project - \$2m per mile. Sel. Potaski noted hand-outs and the need to find alternative routes to relieve traffic through Upton, and the potential of use of the P&W rail lines for passenger service. He noted the proposed CMRPC feasibility study may cost as much as \$300,000-\$400,000 divided among the BV towns. No action.

**VI. CONSENT ITEMS:**

A. Acceptance of meeting Minutes from 6/25, 9/10, 9/17, and 10/1 Regular Sessions:

This item was deferred to the Special BOS meeting of 10/29/07.

**VII. CORRESPONDENCE/ OTHER BUSINESS:** None.

**VIII. EXECUTIVE SESSION (MGL c.39, §23B):** At 9:15pm, MSDV by Sel. Stack seconded by Sel. Potaski to enter into executive session under exemptions #3 and #6 with no business to follow. RCV: Stack – aye, Potaski – aye, Kuros – aye. Unanimous

**ADJOURNMENT:** At 10:45 pm,

*Minutes respectfully submitted by,  
Jill R. Myers, Town Manager*

Minutes approved by Board of Selectmen:

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Chairman Julie A. Woods

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Clerk Michael Potaski

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V. Chairman Kevin J. Kuros

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Sel. Dan Stack

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