

**BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
January 28, 2008**

CALL TO ORDER: Chm. Woods called the meeting to order at 5:05 p.m. The following persons were present: Chairman Julie Woods, Vice Chairman Kevin Kuros, Clerk Michael Potaski, Sel. Dan Stack, Town Manager Jill Myers and BOS Assistant Tracy Leavitt. Also present was Town Counsel, Patrick Costello

ANNOUNCEMENTS: Flag Policy meeting schedule, and nominations for the 2007 Joe Belanger Spirit Award: Detective Jody Dwight and Sergeant Tim Burke.

ACTION ITEM: Send letter to Sgt. Tim Burke and Det. Jody Dwight to congratulate them on their nominations.

CITIZEN'S FORUM: No one wished to address the Board.

PUBLIC HEARINGS/SCHEDULED APPOINTMENTS:

Administrative License Hearing: Paraco Gas, Fire Chief Peter Ostroskey: Chm. Woods read aloud a memo from Chief Ostroskey noting a favorable recommendation on the application.

MOTION by Sel. Stack, seconded by Sel. Potaski to approve the transfer of license to Paraco Gas. The motion passed unanimously.

Appointment of Poll Workers: James Amerault, Janet Amerault, Marcelle Boule, Robert Bridges, Harvey Char, Jacquelyn Char, Edward Cahill, Mary Faulkner, Charles Finn, Daniel Foley, Carol Garber, James Gornall, Lucille Kogut, Richard Mellen, Donna Nadeau, Theodore Oliver, Ann O'Loughlin Lewis, Janet Patnode, Joan Plumb, Priscilla Puz, Linda Wheeler, and Martha Williams:

MOTION by Sel. Stack, seconded by Sel. Kuros to appoint James Amerault, Janet Amerault, Marcelle Boule, Robert Bridges, Harvey Char, Jacquelyn Char, Edward Cahill, Mary Faulkner, Charles Finn, Daniel Foley, Carol Garber, James Gornall, Lucille Kogut, Richard Mellen, Donna Nadeau, Theodore Oliver, Ann O'Loughlin Lewis, Janet Patnode, Joan Plumb, Priscilla Puz, Linda Wheeler, and Martha Williams as poll workers. The motion passed unanimously.

ACTION ITEM: Send letters to all newly appointed poll workers, notify the Town Clerk. Sel. Kuros requested an updated list of current poll workers by party affiliations.

Appointment to the Cable Advisory Committee: Karin Knapik:

MOTION by Sel. Stack, seconded by Sel. Potaski to appoint Karin Knapik to the Cable Advisory Committee. The motion passed unanimously.

ACTION ITEM: Send appointment letter to Karin Knapik.

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

OLD BUSINESS:

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Town Counsel's review of Sewer Privilege Fee Votes; Status of action: Town Counsel, Patrick Costello reviewed his letter addressed to Ms. Myers dated 10/17/07 relating to the status of the action for the privilege fee (A copy of the letter is attached to these minutes). Attorney Costello's opinion is that the fee remains intact, and is legally enforceable. Finance Director Genereux explained that there is an amount still outstanding on the debt that was not collected off of the privilege fee. This discussion was continued to the 6:00pm Work Session.

Budget Summits and Report; Follow-up; Comments on the Report prepared by FinComm Chairman Maharay noting joint submittal by the BOS, School Committee and Finance Committee: Chm. Woods noted that Chairman of the Finance Committee, Ed Maharay requested that the document be put on the website. Chm. Woods asked the Board to review and then approve the document, as they are co-signatories to the document (along with FinComm and the School Committee). The Board by consensus approved the dissemination.

FY09 Budget; Summary of Municipal Department Budget Requests: Town Manager's consultation with the Board of Selectmen (Article 6, §4 of the Charter) - continued from 1/22/08; FY09 budget review schedule and potential ballot question schedule: Ms. Myers reviewed her staff report noting the types of ballot questions and timelines for 2008, which may provide for questions on the 5/20 Annual Election (Town Meeting on 5/13), and 11/4 Election (Town Meeting on 11/18) Sel. Kuros said he is concerned with setting a special ballot and then possibly not needing it in the end. Chm. Woods suggested including it within an already scheduled election. The Board then agreed that the voters should be able to decide what they would like to fund above and beyond the balanced budget. Chm. Woods asked Town Counsel how many Selectmen have to agree to set a special ballot. Town Counsel noted 3 members must vote favorably.

Scheduling BOS Office Hours; Open Government Initiative (Vice Chairman Kuros): The Board agreed to hold "Office Hours" on February 4th at 3pm and March 3rd at 7pm. Sel. Potaski noted that he would like to also schedule at date to be available at the Senior Center during their lunch.

ACTION ITEM: Place the announcement on cable

PUBLIC HEARINGS/SCHEDULED APPOINTMENTS: continued

6:00 P.M. Working Session: Review with Town Counsel and Staff proposed components for the setting of water and waste water (sewer) rates, and schedule the Public Hearing for consideration of the rates: Supt. Bombara reviewed the proposed rate structure and components e-mail dated 01/15/08. Atty. Costello noted he reviewed the bylaws, and has met with staff. He stated that the rate structure must provide for accountability and a mechanism that is fair and equitable for apportionment of water/sewer costs among the system users. Atty. Costello drafted a model after receiving from Supt. Bombara the initial breakout of proposed rates and fees necessary to enable the town to re-coup both the operational expenses and the incurred capital cost. Atty. Costello stated that the model put forth of water and sewer rates would create a rate structure that would identify what specific usage, capital fees or connection fee could be at any given time. Supt. Bombara noted hopefully this can be adopted prior to April 1, 2008, so that when they begin to read the meters in April the new rates would be in place. He noted we will be incurring debt very quickly with the water main and tank construction. Sel. Potaski said he is concerned that operational expenses and capital improvements to the existing system is legitimately proportioned among the system users but, when expanding the system as a benefit to the

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entire town, the payback is limited to only existing users rather than to all taxpayers. Atty. Costello addressed Sel. Potaski's concerns and stated that a policy decision would need to be made by the BOS. He noted that the Board would have two options: 1. Borrow the money and pay it through various tax raising or a debt mechanism and spread it across the taxpayers as a whole. 2. In whole or in part attribute certain costs and expense to the rate payers. Atty. Costello suggested the policy decision should be made annually when the BOS is provided with the operational cost expenses. At that time the Board would make the decision of what portions of the capital expenditures of the town will be responsible for the upcoming year paid through the rates as opposed to general obligations. Sel. Potaski asked what the rationale is for treating an industrial property by square footage rather than the plumbing fixtures they have. Atty. Costello responded by saying it is a regulation that was adopted by the town however the BOS could modify it. He stated the bylaw is binding and he will review it.

MOTION by Sel. Potaski's seconded by Sel. Stack to be supportive of proposals and move forward toward public hearing process. The motion passed unanimously.

MOTION by Sel. Potaski, seconded by Sel. Stack to be supportive to bring one or more articles to Town Meeting. The motion passed unanimously.

ACTION ITEM: Schedule rate hearing before April 1, 2008.

FY09 Budget; Summary of Municipal Department Budget Requests: Town Manager's consultation with the Board of Selectmen (Article 6, §4 of the Charter) - continued from 1/22/08; FY09 budget review schedule and potential ballot question schedule: continued: Finance Director Genereux provided the Board with their FY09 Budget Books. He then reviewed his document entitled "FY2009 Budget, Departmental Submittals Follow Up" (A copy is attached to these minutes). Discussion ensued about funding for the dispatchers who dispatch EMS as well (currently in the PD budget only), and energy audits.. There was a discussion of energy assessments/audits whereby a company may finance the improvement, such as windows, and then guarantee a savings, no-load financing per se.

Chm. Woods reminded the BOS to provide their "regionalism" suggestions to the Town Manager. Staff will compile, and copy the BOS. Sel. Kuros suggested that the BOS consider a "Regionalization Sub-Committee".

ACTION ITEM: BOS to send Town Manager a list of what they would like to see regionalized and then continue discussion to future meeting.

Discussion/status of any pending or old BOS business items: Chm. Woods provided the Board with the opportunity to list any old unfinished business. Sel. Potaski said he would like to continue discussion regarding adverse possession, change of Town Hall hours and ethical behavior.

NEW BUSINESS:

Parade Committee Resignation: Linda Dorgan: Chm. Woods read aloud the resignation letter.

ACTION ITEM: Send thank you letter.

Discussion of training requirements for volunteers and appointed officials on open meeting, conflict of interest, email, and sexual harassment (Chairman Woods): Chm. Woods asked Ms. Myers the status of

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providing training. Ms. Myers said that staff just has to confirm the scheduling with the various State entities. She also noted that MIIA offers training. Sel. Potaski asked that employees be added to the list of those required to attend trainings.

Consider inviting BOS-appointed Boards/Committees/Commissions to periodically attend BOS meetings to provide updates (Chairman Woods): Chm. Woods asked the Board for support to send out a memo inviting all BOS-appointed Boards, Committee and Commissions to a BOS meeting to engage in a regular dialog with the BOS.

ACTION ITEM: Draft an invitation memo on behalf of the Chairman and provide to the BOS for their review at their next meeting

MMA Conference: Review/Comments:¹ Each member and the Town Manager provided a summary of the sessions attended, and noted copies of hand-outs are available in the office.

Request Sons of the Union Veterans of the Civil War provide the Board with an update on the Happy Hollow School House (Chairman Woods): Chm. Woods informed the Board that the Site survey report of March 2007 was delivered to the office on 1/15/08. She noted that she spoke to a member of the Sons of the Union Veterans, and they plan to schedule a meeting in February to discuss their recommendations, and requested to provide the BOS an updated after that.

Zoning Enforcement: Karcraft non-compliance with the conditions of its Class II license (2008 pending issuance) and ZBA Special Permit; Notice of non-compliance: Ms. Myers reviewed the memo from Kim Hood, Assistant to the Town Manager. The issues are 1.) The number of vehicles on the property exceeds the conditions of the Special Permit, and 2.) The business is operating without its Class II license which was not issued as they are not in compliance with conditions of the Special Permit. Atty Costello noted that the Board has two avenues to enforce; license and zoning issue. Atty. Costello suggested that the Board take the initial enforcement action once all facts have been confirmed. The Board should notify both the beholder of the license and the property owner of the violations and have them come before the Board to explain.

ACTION ITEM: Staff to draft a letter to be reviewed by Town Counsel and provide it to the BOS for the next meeting.

Earth Removal Bylaw Enforcement Action: Wassenar Property; 290 Millville Road: Violation of Cease & Desist Orders, assessment of fine under Town of Uxbridge Earth Removal Bylaw (Section X/Chapter 181 of newly codified bylaws): Ms. Myers briefed the Board and highlighted the draft enforcement letter from the Gravel Pit Inspector. Atty. Costello said he has reviewed the letter and approves it.

**MOTION by Sel. Stack, seconded by Sel. Potaski to authorize Rachel to send the letter.
The motion passed 3:0; Chm. Woods was not present for vote.**

Ms. Myers asked Town Counsel what the next step would be if he does not comply. Atty. Costello suggested that if the conduct continues the Gravel Inspector conduct a definitive inspection of the

¹ At 7:48 p.m. Chm. Woods departed, and Vice Chm. Kuros took over the meeting. The items on the agenda were taken out of order to accommodate her planned departure, but the minutes reflect the items as ordered on the agenda.

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property to determine what the conditions are. Atty. Costello said after that if multiple fines do not work then litigation may be possible.

Discussion of FY07 and FY08 Annual Town Reports (Chairman Woods): Ms. Myers informed the Board that the cover to the FY07 Annual Town Report will feature a picture of a quilt relating to the Blanchard Building. She noted that the picture was of a quilt graciously donated by MaryAnne Kosiba created by Kathleen Murphy. Ms. Myers explained that the Bernat Mill Fire happened in FY08 so that will be included in the next Annual Report (FY08). She noted that Chm. Woods would like to have a contest to determine next years cover.

CONSENT ITEMS:

Acceptance of Meeting Minutes from 7/9/07, 7/23/07 and 9/24/07 Regular Sessions:

MOTION by Sel. Stack, seconded by Sel. Potaski to accept the 7/9/07 minutes as presented. The motion passed unanimously.

MOTION by Sel. Stack, seconded by Sel. Potaski to accept the 7/23/07 minutes as amended by Sel. Kuros. The motion passed unanimously.

MOTION by Sel. Stack, seconded by Sel. Potaski to accept the 9/24/07 minutes as presented. The motion passed unanimously.

Acceptance of Meeting Minutes from 9/24/07 Water and Sewer:

MDV by Sel. Stack, seconded by Sel. Potaski to accept the meeting minutes as presented. The motion passed unanimously.

Acceptance of Meeting Minutes from 12/12/07 Budget Summit IV:

MOTION by Sel. Stack, seconded by Sel. Potaski to accept the 12/12/07 minutes as presented. The motion passed unanimously.

Acceptance of Meeting Minutes from 1/2/08 Special Joint Meeting with the Finance Committee:

MOTION by Sel. Stack, seconded by Sel. Potaski to accept the 1/2/08 minutes as presented. The motion passed unanimously.

Acceptance of Meeting Minutes from 11/30/07 Special Selectmen's Meeting:

MOTION by Sel. Potaski seconded by Sel. Kuros to accept the 11/30/07 minutes as presented. The motion passed 2-0-1; Sel. Stack abstained because he was not present for the motion at that meeting.

EXECUTIVE SESSION: At 8:23 p.m., with no business to follow: (Separate minutes)

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MOTION by Sel. Stack, seconded by Sel. Potaski to enter into executive session #3 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.

A. Acceptance of Meeting Minutes from 7/23/07, 9/24/07 and 12/17/07 Executive Sessions

RCV: Potaski – aye, Kuros – aye, Stack – aye.

ADJOURNMENT: At 9:35 pm

MOTION by Sel. Potaski, seconded by Sel. Stack 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

Vice Chairman Kevin Kuros

Clerk Michael Potaski

Selectman Dan Stack

RCV: Roll Call Vote