

**BOARD OF SELECTMEN  
REGULAR SESSION MEETING MINUTES  
February 11, 2008**

**CALL TO ORDER:** Chm. Woods called the meeting to order at 7:00 p.m. The following persons were present: Chm. Julie Woods, Vice Chm. Kevin Kuros, Clerk Michael Potaski, Town Manager Jill Myers and BOS Assistant Tracy Leavitt. Sel. Dan Stack was not present.

**CITIZEN'S FORUM:** Fire Chief Peter Ostroskey introduced Cheryl Ethier and noted that she achieved Paramedic status as of February 7, 2008. Chief Ostroskey also noted that he and the Town Manager attended a meeting this morning with executive officers of Milford Hospital and confirmed notification that the paramedic (ALS) service currently offered by Milford Hospital will cease the end of June. He ended by informing the Board that the Town of Uxbridge should be at paramedic level of service by the end of June or shortly thereafter, but there are equipment needs to fund, and if delayed in the interim we will rely on contract or mutual aid back-up service.

Chairman of the Recreation Commission, Will Page addressed the FY09 budget constraints for the Parks Department. He said if the Parks Department is eliminated the softball and baseball fields starting in July for their tournaments would need to be maintained by volunteers. He noted that soccer would scale down and try to play all games on one field. Mr. Page said that in the fall flag football would be cut. Mr. Page also informed the Board that the fees for baseball, softball and soccer would increase by roughly \$100 per child per sport per season. Mr. Page ended by saying that roughly 1600 kids in town play sports and the cost to cover what the Parks Department currently does would be \$180,000 – \$200,000.

Vice Chairman of the Finance Committee, Mark Andrews announced that they will be holding two Saturday Public Hearings at 9:00 a.m. at the Senior Center. He noted that the first session will be on March 8<sup>th</sup> to discuss the Municipal Budgets and March 15<sup>th</sup> to discuss the School Budgets.

Howard Fortner addressed the Board and shared his proposal of January 1, 2008 in regard to the Stabilization Policy. He informed the Board that he did not expect discussion this evening but, looks forward to future discussions.

**PUBLIC HEARINGS/SCHEDULED APPOINTMENTS:**

DG Clean Power/Attorney Gerald Lemire: Presentation on energy generation plant per request of proponent: Atty. Lemire informed the Board that the first step in this process will be to amend the bylaw. He then introduced Joseph Fitzpatrick and Ed Listen of DG Clean Power. Mr. Fitzpatrick provided the Board with a handout entitled "Uxbridge Power" (A copy is attached to these minutes). He provided the Board with an overview of the project. Mr. Fitzpatrick said the plant they are proposing to build in Uxbridge will be similar to the one they are currently constructing in Billerica. He noted that the plant will be constructed in two phases. He noted that the facility will only run about 15% of a day. Mr. Ed Listen informed the Board that phase one will be a 90mw peaking unit and phase two will be 270mw both situated on a 20 acre site. He noted that there will be no blasting and total construction should take about 1 ½ years. Mr. Listen stated that when construction begins with phase one immediately the permitting process will start for phase two. Once the plant is operating Mr. Listen said on average 12 people will come and go from the site daily. Mr. Listen said that the plant will run most often in August during the peak period.

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Mr. Fitzpatrick said he has a sincere belief that Clean Power's track record and ability will speak for itself. He encouraged that concerned citizens of Uxbridge converse with nearby communities such as Bellingham, Blackstone and Milford. Sel. Kuros stated that he thought the facility would be strictly natural gas not diesel fuel. Mr. Fitzpatrick responded by saying he only referenced diesel fuel as a back-up fuel. He noted that would only happen in an emergency type situation. He informed the Board that the DEP permit will not allow for flex fuel. Sel. Kuros asked Mr. Fitzpatrick to explain both the straight tax program and the pilot tax agreement. Mr. Fitzpatrick explained that pilot stands for – payment in lieu of taxes and a straight tax is annual assessed values. Ms. Myers informed the Board that her previous town had a power plant with a PILOT that also address mitigation measures, and that the town's current Town Counsel is representing Billerica throughout their process. Ms. Myers asked Atty. Lemire how he hopes to amend the bylaw. Atty. Lemire said that it could possibly be limited by number of facilities or by mega watts. He stated his willingness to meet with both the Town Manager and the Director of Planning and Economic Development, Megan DiPrete to discuss the bylaw amendment when crafted. Ms. Myers informed the Board that two other interested parties have approached Ms. DiPrete regarding power plants. Chm. Woods suggested continuing this conversation to the next meeting on February 25<sup>th</sup>.

***ACTION ITEM: Continue discussion to 2/25 and seek copies of sample PILOT agreements.***

**TOWN MANAGER REPORT:** Ms. Myers reviewed her written report (A copy is attached to these minutes), and the Department Head Monthly reports. Sel. Potaski suggested that the town require all Uxbridge residents to license their ATV' with the town and have fees reflect damages caused the previous year. Sel. Kuros suggested that Assessor Utakis provide "Tax Assessment 101" to the community to clarify his comments in his monthly report regarding property values and the ARMs. Chm. Woods suggested that Assessor Utakis appear on the Town Manager's cable show. The Board then discussed the possibility of having itemized tax bills. Finance Director Genereux noted that the constraint with itemized specific tax bills is the format required by the DOR. He noted that inserts with information reflecting an average tax bill is a possibility.

***ACTION ITEM: Investigate licensing or regulations for ATVs (also determine permitted areas and prohibited areas), and consider inserts or additional information on the tax bills***

**OLD BUSINESS:**

FY09 Budget; Summary of Department Budget Requests: Town Manager's continued consultation with the Board of Selectmen (Article 6, §4 of the Charter): Ms. Myers noted the process of beginning with a balanced budget and directive to Departments, and adjusting the revenue or forecasts when better or finalized information becomes available. Adjustments will be included in the Town Manager's recommendation, and she hope to fund some of the Department supplemental requests, such as the Parks Department. Chm. Woods stated she feels closing the Parks Department is unacceptable as is closing the Senior Center and the Library. Sel. Kuros said when the School Building Authority looked at long term debt, they refinanced. He asked if we have that option. Mr. Genereux said that is a timely question and he is investigating it. Chm. Woods asked Mr. Genereux to provide the debt schedule. Sel. Potaski asked in regards to the mechanics of incorporating the school budget into the bigger budget, how do we cover the extra \$1.2M requested by the school. Ms. Myers responded by saying she is showing Department requests, which is what the School Committee will present, and then work it into the balanced budget format based on the directives.

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She noted that Departments provided impact statements and supplemental requests, but that is not necessarily the components of an override question. Chm. Woods mentioned her concern that the municipal side and the school side have taken two different approaches regarding setting the budget.

***ACTION ITEM: Provide current Debt Schedule to the BOS and investigate refinancing of existing debt.***

Zoning Enforcement: Review draft letter to Karcraft for non-compliance with the conditions of its ZBA Special Permit: The Board reviewed the draft letters presented by Assistant to the Town Manager, Kim Hood. The first letter was a Notice of Compliance and the second letter was a Cease and Desist Order. After review the Board agreed to send the Notice of Compliance letter. The Board asked that the letter also reflect that going before the ZBA to increase the number of vehicles allowed is still an option.

**MSDV by Sel. Potaski, seconded by Sel. Kuros that we send the enforcement letter to Karcraft version dated February 6, 2008 noting Notice of Compliance. The motion passed unanimously.**

Review draft memo to all Boards, Committees and Commissions appointed by the BOS inviting them to attend a meeting to provide update: The Board reviewed the draft memo and noted a few changes. By consensus, authorized the Chairman to distribute the memo.

Update on Alcohol License Application: 785 Quaker Highway; Consider letter to applicant: The Board reviewed the draft letter presented by Assistant to the Town Manager, Kim Hood. After a brief discussion the Board asked that the letter reflect that if no response is received by February 20, 2008 they will request that Mr. El-Massih come before the Board.

**MSDV by Sel. Potaski seconded by Sel. Kuros to send the letter to Mr. El-Massih inquiring as to the status of his project. The motion passed unanimously.**

**NEW BUSINESS:**

Spring Annual Town Meeting (5/13/08) Warrant (Posting by 3/13/08) – Review of article requests: Ms. Myers reviewed the draft warrant and noted that the motions were absent until the posted warrant is finalized. She noted that once the BOS takes action to sponsor an article, she will forward and post per the Charter requirements.

Capital Plan FY09-FY14; Consider and review recommendations: Ms. Myers reviewed the Capital Plan. She noted that even though no money is available at this time to fund any of the projects it should not discourage anyone from putting a list together. Sel. Kuros wondered if it would be possible to combine any of the items together, such as a truck that is not used for all hours of the work day to save money and not allow for as much redundancy.

Town Common Sign – Review of policy adopted on 9/9/02: Chm. Woods suggested strengthening the language that election related materials will take preference. She also suggested authorizing the Town Manager to make the final determination between the conflict of any notices rather than the DPW. Chm. Woods suggested that the Board review the policy and consider her or any suggestions for the next meeting.

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***ACTION ITEM: Continue discussion to 2/25***

Conveyance of Parcel B on the easterly side of Glendale Street – Aldrich Brook Estates Conservation Design Development; acceptance of deed from John P. Cove: Ms. Myers briefed the Board on the document from Town Counsel dated 2/1/08 regarding Cove vs. Lobisser Development Corporation. Ms. Myers noted that Town Counsels recommends that the BOS approve and sign off.

**MSDV by Sel. Potaski seconded by Sel. Kuros to accept the grant of parcel B as described in the memorandum and acceptance of the conservation restrictions described in the quitclaim deed. The motion passed unanimously.**

Sel. Kuros asked the Town Manager if the Board can legally spend \$1.00 without Town Meeting approval. Ms. Myers said she would confirm with Town Counsel.

Proposal to craft a “Municipal Mission” which would be supported by the Board of Selectmen through policy development: Chm. Woods provided the Board with a draft mission statement she prepared. She asked the Board to review and then provide feedback. Sel. Kuros noted that he agrees with Chm. Woods that a mission statement is important.

***ACTION ITEM: Continue to 2/25, and distribute the “Mission” to staff and Boards/Commissions/Committees***

Acceptance of cash distribution of funds by the Library from a 2002 settlement of Compact Disc Antitrust Litigation: Ms. Myers informed the Board that the Uxbridge Public Library has been selected to receive a cash distribution of residual funds in connection with the 2002 settlement of the antitrust case brought by the Massachusetts Attorney General’s Office against certain music companies and retailers. Ms. Myers noted that the anticipated amount is \$300 but, said the final amount is subject to change. Ms. Myers informed the Board that Acting Library Director, Deb Young recommends that the Board accept, and execute/sign-off on the settlement agreement.

**MSDV by Sel. Kuros, seconded by Sel. Potaski to accept the cash settlement of \$300 for the purchase of music c.d’s. The motion passed unanimously.**

**CORRESPONDENCE/OTHER BUSINESS:** Chm. Woods announced to the public that the article printed in the newspaper stating that the BOS has agreed to put forth a menu override is false. She added that the BOS has not taken any action or discussed specific components of an override.

**EXECUTIVE SESSION:** At 9:47 p.m., with no business to follow: (Separate minutes)

**MSDV by Sel. Kuros, 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. #6 To consider the purchase, exchange, lease or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body, with no business to follow.**

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**Acceptance of Meeting Minutes from 1/22/08 and 1/28/08 Executive Sessions**

**RCV: Potaski – aye, Kuros – aye, Woods - aye**

**ADJOURNMENT:** At 10:25 p.m.

**MSDV by Sel. Potaski, seconded by Sel. Kuros to adjourn. The motion passed unanimously.**

*Minutes respectfully submitted by, Tracy Leavitt, Assistant to the Board of Selectmen*

Minutes approved by Board of Selectmen:

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Chairman Julie A. Woods

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Vice Chairman Kevin Kuros

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Clerk Michael Potaski

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Selectman Dan Stack

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