

**BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
February 25, 2008**

EXECUTIVE SESSION: 6:00p.m. (Separate meeting minutes will be provided)

Collective Bargaining Strategy 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.

CALL TO ORDER: Chm. Woods called the meeting to order at 7:05 p.m. The following persons were present: Chm. Julie Woods, Vice Chm. Kevin Kuros, Clerk Michael Potaski, Sel. Dan Stack, Town Manager Jill Myers and BOS Assistant Tracy Leavitt.

ANNOUNCEMENTS: U.H.S. Boys Basketball 2nd place finish in the Clark Tournament, Firefighter Appreciation Night, Superintendents Gala, and Recognition of Police Officers Bach and Morrissette as MADD Award Recipients.

CITIZEN'S FORUM: No requests.

PUBLIC HEARINGS/SCHEDULED APPOINTMENTS:

Community Heart Screening Program: Heart Screen America informational presentation on its 3/7/08 preventive heart screening event hosted by the Uxbridge Public Schools: Chm. Woods noted the speaker was not available.

Massachusetts School Building Authority Update: School Superintendent Dan Stefanilo: Chm. Woods provided the Board with a brief update noting that John Higgins was not available and Supt. Stefanilo requested discussion to be continued.

Happy Hollow School House Update: Sons of the Union Veterans of the Civil War: Harry Romasco addressed the Board and introduced the other interested resident associated with the project in addition to the Sons of the Union Veterans of the Civil War: Roy Henry, Sgt. Peter Emerick, Benny Emerick, Bill Albin, Howard Fortner and Pat Fettuccia. Mr. Romasco stated that the question now is whether to renovate, restore or rebuild. He noted a few possible suggestions: form a "Friends of the Happy Hollow School House" non-profit entity and have the Town enter into a 99 year lease similar to the South Uxbridge Community Center" model, incorporate School House into bigger picture of the Arthur D. Taft Memorial Park, or take no action and maintain as is. Mr. Romasco explained that the group of concerned citizens recommends to incorporate the School House and as part of the 26 acres of passive recreation. Mr. Romasco summarized the contents of the trust - the purpose of the trust is to provide a public park and recreation grounds for the use of all inhabitants of the Town under the care, custody and control of the Board of Selectmen with financial oversight by the Trustees. Chm. Woods suggested that the Town Manager seek legal guidance regarding 32B and asked that this be on a future agenda.

Action Item: Schedule Happy Hollow School House for Future Agenda

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7:15 p.m. Public Hearing: Consider an Application for a License for the Storage of Flammable and Combustible Liquids, Flammable Solids or Flammable Gasses; Applicant Ronald Bedard of Hellen Service Co., Inc. is seeking to increase total storage capacity from 211,150 gallons to 247,150 gallons: At 7:33p.m. Chm. Woods opened the public hearing. Fire Chief Ostroskey addressed the Board and informed them that Hellen Service Co., Inc. requested to amend their already existing license to reflect current storage. Chief Ostroskey recommended to the Board that they approve the application. No one from the public was present to comment. Chm. Woods closed the public hearing at 7:35p.m.

MOTION by Sel. Stack, seconded by Sel. Kuros to approve Hellen Service Co's Application for a license for the storage of flammable and combustible liquids, flammable solids, or flammable gases from 211,150 gallons to 247,150 gallons with the condition that the license will be issued upon completion of all necessary licensing paperwork. The motion passed unanimously.

7:15 p.m. Public Hearing: One-Day Entertainment License Application; Dawn Willette on behalf of First Evangelical Congregational Church – March 1, 2008: At 7:36p.m. Chm. Woods opened the public hearing. Dawn Willette addressed the Board and informed them of the church's intent to host a southern BBQ and two-step dancing evening with no alcohol. No one from the public was present to comment. Chm. Woods closed the public hearing.

MOTION by Sel. Kuros, seconded by Sel. Potaski to approve the one-day entertainment application for the First Evangelical Congregational Church for March 1, 2008. The motion passed unanimously.

7:15 p.m. Public Hearing: Consider BOS Regulations defining penalties to be imposed for Alcohol License Violations/Alcoholic Beverages – Enforcement: Chm. Woods opened the public hearing at 7:40p.m. Ms. Myers informed the Board that in December 2006 a sting operation was conducted resulting in violations for sales to under age/minors. She noted that the BOS at the time issued warning letter to the license holders, and requested that a policy or regulation be adopted. No further sting operations have taken place. Ms. Myers reviewed the proposed regulation as provided in the BOS meeting packet and posted. No one from the public was present to comment. Chm. Woods suggested that the Board wait until their meeting on 3/10/08 before making a decision, the Board agreed. Sel. Kuros questioned why liquor stores would be forced to close while restaurants would only have their license temporarily suspended. Police Chief Freitas stated that if the liquor store only sells alcohol they should be shutdown however, if they also sell other items as a substantial part of their business, they could have their license suspended, and follow the posting guidelines in the regulation. Sel. Kuros questioned the authority the BOS has to alter the punishments. Chief Freitas stated that the violations listed are the minimum not maximum.

MOTION by Sel. Stack, seconded by Sel. Potaski to continue the public hearing until 3/10/08. The motion passed unanimously.

Public Meeting: To hear public comment as the Board considers adopting guidelines to honor deceased Veterans and public servants, including the possible lowering of the flag at the Town Common: Chm. Woods reviewed the process and meetings held to encourage public input. Chm. Woods then opened the item up for public input. Ernest Picard stated that he is sure that the BOS voted years ago to lower the flag for Veterans.

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He ended by saying he is absolutely supportive of the flag being lowered for Veterans. Chm. Woods took a moment to re-assure the public that staff has looked diligently to locate a previous flag policy and currently one has not been found. She noted that the BOS adopted a process in the interim – until the policy is finalized to lower the flag for Veterans. Harry Romasco suggested the policy crafted by Dave Moriarty be adopted. Retired Fire Chief Bill Albin noted that he was embarrassed that the BOS considering a policy when the flag should automatically be lowered for Veterans and public safety personnel. Dan Foley believes all Veterans deserve to have the flag at half mast in their honor. Dennis Seely read a prepared statement in support of the flag being lowered for Veterans. Chm. Woods informed the Board the Don Letourneau was unable to make it this evening to the meeting but, asked that she relay his message that he supported maintaining the tradition of lowering the flag. Discussion ensued about lowering the flag for Town officials and Town employees. Chm. Woods suggested that each member of the Board take home the draft policy and over the next few weeks note some suggestions and changes and send to staff. Chm. Woods thanked everyone for coming out and providing the town with their input and re-assured the citizens of Uxbridge that until decision is made the BOS voted that the flag will be lowered.

Public Meeting: Consider BOS Policy: Response to Nuisance and Vicious Dog Complaints: Ms. Myers reviewed the document entitled “Consider BOS Policy: Response to Nuisance and Vicious Dog Complaints” which was provided in the BOS agenda packet and posted.

MOTION by Sel. Stack, seconded by Sel. Potaski to adopt the Response to Nuisance and Vicious Dog Complaints policy. The motion passed unanimously.

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

OLD BUSINESS:

Karcraft of Uxbridge LLC: Update on zoning enforcement action: Ms. Myers reviewed the document provided by the Assistant to the Town Manager, Kim Hood. The Director of Planning and Economic Development, Megan DiPrete stated that as of 2p.m. this afternoon 22 vehicles were on the property; ZBA decision noted 10. Chm. Woods informed the public that essentially three business activities operating at the Karcraft location, and that causes confusion. Mark Stacy, a friend/customer of the owner of Karcraft, Allen Davey, read aloud the Class II license and ZBA condition as of 9/3/03 and asked he Board to look at the intent of the license. Mr. Stacy informed the BOS that a hearing is schedule with the ZBA for 3/5/08 to discuss the conditions of the license. Ms. DiPrete noted that the ZBA hearing will address the number of vehicles on the property regardless of use. The BOS deliberated, and decided to lift the Class II license suspension and granted an abeyance until the outcome of the ZBA hearing on 3/5/08.

MOTION by Sel. Stack, seconded by Sel. Kuros to lift our suspension at this time. The motion passed unanimously.

Spring Annual Town Meeting (5/13/08) Warrant (Posting by 3/13/08) – Review of Articles (Presentation on proposed Storm Water and Erosion Control Bylaw): Ms. Myers reviewed the updates and draft articles of the Spring Annual Town Meeting Warrant provided on 2/22/08. Superintendent Bombara and Director of Planning and Economic Development DiPrete briefed the Board regarding the Storm Water and Erosion Control Bylaw.

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Supt. Bombara noted that the Town is in its 5th year under the Storm Water Management regulation. He noted the proposed bylaw is a result of storm water phase two final rule from E.P.A. Supt. Bombara explained that this mostly applies to North Uxbridge however; our Best Management Practices (BMP) is applicable town wide. He noted that E.P.A decided that six minimum control measures needed to be addressed under phase two. He went on to explain how Uxbridge is in compliance. Supt. Bombara explained that the two areas that still need to be addressed are constriction site work and post construction site controls. He ended by saying the proposed bylaw would address both. Ms. DiPrete noted that the deadline to adopt the Bylaw is this Spring and that is why it is proposed for the Spring Town Meeting warrant. She ended by saying she will review the formatting and provide the Board will a final copy.

FY09 Budget: Continued discussion: Ms. Myers solicited comments from the BOS in preparation for the Town Manager's recommendation. She noted that she is working to sustain services identified by the BOS as priority. She also noted that the School Committee voted their budget and she was working to address the impacts of their submittal. Finance Director Genereux reviewed the document entitled "FY 2009 Budget Update for BOS meeting 2/25/08" (A copy is attached to these minutes)

DG Clean Power: Opportunity for Board discussion of 2/11 presentation: Under a separate cover, Ms. Myers provided the BOS with sample PILOT agreements. She noted that she had not formally received the petitioned bylaw, but that Attorney Lemire had met with Ms. DiPrete and she relayed her notes. The petition will be reviewed by Town Counsel for content, not just to form. Due to the time, this item was continued to the BOS meeting of 3/10/08.

ACTION ITEM: Continue discussion to 3/10/08

Town Common Sign: Review of policy adopted on 9/9/02 – continued from 2/11: The Board agreed to postpone until 3/10/08.

Review of "Municipal Mission Statement" (from 2/11/08): The Board agreed to postpone until 3/10/08.

NEW BUSINESS:

Fafard Development: BOS discussion of street lights as they relate to final street acceptance: Supt. Bombara noted that there is information still pending from the developer noting which bases were wired. This item was continued to the next of future meeting once information becomes available to the Board. The pending street acceptances will be scheduled for the Fall Annual Town Meeting.

Letter to Providence and Worcester Railroad regarding condition of Mendon Street overpass: Chm. Woods presented the Board with a letter to the Providence and Worcester Railroad asking for help regarding the condition of the Mendon Street overpass and asked the Board to support sending the letter. By consensus the Board agreed to support sending the letter.

CONSENT ITEMS

Acceptance of Meeting Minutes from 10/9/07, 1/22/08, 1/28/08 and 2/11/08 Regular Sessions: The Board agreed to postpone the acceptance of the meeting minutes until 3/10/08.

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CORRESPONDENCE/OTHER BUSINESS: The Board agreed to hold “BOS Office Hours” on 3/3 from 7-8p.m. in the BOS Meeting Room and on 3/5 from 11:30-12:30p.m. at the Senior Center.

EXECUTIVE SESSION: At 10:35p.m. (Separate Minutes)

MOTION by Sel. Kuros, seconded by Sel. Potaski to enter into executive session #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. The motion passed unanimously.

Acceptance of Meeting Minutes from 2/11/08 Executive Session

ADJOURNMENT: At 10:55p.m.

MOTION by Sel. Kuros, seconded by Sel. Potaski 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