



**UXBRIDGE BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
April 14, 2008**

Present: Chairman Julie Woods, Vice Chairman Kevin Kuros, Clerk Michael Potaski, Town Manager Jill Myers and BOS Assistant Tracy Leavitt. Also present were: Finance Director David Genereux and DPW Superintendent Larry Bombara.

NOTE: Some matters may have been taken out of agenda order but were typed up in agenda order for ease of locating information when necessary.

I. CALL TO ORDER AT 7:00 P.M.: Chm. Woods called the meeting to order at 7:05 p.m. with a pledge to the flag.

A. **Announcements:** No announcements

B. **Citizens Forum:** Ms. Cecelia Boatman communicated procedural problems with the Citizen's petitions noting "see attached" on the signature page and provided a copy Local Ballot Question Petitions (1995) noting the processing of ballot petitions and excluded subjects. (Articles 27 and 31 are bylaw amendments). She claimed that the Town Manager had drafted the proposed Zoning bylaw for Article 27. The Town Manager noted the petition language was drafted and provided by the applicants' Attorney. Ms. Boatman reported that she filed complaints with the Secretary of State, State Ethics, and Attorney General's Office. Chairman Woods noted that Town Counsel had been contacted regarding the processing of citizen petitions, and had no concern on the part of staff certifying signatures and placing them on the SATM warrant. (A copy of his email will be attached to these minutes.)

Ms. Jill Kenrick encouraged the public to identify for themselves both the pros and cons regarding the proposed power plant. Ms. Kenrick also participated in later discussions regarding Article 17.

II. PUBLIC HEARINGS/SCHEDULED APPOINTMENTS:

A. **Massachusetts Lottery Commission Representative to provide information on the new Keno-to-Go game and licensing process (continued from 3/24):** Representatives Dan Rosenfeld and Charles R. McIntyre provided an update on the new game and noted that monitors will no longer be used in stores; players may check their numbers on-line. They noted that Commission employees conduct regular compliance checks on a bi-weekly basis. **MOTION by Selectman Kuros to not object to the "Keno to Go" program at eligible local establishments with the condition that the local establishments will not have monitors or electrical displays. Seconded by Selectman Potaski. Motion passed unanimously.**

B. **7:15 PM Public Hearing – Spring Annual Town Meeting Warrant Articles 21, 22 and 23:** Chm. Woods opened the public hearing at 8:25 p.m. Supt. Bombara informed the board that Article 21 and 22 have been withdrawn. He went on to say that the main concern now is Article 23 and reviewed the sewer bylaw amendment provided by Town Counsel. Supt. Bombara explained that the codification is still awaiting approval from the Attorney General and the wording of the vote at Town Meeting will depend on when the final approval is received. Supt. Bombara then reviewed with the board the minor title changes. He stated that the goal of this Article is to update the sewer bylaws. He noted that the sewer privilege fee has been discontinued since the adoption of the water and sewer rate structure. Supt. Bombara mentioned that the mandatory connections have also been terminated. Supt. Bombara explained that passing of this article will allow for the town



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to update into modern terminology. He ended by stating the BOS will still have the ability to extend the sewer system if the town wanted and to assess betterments.

Ms. Fran Dorr asked how the assessment will be calculated. Supt. Bombara stated that when the town adopted the sewer privilege fee it was assessed by unit however, the betterment system is assessed by frontage. Chm. Woods closed the public hearing at 8:40 p.m.

III. TOWN MANAGER REPORT: Ms. Myers highlighted her report and the accompanying monthly department head reports for the month of March.

IV. OLD BUSINESS:

A. Review of 5/13/08 Spring Annual Town Meeting Warrant and Draft Motions- Vote BOS recommendations: ¹Ms. Myers reviewed the warrant articles (SATM warrant draft dated 4/14/08) and proposed motions. The BOS voted a recommendation on Articles 2 and 3. The bulk of the discussion centered on Article 3 FY08 Inter/Intra Departmental Transfers items 11 and 12, with Finance Director Genereux providing an explanation:

Article 3

11.	FROM:	Amount	TO:	Amount
	Stabilization (704-000-5960-0000-000)	39,254.00	School Lunch 250-303-3560-0000-220	39,254.00

The School Lunch account has had a historical deficit that has been addressed. However, mounting employee health/retirement benefit charges have not allowed for the account to fully eliminate the deficit.

12.	FROM:	Amount	TO:	Amount
	Stabilization (704-000-5960-0000-000)	186,055.00	Childcare 250-303-3560-0000-232	186,055.00

The Childcare account has been operating in deficit for a number of years, due to a historical account deficiency that has not been funded. It has been further impacted in recent years by the proper charges of employee health/retirement benefits (similar to the enterprise funds). Corrective action is being reviewed to ensure that the account does not operate in a deficit in FY 2009.

Mr. Genereux noted any special revenue fund that closes in deficit has a negative effect on that fiscal year's free cash. Concerns were expressed by the BOS about self sustaining funds with user-charges as profit centers needed subsidizing by stabilization, and encouraged them to be cleaned-up and reviewed by the School Administration.

Article 2 - MOTION by Selectman Potaski; seconded by Selectman Kuros – Motion passed unanimously.

Article 3 - MOTION by Selectman Potaski; seconded by Selectman Kuros – Motion passed unanimously.

¹ BOS Administrative Assistant departed at 10:00pm; minutes to be completed by Town Manager



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The BOS reviewed but delayed action on Articles 4 and 5. Article 17 received comments from Ms. Jill Kenrick questioning the acquisition of the parcels, the correct references to plans and deeds. DPW Supt Bombara noted the correct map and parcels were listed in the article, and the acquisition process either by borrowing or acceptance of donations. It would be a two step process for approval with Town Meeting first authorizing the acquisition by the BOS and the BOS determining if the acquisition should be made and by what means. An appraisal will need to be done. Due to comments back and forth, Chairman Woods suggested that a member of the BOS meet with Ms. Kenrick, DPW Supt., and the Town Manager to discuss the details before the next BOS meeting. Selectman Potaski noted he would be available to meet.

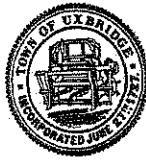
Article 32 –Underride: Mr. Potaski, on behalf of the petitioner provided a hand-out enumerating the potential FY09 budget reductions achieved by a successful vote of this article. That document is attached to the minutes.

They will continue to review of the SATM warrant, and vote recommendations at its meeting of 4/28/08.

- B. Discussion of revenue generation enhancement; flags on street lamps, use/rental of Town-owned facilities; Chm. Woods (continued from 3/24/08): Discussion of bidding for the placement of flags/banners on street lamps, costs to taxpayers when town staff does the installation for a private (non-municipal) entity; charging and scheduling for use of facilities by private – or non Town committees/boards. Staff will report back.
- C. Consideration of Draft Open Space Plan; Conservation Committee Public Meeting on 4/22/08 (continued from 3/24/08): No comments by the BOS to forward at this time.

IV. NEW BUSINESS:

- A. Replacement of water tank; Notice of Award to Waterline Industries for \$2,847,777.00: **MOTION by Selectman Potaski to award the contract to Waterline Industries in the amount of \$2,847,777.00. Seconded by Selectman Kuros. Motion passed unanimously.**
- B. Consider request to approve the installation of a memorial on the Town Common to honor veterans who have served during the post-Vietnam era; Harry Romasco, Chairman, Post Vietnam Memorial (Citizens') Committee: The BOS received a slide show presentation describing the type and location for the proposed monument on the Town Common. Veterans in the audience spoke in favor of the project. It was noted that it will be privately funded. The Historic District Commission voted in support of the project; the matter is scheduled for the Historical Commission on 4/15. Mr. Romasco requested that a subcommittee and trust fund be established for future maintenance and coordination of the name inscriptions. Suggested membership included the Veterans' Agent and a representative from the American Legion, VFW, and BOS. Chairman Woods inquired if such Committee would be a standing committee and if a Charter amendment would be need. Ms. Woods also asked for a review by Town



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Counsel regarding any legal concerns of erecting a privately funded monument on Town property.

MOTION by Selectman Potaski support the monument effort and authorize the Citizen's Committee to proceed contingent upon favorable (affirmative) action by the Historical Commission at its meeting on 4/15/08. Seconded by Selectman Kuros. Motion passed unanimously. **ACTION ITEMS:** *Inquire about Standing Committee and report vote of the Historical Commission; and Legal review.*

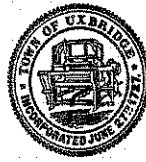
- C. Waucantuck Mill Project: Request demolition status and project update from applicant and review of tax agreement by Town Counsel: The applicant was not able to attend. BOS agreed by consensus to continue this item to the meeting of 4/28/08.
- D. BOS follow-up to the 4/9/08 informational meeting coordinated by the Public Employees Committee (PEC) Chairman regarding Coalition Bargaining for health benefits; Request the IAC to review MGL Chapter 32B, Section 19 and provide a recommendation to the BOS: Ms. Myers discussed the staff report in the agenda packet. **MOTION** by Selectman Kuros for the BOS request the IAC to review and provide a report with a recommendation on the acceptance of MGL Chapter 32B, section 19 on or before April 28, 2008 if possible, and in addition to its statutory (advisory) responsibilities, and authorize the Town Manager to provide a letter to the IAC noting the same. Seconded by Selectman Potaski. The Fire Chief reminded the BOS that there is no management representative on the PEC – amounting to approximately 40 employees not represented. **Motion passed unanimously.**
- E. Discussion of Special Election per MGL Chapter 41 Section 10; vacant BOS seat: BOS agreed by consensus to continue this item to the meeting of 4/28/08. Each BOS noted the advantage to a five member Board. It was requested that the Town Clerk provide the BOS scheduling information – the earliest date an election may be called in consideration to workload, vacation schedules, and use of the voting machines after the May 20th election. The cost of the election may be up to \$6,000. **ACTION ITEM:** *Inquire of dates by 4/28/08.*
- F. Parade Committee resignation: Alan Keeler: The Board accepted Alan Keeler's resignation from the Parade Committee, and requested the Town Manager to send a letter of appreciation on behalf of the BOS. **ACTION ITEM:** *Send letter.*

VI. CONSENT ITEMS

Acceptance of Meeting Minutes from 11/26/07 Regular Session: The BOS agreed to postpone the acceptance of the meeting minutes until 4/28/08.

VII. CORRESPONDENCE/OTHER BUSINESS:

- A. Consider BOS reorganization (Chairman Woods): Ms. Woods requested a reorganization of the BOS acknowledging that it is done (per the bylaws) the meeting following the annual election. She had asked Ms. Myers to inform the members of her request to step down as Chairman, and



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placed it at the end of the agenda as it was not fair to expect the other members to prepare to run the meeting.

She joked to request a month's early release for good behavior, but noted that she had served the second year as Chairman as the motion for another person to serve was not seconded last year. Discussion ensued. **MOTION by Selectman Potaski for Selectman Kuros to serve as Chairman. Seconded by Selectman Woods. Selectman Kuros accepted the nomination and noted that the BOS should return to the practice of annual reorganization. A friendly amendment was made to the motion by Mr. Potaski for Mr. Kuros to assume the duties of the Chairman at the conclusion of this meeting. Ms. Woods seconded. Motion passed unanimously.**

MOTION by Selectman Woods to nominate Selectman Potaski as Vice Chairman, seconded by Chairman Kuros. The motion passed unanimously.

MOTION by Vice Chairman Potaski to nominate Selectman Woods as Clerk, seconded by Chairman Kuros. The motion passed unanimously.

- B. Eagle Scout Commendation: By consensus, the BOS agreed to the offer by Ms. Woods to prepare the commendation and leave it for the BOS to sign.

VIII. EXECUTIVE SESSION: At 10:55 p.m. (Separate meeting minutes will be provided)

MOTION by Selectman Kuros, seconded by Selectman Potaski to enter into executive session A: #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, to conduct strategy sessions in preparation for negotiations with non-union personnel. (Grievance Step 3b Determination and Collective bargaining Update); and B: #6 -To consider the purchase, exchange, lease, or value of real property if such discussion may have detrimental effect on the negotiating position of the governmental body, with no further business to follow. By RCV, the motion passed unanimously.

IX. ADJOURNMENT: At 11:45 p.m.


MOTION by Selectman Kuros, seconded by Selectman Potaski to adjourn. The motion passed unanimously.

Minutes respectfully submitted by, Jill R. Myers Town Manager and Tracy Leavitt, Assistant to the Board of Selectmen

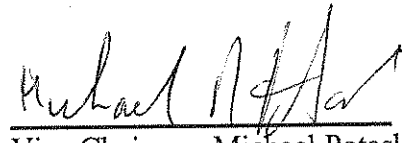


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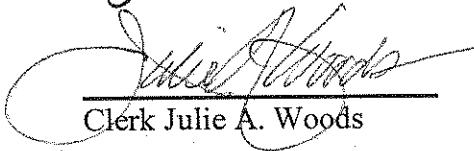
Minutes approved by Board of Selectmen:



Chairman Kevin J. Kuros



Vice Chairman Michael Potaski



Clerk Julie A. Woods

RCV: Roll Call Vote

Attachments

RECEIVED
TO FIN. CLERK
MAY 15 3 25 PM '08

Insurance costs of new enrollees etc.
To be drawn from stabilization \$278,753

Difference between FY08 (\$3,745,834)
And FY09 (\$4,226,897) 481,062
\$759,851

Town and employees split the added cost
With each side paying half; the \$379,907 to
Be paid by approximately 301 employees
Would cost each employee about \$24 per
week but save the Town..... \$379,907

Reduce the School secretaries staff salaries
of \$323,730 by half and save the Town:..... \$161,865

Reduce the School paraprofessional staff
Salaries of \$1,304,757 by half and save the
Town..... \$652,378

Reduce the School "other salaries" of \$308,500
By half and save the Town..... \$154,250

Reduce the School stipends of \$332,209 by 2/3
and save the Town..... \$221,472

Reduce School admin salaries of \$1,353,503 by
Half and save the Town..... \$676,751

Make the Early Learning Center building rental
Of \$120,000 and non-salary expenses of \$40,441
fee based with the cost per student (assuming 285)
assessed as \$563 per annum or \$63 per month
saving the Town..... \$160,441

Eliminate the Taft Principal Memberships (\$867),
The Whittin Principal Memberships/dues (\$3,000), and
The High School Principal Memberships & Publications
(\$8,175) and save the Town..... \$ 12,042

Eliminate the Taft Principal Technology Support and
Equipment (\$6,139), the Whittin Principal Technology
Supplies and equipment (\$6,000), the High School
Principal evidently has enough as there's no amount
In the budget line; savings to the Town..... \$ 12,139

Reduce by half the Taft postage (\$2,200) Whitin
Postage (\$3,500), and High School postage (\$4,000)
And save the town..... \$ 4,850

Reduce by half the Taft telephone (\$5,000), Whitin
Telephone (\$5,000) and High School telephone
(\$5,000) and save the Town..... \$ 7,500

Total savings \$2,443,595

These savings resolve the \$1.2 million FY09 deficit and allow for a \$1.2 million override. NO cuts are needed to the teaching staffs nor are ANY educational programs eliminated.

Tracy Leavitt

From: Kim Hood [asst2.manager@uxbridge-ma.gov]
Sent: Wednesday, April 30, 2008 1:22 PM
To: clerk.bos@uxbridge-ma.gov
Subject: FW: Concern RE Petition

Kimberly Hood
Assistant to the Town Manager

Uxbridge Town Hall
21 South Main Street
Uxbridge, MA 01569
508-278-8600 (Phone)
508-278-8605 (Fax)

Kindly remember that the Secretary of State has deemed email a public record.

From: Patrick Costello [mailto:pcostello@merricklc.com]
Sent: Wednesday, April 16, 2008 3:56 PM
To: Kim Hood
Subject: RE: Concern RE Petition

Kim:

I don't believe the initiative petition process referenced in the material provided by Ms. Boatman is applicable to Town Meeting Zoning Bylaw amendments, generally, or Article 27 of our ATM Warrant, in particular. Petitions for inclusion of warrant articles for zoning bylaw amendments are governed by the provisions of G.L. c.39, §10 and our Bylaws. The selectmen must incorporate properly petitioned articles into the Warrant under §10.

Pat

Patrick J. Costello
Louison, Costello, Condon & Pfaff, LLP
67 Batterymarch Street
Boston, MA 02110
617-439-0305
(fax) 617-439-0325

From: Kim Hood [mailto:asst2.manager@uxbridge-ma.gov]
Sent: Wednesday, April 16, 2008 3:38 PM
To: Patrick Costello
Subject: FW: Concern RE Petition

Pat,

I forwarded the attached to Gerry Lemire (sponsor of the Power Plant Petition) and Joe Kaplan, Town Clerk, yesterday at Jill's request. You can see my note below, and then Gerry's response. Apparently when Cecilia

4/30/2008

Boatman brought this to the attention of the BOS Monday night, she indicated she would be filing a complaint at the state level. Jill asked that I also forward to you, to keep you apprised. Thanks!

Kimberly Hood
Assistant to the Town Manager

Uxbridge Town Hall
21 South Main Street
Uxbridge, MA 01569
508-278-8600 (Phone)
508-278-8605 (Fax)

Kindly remember that the Secretary of State has deemed email a public record.

From: Gerald Lemire [mailto:glemirelaw@charterinternet.com]
Sent: Wednesday, April 16, 2008 3:21 PM
To: Kim Hood
Subject: Re: Concern RE Petition

Kim/Jill

This is the proverbial red herring. This applies to the petition process in large cities like Boston. Further the construction of a power plant would not fall under the exclusions even if it did apply.

----- Original Message -----

From: Kim Hood
To: 'Joseph H. Kaplan' ; glemirelaw@charterinternet.com
Sent: Tuesday, April 15, 2008 3:38 PM
Subject: Concern RE Petition

Joe and Gerry:

Jill asked that I forward the attached, which was presented to the Board of Selectmen last night by Cecilia Boatman (she made specific reference to the Power Plant petition). The part that she highlighted on the hard copy (the highlighting doesn't show up on the scanned attachment) was the first sentence under "Excluded Subjects" as well as the portion of the second and third lines of the second paragraph under "Excluded Subjects" stating "and therefore not eligible for an initiative petition." Please let me know your thoughts.

Thanks.
Kim

Kimberly Hood
Assistant to the Town Manager

Uxbridge Town Hall
21 South Main Street
Uxbridge, MA 01569
508-278-8600 (Phone)
508-278-8605 (Fax)

Kindly remember that the Secretary of State has deemed email a public record.

