



**UXBRIDGE BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
April 28, 2008**

Present: Chairman Kevin Kuros, Vice Chairman Michael Potaski, Clerk Julie Woods, and Town Manager Jill Myers. Also present were: Finance Director David Genereux and Town Counsel Patrick Costello.

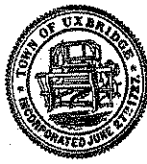
NOTE: Some matters may have been taken out of agenda order but were typed up in agenda order for ease of locating information when necessary.

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

- A. **Announcements:** Ms. Woods noted the student art show scheduled for 5/16 in association with the Artist Pallet and Alternatives Gallery. Ms Woods also addressed the "announcement" item on the agenda congratulating Karen Albright as the "Unsung Heroine." The Massachusetts Commission on the Status of Women (MCSW) honors Unsung Heroines - one woman from every Town is nominated. Last year, Ms. Woods received that honorable recognition. By consensus, the BOS authorized the Town Manager to send a letter to Ms. Albright on behalf of the BOS.
- B. **Citizens Forum:** Nancy Lyle of Buttermilk Way announced the Pout Pond Clean-up day scheduled for 5/3 at 9am. Trash bags and gloves will be provided by DPW, but residents are asked to bring their own rakes. She also noted that an area has been re-seeded for grass and asked visitors to keep off that area. Joseph Friske - 85 Iron Stone Road noted that he was a new resident and discovered his home is in an Industrial Zone. He mentioned that trees have been cleared, and concerned about truck traffic into "Pellets Direct". He inquired what recourse he has. Chairman Kuros suggested that he follow-up with the Town Manager and Building Inspector. Contact information was exchanged with staff.

II. PUBLIC HEARINGS/SCHEDULED APPOINTMENTS:

- A. **7:15 PM Public Hearing: To consider One-Day Alcohol License Application; Leslie Reichert on behalf of Peace of Bread Community Kitchen - May 8, 2008 @ 432 North Main Street (Back Door retail location).** Chairman Kuros opened the public hearing at 7:25pm and read the public notice. Applicant was present. No concerns by staff. Parking will be off street and in the parking lot. No other public input received and the hearing was closed. **MOTION by Ms. Woods to grant a One-Day Alcohol License to Leslie Reichert on behalf of Peace of Bread Community Kitchen - for the event on May 8, 2008 from 5pm to 8pm, @ 432 North Main Street. Seconded by Mr. Potaski. Motion passed unanimously.**
- B. **7:15 PM Public Hearing: To consider One-Day Entertainment License Application; Leslie Reichert on behalf of Peace of Bread Community Kitchen - May 8, 2008 @ 432 North Main Street (Back Door retail location).** Chairman Kuros opened the public hearing at 7:30pm and read the public notice. Applicant was present. Town Counsel commented on the need for the entertainment license as there will be entertainment and an admission charge. Ms. Myers noted that a certificate of liability insurance needs to be provided for the event and that since the other hearing has concluded, it should be a contingency for this license. No other public input received and the hearing was closed. **MOTION by Ms. Woods to grant a One-Day Entertainment License to Leslie Reichert on behalf of Peace of Bread Community**



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Kitchen for the event on May 8, 2008 from 5pm to 8pm @ 432 North Main Street, contingent upon the provision of the insurance liability certificate. Seconded by Mr. Potaski. Motion passed unanimously.

- C. 7:15 PM Public Hearing: To consider a Transfer of Liquor License Application for: John Abimerhi, Quit N' Time, LLC, 300 North Main Street, Uxbridge, MA 01569 (Off-premise consumption). Chairman Kuros opened the public hearing at 7:35pm and read the public notice. Mr. Abimerhi noted that the previous owner was retiring. Hours of operation will remain the same M-Sat. 10am to 11pm; Sundays from 12noon to 7pm. No other public input received. No concerns by staff. The hearing was closed. **MOTION by Ms. Woods to grant the Transfer of Liquor License Application for: John Abimerhi, Quit N' Time, LLC, 300 North Main Street, Uxbridge, MA 01569 noting the same hours of operation as the established business. Seconded by Mr. Potaski. Motion passed unanimously.**

III. TOWN MANAGER REPORT: Ms. Myers highlighted her report as provided in the meeting packet. The BOS wished Tracy Leavitt well and inquired about filling the position or who would take minutes. Ms. Myers noted it will not be filled due to FY09 budget reductions, and will coordinate meeting coverage for minutes between herself and the Asst. to the Town Manager for now. Ms. Woods elaborated on the Regional Economic Development Initiatives meeting scheduled for 4/30, commented on the National Grid meeting, and inquired of Counsel regarding any legal issues relating to the monument and its construction/placement on public property- if there was a need for a legal agreement.

IV. OLD BUSINESS:

- A. Update on Town Health Insurance; IAC recommendation relative to MCL Chapter 32B, Section 19; Other updates [Correspondence received at the meeting is attached to the minutes].
1. The Insurance Advisory Committee (IAC) Chairman, Bill Kessler noted that the IAC met on the matter earlier that day to vote, and offered an unfavorable recommendation to the BOS for acceptance of Section 19, by a vote of 5:0:1. He noted that Section 19 (Coalition Bargaining) did not provide an equal voice to represented employees. Fire Chief Ostrosky noted that non-contractual employees (appx 45 Municipal and School) would not have any representation via Section 19. The BOS appreciated the IAC's consideration of the issue and recommendation. Having received the recommendation that night, no action was taken. The BOS was amenable to scheduling this item to a future meeting if warranted.
 2. The BOS also received correspondence presented by Fire Chief Ostrosky signed by him, School Business Manager Sawyer, and DPW Superintendent Bombara on behalf of the non-contractual employees. He reported that the group met that day and agreed by 39 of the 45 employees to recommend that the BOS vote to reduce the Town's contribution for health insurance premium from 80% to 75% for non-contractual employees; increase from 20% to 25% as of July 1, 2008 (FY09), with new non-contractual employees contributing 30% (Town 70%). Town Counsel was asked to weigh in. Attorney Costello noted that it is "half the load" as the BOS should receive this information within the parameters of on-going negotiations with union employees. The employees were complimented on their initiative and the BOS will continue this discussion.



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- B. Review of 5/13/08 Spring Annual Town Meeting Warrant (including FY09 Town Manager's recommended budget under Article 5) and Draft Motions; Vote BOS recommendations.

The following table depicts discussion and votes taken:

#	SATM 5/13/08 ARTICLE TITLE	BOS RECS AS VOTED AT THE BOS MTG OF 4/28/08
1	Reports	N/A
2	FY08 Inter/Intra Departmental Transfers- Ambulance	Vote on 4/14 -Fav 3:0
3	FY08 Inter/Intra Departmental Transfers [Motion updated in 4/24 draft ATM Warrant]	4/14-Fav 3:0; 4/28-Fav 3:0 (Motion by JW; Seconded by MP) FY08 Inter/Intra Departmental Transfers [Motion updated in 4/24 draft ATM Warrant]: Revote as an item was added to the motion for transfers (from Library Salaries to Health Insurance). School Business Manager Sawyer commented on the transfers from Stabilization to the School Dept special revenue funds.
	Items 1-9	
	Items 10-12	
4	Collective Bargaining	<i>Pending</i>
5	Town Budget (FY09)	<i>Pending</i> : Updated from the Town Manager's recommendations from 2/29/08 in that no stabilization will be used to balance the operating budget, and further reductions were made. Finance Director Genereux and School Business Manager Sawyer presented their memo of 4/17/08. Work is continuing on a three year plan and revenue sharing agreement between the School Administration and Town Administration. Discussion ensued and objections to not funding the School Town Building Maintenance account (previous override) were expressed. The Library was funded in the 4/24/08 draft per State certification minimum levels. Ms. Woods inquired about a capital debt exclusion of one year, and noted that if the "under-ride" passes it will provide for additional reductions and closures. Staff was complimented for working to address the situation.
6	Revolving Fund Accounts	Fav 3:0 (Motion by JW; Seconded by MP)
7	Sewer Department Budget (Enterprise Fund) Town Manager's Recommendation	Fav 3:0 (Motion by JW; Seconded by MP)
8	Water Department Budget (Enterprise Fund) Town Manager's Recommendation	Fav 3:0 (Motion by JW; Seconded by MP)
9	Ambulance Division Budget (Enterprise Fund) Town Manager's Recommendation	Fav 3:0 (Motion by JW; Seconded by MP)
10	Cable Access Budget- Town Manager's Recommendation	Fav 3:0 (Motion by JW; Seconded by MP); Discussion of Town Manager's recommendation and quality of the broadcasts.



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11	Joint Recycling Program	N/A
12	Appropriation to Fund Good Shepherd School Building Rent	Fav 2:1 (MP) - (Motion by JW; Seconded by KK): Mr. Sawyer confirmed it was a "mandated" program for special needs pre-K children, and tuition based for others.
13	Taft Playground Resurfacing	Fav 2:1 (MP) - (Motion by JW; Seconded by KK)
14	Feasibility Study; New HS	Fav 3:0 (Motion by MP; Seconded by JW)
15	Purchase of COA Van	Fav 3:0 (Motion by JW; Seconded by MP): Ms. Myers noted that the COA will provide the motion and it is anticipated as a transfer from Stabilization.
16	Local Option; MGL Section 110; Veterans	Fav 3:0 (Motion by JW; Seconded by MP)
17	Purchase of Wellhead Protection Land; Crossen	Fav 3:0 (Motion by JW; Seconded by MP): Mr. Potaski noted that the questions by residents have been answered. Ms. Woods noted that this is only an authorization for the BOS and due diligence will continue similar to the Lavallee land acquisition.
18	Well Cleaning; FY08	Fav 3:0 (Motion by JW; Seconded by MP)
19	Water Tank Project; Addtl \$	N/A
20	General Bylaw Amendment; Stormwater Mgt	Fav 2:0:1(JW)-(Motion by MP; Seconded by JW): Ms. Woods noted she is not comfortable weighing in as no BOS presentation has been made. Mr. Kuros noted staff's discussion, and that he has not made a line-by-line review yet, but trusts the professionals.
21	General Bylaw Amendment; Del Sewer Extension Acct	N/A
22	General Bylaw Amendment; Del Water Dept Revolv Fund	N/A
23	General Bylaw Amendment; Sewer Rules&Regs; [Motion updated in 4/24 draft ATM Warrant]	Fav 3:0 (Motion by JW as in the updated warrant; Seconded by MP): Comments that it does not affect betterments.
24	Zoning Bylaw Renumbering/Revision [Motion updated in 4/24 draft ATM Warrant]	Fav 2:0:1(JW)-Motion by MP as in the updated warrant noting map reference; Seconded by JW): Ms. Woods noted that she is abstaining without prejudice.
25	Charter Amendment; Referral of Warrant Articles	Pending
26	Borrowing Recissions	Fav 3:0 (Motion by JW; Seconded by MP)
27	PETITION - Amendment to Zoning Bylaws/Elect Gen	Fav 2:1(JW) - Motion by MP; Seconded by KK) Discussion about the EFSB overruling a local bylaw. Attorney Costello noted the EFSB criteria, and noted website for decisions
28	PETITION - Amendment to Zoning Bylaws;Stanley Woolen	Fav 3:0 (Motion by JW; Seconded by MP)



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29	PETITION - Amendment to Zoning Bylaws/Map; Historic Mill	<i>Pending</i>
30	PETITION - Amendment to Zoning Bylaws/Map: Rezone	<i>Pending: Mr. Kuros noted objections to zoning by petition. More details needed.</i>
31	PETITION - Amendment to General Bylaws/ Vehicle Mgt	Unfav 2:1 (MP) - Motion for Unfav by JW; Seconded by KK. Mr. Potaski noted that he had brought the IG's guidelines to the BOS previously, but was ignored. Ms. Woods suggested that this be a BOS policy with concurrence by Mr. Kuros—supportive of the adoption but not supportive of this process via a bylaw.
32	PETITION - Underride	Unfav 2:1 (MP) - Motion for Unfav by JW; Seconded by KK. The previous motion to approve by MP was not seconded. The listing of reductions provide to the BOS previously is the proposed itemization. Mr. Kuros noted that this would undue the positive work officials and staff have been working on since last summer. All agreed that if Town Meeting approved this article that the BOS would set an election for the Town to vote the ballot question.

The consensus was for a Special BOS Meeting to be scheduled for 6:30pm on 5/13/08 to vote positions, if needed; noting that the next BOS regular meeting is scheduled for 5/12/08.

- C. Discussion of Special Election per MGL Chapter 41 Section 10; vacant BOS seat (Continued from 4/14/08): Possible dates 7/15/08-8/12/08- The BOS reviewed the staff report. The consensus date was July 29, 2008 confirming availability of the HS Gym and vacation schedules. ***Item to be brought back for a formal vote on 5/12/08.***
- D. Waucantuck Mill Project; Review project update from applicant and tax agreement (Continued from 4/14/08): The Town's file was provided for the BOS review per the request of Ms. Woods. Town Counsel reviewed the tax agreement and update provided to the BOS office on April 16, 2008. He noted that there is a 7/31/07 completion date, but quarterly reports had not been provided. He suggested that it appears the BOS request a copy of the DEP approved plan, and a report from the applicant's consultant on the compliance status, in preparation for the demolition. **MOTION by Mr. Potaski to direct the Town Manager to contact Uxbridge Associates LLC for a detailed update on MHD approval, timeline for completion of the demolition, copy of the DEP plan and compliance status, and authorize the Town Manager to whatever necessary to move the demolition process further. Seconded by Ms. Woods. Motion passed unanimously.** Chairman Kuros suggested inviting the applicant back for a verbal update on a future agenda.
- E. Awarding of Contract for the Management and Harvesting of Corn Fields at Sutton Street: Ms Myers noted that there was one respondent to the RFP – Steve Puccetti of Wright's Dairy Farm. Staff reviewed the response and he meets the established criteria. The area farmed will be as-is of today; no further brush clearing will occur by the lessee. The duration of the lease is May 15, 2008 though December 31, 2009, with the option for a one year renewal. Rent for the 2008 season will be \$3,000; 2009 season will be \$3,500. This is the second solicitation for



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farming for the 2008 season with the first one having no respondents. The payment for the last lease was \$2,000. Mr. Puccetti was present in the audience. **MOTION by Ms. Woods to accept the recommendation of staff to award the contract/lease to Steve Puccetti of Wright's Dairy Farm. Seconded by Mr. Potaski. Motion passed unanimously.** Mr. Potaski inquired about the farming of the Town's Quaker Highway parcels acquired last May. No action.

IV. NEW BUSINESS:

- A. Signing of Warrant for Annual Town Election of May 20, 2008: The warrant was read by Ms. Woods, Clerk. **MOTION by Ms. Woods to sign the warrant. Seconded by Mr. Potaski. Motion passed unanimously.**
- B. Consider Letter of Support for *American Dream Down Payment Initiative* administered by SMOC (Assistance to income eligible first time home buyers): Ms. Myers discussed the program and cover letter from Director of Planning and Development DiPrete. It is a federally sponsored government program for income eligible first time buyers for down payment assistance and rehabilitation projects. **MOTION by Ms. Woods to approve participation and authorize the Chairman to send the letter (included in the packet). Seconded by Mr. Potaski, Motion passed unanimously.**
- C. Discuss Town Manager Review Process (Chairman Kuros): Mr. Kuros noted the delay is the process due to quorum issues of a now three member Board. He proposed to defer completion until the fourth Board member is elected in May, then the Chairman and Vice Chairman may resume to collaborate in confidence and proceed to prepare the summary document. Ms. Myers noted no objection. No action.

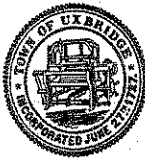
VI. CONSENT ITEMS

Acceptance of Meeting Minutes from 11/26/07, 3/24/08, 4/8/08 and 4/14/08 Regular Sessions: Due to the late hour and some of the minutes still pending, the BOS agreed to postpone the acceptance of the meeting minutes until 4/28/08.

VII. CORRESPONDENCE/OTHER BUSINESS: None

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

MOTION by Ms. Woods, seconded by Mr. 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- Collective Bargaining Update -with no further business to follow. By roll call vote, the motion passed unanimously.



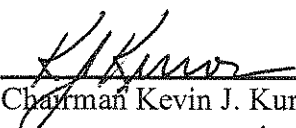
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IX. ADJOURNMENT: At 11:15 p.m.

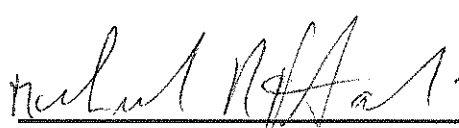
MOTION by Ms. Woods, seconded by Mr. Potaski to adjourn. By roll call vote, the motion passed unanimously.

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

Minutes approved by Board of Selectmen:



Chairman Kevin J. Kuro



Vice Chairman Michael Potaski



Clerk Julie A. Woods

Attachments

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MAY 15 3 29 PM '08

