

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

Present: Chairman Kevin Kuros, Vice Chairman Michael Potaski, Clerk Peter Baghdasarian¹, Town Manager Jill Myers and Assistant to the Town Manager Kimberly Hood. Also present were Finance Director David Genereux and Director of Planning and Economic Development, Megan DiPrete.

NOTE: Some matters may have been taken out of agenda order but are presented below based on agenda order for ease of locating information.

I. CALL TO ORDER AT 7:00 P.M.

A. Announcements: Selectman Potaski reminded the community that the Governor would be holding a Town Hall Meeting at 6pm on 7/23/08 in Webster. The event is free and open to the public.

B. Citizens Forum: Mr. Howard Fortner, 44 N. Main Street, addressed the Board, outlining reasons he did not wish to see the Town Manager's contract renewed. Chairman Kuros offered the Town Manager an opportunity to respond to Mr. Fortner's comments later in the meeting when she reviewed the Town Manager's Report.

Selectman Baghdasarian expressed concern and frustration that the meeting agenda did not include a vote on the Town Manager's contract, and the potential for inaction by the Board to cause the contract to automatically renew. Chm. Kuros indicated that in light of the special election scheduled for 7/29/08 to fill two vacant seats on the Board, the vote should occur after the election when a full five-member Board would have the opportunity to make the decision.

Mr. Robert St. Mary, 17 Moorland Drive sought the Board's assistance, asking for an extension on the 20-day appeal period for a Planning Board Decision that will expire tomorrow (7/15). Mr. St. Mary, representing neighbors in the Rogerson Crossing development, cited concerns that serious safety issues were not adequately addressed by the Planning Board during its review of a proposed condo development. Selectman Baghdasarian explained that the Board of Selectmen does not oversee the Planning Board, and that the Selectmen do not have the authority under state law and under the charter to overturn/extend the appeal period. The Town Manager noted that she had met with Sands Marshall, a resident in the neighborhood, on Friday, at which time she indicated that the Selectmen did not have statutory authority to address the concerns; the only way to do so would be by filing an appeal.

II. CONSENT ITEMS

A. Acceptance of Meeting Minutes from 6/23/08:

MOTION by Selectman Potaski to approve the June 23, 2008 meeting minutes as written; seconded by Chm. Kuros. Motion passed 2-0 (Selectman Baghdasarian absent).

¹ Selectman Baghdasarian was present at the beginning of the meeting; however, he left the meeting at 7:35 and did not return prior to adjournment.

III. PUBLIC HEARINGS/ SCHEDULED APPOINTMENTS

- A. Appointment of Poll Workers: Beverly Clarke, Joseph Frisk, Alice Picard and Ann Pouliot: MOTION by Selectman Potaski to appoint Beverly Clarke, Joseph Frisk, Alice Picard and Ann Pouliot as poll workers through August 25, 2008; seconded by Chm. Kuros. Motion passed 2-0 (Selectman Baghdasarian absent).

IV. TOWN MANAGER REPORT (Attached to these minutes)

The Town Manager reported that Irving Priest, who was appointed DPW Superintendent on July 1, 2008, submitted his resignation today.

Selectman Potaski questioned the purpose and need for an ADA compliance study. Finance Director Genereux explained that the purpose of any study would not be to identify where the Town is non-compliant, but instead to examine how to implement needed changes.

Selectman Potaski questioned the rationale for withholding needed maintenance on a building (North Uxbridge Fire Station). He stated his belief that the School Town Building Maintenance (STBM) Committee made bad decisions in choosing projects to fund.

Action Item: STBM Committee to provide update/ address the Board.

V. OLD BUSINESS

- A. Zoning Bylaw Amendments- Discussion of approval of SATM 5/13/08 Article 24: "Renumbering/Revision Of Town Zoning Bylaws – Codification" (Selectmen Baghdasarian and Potaski) – Continued from 6/23/08

Chm. Kuros offered Director of Planning and Economic Development, Megan DiPrete, the opportunity to address concerns/discussion that has occurred over the past few Board of Selectmen meetings relative to the Zoning Bylaw Amendments approved at the Spring Town Meeting. Ms. DiPrete indicated that the process started in earnest last July, and that it was a very open process with numerous opportunities provided for public input. Discussion ensued. Chm. Kuros noted that Selectman Baghdasarian had raised concerns but had departed the meeting. He asked Vice Chair Potaski if he had any other concerns or questions; Mr. Potaski indicated that the memo from the ZBA Chair (attached to these minutes) had also further clarified the process. Chm. Kuros welcomed anyone with objections to bring those concerns forward to the Board of Selectmen or through petitions for Town Meeting consideration.

- B. Discussions with COA on reduced services in FY09 (Selectman Potaski) – Continued from 6/23/08

Selectman Potaski indicated that questions had been raised about what is going on with COA; had discussions three weeks ago. The Town Manager reviewed the memo provided to the Board in the meeting packet; the budget approved at Town Meeting on 5/13 was the result of a process that began in November 2007 when Dept Heads asked to meet a bottom line number in their budgets. The budget submitted by the COA Director reduced the hours of the van driver and an Administrative Assistant, reducing Friday services, and this was noted in the February 2008 Town Manager's Budget Message. When the

COA Director indicated she wished to fund Friday service through the donations account, the Town Manager's position was that the total cost of Friday service—salary and operating costs— would have to be covered. Based on *actual* cost of Friday service (which is reduced, not 1/5), the cost to augment is \$3,636.00. Discussion ensued. Chairman Kuros recognized Mr. Howard Fortner, member of the Finance Committee, who stated that it was very clear during budget process and public hearings that Friday services at the Senior Center would be reduced, and suggested a reserve fund transfer. **No action taken.**

C. Blackstone Valley Angel of Hope: BOS review and vote on Licensing Agreement drafted by Town Counsel

MOTION by Selectman Potaski to accept the license agreement with Blackstone Valley Angel of Hope for a period of 50 years subject to roadway protection agreement to be worked out between Town Counsel and the Pomeroy's attorney, and authorize the Town Manager to execute the agreement; seconded by Chm. Kuros. Motion passed 2-0 (Selectman Baghdasarian absent).

VI. NEW BUSINESS

A. Request for re-issuance of Class II license to Nick Dee Auto Sales Inc, formerly operating as Nick Dee Chevrolet, Inc. (business name change):

MOTION by Selectman Potaski to re-issue the Class II license under the business name Nick Dee Auto Sales; seconded by Chm. Kuros. Motion passed 2-0 (Selectman Baghdasarian absent).

B. Request for Board review and comment on the draft Open Space Plan (Director of Planning & Economic Development):

Ms. DiPrete asked the Board to review and provide comment on an updated Open Space Plan. The plan, prepared in 2004, was never formally submitted to the State for approval. While much of the action plan remained valid, a \$2500 grant provided the Town with an opportunity to hire a consultant to update the data in the report and review the previously identified goals and action plan. Ms. DiPrete also noted that a summer intern has been evaluating the ownership status of all of the publicly owned open space, and other Town-owned properties. This will provide a basis for our asset management system. The report is available online, at Town Clerk's office, and copies will be made available at Library and Senior Center.

Chm. Kuros asked whether the plan provides incentive for developers to build on smaller lots and donate land for open space (conservation developments), and noted he would like to see a statement somewhere encouraging it.

Continued to 8/11 meeting to allow Board time to review and provide comment.

C. Schedule for July and August Board of Selectmen Meetings:

Chm. Kuros proposed that the Board cancel its regular meeting on 7/28/08 and schedule a special meeting of the BOS on 8/4, meet as regularly scheduled on 8/11, and hold a second special meeting on 8/18 if needed. He offered the following rationale for doing so: the special election is scheduled for 7/29, and following the swearing in on 7/30, new members will have an opportunity to receive materials that they may want to review prior to weighing in on a vote on the Manager's contract.

Chm. Kuros stated that prior to 8/4, he could compile a final draft of the summary report of the Town Manager's review. Notification to the Town Manager must occur by 8/20.

MOTION by Selectman Potaski to cancel the meeting 7/28 and schedule the swearing in of new members for 7/30, then hold special meetings on 8/4, and 8/18, and meet in regular session on 8/11 and 8/25. Friendly amendment proposed by Chm. Kuros that the first item of business on the 4th be the reorganization of the Board. Friendly amendment accepted; motion approved 2-0. (Selectman Baghdasarian absent).

D. Discussion of process and timetable for Town Manager Contract Review:

No action taken; timeline and process discussed and voted on in item C. above.

VII. CORRESPONDENCE/ OTHER BUSINESS

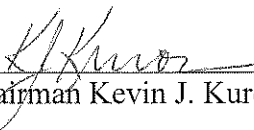
VIII. EXECUTIVE SESSION (MGL c.39, §23B)

IX. ADJOURNMENT: Next Regular BOS Meeting 07/28/08

MOTION by Selectman Potaski to adjourn at 9:50 PM; seconded by Chm. Kuros. Motion passed 2-0 (Selectman Baghdasarian absent).

*Minutes respectfully submitted by,
Kimberly Hood, Assistant to the Town Manager*

Minutes Approved by the Board of Selectmen:




Chairman Kevin J. Kuros

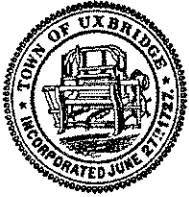


Vice Chairman Michael Potaski

Clerk Peter Baghdasarian



Date Approved



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BOARD OF SELECTMEN
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Jill R. Myers
Town Manager

TO: Honorable Board of Selectmen
FROM: Jill R. Myers, Town Manager
DATE: July 9, 2008
SUBJECT: Town Manager's Report for the BOS Meeting of July 14, 2008

Attached, please find the Department Head Monthly reports for the month of June.

Douglas Street P&S:

A letter to Mr. Louis Tusino went out in follow-up to the June 23, 2008 BOS meeting. Signed by Chm. Kuros on behalf of the Board, the letter acknowledged receipt of Mr. Tusino's request to exercise his right to extend the closing date for the sale of the Douglas Street property by 90 days, together with \$50,000 supplemental deposit, pursuant to the provisions of the June 4, 2007 Purchase and Sale Agreement. Chm. Kuros requested that Mr. Tusino provide the Board with an update on permitting progress to date, and a proposed timetable for further permitting activities. At this time, no permit applications have been filed.

Cocke N Kettle: We received calls that the restaurant has closed and patrons have not been able to contact the owners. At this time, we suggest that the public contact:

<http://www.sec.state.ma.us/secon.htm>

Secretary of the Commonwealth

Citizen Information Service
One Ashburton Place, Room 1611
Boston, MA 02108-1512

Tel: (617) 727-7030
Toll Free: 1-800-392-6090
TTY: (617) 878-3889
Fax: (617) 742-4528
E-mail: cis@sec.state.ma.us

FY09 State Budget Earmarks/Grants:

I previously solicited funding requests from staff to provide to our Legislators relating to FY09 State earmarks/grants. We received emails and calls from our Legislators for the following grants and State aid:

- that not less than \$50,000 shall be provided for youth services at the Uxbridge Youth Center
- that not less than \$50,000 shall be provided for a public safety grant for the town of Uxbridge;
- \$9,646,402 from Chapter 70; \$1,485,136 from lottery revenues; \$227,389 from lottery aid; \$1,712,525 is the total lottery.

The Public Safety Grant relates to the need to institute ALS ambulance service to replace the services discontinued by Milford Regional Hospital. This is the funding that we sought under Article 2 at the ATM as a \$60,000 transfer from Ambulance Retained Earnings. While not the full amount, I am very pleased that we were awarded \$50,000 to cover the cost of the cardiac defibrillator monitors. The budget is expected to be signed by the Governor early next week.

H4825 – Transportation Bond Bill

Staff submitted the Lt. Governor's Task Force meeting recap memo of 5/29/08 to our Legislators to seek grant or budget funding. Below are the items requested. As we understand it, the House declined to include the RR bridge abutment work, and then increased costs a bit to allow for inflation on the remaining items. The bill is currently before Ways & Means. If the funding is not part of the committee's version when it comes out, our Legislators are prepared to seek an amendment restoring the funding. If it is ultimately not included, it is likely the bill will head to a conference committee, at which point we'll seek it there too.

Streetscape. Maintaining the existing Main Street/Douglas/Mendon alignment, alter our overhead wires configurations (reduce visual clutter), add appropriate vegetation within the street ROW, modify curbing and sidewalk in some areas. The TCG plan indicates a Phase I Streetscape project may cost \$1.2 - \$1.6m to implement

Rail Road Bridge. By making changes to the abutment areas, increase light (visual impacts, sight lines) and sidewalk opportunities along this section of Mendon Street. Such work could (and should) be planned in a manner that would facilitate additional rail use, particularly as the potential for commuter rail services in this corridor is being explored. This is estimated at \$2.5 - \$3m and would certainly require extensive coordination with the P&W.

Pedestrian Bridge. Taking advantage of the grade separation that exists between the Main Street properties and the Bernat site, there is a possibility to create additional (non-vehicular) connections to facilitate downtown activity and development. In particular, the Senior Center parcel appears to provide a great opportunity to consider making this connection. Of course, it would be economically viable only in concert with appropriate redevelopment of the Bernat site, including public space and other pedestrian-oriented facilities (restaurants, retail, etc). This is consistent with current redevelopment efforts. The TCG plan estimates a cost of \$750,000 - \$1m to implement.

Signage. This may include wayfinding, informational kiosks, trail marking, etc. The TCG plan indicates a scope that might cost \$25,000 - \$60,000 to implement

New Road. Continuing the theme of Connections, the report identifies the opportunity to consider extending Depot Street out to South Main. This would likely require a grade separated crossing of the railroad which might be accomplished given the existing grade separations particularly south of the immediate downtown area. The TCG plan indicates \$500,000 to \$625,000 to pursue this.

Facade Improvements. Individual properties within the downtown could make improvements to their "facades" (generally considered to be the building and grounds visible from and making a connection to the street). The TCG report estimates \$50,000 - \$100,000.

Obviously each of these projects is only broadly identified. Detailed project scopes will provide a basis from which to develop solid cost estimates. Public grant funds are intended to be a primary funding source for key components of the work, but certainly private investment will be critical both to the project funding and to the long term success of downtown improvement efforts.

Accounting Procedures/Procurements:

The Town accountant distributed the annual Accounting Best Practices memo to all departments, and a copy was provided in the BOS reading file.

We are conducting a communications review of the Town Owned radios and cell phones that are currently issued to various employees/departments. We are looking to review and negotiate with other vendors that may potentially provide a significant cost savings for the Town. Any phone number that the Town is currently paying for that is unaccounted for during this review may potentially be deactivated at the end of the review period if we do not hear back from all departments

Below is a listing of procurements conducted in June and July by the Accountant's office or in conjunction with the MORE regional purchasing via the City of Worcester:

RFP; ADA Compliance Study	Due 6/27	(See attached memo)
RFP; Gasoline Vehicle Maint. Contract	Due 6/19	
Closed; Under Review		
RFP; Engineering Review Contract	Due 6/19	
Closed; Under Review		
RFP; Volume Gasoline Contract	Opens June 10	MORE In Process
RFP; Hazardous Materials Disposal	Opens June 16	MORE In Process
RFP; Performance Based Energy Management	Opens July 7	In Process.
On Going Reviews By Honeywell Inc. And Trane Inc. Of Town Infrastructure		
RFP; Fire Alarm And Equipment Inspectional Services	Opens July 7	Reviewing
Additional Information. New Open Date Tentatively 7/21		
RFP; Oil Burner Repair And Service	Opens July 7	In Process
RFP; Hvac Repairs And Maintenance	Opens July 7	Reviewing
Additional Information. New Open Date Tentatively 7/21		
Ifb; 30% Post Consumer Recycled Copy Paper	Opens July 1	More In Process.
Close Date 8/31/2008		
Contracts Under Review:		
Water And Wastewater Chemicals	MORE	Reviewing Additional Information
Snow & Ice Roadway Treatments	MORE	In Process
Copier And Imaging Equipment	State	In Process. Ricoh
Imaging Conducting Comprehensive Review Of Town Assets Under State Contract		
Solid Waste Disposal		
Reviewing Additional Information		
Fuel Oil #2	State	In Process
Postage And Shipping	State	Complete. Overnight, 2nd Day, And Ground Shipping Through State Ups Contract. Approx 58% Discount Over Market Shipping Rates. Consolidating Billing Process For Pitney Bowes Postage And Ups To Bill Each Department Centrally Through The Accounting Office.
Diesel Vehicle Maint. Contract	Complete.	
Performance Based Recycling	Generating Paper	
Recycling Through Abitibi Through Receptacles Placed At All Schools And Town Hall Complex		
Wireless Phone Services	Complete. Coverage	
Testing Of At&T Wireless Services In Town To Commence Approx 8/1/2008		
Local Phone Services	In Process. Chamber's	
Advisory Group Completing Review Of Town Usage		

Miscellaneous:

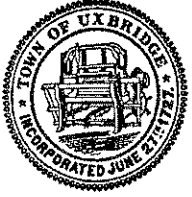
- Gravel permits: There are two permits expiring on July 31, 2008 – Schnorr (#35 and 36). We are awaiting the applicant's materials for the renewal and plan to schedule for the BOS meeting of 7/28.
- Ease Canal adjacent to Crown and Eagle Way: Town Counsel sent correspondence to the law firm representing Stratmore Shire Trust in follow-up to the BOS meeting of 6/9. Town Counsel had a lengthy discussion on 6/26 with Counsel for Strathmore Shire Condo, about the sidewalk issues. While there was no commitment of involvement in investigation/remediation of the problem at this time, they are interested in further pursuing our concept of a joint review of the problem with Crown /Eagle and discussion of a final resolution. The Attorney indicated that he would inform his board of the substance of our discussion and get back to Town Counsel me upon his return from vacation.
- Recruitments:

I am very pleased to report the appointment of Irving Priest as the DPW Superintendent, effective July 1, 2008. He will use the DPW Supt email address, and has distributed contact information.

I also appointed Glenn Hand as the PT Inspector of Buildings. His first day was 7/7; and introductory memo was provided. We are working on his schedule. Generally speaking, he will be in the office Wednesdays from 3-6 pm for appointments (which must be pre-arranged). He will be available for daily inspections, as needed, which will be scheduled through the office and/or directly with Glenn. Because this is a new schedule, it is possible that customer needs may result in some changes. Once we develop a "system" over these next few weeks, we will re-evaluate the in-office and inspection services and make appropriate adjustments.

The Town contracted with Natural Resource Services, Inc. is a firm that provides a full range of wetland-related services, and is now providing Conservation Administrator staffing services to the Town of Uxbridge. Tonya Brainsky is a wetland scientist who works full time for NRSI. Effective immediately, she has regular office hours in the Conservation Commission office on Monday (all day), and on Wednesday and Thursday mornings. She will also be available off-hours to respond to environmental emergencies. Ms. Brainsky has her years of experience in the profession to draw from, of course, and has the added benefit of the knowledge and expertise of the entire NRSI team. Much of the part time position works toward timely and efficient completion of the administrative work (including processing applications, performing routine site work, advising the Commission during meetings, and preparing necessary permits, etc). Tonya will be responsible for field checking wetland delineations, responding to WPA concerns and providing guidance and information to the general public. As has been the ConComm practice, larger projects will continue to receive "peer review" by an outside consulting firm.

- Policies: We are continuing our review/drafting of policies for the BOS to consider – including vehicle use, facilities use, financial policies, and working on a comprehensive personnel policy. We plan to initiate review with the BOS soon after the special BOS election.
- FY07 Audit near completion; FY08 audit initiated: We will schedule the Auditors to make the presentation of the audit. With the FY06 audit completed in FY08, we have implemented many of the auditor's recommendations and will present a status to the BOS.



TOWN OF UXBRIDGE
OFFICE OF THE FINANCE DIRECTOR
TOWN TREASURER/COLLECTOR
21 South Main Street
Uxbridge, MA 01569-1851
Phone 508-278-8606/8607 Fax 508-278-3751
findir@uxbridge-ma.gov

David A. Genereux
Finance Director

DATE: July 2, 2008
TO: Jill Myers, Town Manager
FROM: David Genereux, Finance Director
RE: Results – ADA Compliance RFP (Town Buildings)

The Town recently advertised a Request for Proposals (RFP) for architectural design services of town buildings for compliance with the Americans with Disability Act (ADA). As you know, we issued the proposal with the purposes of hiring an architect to identify compliance issues within the Senior Center, Central Fire Station, Library and Town Hall, and to outline the costs associated with correcting those issues.

The RFP required:

1. Assessment of the four buildings as currently configured and of the sites in the context of ADA deficiencies, including signage, lighting, and overall accessibility.
2. Identification of potential near-term/low-cost strategies for addressing immediate ADA remediation issues and service and program issues pending procurement of funding for longer term solutions.
3. Presentation of analysis, options, and recommendations in the form of both a written report (with drawings) and presentations for staff and the Uxbridge Board of Selectmen.

The deadline for submittal of the RFP was June 27, 2008 at 2:00 pm. Twenty-five firms requested and received copies of the RFP; a total of six firms submitted proposals. Staff completed the evaluation process on Monday, June 30th, and is prepared to offer a recommendation. However, there are some significant cost factors that must be considered before awarding a contract.

The bulk of the cost of the study can be financed from the ADA Compliance account. Unfortunately, the cost of the study as quoted by the recommended firm is \$33,300, with alternative design costs to be an additional \$4,000, and any subcontractor expenses to be at cost plus 10%. The ADA Compliance Account's balance is \$33,700.00. We would have to seek/transfer additional funding in order to complete the study, which is estimated to cost approximately \$50,000.00.

We conducted a walking tour of the four sites with potential proposers on May 15th. They identified the following potential ADA issues by building:

Uxbridge Town Hall: Handicap Access Ramp grade too steep; signage, lighting; no access to the second floor (elevator); door width throughout, counter heights, bathrooms, access to Selectmen's hearing room and Town Manager's office; hallway widths.

Uxbridge Center Fire Station: Entryway width & lip; signage; lighting

Uxbridge Senior Center: Entryway access, bathrooms, other door widths, signage, lighting

Thayer Library: No entry ramp; no access to main circulation area, counter heights, no access between floors (elevator), door widths & lips, width of aisles in stacks, hallway widths, signage, lighting

Based on informal discussions with potential proposers during the walking tour, it is apparent that a significant amount of capital outlay will be required in order to get these sites compliant with ADA requirements, with final costs potentially exceeding two million dollars. The same buildings have other issues that need to be addressed, including pointing, roof and skylight issues, and in the case of Town Hall, potential structural defects.

ADA Compliance is a requirement that all cities and towns will have to eventually address. Many communities have done so through funding a capital planning process. Others were required to do so due to court intervention from access complaints. At present, the Town does not have ADA compliance included in its capital plan.

While this report would be an effective planning tool, I don't believe that the study should be commissioned unless we are planning the possibility of a debt or capital exclusion to fund the project. The Town has funded similar studies in the past, and not used them. After a period of time they become obsolete and require updates or entirely new proposals. It would not be responsible to spend \$50,000 on a study unless we are prepared to implement its recommendations.

We are already planning to have a discussion of the Capital Committee's recommendations as issued in its January report. I recommend that we include ADA compliance, and the condition of town buildings in that discussion.

Please contact me with any questions.