

RECEIVED
TOWN CLERK
SEP 23 9 53 AM '08

**UXBRIDGE BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
AUGUST 25, 2008**

Present: Chairman Kevin Kuros, Vice Chairman Michael Potaski, Clerk Cari Kay Robertson, Selectman Peter Baghdasarian, Selectman Bruce Desilets, and Town Manager Jill Myers. Also present were Finance Director David Genereux and Fire Chief Peter Ostroskey.

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:** SMOC workshops, MMA Annual essay contest for 6th graders, Youth Center Reopening, and Firefighter/Paramedic Brett Lisak receiving certification as a Paramedic.

B. **Citizens Forum:**

1. Howard Fortner -44 North Main Street noted/inquired the following relative to Cable funds:

Contract provides for gross revenues as Cable TV only, not telephone or internet services;

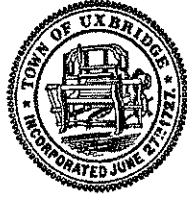
Does the signing of the contract with Charter by five members of the Board of Selectmen trump MGL 44, Section 53? Referenced Section 6.3 of the contract; Requested Town Counsel's opinion on use of cable fees received. No written opinion from the DOR but memo from the Finance Director noted that our DOR Rep said to keep doing what you have been doing;

Would it be a good idea to have a tutorial/strategy session that includes the BOS, Town Counsel and the Cable Advisory Committee;

Section 7.1 of the contract cites a fifty cent payment to the Town for each subscriber to be made before March 30 of each year. What was that payment in March, 2008?

2. Michael Baril – 143 West Street noted concerns about the Police and Fire Chiefs. He distributed hand-outs entitled, "General Public Viewing & Media Press Release Packet 1 Introduction of Central MA Public Safety Assn Inc. (CMPSA)" and "General Public Viewing & Media Press Release Packet 2 Show Cause Hearing #1-Wed. 5/10/06 Uxbridge Residents: See our Public Safety Chief's letters they wrote on your Town letterhead used as criminal evidence." He noted that his emergency license plates were not renewed and his issues with the State Trooper. Chairman Kuros inquired what jurisdiction the BOS had in this matter and what remedy he was seeking. Mr. Baril noted use of Town vehicles by the Town staff to attend hearings, and website postings by Trooper Sanchez. He requested the BOS conduct an investigation on the behavior of the Police and Fire Chiefs of the alleged criminal charges and is seeking \$11,000.00 in reimbursement for his legal fees. Discussion ensued.

Citizens Forum concluded at 7:55PM



**UXBRIDGE BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
AUGUST 25, 2008**

II. CONSENT ITEMS

A. Acceptance of Meeting Minutes from 8/4/08 regular session. **MOTION by Mr. Potaski to accept the minutes of 8/4/08 regular session. Seconded by Mr. Desilets. Motion passed unanimously.**

III. PUBLIC HEARINGS/ SCHEDULED APPOINTMENTS

A. 7:15 PM Public Hearing: To consider Class II license application: Jorge Moitoso, Dave's Auto Sales, 504 Quaker Highway. Chairman Kuros opened the Public Hearing. Ms. Myers noted taxes are due from the previous owner for approximately \$1,200. Chairman Kuros noted that taxes are required to be paid before the property is transferred to the new owner. Mr. Moitoso noted he is looking into it. No comments from the public. Public Hearing closed. **MOTION by Mr. Potaski to approve the Class II license subject to clarification of the tax issue. Seconded by Ms. Robertson.** Mr. Baghdasarian noted that the BOS does not need a Public hearing to issue the license and it is improper to incorporate ZBA conditions on the license. **Motion passed unanimously.**

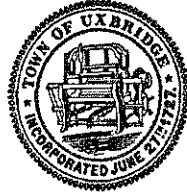
B. 7:15 PM Public Hearing: To consider Common Victualler License Application: Cheryl Bergeron, Ironstones Tavern, 785 Quaker Highway. Chairman Kuros opened the Public Hearing. Ms. Bergeron noted that she still needs to have the final inspections done by the Town. Mr. Desilets inquired about outside improvements. She noted that is the intention but she is currently focusing on inside. She noted she will apply for an alcohol sales license, but at this time she will serve breakfast and lunch. Mr. Baghdasarian reiterated his comment about no need for the BOS to conduct a Public Hearing. No comments from the public. Public Hearing closed. **MOTION by Mr. Desilets to grant the Common Victualler License, contingent on final sign-off on inspections. Seconded by Mr. Potaski. Motion passed unanimously.**

C. 7:15 PM Public Hearing: To consider Common Victualler License Application: Tom Denesowicz, Dunkin' Donuts, 158 North Main Street. Chairman Kuros opened the Public Hearing. Barbara Denesowicz noted that she received the occupancy permits that day, and that they will open without the drive through. She noted they pulled the application for the drive through to do more work. Ms. Myers noted final inspections are pending. No comments from the public. Public Hearing closed. **MOTION by Mr. Potaski to grant the Common Victualler License contingent on final sign-off on inspections. Seconded by Ms. Robertson. Motion passed unanimously.**

IV. TOWN MANAGER REPORT

Ms. Myers presented her report, attached to these minutes. Inquiries by BOS members:

- Cost to dump (white goods) items at the DPW facility;
- Have the Board of Health clarify "opt-out" process for PAYT; are all in unless notification is received to opt-out?



**UXBRIDGE BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
AUGUST 25, 2008**

- Ms. Myers invitation to two BOS members to participate on the interview panel for the DPW Supt. Position - Selectmen Desilets and Robertson (if during the day); Selectman Potaski to be an alternate if needed.
- Boys' bathroom leaks at Pout Pond-forwarded to Conservation Commission Land use Subcommittee.

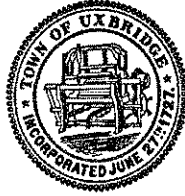
V. OLD BUSINESS

A. Fall Annual Town Meeting Warrant [Warrant closes on 9/16/08]: Review draft- Ms. Myers reviewed the articles on the draft warrant for BOS sponsorship. Discussion ensued about use of cable funds- charging rent for the HS studio, funds to retrofit a surplus police van for mobile cable use.

ARTICLE 7 (now article 6): FUNDING REQUEST FOR MATCHING FUNDS FOR FEDERAL GRANT AWARD FOR REPLACEMENT WATER TENDER (TANKER) TRUCK: Ms. Myers noted that the Fire Department received a federal grant award from the Department of Homeland Security – Assistance to Firefighters Grant program for a replacement water tender (tanker). The funds requested will be utilized as matching funds required of 5% of the grant award (\$11,000.00). She noted that the Fire Chief accepted the offer last year from the School Supt. for the School Department Grant Writer (Karin Knapik) to write two grants in cooperation with the Fire Department. At that time, she noted on the grant application a fee of \$1,000 (a separate grant has another grant writing fee of \$1,000. The grant writing administration cost was not funded in the Grant as it was not expended prior to filing the application. Ms. Knapik is requesting payment of \$2,000. Since no funds have been appropriated for this grant, staff requests the BOS to make a determination in sponsoring the article to include the \$2,000 requested by Ms. Knapik as that is the only way it could be funded by the Town, as Town Meeting action is needed for the matching funds. It is anticipated the funds will come from Free Cash or a transfer from stabilization. Ms. Knapik affirmed such as did the Fire Chief. Discussion ensued. Ms. Knapik noted that she has a contract with the School Supt and is paid a percentage on successful grant awards. Items such as the youth center earmark are not charge a grant writing fee. No change was made to amount as presented. No action occurred.

Street acceptances – staff to update the BOS on the winter maintenance policy, and roads to be plowed.

B. Vehicle Use Policy – third reading: The BOS reviewed the policy. Water Operator David Gray commented on the policy. Ms. Robertson noted a concern about excluding the Police and Fire Chiefs and how they would be held accountable to the policy. She read MGL Ch 48, section 42A (The Fire Chief noted a correction for the applicable statute of section 42). Suggested language was to have the policy apply to municipal employees to the extent



**UXBRIDGE BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
AUGUST 25, 2008**

allowable by MGL. Consensus was to continue this item to the next meeting for a fourth reading.

C. Request to reinstate health insurance by Tree Warden (continued from 8/11/08): Finance Director Genereux noted that he spoke with the DOR to confirm that MGL, Chapter 32b, section 2 does not provide for appointed officials working less than 20 hours per week to be eligible for the Town's health insurance. The Tree Warden, formerly elected, became appointed by the Town Manager with the Charter adoption in May 2002. It came to the attention of the Treasurer's Office during open enrollment this year that he remained on the Town's health insurance. He currently receives an annual stipend of \$450. Discussion ensued about the BOS increasing the stipend to cover the cost of health insurance or increasing the hours of the Tree Warden – requiring an additional budget appropriation at Town Meeting. Ms. Robertson noted the requirements of the appointment and certifications noting MGL Chapter 41, section 106; Chapter 10 section 132b. The Town Manager noted his appointment expired on June 30, 2008. She also said that she hope that the new DPW Supt could assume some or all duties as allowable by MGL. Discussion ensued about level of activity of the Tree Warden, planting of trees, and who monitors harvesting of wood in the Town Forest. No action.

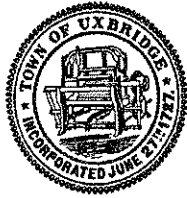
VI. NEW BUSINESS

A. Bylaw Review Committee Appointment: Merle Lalor – MOTION by Mr. Potaski to appoint Ms. Merle Lalor to the Bylaw Review Committee. Seconded by Mr. Desilets. Mr. Baghdasarian noted concerns with the Town Meeting presentation of the Zoning Bylaws, noted there is no charge for the Committee, noted he plans to rescind the ZBL by citizen's petition at the upcoming Town Meeting. Discussion ensued about the charge. Ms. Myers noted it was the ZBA who sponsored the recodification/amendments to the zoning bylaws not the Committee. **Motion passed 3:2 (Baghdasarian/Robertson)** Robertson noted her no vote was not a reflection on Ms. Lalor, but on the future of the Committee.

B. Cable Advisory Committee Appointment: Bill Kessler – Mr. Kessler was present, and noted that the office needed to confirm if he could be appointed, possibly as a special municipal employee. Discussion ensued about the contract renewal process, senior discounts, role of the CAC in negotiations to negotiate the contract or recommend a contract. Chairman Kuros noted that the BOS can participate on the CAC and invited Mr. Baghdasarian to join the CAC. **MOTION by Mr. Potaski to appoint Bill Kessler to the CAC subject to confirmation that there is no conflict. Seconded by Ms. Robertson. Motion passed 4:0:1 (Baghdasarian abstained as he noted there was no charge for the CAC).**

C. Discussion of Cable Advisory Committee charge (Rick Nedder, Committee Chair) –He presented the following as a proposed Charge from the Board of Selectmen to the Cable Advisory Committee.

- Inform and educate the public about cable television service.
- Assess the cable needs of the community and recommend policy changes.



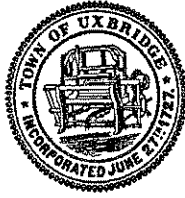
**UXBRIDGE BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
AUGUST 25, 2008**

- Seek out and subsequently negotiate contracts with cable operators in the best interest of the Town of Uxbridge.
- Conduct regular meetings with cable company representatives to discuss matters of mutual interest.
- Report to IA (Issuing Authority) on company compliance with the license.
- Oversees the day-to-day operation of PEG in concert with the PEG coordinator and other subsequent staff. This would include: budget requests, studio space, staff management, technical issues and any other topics that arise.
- Supervise the company's response to complaints and respond to citizen questions regarding the cable system.
- Keep abreast of community programming issues.
- Develop policies and operating procedures for PEG access television in concert with the IA.

Mr. Nedder noted that they hope to seek proposals from other media providers, such as Verizon Fios. Chairman Kuros noted that some cable companies also provide telephone and internet bundles. Mr. Nedder noted that they plan to schedule public meetings and conduct a survey via the Town's website. Discussion ensued about the negotiations process and that Town Counsel or Special Counsel will be involved in the negotiations or review the proposed contract/license. Chairman Kuros noted that he envisions the process as the BOS would delegate the negotiations to the CAC based on parameters/topics discussed with the BOS before beginning negotiations. Mr. Baghdasarian noted that PEG Access is not a requirement. **MOTION by Mr. Potaski to accept the charge of the Cable Advisory Committee (CAC) as presented in the memo dated 8/21/08 as made part of the minutes and posted to the website. Seconded by Ms. Robertson. Motion passed 4:1 (Baghdasarian).**

D. Discussion of Town policy or practice memorializing individuals who have died in the line of duty (Citizen Request). Ms. Myers noted that she requested sample policies from other towns, and is awaiting a response. She noted that the review she has done seems to relate to naming public buildings or monuments and wanted to know if that was the direction the BOS wanted to investigate. She also inquired if the BOS was amenable to naming facilities after any former or deceased employees. The flag lowering policy only applies to Police or Fire personnel killed in the line of duty. Ms. Robertson noted that Mr. Ebbeling had approached her with a request to memorialize the efforts of his brother, a former Dog Officer who passed away in the line of service. It came up after the Peaceful Pond/Charles Smith/Pomeroy Memorial discussion. It was noted there is a plaque/picture in lower town hall. No funds are currently appropriated to purchase a plaque. No action taken.

VII. CORRESPONDENCE/ OTHER BUSINESS
BOS commented or inquired on the following:



**UXBRIDGE BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
AUGUST 25, 2008**

- Town records storage in a climate contained vault and investigate what Upton is doing for records preservation. Discussion ensued on our microfiche records;
- Crosswalk painting at the schools and East Hartford bridge;
- Economic Development activity status and invite the Director of Planning and Economic Development Megan Diprete to a future meeting;
- Blanchard disposition status; awaiting determination from the AG's office.

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

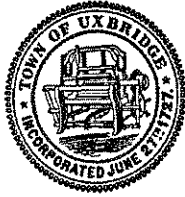
At 12:02AM, Mr. Baghdasarian offered a MOTION to enter into executive session with no other business to follow in open session under item #3 to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effort on the government's bargaining or litigation position. Also, an executive session may now be convened to conduct strategy sessions in preparation for negotiations with non-union personnel. (Grievance Hearing at Step 3a and SEIU Contract Negotiations). Seconded by Mr. Potaski; Mr. Potaski "aye", Mr. Kuros "aye" and Mr. Baghdasarian "aye", Mr. Desilets "aye" and Ms. Robertson "aye."

IX. ADJOURNMENT:

At 12:50AM, Mr. Kuros offered a MOTION to adjourn the Executive Session and schedule a continuing Executive Session for 9/3/08 at 7PM. Seconded by Mr. Potaski. Mr. Potaski "aye", Mr. Kuros "aye" and Mr. Baghdasarian "aye", Mr. Desilets "aye" and Ms. Robertson "aye."

Meeting Minutes respectfully submitted by

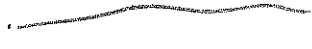
*Jill R. Myers,
Town Manager*



UXBRIDGE BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
AUGUST 25, 2008

Meeting Minutes approved by Board of Selectmen:

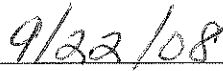

Chairman Kevin J. Kuros


Selectman Peter Baghdasarian


Vice Chairman Michael Potaski


Selectman Bruce Desilets


Clerk Cari Kay Robertson


Date Approved