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UXBRIDGE BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
DECEMBER 29, 2008

Present: Chairman Kevin Kuros, Vice Chairman Michael Potaski, Clerk Cari Kay Robertson, Selectman Peter Baghdasarian, Selectman Bruce Desilets, and Town Manager Jill Myers.

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. Chairman Kuros called the meeting to order at 7:00p.m., with a pledge of allegiance to the flag.

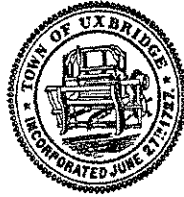
A. **Announcements:** Mr. Baghdasarian requested that citizens submitting complaints to him to also include a name and phone number so that he can follow-up. Chairman Kuros noted that any "call for action" requests to any BOS member include a name and phone number. Mr. Desilets requested zoning enforcement action or rationale relating to the "Rte 146 trailers where Whitney's used to be" regarding 150 trailers located on the site and on the power-line property and fire hazard. Discussion ensued about zoning bylaw rationale that any use not specifically covered is prohibited versus any lawful use is allowed unless specifically prohibited. Chairman Kuros noted that this (trailer) item will be scheduled for the BOS meeting of 1/12/09. Ms. Robertson suggested that residents seeking energy costs savings visit www.energybucks.com or call 1-866-LESS COST.

B. **Citizens Forum:** Mike Baril asked questions of Mr. Baghdasarian relating to the October Town Counsel bill and activity; noted that his checks for copies of BOS meeting DVDs had not been cashed, asked for additional information that he believed occurred at the BOS executive session of 10/27/08 other than what was provided to him as approved minutes and hand-written notes of Clerk Robertson from that meeting. Mr. Baril also requested to provide the BOS an additional document from the Registry that he had not provided previously to the BOS in his information packets relating to revocation of his license plates that he believes was forged by a Registry staff person. Chairman Kuros noted that is not a matter for the BOS to determine, rather, the Registry. Chairman Kuros then polled the BOS asking if the BOS wants to re-open this matter¹ and consider the document Mr. Baril references as a forgery by the Registry. **MOTION by Chairman Kuros for affirmative action for continued action to investigate the claims against Chief Freitas and others. Seconded by Mr. Potaski. Vote taken; motion FAILED 1:4 (Kuros, Potaski, Robertson, Baghdasarian).**

II. PUBLIC HEARINGS/ SCHEDULED APPOINTMENTS

A. **7:15PM Public Hearing: Application for a License to Store Flammable and Combustible Materials:** (Diane Tetrault, 79 River Road). Chairman Kuros read the notice and opened the

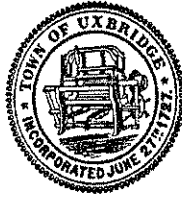
¹ The BOS voted at its meetings on 10/27/08 and 11/17/08 in Executive Sessions that there was no evidence to substantiate the various complaints and allegations of wrong-doing against staff and Chairman Kuros. The Executive Session minutes were approved and released on 11/24/08.



UXBRIDGE BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
DECEMBER 29, 2008

public hearing. Ms Tetrault described the storage of 1,000 gallons of propane above ground and 2,000 gallons below ground for the operation of forklift. Ms. Myers noted no concerns by staff for this activity. The public hearing was closed. Ms. Tetrault was questioned if the trailers discussed earlier in the meeting were hers and she noted that the forklift is used to repair office trailers but did not believe that the comments related to her activities. **MOTION by Mr. Baghdasarian to grant the license for 1,000 gallons above ground storage of propane and 2,000 gallons below ground storage of propane. Seconded by Mr. Potaski. Vote taken; motion PASSED 4:1 (Robertson).**

- B. 7:15PM Public Hearing: Application for a one-day alcohol license: Jerome Jussaume on behalf of the Uxbridge Rod & Gun Club, January 17, 2009. Chairman Kuros read the notice and opened the public hearing. The public hearing was closed. **MOTION by Mr. Desilets to grant the one-day alcohol license to Jerome Jussaume on behalf of the Uxbridge Rod & Gun Club. Seconded by Mr. Baghdasarian. Vote taken; motion PASSED unanimously.**
- C. 7:30PM Application for a one-day entertainment license: Joseph Tricomi on behalf of Northbridge Youth Baseball League, January 24, 2009. **MOTION by Mr. Desilets to grant the one-day entertainment license to Joseph Tricomi on behalf of Northbridge Youth Baseball League. Seconded by Mr. Baghdasarian. Vote taken; motion PASSED unanimously.**
- D. 7:30PM Application for a Class II License: Denis Dorr, 671 Quaker Highway. **MOTION by Mr. Baghdasarian to grant the Class II license to Denis Dorr at 671 Quaker Highway. Seconded by Mr. Potaski. Vote taken; motion PASSED unanimously.**
- E. 7:30PM Application for a Class II License: Samih Younes, 277 N. Main Street. **MOTION by Mr. Baghdasarian to grant the Class II license to Samih Younes at 277 N. Main Street. Seconded by Mr. Potaski.** It was noted that the applicant is leasing the property from Hellen's and is a separate business operation. **Vote taken; motion PASSED unanimously.**
- F. 7:45 PM Review and discussion of Pay As You Throw (PAYT) proposal (Board of Health and Irene Congdon of the DEP). Ms. Condon and BOH Chairman Smith described the program, and requested that the BOS establish a joint committee with the BOH and citizen representatives to investigate the program options and finalize an RFP to determine the cost of the program and recommend if the community should move forward. Ms. Congdon noted there is grant funding up to \$4 per household to implement the program. Ms. Smith noted there are 11 haulers currently serving the Town via private subscription. Details of the program were discussed with concerns noted by the BOS on the following: opting in (vs. out) of the PAYT program, estimated costs to subscribers based on other communities, quarterly flat fee possibly collected by the hauler directly instead of the Town billing, cost per bag to cover solid waste disposal but free unlimited recycling, cost of the service by haulers complying with prevailing wages, discounted rates for seniors, responsibility of the hauler to administer the program – receive calls, billing, etc. Ms. Smith noted that the BOH



UXBRIDGE BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
DECEMBER 29, 2008

supports opting-out only, but by way of a phone call. BOS members Baghdasarian, Desilets, and Potaski noted support for the program if subscribers may opt-in. Consensus by the BOS that opting-in is a fundamental issue. **MOTION by Mr. Potaski to form a PAYT Committee consisting of five members – 1 BOS; 1 BOH; and 3 Citizens. Seconded by Ms. Robertson.** It was noted that it will be a joint appointment and that the BOH and BOS will establish specifics in a charge/mission/criteria for the Committee. **Vote taken; motion PASSED 3:2 (Selectmen Desilets and Baghdasarian).**

III. TOWN MANAGER REPORT (Attached to the minutes)

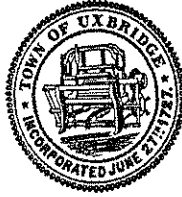
Selectman Desilets requested a copy of the fuel usage log.

IV. OLD BUSINESS

- A. Douglas Street; Review of draft response to questions posed by Howard Fortner. **MOTION by Mr. Potaski to endorse the response. Seconded by Ms. Robertson.** Selectman Baghdasarian noted that he would vote in favor with the exception of the section describing the 43D process. Chairman Kuros noted a concern about BOS Executive Session items on this matter which have not been released discussed outside the meeting. **Vote taken; motion PASSED unanimously.** Ms. Myers to email the response to Mr. Fortner.
- B. Metacomet Land Trust: Conservation Restriction; Second reading. **MOTION by Mr. Potaski to approve the purchase of the West Street Conservation Restriction as it is in the public interest for the preservation of Uxbridge's natural resources pursuant to M.G.L. Ch. 184, sec. 32, and have the restriction made part of the minutes. Seconded by Mr. Baghdasarian. Vote taken; motion PASSED unanimously.**
- C. Facility Use/Town Hall Use Policy – Second reading and adoption. Changes were noted relating to removing certain sections. The Town Manager to bring back the policy for a third reading on 1/12/09.
- D. 2009 Class II Auto License Renewal: Uxbridge Gas. **MOTION by Mr. Baghdasarian to grant the Class II license renewal to Uxbridge Gas at 400 N. Main Street. Seconded by Mr. Potaski. Vote taken; motion PASSED unanimously.**

V. NEW BUSINESS

- A. Cultural Council Appointment: Gregory Dubell. **MOTION by Mr. Baghdasarian to appoint Gregory Dubell to the Uxbridge Cultural Arts Council. Seconded by Mr. Potaski.** Mr. Baghdasarian noted a two-term limit. **Vote taken; motion PASSED unanimously.**
- B. BOS operations (Sel. Baghdasarian). Mr. Baghdasarian noted concerns - with a question posed by him to a staff member and the response to him was provided to the Town Manager to forward, access by the BOS to any part of a public building, Town Counsel



UXBRIDGE BOARD OF SELECTMEN
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addressing the monthly bill to the Town Manager when it is a BOS appointment.
Discussion ensues on "chain of command." No action taken.

VI. CORRESPONDENCE/ OTHER BUSINESS

Follow-up reminders for: GIC correspondence to FinComm, Cable special legislation, MTBE settlement deposited in water enterprise fund account, and walking the boundaries of the Town.

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

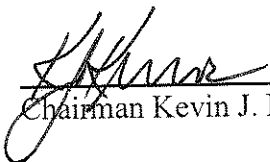
At 10:40 PM., MOTION by Mr. Desilets to enter into executive session under exemption #3 - to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigation position. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel (Town Manager recruitment/negotiation preparation), with no further business to follow in open session. Seconded by Mr. Potaski. By roll call vote, motion PASSED unanimously.

At 11:20 PM., MOTION by Mr. Potaski to adjourn. Seconded by Mr. Desilets. By roll call vote, motion PASSED unanimously.

VIII. ADJOURNMENT: Next Regular BOS Meeting January 12, 2009


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


Minutes approved by Board of Selectmen:


Chairman Kevin J. Kuros


Selectman Peter Baghdasarian


Vice Chairman Michael Potaski


Selectman Bruce Desilets


Clerk Cari Kay Robertson
Attachments


Date Approved