

OCT 23 '12 AM 10:39

TOWN OF UXBRIDGE
21 S. MAIN STREET, UXBRIDGE, MA 01569 – 508-278-8600
BOARD OF SELECTMEN'S MEETING MINUTES
BOARD OF SELECTMEN'S MEETING ROOM
TUESDAY, OCTOBER 9, 2012 – 6:00PM

Posted by
Uxbridge
Town Clerk

Present: Chair Peter A. Petrillo, Vice Chair Jay Cahill, Clerk Tim Rice, Selectman Bruce Desilets and Selectman Peter Baghdasarian. Also present, Town Manager Sean Hendricks and Administrative Assistant Tracey Ante.

I. CALL TO ORDER

- A. Announcements – Mr. Rice thanked everyone for their contribution of peanut butter for the Haiti Relief efforts. The Town of Douglas was first place, Uxbridge came in third place.
- B. Citizen's Forum – Mr. Michael Baril was present and discussed pending lawsuits.

II. BUSINESS

A. OLD BUSINESS

1. High School project – There was no update.

B. NEW BUSINESS

1. Murphy's Way
 - Resident's requesting winter maintenance services – Mr. Rick Bedore, resident of Murphy's Way was present. **MOTION: I, Mr. Cahill, move that the Board provide winter maintenance services for Murphy's Way for the 2012-2013 winter season. Seconded by Mr. Desilets, the motion carried unanimously.**
 - Vote intention to layout and make public way - **MOTION: I, Mr. Cahill, move that the Board vote the intention to layout and make public way, Murphy's Way. Seconded by Mr. Desilets, the motion carried unanimously.**
2. Boot Drive – Parents for a Safe Graduation Sat. 10/20/12 – 9am – 12noon – **MOTION: I, Mr. Cahill, move that the Board approve the Boot Drive for a Parents for a Safe Graduation for Saturday, 10/20/12 from 9am – 12pm. Seconded by Mr. Desilets, the motion carried unanimously.**
3. Fall Annual Town Meeting Warrant of 11/20/12 – vote recommendations

ARTICLE 7: FUNDING APPROPRIATION FOR THE PURCHASE OF CABLE PEG ACCESS EQUIPMENT

To see if the Town will vote to transfer \$25,000 for the purchase of Cable PEG access equipment for the current fiscal year, such sums of money to be offset by Cable PEG Access "Receipts Reserved for Appropriation Account," or take any other action related thereto.

SPONSOR: Cable Access Coordinator

Mr. Barry Giles, Cable Access Coordinator was present and discussed the article. **MOTION: I, Mr. Cahill, move that the Board recommend favorable action for Article 7: Funding Appropriation for the Purchase of Cable Access Equipment for the Fall Annual Town Meeting Warrant of 11/20/12. Seconded by Mr. Desilets, the motion carried unanimously.**

ARTICLE 8: REVOLVING FUND ACCOUNT FOR FIRST AID/CPR TRAINING

To see if the Town will vote to establish and authorize pursuant to GL c.44, §53E ½ a revolving fund for First Aid/CPR Training, under the Fire Chief, to be derived from course tuition and fees, not to exceed \$10,000.00.

Or take any action relating thereto.

SPONSOR: Fire Chief

Chief Bill Kessler was present and discussed the article. **MOTION: I, Mr. Cahill, move that the Board recommend favorable/ action for Article 8: Revolving Fund Account for First Aid/CPR Training for the Fall Annual Town Meeting Warrant of 11/20/12. Seconded by Mr. Desilets, the motion carried unanimously.**

ARTICLE 9: BORROWING AUTHORIZATION – AMBULANCE CHASSIS

To see if the Town will vote to appropriate \$107,000 for the purpose of purchasing and equipping an Ambulance Chassis for the Fire Department; and further, to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen is authorized to borrow under Chapter 44 of Massachusetts General Laws or any other enabling authority; that the repayment of said borrowing to be made from the Ambulance Enterprise fund budget; and that the Board of Selectmen is authorized to apply for and accept any federal or state funds or grants and/or gifts of any kind for the purpose of this acquisition; or take any other action related thereto.

SPONSOR: Fire Chief

Chief Bill Kessler was present and discussed the article. **MOTION: I, Mr. Cahill, move that the Board recommend favorable action for Article 9: Borrowing Authorization – Ambulance Chassis for the Fall Annual Town Meeting Warrant of 11/20/12. Seconded by Mr. Desilets, the motion carried unanimously.**

ARTICLE 10: BORROWING AUTHORIZATION – WATER MAIN DESIGN AND CONSTRUCTION

To see if the Town will vote to appropriate a sum of money for the design and construction of the “Uxbridge Water Distribution System Improvements, Main Street (Route 122) and North Main Street (Route 122) Water Mains”; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise;

That \$3,186,000 is appropriated for the purpose of financing the design and construction of “Uxbridge Water Distribution System Improvements, Main Street (Route 122) and North Main Street (Route 122) Water Mains” including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$3,186,000 and issue bonds or notes therefore under (Chapter 44 of the General Laws or insert reference to other applicable general or special law governing the issuance of local bonds) and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Selectmen determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, c.78; that the Treasurer with the approval of the Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of

Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project;

and to take any other action relative thereto.

SPONSOR: DPW Director

DPW Director Benn Sherman was present and discussed the article. **MOTION: I, Mr. Cahill, move that the Board recommend favorable action for Article 10: Borrowing Authorization for the Water Main Design and Construction for the Fall Annual Town Meeting Warrant of 11/20/12, subject to said borrowing by the water enterprise fund. Seconded by Mr. Baghdasarian, the motion carried 3-0-2 (Mr. Desilets and Mr. Rice abstained).**

ARTICLE 11: TRANSFER FROM WASTEWATER ENTERPRISE RETAINED EARNINGS FOR THE PURCHASE OF WASTEWATER DIVISION EQUIPMENT

To see if the Town will vote to transfer and appropriate the sum of \$100,000 from Wastewater Enterprise retained earnings in the Wastewater Enterprise Fund and transfer to the Wastewater Enterprise Capital Fund for the purchase of department equipment for the current fiscal year; or take any other action related thereto.

SPONSOR: DPW Director

DPW Director Benn Sherman was present and discussed the article. **MOTION: I, Mr. Cahill, move that the Board recommend unfavorable action for Article 11: Transfer from Wastewater Enterprise Retained Earnings for the Purchase of Wastewater Division Equipment for the Fall Annual Town Meeting Warrant of 11/20/12. Seconded by Mr. Desilets. Following discussion, the Board requested additional information from the Director. Mr. Cahill withdrew the motion. Seconded by Mr. Desilets. There was no objection.**

ARTICLE 12: ACCEPTANCE OF MASSACHUSETTS GENERAL LAW CHAPTER 59, SECTION 5N, RELATIVE TO VETERAN'S PROPERTY TAX WORK-OFF PROGRAM

To see if the Town will vote to accept the provisions of G.L. Chapter 59, Section 5N, to allow the Board of Selectmen to establish a program to allow veterans, as defined in clause forty-three of section 7 of Chapter 4 or Massachusetts General laws to volunteer to provide services to the Town which shall allow the Town to reduce real property tax obligations of that veteran on the veteran's tax bills.

or take any other action related thereto.

SPONSOR: Town Manager

Mr. David Genereux was present and discussed the article. **MOTION: I, Mr. Desilets, move that the Board recommend favorable action for Article 12: Acceptance of Massachusetts General Law Chapter 59, Section 5N, Relative to Veteran's Property Tax Work-Off Program for the Fall Annual Town Meeting Warrant of 11/20/12. Seconded by Mr. Baghdasarian, the motion carried unanimously.**

ARTICLE 13: CITIZEN'S PETITION - ESTABLISH COMMUNITY GARDEN COMMITTEE

To see if the Town will vote to establish pursuant to the Uxbridge Home Rule Charter, Article 5, Section 1, a Community Garden Committee, to consist of five (5) members, to be appointed by the Town Manager for a term of office of three (3) years, said terms to be staggered in the Committee's first year to 2 three-year appointments, 2 two-year appointments and 1 one-year appointment for the purpose of overseeing and managing the activities of the Uxbridge Community Gardens.

or take any action relating thereto.

SPONSOR: Citizen's Petition

No one was present to discuss the article. **MOTION: I, Mr. Cahill, move that the Board recommend unfavorable action for Article 13: Citizen's Petition to Establish a Community**

Garden Committee for the Fall Annual Town Meeting Warrant of 11/20/12. Seconded by Mr. Baghdasarian, the motion carried 4-1 (Mr. Desilets opposed).

ARTICLE 14: CITIZEN'S PETITION - REVOLVING FUND ACCOUNT FOR UXBRIDGE COMMUNITY GARDEN

To see if the Town will vote to establish and authorize pursuant to G.L.c.44, §53E ½ a revolving fund for operation and restoration costs associated with the Uxbridge Community Garden, under the Community Garden Committee, to be derived from user fees and donations, not to exceed \$12,000; or take any action relating thereto.

SPONSOR: Citizen's Petition

No one was present to discuss the article. **MOTION:** I, Mr. Cahill, move that the Board recommend unfavorable action for Article 14: Citizen's Petition for a Revolving Fund Account for the Uxbridge Community Garden for the Fall Annual Town Meeting Warrant of 11/20/12. Seconded by Mr. Baghdasarian, the motion carried 4-1 (Mr. Desilets opposed).

ARTICLE 15: AMEND THE HOME RULE CHARTER

To see if the Town will vote, pursuant to MGL Chapter 43B, Section 10, to adopt the proposed amendments to its Home Rule Charter; the proposed amendments found below in the attached draft, along with original Charter language to provide context, which if adopted by Town Meeting and approved by the voters at the next Town election, in accordance with MGL Chapter 43B, Section 11, will be incorporated into the text of the Uxbridge Home Rule Charter; or take any other action relating thereto.

SPONSOR: Charter Review Committee

Chief Kessler was present on behalf of the Charter Review Committee and discussed the proposed amendments to the Home Rule Charter. **MOTION:** I, Mr. Desilets, move that the Board recommend unfavorable action for Article 15: Amend the Home Rule Charter for the Fall Annual Town Meeting Warrant of 11/20/12. Seconded by Mr. Baghdasarian, the motion carried 4-0-1 (Mr. Petrillo abstained).

ARTICLE 16: CITIZEN'S PETITION - STREET ACCEPTANCE – SAND WEDGE DRIVE

To see if the Town will accept as a public way the street known as Sand Wedge Drive as laid out by the Board of Selectmen and further authorize the Board of Selectmen, in the name and behalf of the Town, to acquire by gift, easements and appurtenant rights in and for said way for the purposes for which public ways are used in the Town; or take any other action relating thereto.

SPONSOR: Citizen's Petition

No one was present to discuss the article. **MOTION:** I, Mr. Cahill, move that the Board recommend favorable action for Article 16: Citizen's Petition for Street Acceptance of Sand Wedge Drive, subject to the appropriate documentation being received. Seconded by Mr. Desilets, the motion carried unanimously.

ARTICLE 17: CITIZEN'S PETITION - STREET ACCEPTANCE – MURPHY'S WAY

To see if the Town will vote (a) to accept Murphy's Way as a public way, as laid out by the Board of Selectmen, a copy of which layout is on file with the Town Clerk; (b) to authorize the Board of Selectmen, in the name and behalf of the Town, to acquire by gift, purchase, or eminent domain the necessary fee interests or easements and appurtenant rights in and for said way for the purposes for which public ways are used in the Town; and (c) to see what sums the Town will raise and appropriate or transfer from available funds for such purposes; or take any other action relating thereto.

SPONSOR: Citizen's Petition

Atty. Henry Lane and residents of Murphy's Way were present at the meeting. **MOTION: I, Mr. Cahill, move that the Board recommend favorable action for Article 17: Citizen's Petition for Street Acceptance of Murphy's Way for the Fall Annual Town Meeting Warrant of 11/20/12, subject to the appropriate documentation being received. Seconded by Mr. Desilets, the motion carried unanimously.**

4. Ban Borrowing for new High School, High School field project and self-contained breathing apparatus – Mr. David Genereux, Finance Director was present and discussed the borrowing. **MOTION: I, Mr. Cahill, move that the Board of Selectmen vote to approve the sale of a \$5,210,000 1.25 percent General Obligation Bond Anticipation Note (the "Note") of the Town dated October 18, 2012 and payable October 18, 2013, to Jefferies & Co. at par plus premium of \$51,476.00. Further: that in connection with the marketing and sale of the Note, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated September 26, 2012, and a final Official statement dated October 4, 2012, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted. Further: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporated by reference in the Note for the benefit of the holders of the Note from time to time. Further: That the Board authorizes and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Note. Further: that each member of the Board of Selectmen, the Town Clerk, and the Town Treasurer, be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts and other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes. Seconded by Mr. Desilets, the motion carried unanimously.**
5. 2014 Budget Discussion – Mr. David Genereux, Finance Director was present and provided a preliminary FY 2014 Budget sheet for the Board's review.
6. Endorse Warrant for State Elections – **MOTION: I, Mr. Cahill, move that the Board endorse the Warrant for the State Elections for Tuesday 11/6/12. Seconded by Mr. Desilets, the motion carried unanimously.**

7. Appointments – Poll Worker

- Judene Cahill
- Ann Pouliot

MOTION: I, Mr. Cahill, move that the Board appoint Ms. Judene Cahill and Ms. Ann Pouliot as Poll Workers. Seconded by Mr. Desilets, the motion carried unanimously.

8. Appointments – Historic Commission

- Francis Cove
- Roy Henry
- William Albin
- Mary Dolan
- Faye McCloskey
- Shirley Maynard

- Peter Emerick

MOTION: I, Mr. Cahill, move that the Board appoint Francis Cove, Roy Henry, William Albin, Mary Dolan, Faye McCloskey, Shirley Maynard and Peter Emerick to the Historic Commission. Seconded by Mr. Desilets, the motion carried unanimously.

III. PUBLIC HEARING

None

IV. MEETING MINUTES

9//24/12 Meeting Minutes – **MOTION: I, Mr. Desilets, move that the Board approve the 9/24/12 Meeting Minutes. Seconded by Mr. Baghdasarian, the motion carried 4-0-1 (Mr. Cahill abstained).**

V. TOWN MANAGER UPDATE

The Town Manager updated the Board on miscellaneous matters:

- Dr. Charles Lutton resigned from the Planning Board.
- The Manager attended a workplace Discrimination Prevention Training course. Training will finish up this week.
- The Route 122 Bridge is now open, work has been completed.
- The Constellation Energy Phase II solar project on Quaker Highway will not be moving forward due to higher costs that were not anticipated to hook-up to the grid.

VI. MEMBER ISSUES

VII. NEXT MEETING AGENDA

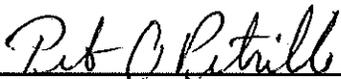
VIII. EXECUTIVE SESSION

None

IX. ADJOURNMENT: NEXT BOS MEETING MONDAY, OCTOBER 22, 2012 – 6:00PM

At 8:20PM, MOTION: I, Mr. Rice, move that the Board adjourn the meeting. Seconded by Mr. Desilets, the motion carried unanimously.

Minutes respectfully submitted by, Tracey Ante
Minutes approved by Board of Selectmen:



Chair Peter A. Petrillo

Vice Chair Jay Cahill

Clerk Tim Rice



Selectman Bruce Desilets



Selectman Peter Baghdasarian

Date Approved 10/22/12